

Philip Jeyaretnam, SC

Global Vice-Chair and ASEAN CEO



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Overview

Philip is the global-vice chair and ASEAN chief executive officer at Dentons. A leading commercial litigator and international arbitration counsel in the Litigation and Dispute Resolution and the Arbitration groups, Philip was appointed as Senior Counsel in 2003 at the early age of 38 and is named in all the major legal publications as an expert in arbitration, construction law and litigation.

Philip's active international arbitration practice as counsel spans investments and projects across Asia, and he has represented clients in arbitration proceedings in Singapore, Malaysia, Hong Kong, London, Zurich and Brunei. He is particularly experienced in disputes of two kinds, namely disputes involving difficult technical issues and disputes involving complex financial structuring.

Philip has also had numerous appointments as arbitrator, particularly under SIAC and ICC Rules.

In his court practice, recent notable cases include success in the Court of Appeal on novel and important legal issues, including *CRW Joint Operation v PT Perusahaan Gas Negara (Persero) TBK* [2011] 4 SLR 305, *Mano Vikrant Singh v Cargill TSF Asia Pte Ltd* [2012] 4 SLR 371, *Yong Kheng Leong v Panweld Trading Pte Ltd* [2013] 1 SLR 173, *Cupid Jewels Pte Ltd v Orchard Central Pte Ltd* [2014] 2 SLR 156, *Dynasty Line Limited v Sukamto Sia and Lee Howe Yong* [2014] SGCA 2, *AKN v ALC* [2015] SGCA 18, *Independent State of Papua New Guinea v PNG Sustainable Development Program Ltd*, Civil Appeal No 28 of 2016 and *Eng Chiet Shoong and others v Cheong Soh Chin and others* and another appeal [2016] 4 SLR 728; [2016] SGCA 45.

Philip was president of The Law Society of Singapore from January 2004 to December 2007, and was the founding chairman of the Society of Construction Law, Singapore. He is currently Chairman of Maxwell Chambers, the world's first integrated dispute resolution venue.

Philip is on the Public Service Commission, the constitutional body that oversees the civil service in Singapore. He is also on the Presidential Council for Minority Rights, which advises the President of Singapore under the equality provisions of the Constitution.

Experience

Arbitration-related Court Proceedings

- **Leading global private equity fund:** Defeating an application for new evidence in an appeal against the dismissal of setting aside application of an ICC arbitration award [2018] SGCA 29, dismissing the US\$468 million claim against our client.
- **Investment funds:** Acting to set aside a US\$100 million arbitration award [2014] SGHC 148.
- **Owner of an Indonesian petrochemical company:** Acting to set aside a US\$17 million arbitration award given in favor of the main contractor [2010] 4 SLR 672 and [2011] SGCA 33.
- **Marty Limited:** Acting in the successful appeal [2018] SGCA 63 against the decision of the Singapore High Court in [2017] SGHC 127, obtaining a decision that the sole arbitrator had no jurisdiction over a dispute referred to arbitration.
- **Confidential client:** Advising in the successful partial and significant setting aside in the Singapore High Court of an ICC award, under the UN Convention on Contracts for the International Sale of Goods (CISG) for breach of natural justice.

Banking and Finance

- **VTB Bank:** Obtaining a winding up order against a debtor company in a matter concerning a debt of US\$250 million, where the debt was disputed on various grounds.
- **Private investors:** Obtaining on an account approximately US\$10 million from fund managers by way of an account on a wilful default basis [2018] SGHC 131. This judgment was the second part of the suit. In the earlier trial on liability [2015] SGHC 173, the High Court had ordered the Defendants to return unconditionally the Plaintiffs' investments worth over US\$100 million.
- **Major private bank:** Acting in relation to a claim for mis-selling following the global financial crisis.
- **Judicial manager:** Acting on an appeal to the Court of Appeal in relation to enforcement of securities during the moratorium, reported at [1994] 1 SLR 734.
- **Major bank:** Acting in claims arising from its management and underwriting of a substantial securitization transaction [2004] SGHC 254.

