

Arbitration Committee Webinar on

COVID-19 Business Interruption Claims — How Will the Insurance and Reinsurance Disputes be Resolved, and Is Arbitration the Answer?

10 Sept 2020 (Thursday) | 3:30 pm to 5:00 pm
This webinar carries 1 CPD point.

The COVID-19 pandemic has led to the widespread interruption and closures of businesses worldwide, causing substantial financial losses to those concerned. Many businesses that are insured are making claims for these losses under their Business Interruption ("BI") policies. Currently there is widespread concern because there is a lack of clarity and certainty in respect of these claims, which may lead to disputes between insurers and their policyholders in respect of policy coverage and even with their reinsurers in respect of reinsurance coverage. The issues surrounding the interpretation of BI policies are complex and so are the disputes arising therefrom, as such resolving such disputes may require specialist arbitrators who are able to interpret the wordings and cover provided. This very interesting webinar discusses the most current problems and the methods of dispute resolution in Malaysia, Singapore, Hong Kong, and beyond, with input from various dispute resolution practitioners from different jurisdictions.

[Register online here](#)

Please note that there will be a 15-minute question-and-answer session after the 1-hour panel discussion.

Speakers



Lai Wai Fong, *Shearn Delamore & Co*

Lai Wai Fong was admitted to the Malaysian Bar in 2000 as an advocate and solicitor, and has been a partner in Shearn Delamore & Co since 2010. Her area of practice is dispute resolution, and she provides legal advice across a range of matters including corporate and commercial disputes, land litigation, insurance disputes, tort and aviation disputes. She is a member of the International Bar Association ("IBA").

She appears regularly in the High Court and Court of Appeal for trials and appeals, and is involved regularly in some complex and high-profile matters. The most notable is her conduct in a landmark aviation decision reported as *All Nippon Airways Co Ltd v Tokai Marine & Trading* [2013] 4 MLJ 744, the first judgment of the Malaysian Court of Appeal – sitting as an apex court – that affirmed the application of the Warsaw Convention in the Malaysian landscape for the first time. This remains the only reported judgment of an apex Court on the effect of the Warsaw Convention in the Malaysian context. She also acted for the Administrator of Malaysia Airlines in respect of certain claims arising from the MH370 disappearance. Her other notable aviation litigation include acting for the Administrator of Malaysia Airlines in respect of the claims filed by the crew of Malaysia Airlines arising from the MH17 incident.

She is regularly appointed by insurance companies to act and advise on insurance and reinsurance matters particularly on professional indemnity insurance. She is presently involved in a reinsurance claim arising from an underlying machinery breakdown insurance policy.



Mary BL Thomson, *Pacific Chambers*

After qualifying as a barrister in London, **Mary BL Thomson** worked in the insurance and transport sector before returning to private practice and requalifying as a solicitor. She practised in solicitors' firms in London and Hong Kong for 25 years conducting commercial litigation in the High Courts of England and Hong Kong including the Court of Final Appeal.

Mary also has substantial and wide experience of international commercial disputes in the financial, transport, insurance, energy, TMT and manufacturing sectors. In 2013, Mary joined the Hong Kong Bar and rejoined the English Bar

to focus on practice as an international arbitrator and mediator. Involved in commercial arbitrations since early years in London, conducting ad hoc as well as institution administered arbitrations including ICC, UNCITRAL, HKIAC, SIAC, SCMA and CIETAC Rules. Mary is an appointed arbitrator since 1996, including pursuant to "commercial men" clauses. She regularly sits in arbitrations in London, Hong Kong and Singapore on a wide area of commercial disputes including consolidated arbitrations, and recently sat as sole arbitrator in an ICC arbitration in Manila involving an energy dispute.



Kieran Humphrey, *O'Melveny & Myers*

Kieran Humphrey is an experienced dispute resolution and advisory lawyer with O'Melveny & Myers in Hong Kong. He regularly acts in litigation and arbitration for financial institutions, multinationals, and listed companies. He is a Fellow of CI Arb (UK) and other regional arbitration institutes.

