



SHANTI ABRAHAM *FCIArb*
LLB (Hons) (NUS, Singapore)
Advocate & Solicitor (Singapore)
Advocate & Solicitor (Malaysia)
Fellow of the Chartered Institute of Arbitrators

Adjudicator & Mediator [Panels below]

Contact

E: shantiabraham@saaas.com.my

T: +6032284 8888

F: +6032282 8889

M: +60123032759/ +60167702759

W: www.shantiabraham.com

A: 10-4, Jalan Bangsar Utama 9
Bangsar Utama
59000 Kuala Lumpur
Malaysia

Years in legal practice: 25+ years (Malaysia & Singapore)

Background:

SHANTI ABRAHAM, prior to forming her own boutique legal practice, Messrs Shanti Abraham & Associates in Kuala Lumpur, has practiced as an advocate and solicitor in Singapore and then in Kuala Lumpur.

In Singapore, she trained at Messrs Drew & Napier at their Vietnam (& Myanmar) and India corporate desks as well as their litigation (general and construction). She has also worked with Messrs Rajah & Tann in Singapore in their general corporate and cross-border corporate departments.

Upon her move to Malaysia in 1998, she practiced with an established Malaysian corporate firm in their corporate finance and corporate restructuring departments. Thereafter she was admitted as a partner into the firm of Puthuchery Firoz Asmet & Mai in 2001. She was a founding partner of Puthuchery before setting up her boutique practice in 2015. Shanti's experience includes major corporate litigation matters ranging from injunctions and complex multi-party litigation and arbitrations and as well as corporate matters including the establishment of a hospital, advising insurance companies on various corporate and dispute related matters.

Shanti has enjoyed broad practice area exposure. Her practice areas range from healthcare law (both corporate advisory and dispute resolution), advising on the full range of healthcare related matters, business advisory (contracts & corporate matters), banking, hospital documentation (syndicated facilities and projects) & insurance to construction, employment, construction, logistics and oil & gas related matters.

Healthcare. In Healthcare dispute resolution, Shanti has been representing doctors in litigation and negotiated settlements in relation to medical negligence claims since 2001. More recently, she has been involved in and actively promotes mediation as a sensible solution in medico-legal conflicts. She acts both as a mediation advocate as well as

a Mediator and has been appointed to advise on risk management and pre-action procedures and to guide parties in early cost effective resolutions. She also represents doctors at the Malaysian Medical Council in dealing with matters relating to allegations of misconduct. She also regularly gives risk management as well as pre-emptive advice to doctors and healthcare facilities to manage and minimize claims exposure.

Shanti is the current President of the Medico-Legal Society of Malaysia and is involved in various think tanks including the establishment of a Mental Capacity Act in Malaysia.

Corporate. While actively involved in general corporate and commercial litigation, she also advises various Malaysian companies on restructuring and rescue operations. This is apart from her continuing practice of advising on all types of corporate/banking documentation including principal instruments and security documentation as well as insurance policy documentation. Her corporate experience ranges from pre-IPO preparation of companies to merger and acquisition work. Her corporate work has included ship financing and the sale of Thilawa Port in Myanmar as well as corporate exercises involving projects in Myanmar and Vietnam and listing of companies in Malaysia and Singapore.

Commercial/ Compliance. She also assists various Singapore law firms and international companies in matters which require assistance and/or opinions on Malaysian legal compliance requirements.

Construction. She has been involved in construction related work from the very beginning of her practice in Singapore and continuing in Malaysia. She advises dispute resolution matters including arbitration and mediation and on CIPAA adjudication claims and is involved in various aspects of dispute resolution involving construction and infrastructure matters. She is a strong advocate for mediation in construction matters and acts in an advisory capacity to companies looking for solutions to disputes as well as acting as a mediator, arbitrator and adjudicator in construction matters.

Mediation. Shanti is SIMI Certified Mediator and a Principal Mediator with the Singapore Mediation Centre. She is also a mediator with the Malaysian International Mediation Centre. She is now a Trainer with both Centres and enjoys the innovation that mediation brings to problem solving in the legal context. She was appointed as a Healthcare Mediator on the specialist panel of mediators of the Singapore Mediation Centre as well as to SIDREC (Securities Industries Dispute Resolution Centre) where she mediates and adjudicates regularly.

Shanti Abraham continues to have a mixed practice of civil litigation and corporate work.

Counsel & Solicitor Work

- (1) Appearance at all levels of Court including Federal Court.
- (2) Numerous Medical-Legal matters from 2001 to date (dispute resolution & disciplinary matters)
- (3) Various Civil Litigation including matters which have been reported in law reports

Vision. Shanti actively advocates appropriate solutions in problem solving. The many available solutions include neutral evaluation, expert determination, mediation, arbitration as well as litigation

Shanti is prepared to advise on the most sensible and cost effective approach a client requires to address their concerns.

Mediation & Mediation Advocacy Work

Shanti has been appointed as Mediator in various matters including partnership disputes, commercial contracts disputes, construction disputes, healthcare and elder care disputes, and family wealth management disputes.

She believes that many disputes can be effectively resolved based on the core interest of the parties in various ways which do not require full court battles. To this end, she has been the mediation advocate in various matters which have resolved amicably using mediation principles in dispute resolution. Encouraged by the success in this approach, she actively promotes mediation as a step to be considered in dispute resolution even in matters which have already been commenced in Court.

