

Hybrid event  
In-person at NTUC Centre and Virtual via Zoom  
18 April 2023, Singapore

**THE CHARTERED INSTITUTE OF ARBITRATORS (SINGAPORE)**  
invites you to

***"Witness statements – not worth the paper they're written on?"***

**Date: Tuesday, 18 April 2023**

**Time: 5.30pm to 8.00pm**

**(Registration starts at 5.00pm, networking reception from 6.30pm)**

**In-person Venue: NTUC Centre, Level 9 Room 903  
(1 Marina Boulevard, Singapore 018989)  
Virtual via Zoom**

**Speakers: Toby Landau KC, Anneliese Day KC  
Moderator: Timothy Cooke**

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**ABOUT THE EVENT**

The idea of parties exchanging written statements in place of evidence-in-chief emerged first in English litigation in the 1980s. The aim of this development was to allow each party to know in advance the case against them and to promote settlement. In international arbitration today, such statements are sometimes lengthy documents that reflect not so much the recollection of a witness, but the industry of the parties' legal teams to leave no evidential stone unturned, unaddressed or unpolished. In some cases, a witness statement is little more than a proxy for advocacy.

Furthermore, it turns out that memory can be fickle. Not only are we not very good at recollecting something, but how we remember (or misremember) events is influenced by the way in which we are asked about them. The steps taken by parties and their legal advisers to prepare a witness's evidence can therefore have a significant impact on what the witness recalls.

Against this background, how should witness statements be prepared? What matters should be covered in them? What directions should arbitral tribunals give with respect to witness statements? Or should we dispense with them altogether?

We will explore these issues and more in an interactive seminar with Toby Landau KC and Anneliese Day KC in Singapore on 18 April 2023 at 5.30pm at NTUC Centre.

This session will be of interest to international arbitration lawyers, arbitrators and in-house counsel involved in disputes.

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**PROGRAMME SCHEDULE**

5.30pm to 6.30pm: Panel Session

6.30pm to 8.00pm: Networking Reception

## SPEAKERS



### **Toby Landau KC**

Toby Landau KC is a barrister, advocate and arbitrator, and a member of the Bars of England & Wales, Singapore, New York, the BVI and Northern Ireland, and registered in the DIFC. He practises in London as a sole practitioner and in Singapore from Duxton Hill Chambers (Singapore Group Practice). As Counsel, he has argued hundreds of major international commercial, investor-State and inter-state arbitrations, as well as ground-breaking cases in the highest courts of England, Singapore, Hong Kong, Pakistan and the Caribbean. Since April 2012 he has been a member of the Panel of Advisors to the Attorney-General of Singapore. As Arbitrator, he has extensive experience in commercial and investor-State disputes under most of the world's leading ad hoc and institutional rules. He is Visiting Professor at Kings College London; a Vice President of the SIAC Court of Arbitration; Member of the Governing Board of ICCA; Fellow of the CIArb and Chartered Arbitrator; Vice-Chairman of the Saudi Centre for Commercial Arbitration; UK delegate to the UNCITRAL Working Group on Arbitration (1994-2013); a draftsman of the English Arbitration Act 1996. He holds a first-class law degree and a first class BCL from Oxford University (Eldon Scholar), and an LL.M. from Harvard Law School (Kennedy Scholar).



### **Anneliese Day KC**

Anneliese is a "leading lawyer of her generation" who is regularly instructed as both counsel and arbitrator in some of the most complex and high value matters to proceed by way of arbitration.

Named by Chambers & Partners as 'International Arbitration Silk of the Year' in 2020, and by The Legal 500 as 'Silk of the Year' in 2022, Anneliese has extensive experience across several jurisdictions and a range of arbitral institutions including DIAC, ICC, ICSID, LCIA, LMAA, SIAC and the SICC, as well as in ad hoc references. She is described as "a true star of the Bar and a first-class arbitrator to boot" and "absolutely first class in every conceivable aspect of an arbitrator's practice and art". She is a Fellow of the Chartered Institute of Arbitrators, a member of the LCIA Court and on the SIAC Panel of Arbitrators.

Anneliese is ranked for her arbitration work by Chambers & Partners and The Legal 500 across the UK and Asia Pacific. She is also recognised as one of a limited number of 'Stars at the Bar' by Chambers & Partners.

## MODERATOR



### **Timothy Cooke**

Timothy Cooke is an international arbitration barrister and partner at Reed Smith. He acts as counsel and arbitrator in arbitrations under the rules of the leading arbitral institutions with a focus on investment disputes in a wide range of sectors and across jurisdictions in Asia. He has particular experience in complex joint venture and shareholder disputes, cases involving energy and natural resources, entertainment and media, and transportation.

Timothy appears in all the leading legal directories for international arbitration, including Chambers & Partners and The Legal 500 in Singapore and South-east Asia. He is the author of International Arbitration in Singapore: Legislation and Materials (Sweet &

Maxwell), and designed and coded the Reed Smith Arbitration Pricing Calculator mobile application which was shortlisted for "Best Innovation" at the 2022 GAR Awards, and for which he is shortlisted for the Legalweek 2023 Innovator of the Year Award.

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**The Chartered Institute of Arbitrators (Singapore)**

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