



Herman Jeremiah

Arbitrator | Counsel

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With more than 36 years' experience as a commercial disputes lawyer in several mid to large law firms in Singapore, Herman now practises on his own as an independent arbitrator and lead counsel (in international arbitration as well as in Singapore Court proceedings).

Overview of the areas in which Herman is capable of handling disputes in international arbitration and commercial court litigation:

- Corporate disputes including that in joint ventures, between shareholders, relating to mergers and acquisitions
- Commercial disputes including in international trade
- Banking and financial disputes including in trade finance in respect of bills of lading, letters of credit, letters of indemnity in the oil trade, bank securities
- Insolvency & restructuring
- Investment treaty



In international arbitration, Herman's broad commercial experience includes disputes as varied as depreciation policy in a joint venture, oil and gas pricing in the context of the Indonesian Production Sharing Contracts, CISG governed contracts, Islamic finance facilities, standby off-take agreements, shareholder and other joint venture disputes, international trade, airline software solutions and the termination of shipbuilding contract, collectively under various institutional rules of SIAC, ICC and LCIA arbitrations.

He has added to his expertise, investment treaty arbitration by way of a QMUL LLM programme, completed in July 2023. He has since been able to advise on investment treaty related issues which included (i) the

avoidance of a potential investment treaty claim against a State arising from an otherwise purely international commercial arbitration involving a State-Owned Enterprise, (ii) the entitlement to an ICSID Award in an acquisition transaction and (iii) the obstacles to a potential investment treaty claim.

Also relevant to his expertise in arbitration practice, his recent matters in commercial litigation included acting for a trade finance bank against a substantial global commodity trader in the 2020 Hin Leong Trading (a major oil trader) collapse and separately, his appearance before the Singapore International Commercial Court ("SICC") for a bank client in a setting aside application by an Indonesian State-Owned Enterprise of an arbitral award in his client's favour.

He has also added to his qualifications by being called to the English Bar in 2020 and is an unregistered barrister of England & Wales.

Work History

- His own firm "Herman Jeremiah", 1st January 2025 to present
- Previously, Dentons Rodyk & Davidson LLP, 2016 to 2024, equity partner. Dentons Rodyk has been the Singapore member firm of the Global Dentons Verein since 2016



- Previously, Rodyk & Davidson LLP 2002 to 2016, equity partner
- Previously, Helen Yeo & Partners 1997 to 2002, partner and then equity partner. Said firm merged with Rodyk & Davidson (Singapore's oldest law firm) in 2002
- Previously, Haridass Ho & Partners 1988 to 1997, associate and then junior partner

Arbitration Institutions Empanelment / Membership

- Singapore International Arbitration Centre (SIAC), Member of Panel of Arbitrators
- Singapore Delegate, ICC Commission on Arbitration & ADR (1st July 2024 to 30th June 2027)
- Hong Kong International Arbitration Centre (HKIAC), List of Arbitrators (27th March 2024 to 31st December 2027)
- Dubai International Arbitration Centre (DIAC), Member, List of Arbitrators (15th May 2024 to 14th May 2026)
- Asian International Arbitration Centre (AIAC), Arbitrator Panellist
- London Court of International Arbitration, Member of Asia Pacific Users' Council

Educational History

- Bachelor of Laws, National University of Singapore LLB Hons (2nd Upper) (1987)
- Master of Laws (International Dispute Resolution), Queen Mary University of London, LLM (Distinction) 2023

Bar Admissions

- Advocate & Solicitor Singapore (1988)
- Called to the Bar of England & Wales (2020), Unregistered Barrister, Gray's Inn

Professional Qualifications

- Fellow, Chartered Institute of Arbitrators, UK (FCiArb)
- Fellow, Singapore Chartered Institute of Arbitrators (FSiArb)
- Fellow, Insolvency Practitioners Association of Singapore (FIPAS)

