

## LC2012 TRIAL ADVOCACY (AY 2021/2022) – EXTERNAL TUTORS' PROFILES



### Brief Bio – Mr Rakesh Kirpalani

Mr Rakesh Kirpalani is a Director at Drew & Napier LLP in the Dispute Resolution & Information Technology Practice.

Rakesh is the Chief Technology Officer of Drew & Napier. He has an active practice in complex commercial dispute resolution, including litigation and arbitration. He is engaged in appellate and trial advocacy at all levels of the Singapore Courts, and also advises on risk management and disputes concerning technology, electronic evidence, employment, compliance with technology-related regulatory issues, and cybersecurity.

He has extensive skills and knowledge in the information technology field, and manages the interface between legal and technological issues for clients, regulators, judges, and arbitrators.

The clients he has advised include various multi-national corporations, multi-jurisdictional private equity funds, and listed companies, both in Singapore and other jurisdictions.

As a student, Rakesh was a speaker on the winning team that represented NUS in the Manfred Lachs Space Law Moot Court Competition Asia-Pacific Regional Rounds in Sydney, Australia, in April 2005, and went on to represent NUS at the World Finals in Fukuoka, Japan in October 2005 where he appeared before members of the International Court of Justice. He was also the winner of the Law Society Prize for the Best Student in Advocacy in the Postgraduate Practical Law Course in 2006.

Rakesh also teaches advocacy and coaches moot teams at the NUS Law Faculty on a voluntary basis.

### *Cases of Interest*

- Lead counsel in a 2017 ICC arbitration in London in a claim by a Chinese state-owned entity against an African counterparty for dispute over a seismic data acquisition contract.

- Successfully defended a High Court claim against Performance Motors Ltd by a customer in respect of allegations of a defective BMW car. The claim was successfully dismissed in the High Court. (*Chan Chee Kien v Performance Motors Ltd* [2015] SGHC 54)
- Represented a group of investment companies in an arbitration brought by its information technologies contractor over the failed deployment of its IT systems in a failed joint venture project.
- Advised insurance majors on compliance with Singapore cybersecurity law in offering cybersecurity services and compliance with Monetary Authority of Singapore technology regulations.
- Advised an acted for a company listed on the Singapore Exchange on a dispute with its technology service provider concerning migration issues to a new platform.
- Advised a major financial institution on regulatory and risk issues arising out of a significant ransomware attack.
- Successfully acted for a distributor of Caterpillar equipment in a multi-million dollar claim against a buyer who refused to take delivery of ordered equipment. (*Tractors Singapore Ltd v Pacific Ocean Engineering & Trading Pte Ltd* [2020] SGHC 60)
- Successfully defended a majority shareholder in an up-and-coming commodities trading firm against an action for minority oppression. (*Ronnie See Eng Siong v Sassax Pte Ltd & Anor* [2020] SGHC 96)
- Successfully acted for liquidators in resisting an application by creditors claiming security over substantial assets in the Company in liquidation. (*Aavanti Offshore Pte Ltd (in creditors' voluntary liquidation) v BAB Al Khail General Trading and Anor* [2020] SGHC 50)
- Advised a major financial institution on risk and regulatory issues arising out of the roll-out of a new app.

Outside of the law, Rakesh enjoys tinkering with technology, and the occasional tipple.