



DANNA ER

PARTNER




PROFILE

Danna is recognised as one of the leading construction and commercial disputes lawyers in Singapore. She has been ranked as a leading construction and commercial disputes lawyer by legal directories including Benchmark Litigation, Asian Legal Business, Asialaw, Doyle's Guide, Junior Chamber International, Singapore Business Review and was awarded the Lawyer Monthly Women in Law Award for her outstanding legal expertise in dispute resolution. Danna is also a qualified construction disputes adjudicator and was conferred a Citation in recognition of her top performance at the adjudicators accreditation exams.

Fluent in English and Chinese, Danna is admitted to practise law in New York, USA and Singapore and specialises in disputes prevention and dispute resolution, with a particular emphasis on international and domestic commercial and construction disputes. Prior to joining Eldan Law as a Partner, Danna practised in the construction and international arbitration practices of two international law firms.

Danna's experience spans Infrastructure, Energy and Utilities, Industrial, Commercial and Residential Construction across projects in Asia and commercial disputes including trade and hospitality disputes. She has represented clients in high value, complex international arbitrations under major institutional rules (SIAC, ICC, LCIA, ICDR etc) and ad hoc proceedings, court proceedings, mediations and adjudications under the Building and Construction Industry Security of Payment Act. Her non-contentious work experience includes drafting, reviewing and advising on contract documentation for large-scale construction projects and arbitration agreements for international transactions to eliminate disputes risks for clients.

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QUALIFICATIONS

- LL.M., Columbia Law School
- LL.B., Hons (Second Class Upper), National University of Singapore

SELECT EXPERIENCE

International Arbitration & International Arbitration related litigation - Construction & Commercial

- Representing a Korean entity against a Singapore entity in an ad hoc arbitration for claims in excess of SGD 100 million arising out of a transportation infrastructure project in Asia.
- Representing a Korean entity against a Malaysian entity in an SIAC arbitration for claims in excess of SGD 100 million arising out of one of the largest power projects in Asia.

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- Attorney & Counsellor at Law (New York)
- Advocate and Solicitor, Supreme Court of Singapore

ACCOLADES

- Passed the Adjudication Exam in 2023 (graduated at the top of the class)
- Asian Legal Business Singapore Rising Stars
- Asialaw Rising Star for Construction
- Recommended Lawyer in Doyle's Guide Leading Construction Litigation Lawyers – Singapore
- The Law Society of Singapore Lawyers Go Global Brand Ambassador
- JCI outstanding young person of the year for the legal category
- Top 20 under 40 most influential lawyers in Singapore – Singapore Business Review
- Outstanding Dispute Resolution Lawyer – Lawyer Monthly Women in Law Award
- Harlan Fiske Stone Scholar, Columbia Law School (for superior academic performance)
- Parker School Award for Achievement in International and Comparative Law, Columbia Law School (for achievement in international and comparative law)
- Represented a Chinese technology company against a US technology company in a dispute arising from termination of a service agreement.
- Represented a German medical device distribution company against a German pharmaceutical in a dispute arising from a breach of a merger & acquisition transaction.
- Represented a US conglomerate in enforcing an ICDR arbitration award in excess of USD 5 million against a Singapore hospitality group.
- Represented a Thai listed company in resisting an anti-suit injunction and setting aside an SIAC arbitration award in the Singapore International Commercial Court: BXS v BXT [2019] SGHC(I) 10 (4 July 2019).
- Advised a Malaysian hospitality group in an SIAC arbitration concerning termination related disputes with its hotel operator involving a hotel in Malaysia.
- Represented a South Korean contractor in an SIAC arbitration claim in excess of USD 100 million against an Indian conglomerate, arising out of an energy project in India. Successfully defended an anti-arbitration injunction sought by the Indian conglomerate before the Delhi High Court: reported in the Global Arbitration Review, 21 November 2017.
- Represented a South Korean contractor in a dispute involving parallel ICC arbitration and Thai Court proceedings, against a Thai bank. The dispute arose out of an infrastructure project in Thailand.
- Advised electronics conglomerate on reorganisation of its business in Indonesia. Advised on contractual rights of termination, risk of damages and settlement with suppliers.
- Represented a South Korean-Japanese consortium in an SIAC arbitration involving delay and suspension claims by a European subcontractor arising out of an infrastructure project in Vietnam.
- Represented an Indian contractor in an SIAC arbitration claim of S\$200 million against a government entity, arising out of the design and construction of one of the longest underground expressways in Southeast Asia.
- Represented a Chinese developer in a dispute involving simultaneous ICC and ad hoc arbitrations seated in Thailand and Singapore due to competing arbitration agreements over the same subject matter. The arbitrations arose out of a

