

Breaching barriers: Singapore High Court allows document production order for counsel disqualification application in Singapore-seated arbitration

by *Practical Law Arbitration*, with *Baker Botts (Singapore) LLP*

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In *Samsung E&A (Thailand) Co Ltd v Linklaters LLP [2026] SGHCR 31*, the Singapore High Court (Assistant Registrar) partly allowed an application for production of documents in support of an application to disqualify an international law firm from acting for the respondent in a Singapore-seated SIAC arbitration. The court held that conflict of interest was not itself material; the real question was whether there was a risk of misuse of confidential information. Production was ordered only of documents evidencing information barriers and team composition.

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The Singapore High Court (Assistant Registrar (AR)) has allowed (in part) a document production application in support of proceedings to disqualify an international law firm from acting for the respondent in a Singapore-seated SIAC arbitration.

The claimants were consortium members (with two Petrofac entities) that commenced a Singapore-seated SIAC arbitration in February 2025 against Thai Oil over a Thai refinery dispute. Linklaters acted concurrently for Thai Oil in the arbitration and for Petrofac entities in their restructuring, in which Thai Oil was the largest creditor. Information barriers were implemented in March 2024, but Petrofac had been a client since late 2023 with no barriers in the intervening months. The conflict issue was raised with the tribunal who indicated that it was better determined by the court, since resolution would require consideration of privileged material inappropriate for the tribunal to receive.

The defendants argued that article 5 of the UNCITRAL Model Law 1985 (applicable in Singapore under the International Arbitration Act 1994 (IAA)) precluded court intervention. The AR disagreed because article 5 does not prevent supervisory jurisdiction over Singapore-seated arbitrations in matters not governed by the Model Law. As the IAA and Model Law contain no rules on solicitor removal, the court could in principle restrain counsel from acting.

The AR further held that the conflict of interest was not itself material. The operative questions under the test in *LVM Law Chambers v Wan Hoe Keet [2020] 1 SLR 1083* were whether confidential information could reach the Thai Oil team and be misused. Framing the application around "conflict" did not advance the case; the focus must be on the adequacy of measures preventing information flow.

Most document production categories failed on materiality, breadth or because privilege belonged to Petrofac and was not Linklaters' to waive. Production was nonetheless ordered in narrow terms, including documents evidencing the firm's information barriers, team composition and inter-team communications prior to the erection of barriers. The AR found this a "special case" under Order 11, rule 5(2) of the Rules of Court 2021, with barriers being a "central plank" of the defence.

For arbitration practitioners, the decision underscores that counsel-disqualification applications turn on the risk of misuse of confidential information and not conflict in the abstract. The tribunal may also defer to the supervisory court if resolution requires examination of privileged material and, where information barriers are central to the defence, targeted production orders should be expected.

Case: [Samsung E&A \(Thailand\) Co Ltd v Linklaters LLP \[2026\] SGHCR 31 \(4 August 2026\)](#) (AR Chong Fu Shan).

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