Commercial Arbitration

- **Investor:** Acting for an investor in a major toll road project in Thailand in an ICC arbitration in Zurich.
- **Thai shipyard:** Acting in an LCIA arbitration in London in relation to shipbuilding contracts for specialist vessels.
- **Wind turbine manufacturer:** Acting in an ICC arbitration in relation to an investment and joint venture in India.
- **Oil major:** Acting in a dispute relating to the supply of gas under long-term supply contracts.
- **National oil company:** Acting in relation to a dispute for the supply of oil and gas under a long-term supply contract.
- **Major Indian software company:** Acting in applying for emergency interim relief under Article 26 of the SIAC Rules 2010, and in three related arbitrations.
- **American fund:** Acting in an international arbitration relating to a dispute over a Call Option Agreement relating to substantial investments in land and shares in India.
- **Indian developer:** Acting in an application to the Singapore High Court for interim injunctive relief in support

of ad-hoc international arbitration seated in Singapore in relation to a mining project in India.

- **Mining company:** Acting in its fast-track arbitration that lasted three months from commencement of arbitration to award on the substantive issues, including an application for an interim injunction.
- **Major online gaming company from PRC:** Acting in an online gaming license dispute with an online gaming company in the United States.
- **Leading international container shipping company:** Acting in its US\$200 million claim in an LCIA arbitration in London concerning a port investment.
- **MNC:** Acting in an ICC arbitration (Geneva seat) concerning a substantial Indonesian investment in the chemicals sector.
- **Joint venture partner:** Acting for the client following the breakup of an international joint venture with interests in three countries in two related arbitrations under UNCITRAL Model Law with related application to the High Court (reported at [2001] 1 SLR 624) and Court of Appeal decision (reported at [2001] 3 SLR 237) concerning the powers of an arbitrator under the UNCITRAL Model Law following delivery of his award.
- **Investment funds:** Acting for investment funds associated with an international investment bank in ICC arbitration in relation to an Indonesian investment in primary industries with ancillary proceedings before the Singapore courts, including successful application for a freezing order.
- **ASEAN Investor:** Acting against an ASEAN government in an arbitration under ICSID rules.

Commercial Litigation

- **PNG Sustainable Development Program Ltd (PNGSDP):** Representing PNGSDP in relation to the control of PNGSDP and its vast assets worth over US\$1.4 billion dollars in funds. The Independent State of Papua New Guinea (“State”) brought an action in Singapore via Suit 795/2014 (“Suit”) against PNGSDP seeking, amongst other things, the invalidation of some of PNGSDP’s corporate acts, with a view to ultimately gaining control of PNGSDP.
- **Major shipping company:** Acting in a breach of fiduciary duty claim against agents having conduct of the principal’s business [2011] 1 SLR 862; [2010] SGCA 45.
- **Starhub Cable Vision:** Acting in relation to the S\$34 million claim by SingTel for breach of a Network Lease Agreement. The case between Singapore’s two largest telcos concerned use of telecom infrastructure for transmission of cable TV services, and included cross-examination of the most senior executives of both parties, judgments reported at [2005] 3 SLR 236, [2006] 2 SLR 195, [2007] SGHC 118, [2007] SGHC 119.
- **Confidential clients:** Acting in relation to various suits concerning the sale of a hard disk cover business, including breach of warranties and trading when insolvent [2009] 1 SLR 369.
- **Confidential client:** Acting for a company listed on the secondary board in the Singapore Exchange against a Canadian listed company in its dispute in respect of a power project in Andhra Pradesh, India [2003] SGHC 241.

Construction and Infrastructure

- **Meinhardt International Group:** Successfully defending the claim by the developers/owners of a prominent building in Singapore for defects in the granite external facade of the building. The High Court dismissed the S\$25 million claim against our clients [2018] SGHC 193.
- **Major developer:** Acting in the defense of a claim by a private real estate fund for alleged misrepresentation, including defending against injunctive relief.
- **Major landlord:** Acting in a substantial distress action [2014] 2 SLR 156.
- **Developer:** Acting in a building claim brought in contract by a management corporation of a condominium,

to limit the claim in proportion to the number of subsidiary proprietors who are original purchasers of units in the condominium [2000] 4 SLR 576.

