

Learning Plan – Arbitration

(Core Knowledge is in black text by default, with Non-Core Knowledge marked using **blue font**. Candidates will be able to pass the Part B Course and Examinations with sufficient understanding of the Core Knowledge.)

Synopsis:	This subject aims to expose candidates to key legal and practical issues that will enable candidates to have the foundational knowledge and skills to practise arbitration in Singapore. The key topics covered include the arbitration agreement, jurisdiction of an arbitral tribunal, arbitral proceedings, and challenges to arbitral awards.
Learning Objectives	<ol style="list-style-type: none"> 1. To equip candidates with foundational knowledge and skills in drafting arbitration clauses 2. To equip candidates with foundational knowledge in analysing the jurisdiction an arbitral tribunal 3. To equip candidates with foundational understanding of key practical issues that arise during arbitral proceedings 4. To equip candidates with foundational knowledge and skills in challenging an arbitral award
Learning Competencies	<p><u>Following ARB, candidates should be able to:</u></p> <ul style="list-style-type: none"> ○ Draft and advise on the validity of an arbitration agreement. ○ Advise on how a challenge to a tribunal's jurisdiction can be made or defended. ○ Advise on key practical issues that arise during arbitral proceedings. ○ Advise on how an arbitral award can be challenged or defended. ○
Profile of Principal Examiner	<p><u>Darius Chan – Associate Professor of Law (Practice), SMU</u></p> <p>Darius Chan is Associate Professor of Law (Practice) at Singapore Management University Yong Pung How School of Law. He is concurrently appointed Deputy Director of the Singapore International Dispute Resolution Academy, and Director of the SMU Law Academy. After a decade in private practice, he now practises as an independent arbitrator and advocate with Breakpoint LLC and Fountain Court Chambers, specialising in international commercial and investment arbitration. Darius is qualified in New York, England & Wales and Singapore after serving a stint as a Justices' Law Clerk & Assistant Registrar of the Supreme Court of Singapore. Darius is co-author of the text, <i>The Law and Theory of International Commercial Arbitration in Singapore</i>.</p>

Timetable

No.	Content	Content Summary	Learning Material / Comment ¹	Duration
1	Introduction	<p>In this introductory topic, candidates will cover the following:</p> <ul style="list-style-type: none"> • What is arbitration? • Fundamental concepts in arbitration • The statutory framework • Laws relating to arbitration • Soft law instruments relating to arbitration • Relevant institutions in arbitration • Drafting arbitration agreement 	Please refer to the Study Notes for Applicable Laws, Arbitration Agreement, Jurisdiction of Arbitral Tribunal	
2	Contact Session I (2 hours)	During Contact Sessions, Candidates will have the opportunity to field questions and discuss the learning material. The Contact Session will span 1.5 – 2 hours.	Candidates should review ALL learning materials in SN 1 in preparation for Contact Session I.	22 August 2024, 2.30 – 4.30 PM
3	Jurisdiction of the Tribunal	<p>In this topic, candidates will cover the following:</p> <ul style="list-style-type: none"> • Drafting Notice of Arbitration and Response to Notice of Arbitration • Validity of the arbitration agreement • Enforcing the arbitration agreement • Defending/challenging jurisdiction of the tribunal • Curial review of tribunal's jurisdiction • Interim relief 	Please refer to the Study Notes for Applicable Laws, Arbitration Agreement, Jurisdiction of Arbitral Tribunal	
4	Contact Session II (2 hours)	During Contact Sessions, Candidates will have the opportunity to field questions and discuss the learning material. The Contact Session will span 1.5 – 2 hours.	Candidates should review ALL learning materials in SN 3 in preparation for Contact Session II.	1 October 2024, 2.30 – 4.30 PM

¹ Please note that there are no Video Lecture Notes for DRP – Arbitration. Kindly refer to the Study Notes instead

No.	Content	Content Summary	Learning Material / Comment ¹	Duration
5	Arbitral Awards	In this topic, candidates will cover the following: <ul style="list-style-type: none"> • Requirements of an award • Effect of an award • Defending/challenging an award • Setting aside award • Enforcement of award 	Please refer to the Study Notes for Award, Setting Aside of Award, and Enforcement of Awards	
6	Contact Session III (2 hours)	During Contact Sessions, Candidates will have the opportunity to field questions and discuss the learning material. The Contact Session will span 1.5 – 2 hours.	Candidates should review ALL learning materials in SN 5 in preparation for Contact Session III.	5 November 2024, 10.30 – 12.30 PM
7	Exams	3 December 2024 to 20 December 2024		

Reading List

Please refer to the Study Notes.

Legislation and Commentary

- International Arbitration Act
- Arbitration Act
- UNCITRAL Model Law on International Commercial Arbitration 2006
- UNCITRAL 2012 Digest of Case Law on the Model Law on International Commercial Arbitration

Soft Law Instruments

- IBA Rules on Taking of Evidence in International Arbitration 2020
- Prague Rules on the Efficient Conduct of Proceedings in International Arbitration 2018
- IBA Guidelines on Conflicts of Interest in International Arbitration 2014
- IBA Guidelines on Party Representation in International Arbitration 2013
- CI Arb Protocol for the Use of Party-Appointed Expert Witnesses in International Arbitration 2007

Textbooks and Guides

- Darius Chan, Paul Tan, Nicholas Poon, *The Law and Theory of International Commercial Arbitration in Singapore* (Singapore Academy of Law)
- Debevoise International Arbitration Clause Handbook 2022
- Linklaters Cross-border Guide on Arbitration-Related Court Proceedings 2023