



<u>Surname, First name</u>	Yim Jimmy, Senior Counsel
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Nationality/ Date of Birth	Singaporean / 2 May 1959

Educational/Professional Memberships

- 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)
- Panel Arbitrator & Mediator, Kuala Lumpur Regional Centre for Arbitration
- Member, Citizenship Committee of Inquiry, Ministry of Home Affairs
- Chairman, CWT Audit Committee
- Fellow, Singapore Institute of Arbitrators
- Regional Arbitrator, Singapore International Arbitration Centre

Current Position

Managing Director, Drew & Napier LLC

Professional Experience

Jimmy Yim is the Managing Director of Singapore's most celebrated Dispute Resolution practice.

He has some 30 years of experience in civil and commercial law, criminal law and international commercial arbitration. His experience in international arbitration ranges from disputes concerning energy projects, building construction, pharmaceutical contracts, distributorship agreements and joint-venture contracts. He has acted as counsel and occasionally sat as arbitrator in numerous international and domestic arbitrations under the rules of the Singapore International Arbitration Centre (SIAC), International Chamber of Commerce (ICC) and United Nations Commission on International Trade Law (UNCITRAL).

He is recommended in leading legal publications such as Chambers & Partners, Asia Pacific Legal 500, and Asialaw Profiles.

Arbitration 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:

- Acted for a Norwegian corporation in an arbitration to recover approximately US\$18 million in damages resulting from a marine accident in the South China Sea.
- Appointed as ICC sole arbitrator in a construction dispute governed by Thai law and the seat of arbitration being Bangkok between two Thai companies in connection with a development project in Thailand.
- Presently acting 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.
- Defending a Malaysian conglomerate in a multi-million dollar dispute over the design, installation and commissioning of a steam boiler in Thailand. The ICC arbitration involves issues of commissioning, emission standards, breach of contract and negligence, the contract being governed by Thai Law.
- Acted 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.
- Acted 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.
- Acted for a company involved in an oil-rigging dispute off the coast of Terengganu, Malaysia. This is a multiple-party arbitration case governed by Malaysian law.
- An 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.
- Acted for a company in 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.
- Advised on a US\$60 million dispute over the construction of a power plant in Thailand arbitrated under ICC Rules involving allegations of force majeure as a result of the 1997 Asian Financial Crisis, fraud in the tender process and time bar. The dispute was amicably resolved.
- 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.
- 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.
- Acted for a Chinese multi-national company in relation to a claim arising out of the breach of a sale & purchase agreement against an Indian supplier of iron ore under the SIAC Rules.
- Appointed as an ICC arbitrator in a Thai law contract dispute, with the seat of arbitration in Kuala Lumpur, between a Thai company and a German company on the leasing of an equipment system in connection with a construction project in Munich, Germany.

Publications

Chambers Asia-Pacific and Chambers Global

Dispute Resolution: Litigation: Domestic Firms 2014 – Band 3

Dispute Resolution: Arbitration: Domestic Firms 2014 – Band 3

“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 2014/ 2015 – Leading individual for 14 consecutive years

International Arbitration 2014/ 2015 – Leading individual for 3 consecutive years

“Calm but passionate lawyer”

Benchmark Asia Pacific

"Local Disputes Star" Singapore 2013 – Arbitration and Commercial Litigation

Best Lawyer's International: Singapore

Lawyer of the Year – Litigation 2014

Litigation 2014 – Endorsed individual for 7 consecutive years

Arbitration/Mediation 2014 – Endorsed individual for 5 consecutive years

Construction Law 2014 – Endorsed individual

Practical Law Company Which Lawyer?

Dispute Resolution: Litigation 2012 – Endorsed for 5 consecutive years

Dispute Resolution: International Arbitration 2012 – Endorsed for 2 consecutive years

Asialaw Profiles

Dispute Resolution 2014 – Leading individual

Asia IP Experts 2014

Leading individual in IP Litigation

Languages

English