

# Kluwer Arbitration Blog

## SIAC Symposium 2024 Part 2: Shaping the Future of Arbitration

Lilien Wong (Shearn Delamore & Co) · Tuesday, October 8th, 2024 · YSIAC

Following the morning session of the SIAC Symposium 2024, which explored issues including the challenges posed by artificial intelligence (“AI”), climate change, and trade disruption (see [Part 1](#)), the afternoon session consisted of three plenary panel discussions that delved into the core issues shaping the future of arbitration. These pivotal topics comprised: the ethical considerations guiding arbitration, the transformative impact of technology in arbitration, and the evolving values and expectations that drive the international arbitration community.

### Plenary Panel II: Mock Hearing – Ethics in International Arbitration

This session, moderated by [Mr Kevin Nash](#) (Registrar, SIAC), featured a mock arbitration hearing that explored critical ethical dilemmas in international arbitration. Two key issues were addressed in this session: (i) whether an application to expunge a report on the grounds of illegality and/or privilege ought to be allowed; and (ii) whether a member of the arbitral tribunal should refuse to continue to act as arbitrator on the ground of conflict of interest.

Prominent figures in the arbitration field, namely [Professor Bernard Hanotiau](#) (Member, SIAC Court of Arbitration; Partner, Hanotiau & van den Berg), Professor [Lawrence Boo](#) (Member, SIAC Court of Arbitration; Independent Arbitrator, The Arbitration Chambers) and [Ms Judith Gill KC](#) (Independent Arbitrator), played the role of the arbitral tribunal.

The first key issue arose from an application by the respondent, represented by [Mr Vijayendra Pratap Singh](#) (Member, SIAC Court of Arbitration; Senior Partner and Head (Dispute Resolution), AZB & Partners) and [Mr Wade Coriell](#) (Partner – Co-Head, International Disputes, King & Spalding), seeking to expunge a report obtained by the claimant through allegedly illegal means and on the grounds of privilege in an energy construction dispute. The report was obtained by the claimant via an email from an unknown sender, believed to be one of the hackers responsible for hacking the respondent’s servers. The claimant, represented by [Ms Wendy Lin](#) (Partner, WongPartnership LLP) and [Mr John Rhie](#) (Asia Managing Partner, Quinn Emanuel), opposed the application vigorously, asserting that the report was not obtained through illegal means and there was no evidence supporting the claim of privilege. After considering the submissions from both parties, the tribunal concluded that there was insufficient evidence to establish that the claimant had obtained the report illegally or that it was protected by privilege. Consequently, the tribunal

dismissed the respondent's application to expunge the report. The tribunal found that the mere fact that the report was received from an unknown sender did not automatically render its acquisition illegal. However, the tribunal emphasised that each case must be assessed based on its specific legal context and applicable laws, noting that no universal rule applies to such situations.

The second issue arose from the revelation that one of the members of the arbitral tribunal had previously served as an arbitrator in a separate case involving the same expert witness, which was a fact unknown to the parties before the hearing. Upon deliberation, the tribunal found that there was no conflict of interest in this instance, referencing the IBA Guidelines on Conflicts of Interest in International Arbitration. This scenario falls under the Green List, which neither indicates a conflict of interest nor imposes a general duty to disclose. Nonetheless, the tribunal underscored the importance of proactive conflict disclosures, and advocated for a rigorous assessment to avoid risks associated with non-disclosure and potential ethical concerns.

### **Plenary Panel III: Technology in Arbitration – Knowledge to Implementation to Integration**

Moderated by [Mr Daryl Chew](#) (Partner, Three Crowns LLP), this session delved into the growing role of technology in arbitration. Alongside Mr Chew, the panellists were [Mr Cyril Shroff](#) (Member, SIAC Board of Directors; Managing Partner, Cyril Amarchand Mangaldas), [Ms K Shanti Mogan](#) (Member, SIAC Court of Arbitration; Partner, Shearn Delamore & Co), [Mr Jean-Rémi de Maistre](#) (CEO & Co-Founder, Jus Mundi), and [Mr Avinash Pradhan](#) (Deputy Head, International Arbitration, Co-Head, South Asia Desk, and Partner, Rajah & Tann Singapore; Partner, Christopher & Lee Ong). The session began with a live demonstration of an AI transcription tool, [TERES](#). This demonstration set the stage for a broader discussion on the use of AI in arbitration, specifically whether AI could potentially replace legal associates.