Mediator:

SIMI Certified Mediator with a public profile

International Mediator – Singapore International Mediation Centre

Principal Mediator of Singapore Mediation Centre

Mediator of the Global Mediation Panel at the Office of the Ombudsman for UN Funds & Programmes

Shanti has mediated over 100 cases (including family mediations) to date with more than 80 cases logged and more than 20 feedback forms from willing parties. Her success rate over the last 10 years is more than 80% of matters resolved. Shanti is able to handle multiparty mediations with complexity and cross border parties. She has been trained in Mediation process design at the Advance Mediation Programme at Harvard Law School.

Panelships include:

SIDREC [Securities Industry Dispute Resolution Centre, Malaysia]

Singapore Mediation Centre (Principal Mediator)

Malaysian International Mediation Centre

Asian International Arbitration Centre

Healthcare Mediator (Singapore Mediation Centre Healthcare Scheme)

International Dispute Resolution & Risk Management (Hong Kong)

Brunei Darussaleem Arbitration Centre (BDAC)

Borneo International Mediation Centre (BICAM)

Master Builders Association Malaysia

American Arbitration Association – ICDR (International Mediator)

Abu Dhabi Global Forum (Investor -State Mediator)

International Mediator of Singapore International Mediation Centre

Adjudicator

Asian International Arbitration Centre (CIPAA)

Securities Industry Dispute Resolution Centre (SIDREC)

Arbitration

Asian International Arbitration Centre

Borneo International Mediation Centre (BICAM)

Brunei Darussaleem Arbitration Centre (BDAC)

Appointments & Contributions

President of Medico Legal Society of Malaysia (2022/2024)

Vice President – Women in Shipping and Transportation Association (WISTA) (Malaysian Branch)

Director of IGAB (Chartered Institute of Arbitrators (Malaysian Branch)

Exco of Malaysian Mediation Centre (since 2011)

Co-Chairperson : Mental Capacity Act Sub-committee of the Legal Reforms committee of the Bar Council

Thought leader, Project Developer and Project Manager of the National Covid-19 Mediation Initiative by the Government of Malaysia (2020-2022)

Currently – Leading discussions in Malaysia for the revamp of the Malaysian Mediation Act (Sub Committee Leader on behalf of Malaysian Bar/Malaysian International Mediation Centre) with presentations made to Minister of Law

Currently – Involved in discussions in Malaysian for the need of a Mental Capacity Act (as Co-Chair of the Mental Capacity Subcommittee of the Law Reform Committee of the Malaysian Bar) with presentations made to Deputy Minister of Law

Advisor:

Financial Services Bureau (Brunei)

Teaching / Training / Industry Contribution / Writing

Mediation: She continues to develop her passion for mediation and better problem solving. In Spring 2014, she completed the Programme on Negotiation at Harvard Law School. She then pursued Advanced Mediation training in Harvard Law School in 2017.

In 2018 she was nominated for sponsorship to be trained in Investor State Mediation by the Department of Justice Hong Kong.

Currently, Shanti is the Chairperson of the International Mediation Institute's Investor State Mediator Taskforce and Global Policy committee looking into the implementation of the Singapore Convention on Mediation in the region particularly in light of the Regional Cooperative Economic Partnership which is the largest Free Trade Agreement in the world covering 15 countries including all of ASEAN.

In Malaysia, Shanti is a member of the working group with Bahagian Hal Ehwal Undang-Undang for the ratification of the Singapore Convention on Mediation and the revamp of the Mediation Act.

Whistleblowing Policies/PDPA/Anti-Bribery & Anti-Corruption (ABAC): She was involved research and in reviewing the Anti Money Laundering Act in Singapore in her early practice and was the AMLA officer in her practice for many years. As corporate advisor, she also reviewed various policies and systems and has given various talks on the subject to clients. She has been invited to speak at the ABAC's International Women's Day Webinar Series in 2024 on a date to be fixed on the theme "Feminine Strength, Ethical Power: Breaking Barriers , Creating Change" which includes sharing strategies for promoting ethical practices in organisations.

Medico- Legal: Shanti has been teaching legal aspects of medical practice to doctors undergoing their Master's Programme at the UCSI University and she previously taught Healthcare Regulations at Taylors University School of Law (Master's Programme).

Training: Shanti also trains mediators in Malaysia and Singapore, and trained the members of the Brunei and Myanmar Judiciaries in mediation skills on behalf of the Singapore Mediation Centre (together with Ministry of Law Singapore).

She has also trained mediators in RSPO (Roundtable on Sustainable Palm Oil) , Maritime Industry (Singapore), medical profession (Singapore) among others.

Papers/ Written Contributions:- Shanti's paper on "Medical Dispute Resolution: Can Mediation Heal Rifts and Change the Adversarial Landscape of High Stakes Medico-Legal Disputes" was accepted for presentation at the Asia Pacific Mediation Forum in Lombok, Indonesia in February 2016.

In 2001 she completed a major work: the **Malaysian Forms & Precedents (Corporations) (4 volumes)** which was published by the Malayan Law Journal in February 2001 to provide Malaysian commercial and corporate practitioners with a sourcebook of non-contentious precedents and forms.

In 2015 she authored the practice notes in relation to ADR & Mediation with Lexis Nexis. She continues to write and educate on mediation and mediation advocacy when the opportunity arises.

She contributed to the chapter on **Mediation, Negotiation & Settlement** in the Malaysian Civil Procedure.

She also wrote the chapter on **Mediation in Malaysia** for the Brazilian ADR Journal on the request of Singapore International Mediation Centre in 2023.

She continues to contribute to the Working Group(s) created by the Government of Malaysia on reform of the Malaysian mediation act & system and has made several confidential written contributions for consideration.