Languages

English, Bahasa Indonesia & Malay

Experience

International Arbitration Experience & Related Matters

- Potential GAFTA arbitration between a European entity and an Asian entity in a trade dispute, governed by English law. London seat. [2024]
- ICC arbitration between 2 ultimately State-Owned Enterprises (one Asian and the other European) in the power industry, foreign law governed. Involved advice on avoidance of a related potential investment treaty arbitration claim against one State and a potential partial setting aside of an otherwise favourable award. Singapore seat. [2021 to 2023].
- SIAC arbitration between an Asian State-Owned Enterprise against a major international European bank, alleging an unauthorised finance transaction. A successful defence of the arbitral award in the setting aside application before the Singapore International Commercial Court. Reported in *CYW v CYX* [2023]. Queensland law and Indonesian law applied. Singapore seat. [2020 to 2023].
- SIAC arbitration between a founding shareholder and an Asian conglomerate in the logistics business with a significant award for the client. The issues included breach of directors' duties, termination of employment for cause amidst oppression by majority shareholders through improper corporate actions to force out a minority shareholder, the enforceability of a mediated agreement which if upheld would have resulted in reduced damages for the client, valuation of shares in a start-up joint venture company. Singapore law governed. Singapore seat. [2020 to 2021]
- ICC arbitration gas dispute between a diversified Indonesian conglomerate and an Indonesian Production Sharing Contractor. Indonesian law was the governing law. Singapore seat. [2019].
- ICC arbitration between an Asian SOE and a Spanish party relating to the sale of solar/ photovoltaic modules in a high value dispute [2016 – 2017] and the successful partial setting aside of the ICC award in proceedings in the Singapore High Court [2017 to 2018]. The Convention of the International Sale of Goods or CISG was the governing law. Singapore seat.
- 2 SIAC arbitrations relating to Islamic finance facilities against 2 separate Middle Eastern parties [2014 – 2016]. Syariah law applied. Singapore seat.
- ICC arbitration between an intended purchaser of shares and a development bank as seller (Singapore seat) and the jurisdictional challenge before the

Singapore High Court [2015 – 2016], reported in *BCY v BCZ* [2016], (referred to in the UK Supreme Court decision in *Enka v Chubb* [2020])

- 2 LCIA arbitrations (between a Singapore entity and against a Dutch and a German respondent respectively) in relation to shipbuilding contracts [2013 – 2015]. English law was the governing law. London seat.
- 2 related SIAC arbitrations between Austrian/Swiss parties and a Malaysian entity in respect of rolling stock dispute, as party appointed arbitrator in a 3-member tribunal. Singapore seat. [2014 to 2016]
- SIAC arbitration between a Spanish multinational and a Vietnamese party in a shareholder dispute. Singapore seat. [2014 – 2015]
- ICC arbitration dispute in respect of an agency agreement. Singapore seat. [2013]
- SIAC arbitration between a US listed pharmaceutical company in a joint venture dispute with Indian parties [2012 – 2013]. Co-counselled with well-known Indian law firm. Indian law governed. Singapore seat.
- SIAC arbitration between a foreign bank and an Asian part State owned subsidiary in respect of a standby off-take contract. Singapore seat. [2009 – 2012]
- Enforcement proceedings on an arbitration award in the Singapore Courts. Reported in *Denmark Skibstekniske Konsulenter A/S I Likvidation v Ultrapolis 3000 Investments Ltd* [2010].
- 2 related SIAC arbitrations in dispute between a foreign national carrier and a notable German systems provider and in the second dispute between the Indonesian joint venture entity and the provider. Co-counselled with an Indonesian law firm. Indonesian law was the governing law. Singapore seat.

Banking and Finance Litigation

- Trade finance / letter of credit dispute between bank and a major international commodity trader beneficiary, in the collapse of a major oil trader Hin Leong Trading. Reported in *UniCredit AG v Glencore Singapore Pte Ltd* [2022]. Matter proceeded on appeal to the Singapore Court of Appeal in August 2023 on a limited ground, with serious implications for trade finance banks on the use of the payment letter of indemnity in the oil trade. Decision reported in [2023] SGCA 41. [2020 to 2023].
- Bank claim against a collateral manager. Reported in *ABN Amro Bank v CWT* [2011]. Matter proceeded to the Court of Appeal [2011].

