

FEATURE

The Year 2021 in Review



Chief Justice Menon delivering the Opening of Legal Year address on 10 January 2022

2021 will go down in the books as a year of preparation and recovery. If one word could define the year, it would be “hybrid” as local events started to move cautiously into the physical space, with number restrictions as a result of COVID-19 still enforcing an element of the virtual.

Some events at the SICC, notwithstanding their international nature, transitioned to a hybrid format too which saw some judges, counsel and witnesses physically in the courtroom whilst others were on a Zoom platform. However, most of the Case Management Conferences remained in virtual format – allowing much to be achieved and laying important groundwork for future practices. Strengthening the SICC Bench, we welcomed two esteemed International judges, both of whom will take office in 2022.

The year in review also saw the gazetting of the new Rules of Court 2021 and the new SICC Rules, both of which shall come into effect on 1 April 2022. Preparing for an increasingly digital world, the TIC List was also introduced to help deal with complex cases and technology-related disputes involving multiple parties and multiple contracts.

SICC hosted and took part in several international events online in the year, the highlights of which were the SICC Symposium 2021 and the 3rd Meeting of the Standing International Forum of Commercial Courts (SIFoCC).

The SICC in numbers

As of the end of 2021, the SICC had a docket of 83 first-instance matters and of these, 73 were transfers from the Singapore High Court and 10 were fresh filings. It ended the year with 85 first-instance published judgements and 19 written judgements on appeals.

True to its vision of being an international commercial court of repute, the SICC had 76 foreign lawyers on its Register of Foreign Lawyers at the end of the year. This is indicative that the international dispute resolution community continues to recognise and endorse the SICC as a trusted, neutral forum for international commercial disputes.

The following provides a clear snapshot of SICC in 2021 and the fruits of our planning within the year.

The numbers since 2015



73 international & commercial cases transferred



10 fresh filings



85 published judgments – first-instance



19 published judgments – appeals



47 Notices of Appeal



40 Nationalities – parties involved in SICC cases



\$1.2 million – \$1 billion claims



76 registered foreign lawyers (as of 31 December 2021)

Key Milestones in 2021

MAR 2021 SICC Plays Host to the Third SIFoCC Meeting

Provides delegates from 31 countries a unique opportunity to share experiences post pandemic and is an important step in the collaborative effort of Commercial Courts across the world. A key resource is the Multilateral Memorandum on Enforcement of Commercial Judgments for Money.

JUN 2021 Third Party Funding Framework is Extended

Extension of third-party funding framework to proceedings commenced in the SICC, for as long as those proceedings remain in the SICC, and any appeals from those proceedings from 28 June 2021.

NOV 2021 Conditional Fee Arrangement Framework is Proposed

A proposed framework for conditional fee arrangements (“CFAs”) that may be entered into between lawyers and their clients in prescribed proceedings. This liberalisation of the legal landscape in Singapore will strengthen Singapore’s position as an international legal and dispute resolution hub and level the playing field for lawyers practising in Singapore with their counterparts in foreign jurisdictions, who are already able to offer such arrangements.

DEC 2021 Creation of TIC List

The specialised Technology, Infrastructure and Construction List (TIC List) handles complex disputes, including technology-related disputes and those arising from infrastructure and construction projects. It offers additional case management tools suited to complex cases involving multiple contracts, various parties and voluminous evidence.

DEC 2021 Standalone SICC Rules 2021 Gazetted

Aimed at the efficient and expeditious administration of justice and to be implemented in April 2022 following a transitional learning phase.

Justice Yuko Miyazaki



Justice Christopher Scott Sontchi
with effect 4 July 2022



NEWS

SICC announces the appointment of two international judges

The SICC Bench has been further strengthened by the appointment of two eminent international judges, Justice Yuko Miyazaki and Justice Christopher Scott Sontchi. Justice Miyazaki commenced her two-year term on 5 January 2022 and Justice Sontchi will begin his 19-month appointment on 4 July 2022.

Justice Miyazaki has previously served as Justice of the Supreme Court of Japan while Justice Sontchi was previously Chief Judge of the United States Bankruptcy Court for the District of Delaware, and shall soon be completing his tenure as a Judge of the same Court.

