

CAMBODIA COMMERCIAL COURTS SYMPOSIUM

***Operationalizing Effective and Efficient Commercial Courts
 Sharing Experiences on Good Practices, Challenges and Lessons Learned***

Tuesday, 29 November 2022
Royal Ballroom, Raffles Hotel Le Royal
Phnom Penh, Cambodia
In-Person (except speakers linking in virtually)
Simultaneous interpretations will be provided in Khmer and English

PROGRAM

OPENING CEREMONY

8:30 – 8:45 am
(Phnom Penh time)

National Anthem

Opening Remarks

Ms. Jyotsana Varma, Country Director, Cambodia Resident Mission, Asian Development Bank (ADB) (5 mins)

H.E. Chiv Songhak, Secretary of State, Cambodia Ministry of Justice (5 mins)

PLENARY SESSIONS

8:45 – 10:15 am

Plenary Session 1: Challenges and Solutions in Creating Effective Commercial Courts

Moderator: Ms. Fiona Connell, Team Leader, Commercial Law, Judicial Capacity Building Program, ADB (consultant)

- **H.E. Mong Monichakriya, President of Appeal court of Tboung Khmum region:** Courts in Cambodia and Challenges and Solutions in planning Cambodia's specialized commercial court
- **Justice Gaetano (Tony) Pagone,** Commercial Court Judge (ret), Australia Federal Courts - *Lessons Learned from Establishing Commercial Courts in Australia*
- **Judge Bernard Rix,** Commercial Court judge (ret), Commercial and Admiralty Courts of England and Wales - *Lessons Learned in Case Management in Commercial Court Cases*

10:15 – 10:40 am

Break and Group Photo

10:40 – 11:30 am

Plenary Session 2: Commercial Court Practices – Convergence and Divergence and Establishing a Commercial Court

Moderator: Justice Tom Crabtree, National Judicial Institute of Canada

- **Remarks: Justice Tom Crabtree**, Chief Judicial Officer, National Judicial Institute of Canada
- **Judge Ulrike Willoughby**, Presiding Judge, Court of Appeal Frankfurt/Main, Germany – Commercial Court Practices: Convergence and Divergence
- **Mr. Christopher Campbell-Holt**, Registrar of Astana IFC Court - *How to Start from Scratch: Sequencing a New Commercial Court and Running it in its Early Years*

11:30am – 12:00 pm

Plenary Panel Discussion (all plenary speakers)

12:00 – 1:15 pm

Lunch Break (Le Phnom 1929)
 (Hosted by ADB)

1:15 – 2:00 pm

Plenary Session 3: Models of Commercial Courts and Foundations of Court Technology

Moderator:

Mr. Ljubomir Petruljeskov, Court Development Expert

- **Mr. Ljubomir Petruljeskov**, Court Development Expert - *Experiences and Lessons Learned in Developing Courts in Europe*
- **Dr. Mary Mitsi**, Director of Executive Education, Centre for Commercial Law Studies, Queen Mary University London (*remote participation*) - *Presentation on Models of Commercial Courts*
- **Mr. Simone Ginzburg**, Expert in E-Justice Planning and Implementation (*remote participation*) - *Sequencing IT in Commercial Courts*

2:00 - 2:20 pm

Plenary Session Q&A

2:20 – 2:30 pm

Concluding Session: Remarks and Recommendations

- **Ms. Christina Pak**, Principal Counsel and Team Leader for Law and Policy Reform, ADB - ADB Regional Technical Assistance on Strengthening Judicial Capacity Towards Sustainable Economic Development in Asia and the Pacific
- **H.E. Chiv Songhak**, Secretary of State, Cambodia Ministry of Justice

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DEEP DIVE SESSIONS WITH COMMERCIAL COURT PREPARATORY COMMITTEES
(closed small-group session; by MOJ invite only)

3:00 – 4:00 pm

Small Group Discussion Session 1: Structure, Jurisdiction and Organization of Commercial Courts

Moderator: *Justice Tom Crabtree, National Judicial Institute of Canada*

Opening remarks from MoJ committee leader (5 minutes)

MOJ is requested to submit questions and discussion topics before the meeting and is warmly welcomed to raise further questions during the small group discussion

Participants:

- *Representatives from MOJ's general preparatory committee for designing and establishing a specialized commercial court*
- *Representatives from MOJ committee drafting rules of procedure for the specialized commercial court*
- *International experts*
- *ADB team*