- **Owner of a cement silo:** Acting in its arbitration claim for defective design and construction against the engineer and the main contractor.
- **Major construction company:** Acting in a High Court claim against a major concrete supplier, for breach of a contract to supply ready-mixed concrete at fixed prices against the backdrop of the February 2007 Indonesian ban on sand exports to Singapore.
- **Contractor:** Acting for the main contractor in respect of a petrochemical facility at Tuas in defence of prolongation and variation claims by a major international contractor.
- **Subcontractor:** Acting for a soil compaction specialist subcontractor in an arbitration under SIAC Rules (International) relating to major reclamation works.
- **Contractor:** Acting for a main contractor for a condominium development in defense to a building claim brought by a management corporation in the tort of negligence. The defense was successfully fought in the High Court and in the Court of Appeal (reported at [1999] 2 SLR 449) both on engineering issues of causation and on legal issues of non-liability for the acts or omissions of independent contractors.
- **Contractor:** Acting in relation to the termination of a civil engineering project, with reported judgments on the validity of liquidated damages certificates at [1993] 1 SLR 390 and [1994] 1 SLR 687.

Corporate - Insolvency, Shareholders' Disputes and Directors' Duties

- **Dynasty Line Limited:** Acting to recover damages for breach of duty by its two former directors who had pledged assets when the company was near insolvency [2014] SGCA 21, establishing the principles of when directors owe a duty to have regard for the interests of creditors.
- **Panweld Trading Pte Ltd:** Acting to recover damages for improper payments made by a director, establishing the circumstances in which exceptions to limitation apply [2013] 1 SLR 173.
- **Australian Fruit Juice:** Acting in its successful claim against its former director for breach of fiduciary duty and is continuing to act in a minority oppression claim brought by the former director (who is also a shareholder), with the total value of claims about S\$1 million.
- **Investor:** Acting for an investor who successfully sued for the transfer of 175,000 company shares held in another's name [2008] 3 SLR 957.

Public Inquiries and other Investigations

- **A*STAR:** Acting for Singapore's research and development agency in the coroner's inquiry into the death of American researcher Dr Shane Todd.
- **Contractor:** Acting for the main contractor before the Committee of Inquiry into the collapse of Nicoll Highway, and in related contractual, insurance and regulatory proceedings.
- **Confidential client:** Acting for the Dow Jones Wall Street Journal Asia in contempt of court charges brought by the attorney-general of Singapore [2009] 1 SLR 1103.
- **Integrated Health Information Systems:** Representing the central IT service provider for public healthcare in Singapore in the Committee of Inquiry convened to investigate the cyber-attack on Singapore Health Services.
- **Public accountants:** Acting in respect of practice monitoring by ACRA and the subsequent hearings before the Public Accountants Oversight Committee, in connection with financial statements of two listed Singapore companies.
- **Major Singapore corporate:** Advising in relation to anti-bribery investigations, covering operations in several

emerging markets.

Restraint of Trade and other Employment Matters

- **Confidential client:** Acting for a structured trader in an employment law dispute with his ex-employer, to strike down a restraint of trade provision on the basis of which the ex-employer had purported to withhold bonus [2012] 4 SLR 371.
- **Leading architectural firm:** Acting in its suit against three employees for moonlighting.