- Defence of major bank against claims in fraudulent misrepresentation and wrongful dismissal. Reported in *Fermin Aldabe v Standard Chartered Bank* [2010].
- Unauthorised loan dispute between a foreign bank and putative borrower procured through deceit of employee and related dispute between bank and sub-participating bank.
- Bank claim against its customers for permitting their accounts to be used for unauthorised trading by the bank's employee in breach of his fiduciary duties. The decision of the trial judge against the bank was reversed by the Court of Appeal on agency principles, despite findings of fact made by the 1st instance judge. Reported in *BNP v Nancy Tan & Tan Shee Chin* [2000, 2001].
- Bank claim for repayment of a multicurrency loan used for margin financing. The case involved questions of the lender's duty to the client in relation to advice on the risks attendant in borrowing of foreign currencies when the underlying assets were in a different currency and the bank's duties in general. The first instance judgment in favour of the bank after a 31-day trial was affirmed by the Court of Appeal. Reported in *BNP v Wuan Swee May* [1999].
- A discounting bank (suing in the name of its then customer)'s claim against the Industrial and Commercial Bank of China ("ICBC") which had defaulted on its payment obligation under a letter of credit. Judgment was given against ICBC, a PRC bank with a branch in Singapore. The issues raised included the relevance of an Order of the PRC Court on the obligations of a PRC bank with a presence in Singapore, the obligations of an issuing bank in a transferable letter of credit, whether fraud on the documents is still a defence when the goods in the underlying contract have been delivered and accepted by the beneficiary of the letter of credit [1997].
- Various parties' interest in the Barings Bank debacle:- a major foreign bank in relation to the recovery of a sum of US\$25 million paid under a standby letter of credit in favour of the then SIMEX and a Japanese subsidiary of a major foreign bank in relation to the recovery of the trust money paid by the client to Baring Futures (Singapore) Pte Ltd.
- Restraint on the call on a performance bond, reported in *Kvaerner Singapore Pte Ltd v UDL Shipbuilding (Singapore) Pte Ltd* [1993].



Commercial / General Litigation

- Deceased estate executors' recovery efforts for monies (in Singapore, India and Sri Lanka) previously paid by the donor when mentally incapacitated [2016 to 2020].
- Breach of contract, conspiracy and defamation claims against Edith Cowan University by Management Development Institute of Singapore for [2012 to 2014].
- Joint venture dispute between a Singapore secondary board listed company and a Canadian listed company in respect of a power project in Andhra Pradesh, India. The client was successful in its claim and in resisting the appeal by the Canadian party. Management of the client's representation in Ontario, Canada in connection with the enforcement of the Singapore judgment in Canada as well as in insolvency proceedings of the Canadian party with a view to maximising recovery for the client. Also managed and strategised the representation of the client in respect of proceedings in India.
- Dispute between a large public utility and the client in respect of the client's implementation of a customer care system/software.
- Dispute between the subsidiary of a Malaysian listed entity and a Singapore service provider. Reported in T2 Networks v Nasioncom Sdn Bhd [2007].
- Advice of auditor in respect of its adversarial dealings with its clients, in respect of the auditor's statutory obligations and in the review by the regulators.
- Dispute between a major insurer and its insured in respect of its prospectus liability policy dispute.
- Negligence action by a company in liquidation against auditors.
- Various shareholder disputes [1996, 2004 to about 2006]

Competition Law

- Japanese elevator manufacturer in respect of a Competition Commission of Singapore ("CCS") investigation into a complaint.
- Major Singapore insurance company in respect of a CCS investigation into a complaint made by a private education organisation.

Insolvency

- Secured lender interest against subsidiaries of a major ship owning holding company (in judicial management) connected to the collapsed major oil trader



Hin Leong Trading, appointment of receivers and managers over the mortgaged vessels [2020 to 2021]

- Trade bank lender to the collapsed major oil trader Hin Leong Trading (in judicial management and later in liquidation) with some USD4 billion owed to various trade bank lenders [2020 to 2024]
- Secured lender in respect of an insolvency of a major shipping company which was successfully restructured [2019 to 2021]
- Third party group in respect of Swiber's major insolvency in the marine and offshore industry sector [2017]
- Bank lender in a major restructuring in the Middle East involving a total debt of US\$9.2 billion involving some 118 bank creditors.
- Secured creditor that appointed receivers over the Singapore Flyer, an icon in the Singapore skyline.
- Austrian liquidators in respect of the liquidation of the Singapore Branch of Alpine Bau GmbH, following its collapse in Europe.
- Various parties in the MF Global Singapore (provisional liquidation) [2011, 2012].
- Lender in the judicial management of Renewable Holdings Pte Ltd. a principal subsidiary of China Enersave Limited (a listed company) and for the lender in the scheme of arrangement of China Enersave Limited.
- Creditor banks in the judicial management of SGX-listed Jurong Technologies Industrial Corpn Ltd and its operating subsidiary.
- Lender in the debt restructuring of the Jaya Holdings Group of companies, the holding company of which is listed.
- Security Trustee of the group of lenders in the enforcement of the security over shares in a substantial listed company, Sincere Watch Limited, when the ultimate parent company (Peace Mark) of the borrower was put into liquidation.
- Common interests of several creditors of China Aviation Oil (Singapore) Corporation Ltd in respect of the scheme of arrangement between the said company and creditors as well as in the judicial management proceedings against the said company brought by another creditor.
- Large US MNC on a proprietary claim against Citiraya Limited.
- Interested party in the Accord Customer Care and Solution Ltd matter.