SICC Out and About

SICC organises the SICC Symposium 2021 - Trends & Developments in International Commercial Litigation

On 10 March 2021, an international audience gathered via webinar to attend the SICC Symposium 2021, themed “Trends & Developments in International Commercial Litigation”.

The full-day event began at 8:45 am with an opening address by the Honourable the Chief Justice Sundaresh Menon and closed at 6 pm following a highly engaging session “*In Conversation with the Honourable Justice Quentin Loh*”. These two sessions bookended an information-packed seminar divided into four key presentations designed to look at the latest trends and developments in international dispute resolution.



Opening address by the Chief Justice Menon at the SICC Symposium 2021

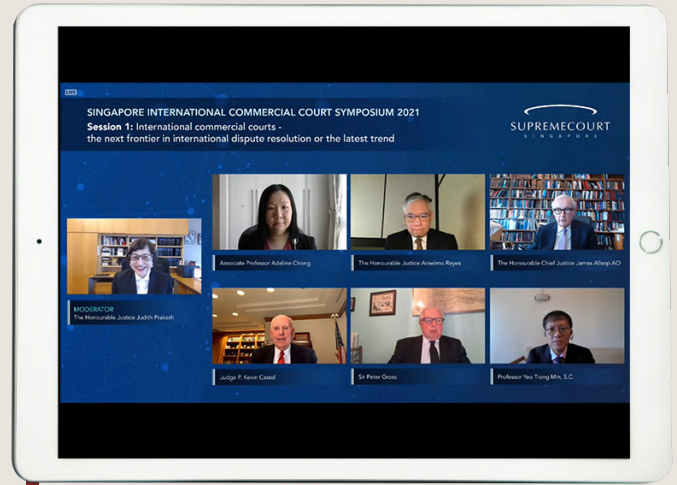
SICC plays host to the third SIFoCC meeting

SICC hosted the third meeting of the Standing International Forum of Commercial Courts (SIFoCC) virtually from 11 to 12 March 2021. Originally scheduled to be held as a physical event in Singapore in 2020, the meeting had to be postponed to 2021 due to COVID-19 travel and social distancing restrictions.

Delegates from 35 courts spread over 31 countries attended online and included chief justices, judges, senior judicial representatives and renowned speakers from across the globe. SIFoCC members engaged constructively on a variety of topics including third-party litigation funding, international best practices in case management and the use of artificial technology and its impact, among other issues of interest.



Lord John Thomas, Chair of the SIFoCC Steering Group giving updates to participants from over 35 jurisdictions



Session 1 of the SICC Symposium 2021 moderated by Justice Judith Prakash

The first session, “*International Commercial Courts - the next frontier in international dispute resolution or the latest trend*” posed the question as to whether international commercial courts are the next frontier in international dispute resolution in light of the influx of international cross-border disputes and the framework for the enforcement of court judgements. Session 2, “*Commercial and Infrastructure Disputes in a Post-Pandemic World*”, discussed the opportunities, trends and developments in commercial and infrastructure disputes, including under the People’s Republic of China’s Belt-and-Road Initiative.

The afternoon session opened with “*The New Singapore International Commercial Court Rules*” and gave an overview of its key features and user perspectives while the final presentation entitled “*The Role of Commercial Courts in Cross-Border Insolvency Disputes*” explored the purpose and promise of commercial courts in the area of cross-border insolvency.



Chief Justice Menon at the third meeting of the Standing International Forum of Commercial Courts (SIFoCC)

The gathering provided judges a unique opportunity to share experiences post pandemic and was an important step in the collaborative effort of Commercial Courts across the world, given the growth in the volume in international trade and investment in recent years. This has resulted in the Multilateral Memorandum on Enforcement of Commercial Judgments for Money signed by 33 jurisdiction – a major breakthrough where each jurisdiction states the documents required and the procedures involved in having a money judgment recognised and enforced. [Click here](#) for the *Multilateral Memorandum*.

SICC organises webinar to explore third-party funding at the SICC and its implications for businesses

The SICC held a webinar on 1 July 2021 to explain the third-party funding (TPF) framework that came into effect on 28 June 2021 and explored with international attendees how more options are now available for dispute resolution at international commercial courts.