Recognition

- *The Best Lawyers in Singapore:* Recognised for Arbitration and Mediation, Construction, and Litigation, 2014, 2015, 2018 - 2020
- *The Best Lawyers in Singapore:* Recognised as Lawyer of the Year for Construction, 2018, 2020
- *The Best Lawyers in Singapore:* Recognised for Arbitration and Mediation, 2010, 2020
- *Benchmark Litigation Asia-Pacific:* Dispute Resolution Star in Commercial and Transactions and International Arbitration, 2018
- *Asialaw:* Recognised as a Market-Leading Lawyer for Dispute Resolution & Litigation, 2018
- *Chambers Asia Pacific:* Leading Individual for Dispute Resolution: Litigation, 2013 - 2019
- *Chambers Asia Pacific:* Leading Individual for Dispute Resolution: Arbitration, 2012 - 2019
- *Chambers Asia Pacific:* Leading Individual for Construction, 2018 - 2019
- *Chambers Global:* Leading Individual for Dispute Resolution: Litigation, 2009 - 2019
- *Chambers Global:* Leading Individual for Dispute Resolution: Arbitration, 2012 - 2019
- *The Legal 500 Asia Pacific:* Leading Individual for Dispute Resolution, 2008 - 2019
- *The Legal 500 Asia Pacific:* Leading Individual for International Arbitration, 2010 - 2019
- *Who's Who Legal:* Recognised as a Leading Lawyer for Construction, 2017
- *Who's Who Legal:* Recognised in the areas of Commercial Litigation and Construction Singapore, 2008, 2017
- *Expert Guides:* Construction Expert, 2013, 2017
- *Who's Who Legal:* Recognised as a Leading Arbitrator, 2017 - 2019
- *Acritas:* Recognised as an Acritas Star Lawyer, since 2016
- *Asialaw:* Leading Lawyer for Dispute Resolution, 2008, 2010, 2013, 2014, 2015, 2016, 2017
- *Asialaw:* Leading Lawyer for Construction, 2011 - 2013
- *ALB SE Asia Law Awards:* Managing Partner of the Year, 2016
- *The Asian Lawyer Emerging Markets Awards:* Commercial Litigator of the Year, 2016
- "Philip Jeyaretnam is singled out by interviewees as 'a very polished' and 'very, very thoughtful' advocate." – *Chambers Asia Pacific*, 2016
- *International Who's Who:* Recognised in Business Lawyers for Commercial Arbitration, 2013 - 2016
- "Philip Jeyaretnam is praised by clients for being 'very quick on the uptake' and for 'knowing everything there

is to know about arbitrations and arbitration-related litigation." – *Chambers Asia Pacific*, 2015

- *Benchmark Asia-Pacific: Local Disputes Star*, 2013, 2014
- *Asian Legal Business Asia Law Awards: Managing Partner of the Year*, 2016
- *Asian Legal Business: Client Choice Hot 75*, 2013
- *Lawyer Monthly: Leading Lawyer 100 Asia Pacific - Litigation & Arbitration*, 2011
- *International Who's Who: Recognised in Construction Lawyers* since 2010

In the Media

- "Behind the Scenes: Philip Jeyaretnam", *Prestige*, January 9, 2017
- "Raffles Place Reviewed", *The Straits Times*, June 18, 2016

Insights

- Co-author, "Dentons Rodyk Dialogue 2019", *Dentons Rodyk Reporter, Issue 02 (2019)*, May 2019
- Co-author, "Need for Speed: Get your Anti-Suit Injunction Fast!", *Dentons Rodyk Reporter, Issue 02 (2019)*, March 2019
- Co-author, "Ignorance is not always bliss: a case study of Marty Limited v Hualon Corporation (M'sia) Sdn Bhd", *Dentons Rodyk Reporter, Issue 06 (2018)*
- Author, "Impact of the EU-Singapore Free Trade Agreement", *Dentons Rodyk Reporter, Issue 06 (2018)*
- Co-author, "Injunctions and Interim Relief", *Civil Litigation in Singapore* (Sweet & Maxwell, 2016)
- Co-author, "*The Granting of Mareva Injunctions in Support of Foreign Court Proceedings*" (2016) 28 SAclJ 503
- Author, "The Presentation of Expert Evidence at Trial", *Law and Practice of Commercial Litigation in Singapore* (Sweet & Maxwell, 2015)
- Co-author, "Domestic and International Arbitration Framework in Singapore", *Arbitration in Singapore: A Practical Guide* (Sweet & Maxwell, 2014)
- Author, "Indonesia Changes Course In Investor Protection", *The Business Times*, 26 June 2014 (Singapore: Singapore Press Holdings, 2014)
- Author, "Myanmar And The New York Convention: Not Just A Piece Of Paper", *The Business Times*, 28 May 2014 (Singapore: Singapore Press Holdings, 2014)
- Author, "S'pore's Role In Int'l Arbitration In Asia", *The Business Times*, 20 May 2014 (Singapore: Singapore Press Holdings, 2014)
- Author, "Courts Add Momentum To The Growing Enthusiasm Towards Arbitration In India", *Rodyk Reporter - Litigation Brief*, September 2013
- Co-author, "Guiding The Vietnamese Court Towards Registering A Foreign Arbitral Award: The Importance Of Proper Documentation And Proof Of Delivery", *Rodyk Reporter - Arbitration Review*, September 2012
- Author, "Controlling Time And Costs In Arbitration", *Rodyk Reporter - Arbitration Review*, June 2012
- Author, "Arbitral Review Of Adjudication Board Decisions", *Rodyk Reporter - Arbitration Review* June 2012
- Co-author, Singapore Chapter, *The International Comparative Legal Guide to: Litigation & Dispute Resolution*

