

PRACTICAL STEPS TO MANAGE EARLY STAGES OF DISPUTE RESOLUTION

16 April 2020 (Thursday) | 3pm | Webinar via ZOOM

The current COVID-19 crisis has caused authorities to implement unprecedented measures around the world to curb the spread of the virus whilst restricting activities which affects every industry whether manufacturing, transport, agriculture, energy, oil & gas, financial services, automotive, aviation, maritime, tourism, construction and real estate. It is inevitable that any knock-on effects to these industries will continue over the next few months and even years. We have received substantial queries from parties bound by subsisting contracts on what are their options in the circumstances.

By this webinar, the speakers will address the following questions:

- (1) What steps do I have to take to claim *force majeure*?
- (2) What are the consequences of *force majeure*?
- (3) What are the circumstances where *force majeure* may or may not be relied upon?
- (4) What should I do if I received a *force majeure* notice?
- (5) What happens if there is no *force majeure* clause in the contract? Does the doctrine of frustration apply?
- (6) What are the considerations to invoke a termination provision in the contract?
- (7) How to plan for anticipated litigation, arbitration or adjudication of a dispute?

SPEAKERS LINEUP



FOO JOON LIANG FCI Arb

Partner, Gan Partnership

Foo Joon Liang is a partner at Gan Partnership based in Kuala Lumpur, a firm he co-founded in 2011. He is a Fellow of the Chartered Institute of Arbitrators (CI Arb), United Kingdom and is presently the Chairman of the Malaysian Branch of CI Arb. He sits on the panel of arbitrators and adjudicators of the Asian International Arbitration Centre (AIAC) and is one of the first 10 Malaysian appointees to the panel of arbitrators of the Hainan International Arbitration Court. He is listed as a Future Leader in Construction by *Who's Who Legal*. Since his admission to the Malaysian Bar in 2000, Joon Liang has held an active dispute resolution portfolio in litigation, arbitration, and adjudication. He regularly appears as a counsel at all levels of Malaysian courts as well as in domestic and international arbitrations.

In the past 10 years, his focus has largely been on construction dispute resolution and advisory. His forte is in complex engineering and geotechnical matters, particularly in engineering failures and collapses. He is also involved in disputes involving power plants and the full spectrum of other construction and infrastructure issues. His recent matters include the first Construction Industry Payment & Adjudication Act 2012 (CIPAA) decided at the Malaysian apex court, the highly publicised hill slope failure that led to a State Commission Inquiry, and a series of disputes arising from the collapse of a bridge which involved leading engineering experts from Europe and Asia.



GRACE CHAW HEI HEI MCI Arb

Partner, Grace Chaw & Co

Grace Chaw Hei Hei graduated from Monash University, Australia. She established her legal practice under Grace Chaw & Co. located in Kota Kinabalu, Sabah. She runs an advocacy led practice and is devoted exclusively to dispute resolution and litigation. She regularly acts as trial lawyer in the High Courts and as counsel in appellate matters before the Court of Appeal and Federal Court of Malaysia.

Grace is recognised for her advocacy skills, her dedication to disputes resolution and for tirelessly fighting clients' interests. In the pursuit of justice, she litigates without fear or favour. She is regularly briefed by local and foreign solicitors to act in commercial litigation involving contractual, construction, corporate, property and tortious disputes as well as public interest litigation involving administrative law and constitutional law.

Further, Grace is professionally trained to provide expertise in alternative dispute resolution through arbitration and adjudication. She is conferred with the Diploma in International Commercial Arbitration by Chartered Institute of Arbitration (CI Arb). She is also appointed by Asian International Arbitration Centre (AIAC) to sit as an Adjudicator in construction adjudication under Construction Industry Payment and Adjudication Act (CIPAA) 2012.

To participate, please contact Knowledge Manager, **Ms. Foo Yuen Wah** at fyw@ganlaw.my by **15 April 2020 (Wednesday)**.