



Jimmy Yim, SC, PBM
Deputy Chairman, Drew & Napier LLC
Managing Director, Dispute Resolution

LL.B. (Hons), National University of Singapore (1982)
 LL.M., National University of Singapore (1990)
 Advocate & Solicitor, Singapore (1983)
 Solicitor, England & Wales (1997)
 Appointed Senior Counsel (1998)
 T: +65 6531 2505 F: +65 6533 9029 E: jimmy.yim@drewnapier.com

ABOUT JIMMY YIM

Jimmy Yim is Deputy Chairman of Drew & Napier LLC and the Managing Director of Singapore's most celebrated Dispute Resolution practice. Mr Yim also heads the firm's Construction and Engineering practice group.

Mr Yim graduated with top honours from the National University of Singapore in 1982, interned at Baker & McKenzie in London and Hong Kong and made associate at another leading practice from 1983 to 1985. From 1985 to 1988, he was appointed Regional Director, The International Confederation of Societies of Authors and Composers. Mr Yim returned to private practice at Drew & Napier in 1989, made partner in 1991 and was conferred Senior Counsel in 1998.

Mr Yim has built up over three decades of experience in civil and commercial law and international arbitration. His experience in trials and international arbitration ranges from energy projects, building and construction, to companies and joint-ventures.

As a leading dispute practitioner, he is recommended by name in leading legal publications such as *Chambers & Partners*, *Asia Pacific Legal 500*, and *Asialaw Profiles*.

EXPERIENCE

Mr Yim's experience in **international arbitration** ranges from disputes concerning energy projects, building construction, pharmaceutical contracts, distributorship agreements and joint-venture contracts of various kinds. Some of his notable arbitration cases include:

- Successfully recovered millions of dollars for a Norwegian corporation in an arbitration resulting from a marine accident in the

South China Sea. The dispute involved issues of seaworthiness of vessels, obligations under the International Convention for the Safety of Life at Sea 1974 and gross negligence.

- Acted for the respondent, Vietnamese state-linked entity (employer) against the claimant Chinese state-linked construction company (contractor) in a VIAC arbitration over a hydro-electric dam project in central Vietnam. The claimant raised a litany of claims against the respondent essentially justifying their termination of the FIDIC-based contract. The complexity and scale of disputes in this massive project required close cooperation with quantum and delay experts and a detailed understanding of the construction process of hydro-electric dams and the use of tunnel-boring machines.
- Successfully acted for a Japanese corporation in a joint-venture dispute with a Hong Kong public-listed corporation over solid waste disposal systems and incineration plants where the claims exceeds US\$10 million and the contract is governed by Japanese law.
- Successfully defended a Malaysian conglomerate in a multi-million dollar ICC arbitration against a Thai company over the design, installation and commissioning of a steam boiler in Thailand. The dispute was governed by Thai law and involved issues of commissioning, emission standards, contractual breaches and negligence.
- Presently acting for an Indonesian high net worth individual in resisting claims from an Indian energy conglomerate in relation to a dispute over the development of 3 coal mining concessions in South Sumatra. The arbitration required extensive arguments on

multiple aspects of the infrastructure work associated with developing and operating a greenfield coal concession in Indonesia.

- Successful outcome for a Japanese corporation in a multi-million dispute between joint-venture partners over the sale and implementation of energy management systems to State Electricity Boards in India governed by ICC Rules. The claims included allegations of fraud, misrepresentation, misuse/conversion of intellectual property and loss of opportunity. The joint venture was governed by Japanese law.
- Acting for the respondent, a Korean construction corporation, in an ad hoc arbitration under the UNCITRAL Rules 2010 against the claimant, an Indian state-linked petrochemical company. The dispute relates to the aborted construction, on an EPC+L basis, of a High Density Polyethylene Plant in a petrochemical complex in India.
- Successful outcome for a Malaysian Government Linked Company that is advancing claims against its Chinese joint venture partner for breaches of a US\$45 million joint venture agreement in the heavy industry sector. This is a unique case, involving issues relating to the Chinese national policy for the entry of foreign investment in a predominantly Chinese industry.
- Successfully resolved a S\$20 million dispute over the collapse of a cement silo in Singapore arbitrated under SIAC Domestic Rules involving issues of negligence, novus actus interveniens and damages for notional repair. This case included 2 appeals to the Court of Appeal (allowed under SIAC Domestic Rules), which were both successfully argued by Mr Yim – [2004] 4 SLR 353 / [2004] SGCA 40 – Salcon Ltd v United Cement Pte Ltd.
- Successfully resolved a multi-million dollar dispute over the construction and delivery of boilers for a power plant project in Thailand. The arbitration was governed by the ICC Rules and it involved issues of build-to-order specifications, international product & material safety standards and the right to reject delivery governed by Thai law.
- Advised on a US\$200 million dispute over the construction and launch into orbit of a telecommunications satellite under UNCITRAL Rules. The dispute involved issues of delay, rescission of contract and force majeure due to inter alia a United States Department of State Public Notice prohibiting the launch of U.S. satellites by rockets from the People's Republic of China which was amicably settled.
- Successfully defended a US\$10 million claim over the licensing of data gathering & retrieval software arbitrated under ICC Rules involving issues of fraudulent misrepresentation and anticipatory breach governed by Thai law.
- Successfully defended a US MNC (a worldwide leader in IT and networking) in a multi-million dollar claim arising from highly complex and technical agreements to build, operate and manage a WiMAX network in Malaysia.
- Successfully defended a software copyright owner in a multi-million dollar claim by a mainland Chinese distributor of the most successful MMORPG (Massively Multi-Player Online Role Playing Game) in the People's Republic of China (with 70 million registered players). The arbitration was governed by Korean law and arbitrated under ICC Rules and it involved jurisdictional issues of incorporation of arbitration clauses, estoppel, cross claims by one Respondent against another and the effect of parallel lawsuits commenced by the parties on similar issues.
- Appointed as an ICC arbitrator in a multi-million dollar dispute governed by Sri Lankan law between a state owned enterprise in Sri Lanka with a monopoly in bunker supply to vessels and a commercial bunker supplier involving jurisdictional issues on the arbitration agreement, estoppel and time bar as well as substantive issues on remoteness of damages and the duty to mitigate losses.