2011, 4th ed. (United Kingdom: Global Legal Group, 2011)

- Co-author, Singapore Chapter, *The International Comparative Legal Guide to: Litigation & Dispute Resolution 2010*, 3rd ed. (United Kingdom: Global Legal Group, 2010)
- Co-author, "When The Sands Run Out", *Rodyk Reporter - Litigation Brief*, March 2010
- Author, "High Court Applies Resulting Trust Principles In Favour Of Rodyk's Client", *Rodyk Reporter - Litigation Brief*, June 2008
- Author, *Modern Advocacy: Advocacy for the Long-haul*, (Singapore: Academy Publishing, 2008)
- Author, Consultant of 2006 edition, *The Singapore Court Practice (2006)*, 2006 ed. (Singapore: LexisNexis, 2006)
- Author, "*Building and Construction Law*" (2005) 6 SAL Ann Rev 82
- Co-author, *Singapore Precedents of Pleadings (2006)*, ed. by Jeffery Pinsler (Singapore: Sweet & Maxwell Asia, 2006)
- Author, Reviewer of 2005 edition, *The Singapore Court Practice (2005)*, 2005 ed. (Singapore: LexisNexis, 2005)
- Author, "*Building and Construction Law*" (2004) 5 SAL Ann Rev 76
- Author, "*Building and Construction Law*" (2003) 4 SAL Ann Rev 70
- Author, "*Building and Construction Law*" (2002) 3 SAL Ann Rev 54
- Author, "*Building and Construction Law*" (2001) 2 SAL Ann Rev 47
- Author, "*Building and Construction Law*" (2000) 1 SAL Ann Rev 35

Activities and Affiliations

Appointments

- Board Member, Surbana Jurong Private Limited, 2015 - present
- Board Director, Singapore Art Museum, 2014 - 2018
- Chairman, Maxwell Chambers, 2010 - present
- Member, Public Service Commission, 2009 - 2020
- Member, Presidential Council for Minority Rights, 2012 - 2021 (appointed for period 15 Jul 2012 to 14 Jul 2021)
- Member, Board of Trustees, Singapore University of Technology and Design, 2009 - 2018 (appointed for period 11 Aug 2015 to 10 Aug 2018)
- Member, Regional Panel of Arbitrators, Singapore International Arbitration Centre, 2006 - 2018 (appointed for period 1 May 2006 to 31 Dec 2018)
- Member, Senate of the Singapore Academy of Law, 2011 - 2016
- Member, Dispute Resolution and Compensation Panel (Arbitration Panel), National Electricity Market of Singapore, 2013 - 2018 (appointed for period 11 Oct 2013 to 31 Dec 2021)
- Member, Advisory Board to Law Faculty, National University of Singapore