Kieran is the current Chair of the Inter-Pacific Bar Association ("IPBA")'s Insurance Committee. He is recognised by *Chambers Asia and Legal 500* for his dispute resolution and insurance expertise. He was also nominated as a "Rising Star" for the region at *AsiaLaw's* Asia Pacific Dispute Resolution Awards.



Elaine Tay, *Rajah & Tann*

Elaine Tay is a partner of Rajah & Tann Singapore LLP and is ranked highly in *Chambers Asia Pacific* as one of the leading individual Singapore (re)insurance lawyers. She is also listed in Euromoney's *Expert Guides* for Insurance & Reinsurance as well as Women in Business Law. Elaine has advised and represented insurers on contentious and non-contentious matters involving classes such as property and energy, casualty, liability, financial lines, credit and surety, life and personal lines. She has acted as coverage counsel, defence counsel and successfully represented insurers in reported Singapore court decisions on key principles of (re)insurance law. Elaine also advises and assists insurers and insurance intermediaries on the regulatory front, and has acted for insurers in transfers and consolidation of insurance businesses.

Moderator

Tunku Farik, LL.B (Bristol), LL.M (Cambridge), is a Barrister of Gray's Inn. He is an advocate and solicitor of both the Malaysian and Singapore Bar, and an Associate of the Chartered Institute of Arbitrators. He has more than 30 years of experience in insurance/reinsurance and takaful/retakaful law, both in advisory and litigation/arbitration. He was the Chair of the IPBA's Insurance Committee in 2016–2017, and previously a Vice-Chair from 2007–2011 and 2014–2016. He is currently the Jurisdictional Council Member for Malaysia at IPBA. He is also a member of the Bar Council Arbitration Committee. He has also spoken at the International Insurance Fraud Conference and World Takaful Conference in Kuala Lumpur in 2010 and 2013 respectively, the 3rd Malaysia Insurance Summit 2013, the Asian Captive Conference 2017, as well as at IPBA, Lexis Nexis, Bank Negara and NICS Seminars. He is listed in *Who's Who Legal Insurance & Reinsurance*. He has appeared in many landmark insurance cases in both the Court of Appeal and the Federal Court of Malaysia. He has been admitted ad hoc to the Sarawak Bar to argue a complicated insurance case and was involved in an international arbitration involving a dispute with a foreign reinsurer. He is currently the Malaysian Convener of ARIAS Asia.



YM Tunku Farik Tunku Ismail Azim, *Tunku Farik & Wong*

This Webinar carries **1 CPD point**. It is free of charge, but **advance registration is required**.

Upon successful registration, a link to the Webinar will be emailed to registered participants only. Registration will close on **8 Sept 2020 (Tuesday)**.

No additional registration will be accepted once the closing date has passed, or if the Webinar is full.

The Bar Council may not permit future registration if you fail to attend a webinar after registering, unless you provide an acceptable and valid reason(s).

This webinar is an initiative by the Bar Council during the Movement Control Order period, so that Members and pupils are not deprived of continuous learning even at this time.

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- 01**

For seamless streaming, download the Zoom app.

You will be given a webinar ID and a password to join the webinar once your registration has been confirmed.
- 02**

Log in to Zoom, and provide your username.

For Members of the Bar or pupils in chambers, use the format below for identification purposes when prompted: **Full name (as per NRIC) | Bar Council membership number or petition number**.

For non-Members, provide your full name only.
- 03**

Set up your space.

Find a spot which is comfortable and free from background noises. You may use an earpiece with microphone for clarity. Having a strong internet connection is equally important.
- 04**

Please raise your questions only during the Question-and-Answer session.

Please take note that no speaking is allowed when the webinar is taking place.

If you wish to raise a question, please type in the Q&A box and the speaker will respond accordingly.
- 05**

Please do not do these

Sharing screen recording and webinar ID and password links, and reproducing the content of the webinar on any platform.

Any unregistered person may be removed without prior notice and no CPD point will be awarded. Failure to adhere to this may result in disciplinary action by the Bar Council.

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