ACCOLADES

Chambers Asia-Pacific

Dispute Resolution:
Litigation - Singapore 2019
– Band 3 (6 years running)

Dispute Resolution:
Arbitration – Singapore
2019 – Band 4



"known for his advocacy skill internationally"; "instrumental in defining the overall strategy, paying attention to the smallest details and the interrelationship between all the events and claims."

"familiarity with the judicial system, skill in conducting a trial and flair for cross-examination"; "His eye for detail and precision in drafting arguments (both written and oral) has also resulted in successful outcomes in the course of handling a dispute for us."

"One client notes his skill in handling negotiations, while another highlights his ability to analyse issues from a legal and regulatory perspective"

"a very sharp and very eloquent counsel."

"the judges love him"

"he makes the difference' in complex cases."

"very good' performance as counsel, where he 'always works with great stamina'."

"Recognised as an 'extremely persuasive advocate'."

"Clients are impressed that 'he understands key issues super-quickly'."

"Brilliant and experienced counsel"

"Hailed as a brilliant litigator by market sources, and is considered a highly experienced senior counsel."

"Wins plaudits for his diligence and performance in international arbitration matters"

"Known for his deep experience and proactive manner"

"Has a gentlemanly style, and is well liked by the bench and competition"

The Asia Pacific Legal 500

Dispute Resolution 2019 – Leading lawyer for 18 consecutive years

International Arbitration 2019 – Recommended lawyer

Projects & Energy 2019 – Recommended lawyer for 2 consecutive years

"a super excellent lawyer", "always provides precise and to the point advice" and "is good at thinking out of the box"

"very quick to narrow down the key issues, craft strategic and tactical solutions, and has a

lot of drive and passion in the delivery of legal arguments"

"Commended for his 'advocacy skills and in-depth knowledge'"

Best Lawyers International: Singapore (2019 edition)

Litigation – Endorsed individual for 11 consecutive years

Arbitration and Mediation – Endorsed individual for 9 consecutive years

Construction Law – Endorsed individual for 5 consecutive years

Who's Who Legal

Litigation 2017 – Recommended lawyer

Asialaw Leading Lawyers

Dispute Resolution & Litigation 2018 – Market Leading lawyer for 3 consecutive years

Energy & Natural Resources 2018 – Market Leading lawyer for 2 consecutive years



Asialaw Profiles

Dispute Resolution & Litigation 2018 – Outstanding practice

Energy & Natural Resources 2018 – Outstanding practice

"Jimmy Yim continues to be an influential advisor in energy project disputes by partnering with the construction and engineering dispute resolution team."

Benchmark Litigation Asia-Pacific 2018 edition

Dispute Resolution Star - Commercial and Transactions, International Arbitration

"Yim is an outstanding advocate. His thinking is clear and he's always available."

Asia IP Experts 2016

Leading individual in IP Litigation

APPOINTMENTS/MEMBERSHIPS

- Regional Arbitrator, Singapore International Arbitration Centre
- Panel Arbitrator & Mediator, Kuala Lumpur Regional Centre for Arbitration
- Recommended International Arbitrator, Pacific International Arbitration Centre, Vietnam

- Member, Panel of Mediators, Financial Industry Disputes Resolution Centre (FIDReC), The Association of Banks in Singapore
- Member, Ministry of Law Steering Committee on Legal Aid
- Member, Criminal Legal Representation and Social of the Senior Counsel Forum
- Fellow, Singapore Institute of Arbitrators
- Member, Inter-Pacific Bar Association
- Former Chairman, Citizenship Committee of Inquiry, Ministry of Home Affairs