4:00 – 4:15 pm

Break

4:15 – 5:15 pm

Small Group Discussion Session 2: Procedures in Commercial Courts - Efficiency and Fairness

Moderators: *Justice Tom Crabtree, National Judicial Institute of Canada*

Opening remarks from MoJ committee leader (5 minutes)

MOJ is requested to submit questions and discussion topics before the meeting and is warmly welcomed to raise further questions during the small group discussion

Participants:

- *Representatives from MOJ's general preparatory committee for designing and establishing a specialized commercial court*
- *Representatives from MOJ committee drafting rules of procedure for the specialized commercial court*
- *International experts*
- *ADB team*

5:15 – 5:25 pm

Concluding Session: Remarks and Recommendations

- **Ms. Christina Pak**, Principal Counsel and Team Leader for Law and Policy Reform, ADB - ADB Regional Technical Assistance on

Strengthening Judicial Capacity Towards Sustainable Economic Development in Asia and the Pacific

- **H.E. Chiv Songhak**, Secretary of State, Cambodia Ministry of Justice

CONCLUSION OF SYMPOSIUM

Symposium Speakers



Christopher Campbell-Holt

*Registrar, Chief Executive
 Astana International Financial Centre (AIFC) Court*

Christopher Campbell-Holt is the Registrar and Chief Executive of the AIFC Court. He is also Enforcement Judge of the AIFC Court. He is responsible for the day-to-day management and administration of the Court and case management of litigation before the Court to the extent delegated or directed by the Chief Justice. As Enforcement Judge he is responsible for issuing execution orders of Court judgments and orders.

He managed the establishment of the AIFC Court and IAC from initial concept to recognised stand-alone premier international dispute resolution institutions in Eurasia. He is a member of the AIFC Legal Advisory Council, which reviews and approves AIFC law modelled on the common law. He is a member of the International Council of the Supreme Court of the Republic of Kazakhstan, which advises on reform of the Kazakh courts and dispute resolution.

He has 20 years of international legal experience gained while living and working in the UK, US, Middle East and Central Asia. He was the Registrar at an international financial centre commercial court and alternative dispute resolution centre in Qatar and has advised many Governments and organisations on common law and dispute resolution institutions development including in the Middle East, Central Asia, Eastern Europe and South America.



Fiona Connell

*Consultant and Team Leader
 Commercial Judicial Capacity Building Program
 Asian Development Bank*

Fiona Connell has practiced law in Asia for over 25 years and has extensive experience in both commercial and sovereign transactions in many ADB member countries. Her early career in the private sector focused on syndicated debt, project finance and infrastructure development, primarily energy infrastructure, and she also worked on foreign direct investment and other commercial and corporate transactions. After joining ADB's legal department in 2010, Fiona practiced in both the sovereign and private sector arms of the bank. She also became engaged in ADB's law and policy reform work, particularly after she joined the PRC Resident Mission in 2013. She worked with PRC government agencies including the Supreme People's Court on legislative improvements and capacity development in financial regulation, PPP, environmental jurisprudence and judicial use of technology. Fiona is also a mediator and arbitrator. She currently heads the commercial law component of ADB's regional technical assistance program: Strengthening Judicial Capacity Towards Sustainable Economic Development in Asia and the Pacific.



Justice Tom Crabtree

*Chief Judicial Officer
 National Judicial Institute
 Canada*

An accomplished jurist and strong advocate of judicial professional development, Justice Crabtree joined the NJI as Chief Judicial Officer after having served on its Board of Governors as a representative of the Canadian Council of Chief Judges. He has had a distinguished career on the bench. First appointed to the Provincial Court of British Columbia in 1999, he became Chief Judge in 2010. He was appointed to the Supreme Court of British Columbia in 2018. Throughout his career, Justice Crabtree has shown a deep interest in Indigenous issues. While Chief Judge in B.C., he worked with Indigenous communities to develop five new Indigenous Sentencing Courts and a new approach to resolving cases involving Indigenous children in care. He has also pioneered the use of technology not only to make the work of his Court more transparent, accessible, and efficient, but also to engage with the public. Justice Crabtree has contributed to many judicial education initiatives in Canada and abroad. He has been active on court education committees, as a member of the judicial planning committee for numerous NJI national programs, and as a valued faculty member.



