



# Forum on ADR: **BEST PRACTICES AND NEW NORMS**

**THURSDAY, 24 JUNE 2021 | 3.00 PM - 4.30 PM**

*Speakers*



**ARUN KASI**

*Head of Firm,  
Arun Kasi & Co*



**DR. MUHAMAD  
HASSAN AHMAD**

*Assistant Professor,  
International Islamic University  
Malaysia (IIUM)*



**EDWARD KURUVILLA**

*Senior Associate,  
Christopher & Lee Ong*

*Moderator*

By attending the forum, participants will be able to:

- Know the benefits of opting for alternative dispute resolution in settling disputes
- Be familiar with various alternative dispute resolution mechanisms
- Get an insight on the latest trends in alternative dispute resolution
- Understand arbitration under the LMAA Terms 2021, the latest set of major international arbitration rules that came into effect on 1 May 2021

**COMPLIMENTARY**

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## SPEAKERS PROFILE

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### **ARUN KASI**

*Head of Firm, Arun Kasi & Co*

Mr Arun Kasi is a practising lawyer in Kuala Lumpur, specialising in maritime law. He regularly appears before all levels of courts and arbitral tribunals. He is an arbitrator in the panels of AIAC and Thailand Arbitration Centre (THAC), an adjudicator in the panel of AIAC, and a member of London Maritime Arbitrators Association (LMAA). He has written numerous books and articles in maritime law and arbitration. This includes his books on the law of carriage of goods by sea and on arbitration.



### **DR. MUHAMAD HASSAN AHMAD**

*Assistant Professor, International Islamic University Malaysia (IIUM)*

Dr. Muhamad Hassan Ahmad is an Assistant Professor at Civil Law Department, Ahmad Ibrahim Kulliyah of Laws (AIKOL), International Islamic University Malaysia (IIUM). He holds LLB, MCL, and PhD. He has a special research interest in Public International Law; Private International Law; Alternative Dispute Resolution; and Jurisprudence. He has published a number of research articles in various local as well as international academic journals and presented several research papers at numerous local as well as international conferences.

## MODERATOR PROFILE

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### **EDWARD KURUVILLA**

*Senior Associate, Christopher & Lee Ong*

Edward Kuruvilla's practice covers all areas of dispute resolution including arbitration, mediation and negotiation. He regularly appears at all levels of the Malaysian Courts. An avid writer, Edward Kuruvilla works closely with various leading law publications as author and contributor. Edward Kuruvilla is presently a Council Member of the Malaysian Institute of Arbitrators, elected to serve until 2022. He is also an accredited Mediator with the Malaysian Mediation Centre.

# WHO SHOULD ATTEND

- Lawyers
- Academicians
- Students
- Researchers
- General Public
- In-House Counsels
- Related Government Bodies

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# FORUM ON ADR: BEST PRACTICES AND NEW NORMS

BY

**DR. MUHAMAD HASSAN AHMAD**

Assistant Professor

International Islamic University Malaysia (IIUM)

**24 JUNE 2021 (THURSDAY)**

**3.00 PM - 4.30 PM**



*Garden of Knowledge and Virtue*  
The Premier International Islamic Research University

# IMPACTS OF COVID-19 PANDEMIC ON THE 'ADR' INDUSTRY

- The recent technological advances, especially related to information technology (IT), to be even more specific Artificial Intelligence (AI), trigger the emergence of the Fourth Industry Revolution (IR4.0) which is very dynamic and progressive to the extent most of the major industries in the world have no option left but to transform the industry accordingly in order to survive in the IR4.0 era.
- Therefore, even well before the pandemic, we witness disruption in various industries.
- Taxi or Cab industry: Grab locally, and Ubar and many more internationally.
- Hospitality industry: Booking.com, Agoda, Trivago, Air bnb and so on become the major websites where people book hotels rather than traditional way of booking.

# CONT.

- People in general begin to speculate how their current profession will be affected by the IR 4.0 and look for the ways and means to stay relevant in the future.
- Then, as an academic who has ventured into IT to some extent, I start thinking how the educational industry would also be impacted by the IR 4.0.
- There I observe that the legal education can be conducted online as a whole through both synchronous and asynchronous learning.
- I have co-authored an article entitled: “Transforming Legal Education in the Era of Fourth Industrial Revolution (IR4.0)” presented the paper at the ‘International Conference on the Future of Law and Legal Practice (ICFLP) 2019’ organised by Taylor’s University and later published in CLJ Volume 2, 2020 which was in coincident with the beginning of the Covid-19 outbreak in Malaysia.
- This article presents an overview framework on how legal education can be delivered totally online.

# CONT.

- During the above mentioned Conference in 2019 which was before the Covid-19 Pandemic, the paper was presented to a group of Professors from various universities in the UK and some other academics, there were concerns were raised on how this can be done including the recognition form the regulators and relevant stakeholders, such as, for example, in Malaysia, the Ministry of Education, the MQA, the LPQB, the Malaysian Bar, and so on.
- Fortunately or unfortunately, during this Covid-19 pandemic, all academic works have been done online without much concerns.

# CONT.

- In this regard, allow me to recall the profound speech delivered at the Opening of the Legal Year 2019 by the former Chief Justice of Malaysia, Tan Sri Richard Malanjum, who mooted that:
  - “[T]he legal profession must embrace technology. There is no option. It is coming soon to the legal profession. Adapt or be dropped”.
- Thus, the ADR, as a dispute resolution industry, is no exception and it has to go through transformation in the IR 4.0 era regardless of the occurrence of the COVID-19 pandemic.



# 'NEW NORMAL' & 'NEW NORMS'

- ADR mechanisms are traditional methods of resolving disputes, and still continuing in original or modified forms.
- Thus, ADR mechanisms are not something new to human civilisations as these have been practiced in various parts of the world since the beginning of the history of mankind.
- It is therefore imperative to take note at this juncture that these mechanisms are termed as alternative dispute resolution not simply because these are 'alternative to going to court systems'.
- These mechanisms are not alternative in genuine sense as these are, in fact, the 'mainstream dispute resolution mechanisms' in any given human society since time immemorial.
- As I have said earlier that the ADR industry has to transform to stay relevant in the IR 4.0 era, it has to adapt various forms of "new norms".

# CONT.

- For example, in the administration of justice, former Chief Justice of Malaysia, Tan Sri Richard Malanjum noted in the Opening of the Legal Year 2019 that:
  - “We noticed the inconveniences of lawyers in coming to courts just to get hearing dates, the congested parking areas, carrying heavy bags. We responded with the use of technology in the 4<sup>th</sup> Industrial Revolution as technology is the way to go. We introduce the E-review in case management... Video Conferencing will be available between Kuala Lumpur, Penang and Shah Alam. It will be expanded to other areas soon. And in the pipeline is the idea of Virtual Court and the use of hologram technology instead of video conferencing. The use of Artificial Intelligence (AI) is also in our radar”.

# CONT.

- If such a complex court system or administration of justice can be done online without needing all the respective parties to be present physically in one place, I do not foresee any reason why the ADR methods should not be done online.
- When we say the ADR industry has to adapt “new norms”, it is not much on the mechanisms of ADR but more towards the ways these methods are carried out such as how the cases are being registered; how to conduct verification of facts, documents and parties; how to conduct hearing sessions; how to finally reach to a settlement.
- In fact, all of these can be conducted through online platforms that are readily available to the public.
- Of course, this still need to be tailored to suit the respective industry in which the relevant ADR method is being used either “arbitration” or “mediation”.



# THANK YOU