

Sitpah Selvaratnam

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Sitpah Selvaratnam was admitted to the Malaysian Bar in July 1990, having read in the Chambers of Mr. K. Anantham of Skrine & Co. Upon completion of her LL.M at Queens' College, Cambridge, United Kingdom, she returned to practice at Skrine & Co in August 1991, starting as a Legal Assistant and subsequently as a Partner in their Litigation Department; primarily involved in corporate receivership, liquidations and admiralty disputes.

With the turn of the millennium, Sitpah left Skrine & Co., with Tommy Thomas to establish the firm of *Tommy Thomas* on 1-1-2000. They desired a small litigation practice, modeled on the English Barristers' Chambers. Hence, the size of the firm; which has remained at about 5 lawyers, all involved solely in litigation and dispute-related briefs.

Sitpah's practice continues to be in areas of corporate banking and insolvency, and shipping and admiralty. She has had the privilege of working with the Danaharta Companies at their inception, as their Consultant for 3 months in early 1999, and continues to represent Danaharta in their more complex litigation. Representing CIMB Bank Berhad, Bumiputra-Commerce Bank Berhad, Malayan Banking Berhad, RHB Bank Berhad, Public Bank Berhad, Southern Bank Berhad, individually and as consortiums of bankers and financiers in banking and insolvency litigation has been a real pleasure to her. The intricacies of corporate receivership, the rights under debt restructuring and schemes of arrangement pursuant to Section 176 of the *Companies Act* 1965, and the effects of work-out proposals of Special Administrators, are all matters within her common conduct.

As a part of the working committee empanelled by the Securities Commission on Asset Backed Securitisation, Sitpah has had the benefit of particular insights into the structure of issuance and enforcement of Bonds. Coupled with her role as Counsel in the arbitration of the Bond dispute between two large Banks in Malaysia in June 2005, before an extremely eminent panel of international arbitrators comprising The Rt. Hon. Lord Millett (retired Judge of the House of Lords, England), Dr. Gavan Griffith (QC) and Y. Bhg. Dato' K.C. Vohrah (retired Judge of the Malaysian Court of Appeal), her interest in Bonds and corporate finance litigation is now entrenched.

Shipping and admiralty laws have been Sitpah's passion since the mid-eighties. She applied to read law at the University of Wales, Cardiff, United Kingdom, principally because of her interest in Shipping Law. The University at Cardiff had a dedicated department on Maritime Studies, with a significant world wide reputation, from where Sitpah graduated with a First Class Honours Degree in 1988. She was privileged to have the tutelage of the internationally renowned late Professor FJJ Cadwallender in Admiralty Law and Mr. David Glass for International Trade at Cardiff. Later, at Cambridge, she read International Sales, and Carriage of Goods by Sea under the Scholars, Dr. Malcolm Clarke and Dr. Francis Rose.

Throughout her 17-year practice, Sitpah has accepted and enjoyed admiralty and shipping briefs, being involved in over 75 shipping in rem and in personam actions, including arrest of ships, charterparty and cargo disputes, collision and insurance claims.

Sitpah has found working with highly professional and reputable Protection & Indemnity Clubs, such as UK P&I Club, The Shipowners Club, West of England and Through Transport Club to be most satisfying, particularly when their interests coincide with local shipowners and port operators such as Malaysia International Shipping Corporation, Bumi Armada Berhad, Westports Berhad, Northport Berhad and Port of Tanjung Pelepas.

Sitpah's appointment in 2002 to the first ever Committee established by the Malaysian Bar Council in this area, the Admiralty and Shipping Law Committee, is a mark of recognition of her specialization in this branch of the law. Since March 2004, Sitpah was appointed the Deputy Chair of this Committee and has been active in this specialist committee; writing papers for the reform of the admiralty and shipping practice in West Malaysia, and on the need for a Specialist Admiralty Court; in initiating the draft Practice Directions which came into effect in February 2007, and in taking the helm as organising Chair of the inaugural National Maritime Conference jointly organised by the Bar Council and the Attorney General's Chambers of Malaysia in March 2007.

Sitpah has featured in successive editions of *The Asia Pacific Legal 500* since 2005, and in the most recent 2007/2008 publication is described as "the brilliant Sitpah Selvaratnam".

Sitpah can be reached at ss@tommythomas.net.

Tommy Thomas

Firm Profile

The firm of Tommy Thomas was established in 2000, as a purely litigation and dispute resolution practice, with particular experience accumulated in corporate, commercial, banking, corporate insolvency, constitutional and administrative, and maritime matters. Other areas of practice include claims in contract and tort, Islamic banking.

Intent on ensuring quality and personalized professional services, the firm of Tommy Thomas maintains its size at 5 lawyers, with Tommy Thomas, Sitpah Selvaratnam and Alan Adrian Gomez as partners. As a litigation firm providing Counsel and solicitors services in respect of dispute, potential disputes and advisory assistance, the firm of Tommy Thomas has had the privilege of working with Government, semi-Government institutions, the Securities Commission, Pengurusan Danaharta Nasional Berhad as the National Asset Management Corporation, large local and foreign banks, private and public listed companies, principal ports of Malaysia, international Protection & Indemnity Clubs, shipyards, shipowners, charterers and commodity traders.