

THE JONES DAY VISITING PROFESSORSHIP ON COMPARATIVE COMMERCIAL LAW

IN WHOSE INTERESTS SHOULD THE LAW REQUIRE COMPANIES TO BE RUN?

TUESDAY, 18 APRIL 2023 || 5.00PM TO 6.40PM || NGEE ANN KONGSI AUDITORIUM, NATIONAL GALLERY



THE RIGHT HON LADY ARDEN OF HESWALL DBE
FORMER JUSTICE OF THE UK SUPREME COURT

ABOUT

This is one of the most fundamental questions in company law. Usually it is answered by saying that companies must be run for the benefit of shareholders. But the recent decision of the UK Supreme Court - in *BTI 2014 LLC v Sequana SA* [2022] UKSC 25 - provides a new lens on that question. It examines it in the context of a company being financially distressed and thus potentially trading not at the expense of shareholders but creditors. The lecture will discuss why creditors provide a rare example of a case where shareholders' interests may be displaced by those of another group.

PROGRAMME

- 4.30PM** Registration
- 5.00PM** Welcome Speech by Professor Andrew Simester (Dean, NUS Law)
- 5.05PM** Speech by Guest-of-Honour, Chief Justice Sundaresh Menon
- 5.10PM** Lecture by The Right Hon Lady Mary Arden of Heswall DBE
- 6.10PM** Q&A Session moderated by Sushma Jobanputra (Partner In Charge - Jones Day Singapore)
- 6.40PM** Dinner Reception

REGISTRATION

Register at bit.ly/3mjoy91B or scan the QR code

Closing date:
10 April 2023

Contact:
ewbclb@nus.edu.sg



SPEAKER**THE RIGHT HON LADY ARDEN OF HESWALL DBE**
FORMER JUSTICE OF THE UK SUPREME COURT

Lady Arden became a Justice of the Supreme Court in October 2018 and retired in January 2022.

Lady Arden grew up in Liverpool. She read law at Girton College Cambridge and Harvard Law School. Called to the Bar in 1971, she became a Queen's Counsel in 1986 and served as Attorney General of the Duchy of Lancaster between 1991 and 1993. She served on the Court of Appeal of England and Wales from 2000 to 2018.

Her judicial career began in 1993 when she was appointed to the High Court of Justice of England and Wales as the first woman judge assigned to the Chancery Division. Alongside her judicial experience, she has written extensively on how the law keeps pace with social change. Her two-volume book *Shaping Tomorrow's Law* was published by Oxford University Press in 2015. It drew strongly on her knowledge of law reform, which she began to develop while serving as Chair of the Law Commission of England and Wales from 1996 to 1999. From 1999 to 2001, she was a member of the DTI's Steering Group on Company Law Reform and its recommendations were implemented by the UK's Companies Act 2006.

Between 2005 and September 2018, Lady Arden was Judge in Charge and Head of International Judicial Relations for England and Wales. She organised bilateral exchanges between the senior judiciary of the UK and the judiciaries of leading national and supranational courts overseas. She became a Member of the Permanent Court of Arbitration in The Hague in 2011 and an ad hoc UK judge of the European Court of Human Rights in Strasbourg.

In February 2023, Lady Arden was appointed a member of the UK's Committee on Standards in Public Life.

GUEST OF HONOUR**CHIEF JUSTICE SUNDARESH MENON**

Chief Justice Sundaresh Menon was appointed Chief Justice of the Supreme Court on 6 November 2012.

Chief Justice Menon graduated with a Bachelor of Laws (First Class Honours) from the National University of Singapore in 1986 and a Master of Laws from Harvard Law School in 1991. He was admitted as an advocate and solicitor in Singapore in 1987, and as an attorney and counsellor-at-law in New York in 1992.

After he was called to the Bar in Singapore, he practised with major local and international law firms, primarily as an advocate, in the fields of commercial litigation and arbitration, construction law and insolvency law. From 2006 to 2007, he served as a Judicial Commissioner of the Supreme Court. He was appointed Senior Counsel in 2008. In 2010, he was appointed the 6th Attorney-General of Singapore, a post he relinquished in 2012 shortly before his appointment as a Judge of Appeal. He was appointed to the Presidential Council for Minority Rights upon his appointment as Attorney-General in 2010 and was later appointed as its Chairman in 2012, upon his appointment as Chief Justice.

Between 2012 and 2020, Chief Justice Menon served on the Governing Board of the International Council for Commercial Arbitration, and he has been serving as a member of the International Chamber of Commerce Governing Body for Dispute Resolution Services since 2021.

He is also an elected member of the American Law Institute, an Honorary Bencher of the Honourable Society of the Inner Temple in England and the President of the Singapore Academy of Law. Chief Justice Menon was conferred an Honorary Doctorate in Laws by the University of Western Australia in 2022 for his services to the law.

Chief Justice Menon is married with three children.

CHAIRPERSON**SUSHMA JOBANPUTRA**
PARTNER IN CHARGE - JONES DAY SINGAPORE

Sushma Jobanputra, the Partner-in-Charge of Jones Day's Singapore Office, has been advising clients for more than three decades on banking, restructuring, and corporate matters. She has practiced in London, Toronto, Paris, and Singapore, and her practice includes structured, acquisition, and trade finance as well as direct lending and cross-border debt restructuring across Asia, including Singapore, India, Indonesia, Japan, Malaysia, Vietnam, and the Philippines.

Sushma's financial institution clients include MUFG Bank, DBS Bank, JBIC, BNP Paribas, and Société Générale. She also has represented a significant number of corporate clients and funds, including IBM, Procter & Gamble, Hyatt Corporation, Godrej Group, Micron Technology, Temasek, Greystar, OMERS, Oxford Properties, ARA, L Catterton, Boeing Corporation, Chevron Corporation and the Tata Group.

Before joining Jones Day, Sushma was a managing director at Barclays Capital, heading a team in the structured transactions department, with responsibility on behalf of the bank for the execution of all large complex structured transactions with other financial institutions and multinationals. Prior to that she was a partner at a Magic Circle firm in London, where her practice focused on structured and acquisition finance.