Investigations

- Major bank's internal investigation of senior employees for alleged misconduct.
- Major accounting firm in respect of investigations by regulators against a former main board listed company. [2018 to 2022]



Recognition

What People Are Saying

“Herman Jeremiah’s client service, general level of service and commercial awareness and vision are strong. His level of sophistication is very strong. He is pre-eminent in the arbitration space.”

— *Chambers Asia-Pacific, 2023*

“He was able to very quickly pick up and lead the matter. Jeremiah was very effective in leading the team and achieved a good result for our client in the arbitration. He was patient, detailed and very thorough. Overall, his conduct of our matter impressed our client and we had a very good working relationship with him.”

— *Chambers Asia-Pacific, 2023*

“... He is a well experienced arbitration lawyer, and was able to pick up the case very quickly upon being instructed. He was responsive, professional and commercially savvy.”

— *Chambers Asia-Pacific, 2023*

“Herman Jeremiah was responsive to us and to the client, very patient, committed. It was easy for the client to place his confidence in Mr Jeremiah.”

— *The Legal 500 Asia-Pacific, 2023*

“Detailed, comprehensive advice. An insolvency expert.”

— *IFLR1000, 2023*

“The international arbitration team in is one of the best that my team and I have worked with. The partners whom we dealt with – Herman Jeremiah ... – [is] responsive, collaborative and have been flexible in terms of their billings. This was much appreciated by the client.”

— *The Legal 500 Asia-Pacific, 2023*

“Their lawyering skills are top notch, and Herman Jeremiah was brilliant in keeping our team and the client informed of his strategy at all times.”

— *The Legal 500 Asia-Pacific, 2023*



“Detailed, thoughtful, systematic, workable advice/solution. We work with Herman Jeremiah and his team in a number of recovery and restructuring cases. Satisfactory outcome achieved in most of the cases ... ”

— *The Legal 500 Asia-Pacific, 2022*

“Herman Jeremiah was good to work with – he was responsive and clearly explained his strategy to the client and to us as instructing solicitors.”

— *The Legal 500 Asia-Pacific, 2022*

“Good advocate and very knowledgeable of the law.”

— *Benchmark Litigation Asia-Pacific, 2022*

Rankings In Legal Publications

The Legal 500 Asia-Pacific, Restructuring and Insolvency
2015 – 2016

The Legal 500 Asia-Pacific: Recommended lawyer
2009 – 2012

Asialaw: Recognized in banking and finance litigation area
2011 – 2012

Benchmark Litigation Asia-Pacific: Litigation Star in Commercial and
Transactions and International Arbitration
2022 – 2024

Best Lawyers in Singapore: Recognized in the area of Arbitration and Mediation
2021 – 2025

Best Lawyers in Singapore: Recognized in the area of Insolvency
and Reorganization Law
2022 – 2025

Best Lawyers in Singapore: Recognized in the area of Litigation
2020 – 2025



Chambers Asia-Pacific: Mentioned for the area of Restructuring and Insolvency
2010, 2011, 2013, 2015, 2016, 2017, 2018

Practical Law Company: Recognized as a recommended lawyer for
restructuring and insolvency
2008

Contributions

Recent Papers & Presentations

Dissertation for QMUL LLM (International Dispute Resolution) April 2023 entitled
“Impact Of Credibility Of Expert, Counsel And Tribunal On The Quantum Of Some
Recent ICSID Awards For Future Profits In Unlawful Expropriations”

Paper For The German Bar Association – Bank & Capital Market Lawyers’ Spring
Symposium, Singapore April 2023 – “The Consequences Of A Recent Trade Finance
Decision In The Singapore Court / Ramifications for international trade finance using
LCs – UniCredit Bank AG v Glencore Singapore Pte Ltd [2022] SGHC 263”

Moderated a session at the International Law Association Symposium “The Growing
Access To International Law”, 10 October 2024

Moderated the GAR Academy Workshop “Advocacy In International Arbitration:
Common Law vs Civil Law Perspectives, 22 November 2024

Other Related Activities

Volunteer Arbitrator in Vis East Moots (Hong Kong 2017), Vis Moots (Vienna 2024) with
their focus on the Convention of the International Sale of Goods (CISG) and the
applicable international arbitration rules of the various arbitral institutions which varies
from year to year.



Volunteer Arbitrator at Foreign Direct Investment (FDI) Moots (Berlin 2024)

One of the key architects in the development of the Dentons' Global International Commercial Arbitration Toolkit, primarily intended for corporate, transactional and in-house counsel, first launched on 29 March 2023 (Work done from 2022 to 2024)



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