The panel then explored the potential of using AI in arbitration. This included AI's ability to assist in brainstorming legal positions, which was demonstrated through [Claude.ai](#)'s AI chatbot function, and summarising case documents, which was demonstrated using [Jus AI](#)'s AI-powered summarisation tool.

Overall, the panel expressed optimism on the practical applications of legal technology and AI, while remaining vigilant about the potential for AI “hallucinations”—which is the generation of inaccurate or fabricated information—and stressed the need to maintain human oversight over technology. The session concluded with a demonstration from Maxwell Chambers, showcasing [drones and site visualisation technology](#) that can assist parties and tribunals in arbitration proceedings.

### **Plenary Panel IV: Preserving the Values of Arbitration – The Next 10 Years**

The session was opened by the moderator, [Mr Toby Landau KC](#) (Vice President, SIAC Court of Arbitration; Barrister, Advocate & Arbitrator, Duxton Hill Chambers (Singapore Group Practice)), who provided a comprehensive overview of the current state of arbitration and highlighted potential challenges to its continued success. The panellists – [Ms Karina Goldberg](#) (Member, SIAC Court of Arbitration; Partner, Ferro, Castro Neves, Daltro & Gomide Advogados), [Ms Margaret Joan Ling](#) (Member, YSIAC Council; Partner, Allen & Gledhill LLP), [Ms Sara K Aranjó](#) (Partner,

Arbitration and Disputes Practice Leader for Middle East and Africa, Morgan, Lewis & Bockius LLP), [Mr Mohit Saraf](#) (Founder and Managing Partner, Saraf and Partners), and [Mr Kabir Singh](#) (Partner, Clifford Chance) – offered insights from different jurisdictions, including South America, the Middle East, Africa, Asia, and Europe.

The session began with a discussion on confidentiality—a hallmark of arbitration—and its perceived shortcomings, particularly its potential to shield arbitrators from scrutiny in relation to their impartiality. One suggestion raised was to move from party-appointed arbitrators to institution-appointed ones to maintain neutrality. The idea sparked debate as it could undermine one of arbitration’s core values—party autonomy. Instead of abandoning party appointments, some panellists advocated for an expansion of the talent pool and an improvement on the quality of arbitrators to address concerns of bias.

Another focus was the tension between due process and efficiency in arbitration proceedings. The panellists discussed the potential benefits of imposing stricter limits on pleadings, memorials, and cross-examinations to expedite the process. Professionalism among counsel was highlighted as essential in maintaining this balance, ensuring that both due process and efficiency are preserved without compromising the integrity of the arbitration process.

The panel also discussed initiatives to broaden the pool of arbitrators and legal practitioners, promoting equal opportunities to enhance the fairness and credibility of arbitration proceedings globally. The panel emphasised the importance of fostering greater representation across cultures, regions, and professional backgrounds while ensuring that arbitration remains adaptable and forward-looking in addressing global challenges. This includes maintaining key values of arbitration such as confidentiality, impartiality, party autonomy, due process and efficiency. The panel considered that by embracing diversity without compromising foundational values, the arbitration community will be well-positioned to evolve and tackle future challenges in the next decade.

## Closing Remarks

The Co-Chairs of the YSIAC Council, [Mr Benson Lim](#) (Partner, Simmons & Simmons) and [Ms Jennifer Lim](#) (Independent Advocate, Duxton Hill Chambers (Singapore Group Practice)), closed the event by stressing the importance of preserving the integrity of arbitration. They praised Singapore’s role as a hub for bringing together diverse perspectives and encouraging innovation while upholding the core principles of arbitration. They also underscored the importance of fostering a global arbitration community that promotes open, unrestricted exchange of ideas and practices across borders.

## SIAC Gateway Launch Reception

The SIAC Symposium concluded with the SIAC Gateway Launch Reception. The [SIAC Gateway](#) provides a digital platform featuring unique capabilities, including an online case filing system and real-time access to ongoing SIAC proceedings, further modernising arbitration practices.

## Conclusion

The afternoon sessions offered an in-depth examination of critical issues that will shape the future of arbitration: ethical dilemmas in arbitration, the transformative impact of legal technology and the importance of human oversight in the integration of AI, along with the evolving values that underpin arbitration practices globally. The event highlighted the need to balance innovation with core principles, to ensure that arbitration continues to be an attractive and effective dispute resolution mechanism in the coming decade.

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