Simone Ginzburg
Independent Consultant
E-Justice

Simone Ginzburg is an Italian independent consultant on e-justice and improvement of Justice sector delivery based in Sarajevo, Bosnia and Herzegovina (BiH). Since 1998 he has worked in international cooperation and assistance projects. Between 2005 and 2011 he conceived and subsequently led the development and deployment of two complex information systems in the BiH justice sector, both still in use. Since 2013, he has been engaged as a free-lance expert and advisor for different international organizations, including the European Union, the Council of Europe and its Commission for Efficiency and Quality of Justice (CEPEJ), and for several bi-lateral donors' projects aimed at improving the efficiency and quality of Justice in Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, Kosovo, Malawi, Malta, Montenegro, Morocco, Romania, Serbia, Uganda and Ukraine. He is part of the CEPEJ Cyberjustice pool of experts.



Jesse Mark
Digital Education Counsel
Canada National Judicial Institute (NJI)

Jesse Mark is Digital Education Counsel at Canada's National Judicial Institute (NJI) where he is tasked with producing innovative, online learning experiences for judges, with a focus on issues impacting vulnerable populations. Jesse has an academic background in both education and information systems. Before joining the NJI, Jesse worked for Legal Aid Ontario's public legal education clinic to create plain language digital products that help people understand and exercise their legal rights. Outside the world of digital and online education, Jesse has also planned and delivered countless legal rights and pedagogy workshops for both legal and non-legal audiences. Earlier in his legal career, Jesse was a test case litigator for one of Canada's leading youth advocacy organizations. He successfully spearheaded several precedent-setting cases that reshaped critical aspects of youth law.



Mary Mitsi
Director of Executive Education
Centre for Commercial Law Studies (CCLS)

Mary Mitsi is a Lecturer in Commercial Law specialising in International Arbitration. She teaches in the LLM programme in London and Paris and in particular courses on; Alternative Dispute Resolution', 'Conflict of Laws, 'Commercial Arbitration', 'International Investment Arbitration', 'EU Law'. Mary's publications include the monograph on 'The decision-making process of Investor-State Arbitration Tribunals' (Kluwer Law International 2019) and the article 'European Federation for Investment Law and Arbitration (EFILA) A response to the criticism against ISDS' (Mary Mitsi at als JOIA (Journal of International Arbitration) - (2016) 33 J. Int. Arb. 1). She has also worked as a project assistant for the Joint QM-ICCA Task Force on Third Party Funding.

Mary is the Director of Executive Education at CCLS contributing to the training of industry professionals. She delivers training programmes for practitioners, government officials, and courts. She has also led and worked on projects by the European Bank for Reconstruction and Development and other international institutions.

Mary has experience with arbitral practice in civil and common law systems and has worked on international arbitration cases (LCIA, ICC, HKIAC, ICSID). She is admitted to practice as an Attorney (Thessaloniki Bar Association) and she has also served in the past as Special Legal Advisor at the Greek Ministry for Development advising on issues relating to competition law and Entrepreneurship.



Hon. Gaetano Tony Pagone

Justice

Former judge of the Supreme Court of Victoria and also the Federal Court of Australia

The Hon. Justice Gaetano Tony Pagone practises in arbitration, mediation, and advice. His chambers are located on the 18th floor of Owen Dixon Chambers West. He retired from the Federal Court of Australia where he had been the national co ordinating judge of the Taxation National Practice Area. Before his appointment to the Federal Court, he was a judge of the trial division of the Supreme Court of Victoria and had been the judge in charge of the Commercial Court of that Court.

He graduated from Monash University in 1979 with a Bachelor of Laws and from Cambridge University with a Master of Laws in 1983. In 2014 he was awarded an LLD from the University of Melbourne for his research and published work on anti-tax avoidance provisions. He was admitted in Victoria as a legal practitioner in 1980, signed the roll of counsel in 1985, and was appointed Queen's Counsel for Victoria in 1996. He practised widely in taxation law, commercial law, administrative law, constitution law, public and human rights law during his career at the Bar. He was also Special Counsel to the Australian Taxation Office between 2002 and 2004. He is a professorial fellow of the Melbourne Law School and lectures in several post-graduate courses at the Melbourne Law School and from time to time in the Law Faculty at Monash University. He was the President of the International Association of Judges and had been on the board of the International Association of Tax Judges.