TPF covers proceedings commenced in the SICC and is viewed as a timely move, given the rise in the number of disputes taken to court and the number of companies facing insolvency risks due to COVID-19.

Ms Sheila Ahuja, Partner, Allen & Overy LLP, moderated a distinguished panel of speakers, which featured Mr Laurence Wong, Senior Director, SICC; Mr Tom Glasgow, Chief Investment Officer, Asia Omni Bridgeway; Mr Lawrence Teh, Senior Partner, Dentons Rodyk; Mr Vyapak Desai, Head International Dispute Resolution, Nishith Desai Associates and Mr Cameron Ford, Partner, Squire Patton Boggs.

The panel members each gave their different legal and funding perspectives as to what TPF allowed SICC to bring to the table, especially for businesses facing financial constraints. Attendees gained a clear understanding, through the highly engaged hour-long discussion, of the unique advantages of having SICC as a trusted neutral venue for international dispute resolution, as well as the benefits that third-party funding can provide to parties in dispute.

Third-Party Funding at the SICC
A webinar to explore more options for dispute resolution at international commercial courts

Thursday, 1 July 2021 | 4.30 pm - 5.30 pm Singapore Time (GMT +8)
Scan the QR code below to register for the free webinar

REGISTER HERE

Moderator
Ms Sheila Ahuja, Partner, Allen & Overy LLP

Panelists
Mr Laurence Wong, Senior Director, SICC
Mr Tom Glasgow, Chief Investment Officer - Asia, Omni Bridgeway
Mr Lawrence Teh, Senior Partner, Dentons Rodyk
Mr Vyapak Desai, Head International Dispute Resolution, Nishith Desai Associates
Mr Cameron Ford, Partner, Squire Patton Boggs

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Supported by: OMNI BRIDGWAY, ALLEN & OVERY, ACC, DENTONS RODYK, Nishith Desai Associates, SQUIRE PATTON BOGGS

PART OF SINGAPORE CONVENTION WEEK 2021

**"Arbitration in Litigation" :
First Hand Experiences at the
Singapore International Commercial Court**

Monday, 6 September 2021
5.30 pm - 7.00 pm Singapore Time (GMT +8)
via Zoom
Scan the QR code below to register

Moderator
Mr Shaun Leong, Partner, Withers Khattar Wong LLP

Panelists
Ms Marina Chin, Joint Managing Partner, TKGP
Mr Raymond Cox, QC, Fountain Court Chambers, Registered Foreign Lawyer - SICC
Mr Stephen Houseman, QC, Essex Court Chambers, Registered Foreign Lawyer - SICC
Mr Abraham Vergis, SC, Managing Director, Providence Law Asia
Mr Francis Xavier, SC, Regional Head, Dispute Resolution, Rajah & Tann Singapore LLP

Supported by: ESSEX COURT CHAMBERS, Fountain Court, PROVIDENCE LAW, LAWYERS WHO KNOW ASIA, T K Q P, withers khattar wong, ACC, SAL, SCCA Singapore Corporate Counsel Association

Organised by: SICC SINGAPORE INTERNATIONAL COMMERCIAL COURT

Scan the QR code for registration

Arbitration in Litigation – First-hand experiences at the SICC

The SICC brought together an impressive line-up of lawyers via webinar on 6 September 2021 to recount their experiences in the SICC. The speakers shared how the adoption of international best practices by the Court reminded them of arbitration, but with the advantages of joinders and the right of appeal, which inspired the event title. They extolled the efficacy of the judge-led Case Management Conferences which ensured issues were shaped in consultation with counsel, and the absence of “due process paranoia”.

Organised as part of the Singapore Convention Week 2021, the 90-minute webinar engaged attendees with enthralling conversations between Abraham Vergis SC, Francis Xavier SC, Marina Chin SC and Raymond Cox QC, who also discussed ways the SICC could innovate further on its flexible rules and procedural features. The panel also touched on the Court’s supervisory role in international arbitration matters seated in Singapore, which served to enhance the role the SICC is playing in international arbitration with speedy hearing of applications by International Judges, and costs orders based on reasonable costs and not guided by Appendix G of the Supreme Court Practice Directions. The topics up for discussion drew a wide range of questions from the audience throughout the webinar and contributed to an already rich conversation.

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