On 15 September 2016, the SIAC Rules 2016 Roadshow came to Tokyo to discuss the latest changes to the SIAC Rules. In the first session, an impressive panel of experts discussed early dismissal, emergency arbitrators and expedited procedure, with the second session focussing on multiplicity in arbitration and how various arbitral institutions deal with joinder and consolidation.

Ms Lim Seok Hui, CEO, SIAC and SIMC, delivered the Welcome Address, making reference to the lively state of arbitration in Singapore and Mr Hiroyuki Tezuka, Partner, Nishimura & Asahi, Member, SIAC Court of Arbitration, gave the Opening Remarks, commenting on the diligence of SIAC members. The scene was set for a lively afternoon of discussion.

Mr Chan Hock Keng, Partner, WongPartnership LLP, took on his role as moderator with great gusto and set the tone for what proved to be a very entertaining session.

Drawing on his extensive regional experience, Mr Rob Palmer, Partner, Ashurst, highlighted some of the more positive aspects of the refinement of Rule 30 on interim and emergency interim relief. Mr Palmer touched upon the necessity for an emergency arbitrator to make an interim order or Award within 14 days from the date of appointment, but warned that if you then need to go to a national court to enforce against a delinquent party, this timeframe could be pushed out for weeks.

Mr Steven Lim, Managing Partner, Nabarro LLP, spoke eloquently about the new Emergency Arbitrator procedure and the speed with which an Emergency Arbitrator is to be appointed, which has been revised from 1 business day to 1 day under the new Schedule 1 of the SIAC Rules 2016. Drawing on his experience as an Emergency Arbitrator, he pointed out how SIAC goes beyond the call of duty to ensure that the process is fully supported by even, on one occasion, printing off party applications and hand delivering them to him on a Saturday morning.
Mr Yoshiaki Muto, Partner, Baker & McKenzie, commented that the new Rules 5.1 and 5.2, which deal with Expedited Procedure, have emerged to offer users a shorter arbitration timeframe and as a result, are a "good solution for business". He also raised a few questions for SIAC, such as what constitutes "exceptional urgency".

Ms Chie Nakahara, Senior Associate, Nishimura & Asahi, expressed her views on exceptional circumstances as provided in Rule 29 on Early Dismissal of Claims and Defences. Ms Nakahara commented that early dismissal as set out in the Rules is not a system with which Japanese courts may be familiar.

Mr Chris Bailey, Partner, King & Spalding LLP, finished the session with an entertaining look at some ICSID cases and how they deal with the "manifestly without legal merit" ground in the context of Rule 29 on the early dismissal of claims and defences.

The afternoon session, chaired by Mr Paul Sandosham, Partner, Clifford Chance, provided a comparison of the various rules regarding multiplicity under the Swiss (Ms Julie Raneda, Counsel, Schellenberg Wittmer), Japanese (Mr Mugi Sekido, Partner, Mori Hamada & Matsumoto) and Korean (Ms June Yeum, Partner, Clyde & Co) arbitral institutions. Mr Chris Hunt, Partner, Herbert Smith Freehills, Tokyo, set the scene with a few war stories from the arbitration front, in particular, dealing with the consequence of two parties starting separate arbitrations under a number of contracts which relate to the same facts with a further option to litigate in the United States.

There was also a lively debate between the audience and Mr Kevin Nash, Deputy Registrar & Centre Director, SIAC, regarding a push by arbitration practitioners for SIAC to publish redacted versions of orders which deal with the early dismissal of claims and defences.
Ms Yoshimi Ohara, Partner, Nagashima Ohno & Tsunematsu, closed the afternoon’s programme by noting that although international arbitration is on the rise, so too is its criticism regarding costs and time. With its new SIAC Rules 2016, SIAC will hopefully prove the critics wrong.