Christina Pak

Principal Counsel and Team Leader

Law and Policy Reform Program

Asian Development Bank

Christina specializes in international development finance, law and policy reform, dispute resolution and ESG standards and drives thought leadership on sustainable development issues. She is currently Principal Counsel of the Asian Development Bank and manages the Office of General Counsel's Law and Policy Reform Program which designs and implements legal and judicial reform technical assistance projects across the Asia and the Pacific region. Christina oversees a diverse portfolio in the areas of environmental protection and climate change, gender equality, private sector development, public-private partnerships, and digital economy. She also serves as ADB's Accountability Mechanism Policy Counsel advising the Board of Directors, the Office of the Compliance Review Panel and the Office of the Special Project Facilitator. In her previous role as a project counsel at ADB, Christina worked on complex multi-sector projects in Central Asia, Southeast Asia and East Asia regions. Prior to joining ADB, Christina was a legal counsel and vice president for markets and international banking at a UK bank based in Singapore and a finance associate at a large law firm in New York City. She is currently a Steering Committee Member of the IUCN World Commission on Environmental Law and a Member of the Chartered Institute of Arbitrators. Christina is a US-qualified lawyer, admitted in the States of New York and New Jersey.



Ljubomir Petruljeskov

Court Development and Capacity building Expert (Consultant)

Asian Development Bank

Ljubomir Petruljeskov is an experienced international development professional with a multidisciplinary academic background. He is an ADB consultant delivering technical assistance projects on court reform, commercial law, capacity building for legal professionals and ADR. Ljubomir has consulted on projects in the EU, Eastern Europe, and Central Asian countries. For the last 20 years he has been working with international financial organizations in the fields of retail and corporate banking, commercial law, training methodologies and partnerships and resource mobilization.

Ljubomir Petruljeskov is a Weinstein JAMS International fellow and has an MBA degree from UBI Belgium.



Bernard Rix
Arbitrator
Twenty Essex

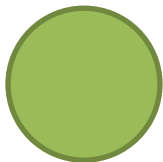
Sir Bernard is a full-time arbitrator at Twenty Essex accepting appointments under all major institutional and ad-hoc rules in seats across the globe. He has accepted appointments as an arbitrator and mediator in a wide variety of settings, including oil and gas, shipping, insurance, sale of goods, and share purchase transactions. He has acted as an expert witness, mock arbitrator and special master in the US federal courts as well as sitting as a member of the Singapore International Commercial Court and Cayman Islands Court of Appeal. Sir Bernard retired in 2013 as a Lord Justice of Appeal of England & Wales with 20 years' experience in the Commercial Court and the Court of Appeal.

In addition, Sir Bernard is Professor at the Centre for Commercial Law Studies at Queen Mary and an honorary fellow of the British Institute of International and Comparative Law. Sir Bernard has been a director of the London Philharmonic Orchestra and has participated in a performance of *Der Rosenkavalier* at the ENO.



Jyotsana Varma
Cambodia Resident Mission Country Director
Asian Development Bank

Jyotsana Varma has been working in the development arena for 29 years—12 years with the Asian Development Bank and 17 with government—spanning the spectrum of development policy, project development and implementation, and regional cooperation. She joined ADB in 2009 in the corporate secretariat, moving on to the Southeast Asia department to serve in the Greater Mekong Subregion secretariat. In 2017, she moved to a field assignment in Bangladesh in the South Asia department where she worked closely with the government and other stakeholders for five years to develop a strong and diverse pipeline and ensure smooth operations. Before joining as country director in Cambodia in July 2022, she briefly led the Maldives team, managing the country coordination office, and coordinating the country program and portfolio. Before joining ADB, in the Indian civil service since 1992, she led large district and state teams to implement social sector projects, and served in the policy advisory team of the Indian Finance Minister.



Judge Ulrike Willoughby
Presiding Judge
Court of Appeal Frankfurt/Main, Germany

Judge Ulrike Willoughby is the Presiding Judge of the Court of Appeal Frankfurt/Main, Germany.

She started her law career as an international tax law practitioner with Cleary, Gottlieb, Steen & Hamilton in Frankfurt/Main. She later joined the judiciary as Judge in the Regional Court of Frankfurt/Main. She was Presiding Judge for the Regional Court of Frankfurt/Chamber for Commerce for eight years and concurrently the Presiding Judge of the Regional Court Frankfurt/Main, International Chamber for Commerce for four of those years. She then became Presidential Judge of the Regional Court of Frankfurt/Main from 2020-2021 and Judge of the Court of Appeal Frankfurt/Main early this year before she assumed her current position as Presiding Judge of the Court of Appeal of Frankfurt/Main, Germany. The court she presides over decides appeals against judgements and other decisions of Chambers of Commerce of 5 different regional courts in the State of Hesse.