- Member, Military Court of Appeal, MINDEF
- Adjunct Professor, Department of Building, National University of Singapore (teaching construction law and arbitration), 2005 - 2012
- Adjudicator, Singapore Mediation Centre
- Member, the Rules Committee appointed by the Chief Justice pursuant to section 80 of Supreme Court of Judicature Act
- Member, Costs Panel (Supreme Court Singapore) appointed by Judge of Appeal Justice Chao Hick Tin, 1 Jul 2014 to 1 July 2016
- Member, Steering Committee for the Establishment of the New University, Ministry of Education Singapore, 2007
- Chairman, Board of the Singapore Arts School Ltd (SASL), 2015 - 2018 (appointed for period 1 Feb 2015 to 31 July 2018)
- Chair, Board of Directors, Intercultural Theatre Institute Ltd (not-for-profit theatre school)
- Chairman, International Relations Committee, The Law Society of Singapore (2008 - 2010)
- Council Member, International Bar Association, Human Rights Institute, 2009 - 2012
- Member, Arts Advisory Panel, National Arts Council, 2010 - 2016
- Member, Advisory Committee, Bukit Panjang Primary School, 2002 - 2011
- Member, Advisory Panel of Maintenance Support Central, Singapore Council of Women's Organisations
- Member, Editorial Board, Hague Journal on the Rule of Law, 2008 - present
- Member, Board of Advisors, Singapore Law Review, 2014 - 2019
- Fellow, Singapore Institute of Arbitrators
- Fellow, Chartered Institute of Arbitrators
- President, The Law Society of Singapore, 2004 - 2007
- Vice President of the Senate, Singapore Academy of Law, 2004 - 2007
- Governor, IP Academy, 2004 - 2007
- Founding Chairman, Society of Construction Law, 2002 - 2004
- Board Member, Singapore Tourism Board, 2005 - 2009
- Board Member, National Kidney Foundation, 2005 - 2009
- Board Member, The Board of Legal Education, 2004 - 2007
- Council Member, National Arts Council, 2000 - 2008
- Past memberships of Advocacy Committee, Law Society and the Publications, Professional Affairs and Law Reform Committees, Singapore Academy of Law

Presentations

- In-House Counsel And The Organisation In Difficult Waters, June 4, 2014
- Panel Discussion on International Arbitration, March 11, 2014

- Introducing Arbitration, Corruption and Competition - the Law in Singapore, November 27, 2013
- Managing the Clash of Legal Cultures in International Arbitration, November 14, 2013
- Jurisdictional Challenges In The Enforcement Of Decisions By Dispute Boards And Adjudicators, July 25, 2012
- Obstacles To Enforcement Of The Arbitral Award In Various Jurisdictions - A Panel Discussion, June 27, 2012
- A Hands-on Workshop: Gaining Applicable Insight Into Drafting An Effective Arbitration Clause, May 21, 2012
- The Role Of An Efficient Dispute Resolution System In India's Modern International Economy, January 21, 2012
- Courtroom Skills, April 2, 2011
- The Distinguished Business Leaders Series, October 22, 2010
- Construction Dispute Resolution - Is It Broken Or Can It Be Fixed?, October 5, 2010
- Support Of The Singapore Courts For Arbitration, June 23, 2010
- How To Get The Best Results In International Arbitration For Your Company - Without Breaking The Bank, May 12, 2010

Memberships

- Member, The Law Society of Singapore
- Member, Singapore Academy of Law
- Member, Society of Construction Law, Singapore
- Member, International Bar Association

Prior and Present Employment

- Managing Partner, Dentons Rodyk & Davidson LLP (formerly Rodyk & Davidson LLP) (2002 - present)
- Helen Yeo & Partners (1992 - 2002)
- Chor Pee & Partners (1992 - 1992)
- Robert W H Wang & Woo (1988 - 1991)

Areas of focus

Practices

- Arbitration
- Commercial Litigation
- Employment Disputes
- Financial Services Litigation
- Intellectual Property Litigation

- Litigation and Dispute Resolution
- Professional Liability Litigation
- Securities and Shareholder Litigation

Industry sectors

- Construction
- Transportation
- Infrastructure and PPP

Education

- Harvard Law School, 1991, Visiting Fulbright Fellow
- Cambridge University, 1986, M.A. (Double First Class Honours), Law

Admissions and qualifications

- Barrister-at-Law, Gray's Inn, 1987
- Door Tenant at 11 King & Bench Walk, Temple, London, 1988
- Advocate & Solicitor, Singapore, 1988