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In the Hot Seat

with Sean Yu Chou



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How would you describe yourself in three words?

Using instead some terms to describe wine:
"Light-bodied" – like wines with less alcohol and tannin, approachable with ease
"Structured" – I would like to think I am well-organised and hopefully, with a sense of purpose!
"Not-corked!" – thankfully, not spoilt or weird!

How did you first get involved in arbitration work? What attracted you to the field?

This was in 1998, a year after I joined WongPartnership. I was then an associate and was drafted in together with other luminaries such as Justice Andre Maniam and Nish Shetty into a team to assist Wong Meng Meng SC in advising a group of Asian airlines against a global airline reservations system provider. This was an ICC arbitration (seated in London) and the dispute spawned off various actions in the US courts. We instructed Peter Goldsmith KC as lead counsel in the arbitration and worked with Cravath Swaine and Moore on the US law aspects, and our opponents were Boies & Schiller and an up-and-coming junior called Toby Landau.

Suffice to say, the opportunity to work with and go up against prominent international counsel and argue before leading arbitrators was an extremely exciting dimension.

What is the most memorable arbitration or arbitration-related matter that you were involved in, and why?

I led the team from the firm on the Astro v Lippo dispute. We were involved from day one of the dispute. It provided many exciting moments and I gained many valuable insights into the good (and bad) of international commercial arbitration. The matter had everything a practitioner would yearn for – a complex arbitration (with leading counsel and a prominent tribunal), domestic court scraps, regulatory interventions and hard-fought enforcement proceedings. There was sufficient material for each of chapter A to Z of an international commercial arbitration textbook. Unfortunately, it did not have the perfect happy-ending as we lost on enforcement – that would have been the icing on the cake.

You have worked as both a litigator and an arbitrator. What have you learned from litigation that has made you a better arbitrator, and vice versa?

Oral advocacy is fundamental in litigation. That aspect is sometimes overlooked in arbitration. I am often puzzled when counsel sometimes present very perfunctory oral opening speeches (for instance, simply reading through PowerPoint slides at break-neck speed) or decline having oral closing hearings. These are the golden opportunities to highlight the positive points of your case or attempt to rebut difficult aspects. When I sit as an arbitrator, I try to place special emphasis on the oral speeches.

Having had the opportunity of sitting on the other side of the fence, so to speak, I believe I have a better sense of what Judges look out for when listening to counsel.

What advice do you have for a young fellow practitioner interested in arbitration work?

Many years ago, a very senior Judge advised me when I was about to start out in practice that there is simply no substitute for hard work. I think his advice still holds true today. Try also to develop from an early stage a strong understanding of arbitration. The courses run by institutions such as SIArb are extremely valuable in your journey as an arbitration practitioner.

What are the challenges you think arbitration practitioners will face in the upcoming years?

Whilst it is not exactly a challenge in the absolute sense, I do think that there will be a sizeable increase in disputes being resolved in international commercial courts, moving away from international arbitration. Arbitration practitioners may need to re-equip themselves.

Who is the person(s) who has had the greatest impact and/or influence on your career?

My late senior partner, Alvin Yeo SC. He was both a mentor and brother.
Christopher Chuah wrote a great song in Alvin's memory, and this extract from the chorus summed him up perfectly:

"Always kind with his words
Always generous with his time
A giant of a man
A gentleman and friend"

If you weren't in your current profession, what profession would you be in?

My close friends all believe I probably would have ended up in the wine trade.

As part of your work, you have had a chance to travel to different countries. Where would you like to return as a tourist (with no work obligations)?

Scotland, for golf and whiskey

What is one talent that not many people know you have?

I can cook (fairly well) several Malay dishes. This life-skill was acquired during my university days when I had the immense pleasure of assisting my flat-mate's mother in the kitchen. She will spend a couple of weeks with us, bringing with her a suitcase-load of spices and ingredients. She taught me all the rudiments of Malay cooking, right from how to prepare rempah from scratch to cooking techniques.