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- Semi-finalist (speaker), LLM International Commercial Arbitration Moot Competition, American University, Centre on International Commercial Arbitration
- Dean's List Award, National University of Singapore (for outstanding academic performance)

PUBLICATIONS

- Books / Journals / Articles
- No Rose Without a Thorn: Claims for Damage, Loss or Expense under the New Adjudication Regime, SAL Practitioner, 8 October 2021
- Danna Er, Annotated Laws of Singapore – Building and Construction Industry Security of Payment Act, Lexis, 17 September 2021
- Danna Er, The burning question – the effect of Far East Square Pte Ltd v Yau Lee Construction (Singapore) Pte Ltd on non-SIA contracts and terminated contracts, Asia Law Network 15 July 2020
- Danna Er, A Relook At An Architect's Certifications Duties [2018] SAL Prac 3, 6 September 2018
- Danna Er, The Choice of Remedies Doctrine – A Jack In The Box? Kluwer Arbitration Blog, 23 July 2018
- Danna Er, Weathering the Evolving Landscapes of Electronic Discovery: A

joint venture dispute concerning an infrastructure project in Thailand.

- Represented an information technology company in successfully resisting an SIAC arbitration claim from a Saudi Arabian entity, arising out of a purported breach of a consulting agreement on healthcare information technology projects in Saudi Arabia.
- Represented a trading company in successfully obtaining pre-award attachment of assets in Louisiana against a British entity in aid of an ICDR arbitration: reported in the Global Arbitration Review, 8 September 2017.

Adjudication - Construction

- Represented an international contractor in successfully resisting 5 related adjudications concerning inter alia variations, acceleration costs, prolongation costs, back charges: Adjudication Application No. SOP/AA 71 of 2020, Adjudication Review Application No. 3 of 2020, Adjudication Application No. SOP/AA 136 of 2020.
- Adjudication Application No. SOP/AA 57 of 2021, Adjudication Application No. SOP/AA 72 of 2022.
- Represented a Japanese contractor in successfully claiming monies in excess of S\$50 million: Adjudication Application No. SOP/AA134 and 135 of 2010.
- Successfully argued for the claimant contractor in SOP/AA 87 of 2010. Adjudication determination subsequently upheld by the Court of Appeal in seminal case of Lee Wee Lick Terence v Chua Say Eng [2012] SGCA 63.

Litigation - Construction & Commercial

- Represented a Turkish contractor in successfully enforcing and resisting the setting aside of an adjudication determination in favour of the Turkish contractor.
- Represented a developer in a seminal Court of Appeal case and successfully argued that the architect's fraudulent certification deprived the payment certificates of temporary finality: Ser Kim Koi v GTMS Construction Pte Ltd [2016] SGCA 7.
- Represented a contractor in the Court of Appeal and successfully argued for damages awarded to the developer in the High Court case of Ho Pak Kim Realty Co Pte Ltd v

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Comparative Analysis,
Singapore Academy of Law
Journal, 18 August 2017

- Co-author, Not waiting until the 18th hole: Resisting forum shopping effectively with the anti-suit injunction, Singapore Law Watch Commentary, May 2017
- Danna Er, CKR v Asplenium – The Vanguard for Restrictive Performance Bond Clauses, Society of Construction Law Issue 25, July 2015
- Co-author, “The Main Features of Arbitration” in the Honourable The Chief Justice Sundaresh Menon and Denis Brock (eds), Arbitration in Singapore: A Practical Guide (Sweet & Maxwell, Singapore 2014)

Revitech Pte Ltd [2007] SGHC 194 to be reduced in favour of the client.

- Represented a leading Malaysian in-store advertising company in a trademark license dispute relating to misrepresentation, non-competition clauses and passing off: OMG Holdings Pte Ltd v Pos Ad Sdn Bhd [2012] 4 SLR 201.
- Represented a liquidator in recovering monies in U.S. territory, Guam in the widely publicised Singapore High Court case of Kaki Bukit Industrial Park Pte Ltd (in liquidation) v. Ho Kok Cheong and others (unreported) where monies in excess of S\$100 million were siphoned from a company.

Front End & Advisory - Construction & Commercial

- Advised a North American contractor on pre-contract documentation for a waste management project.
- Advised a Singapore technology company on contract, employment, data privacy and intellectual property issues for an online platform which was successfully launched.*
- Advised a South Korean contractor on project documentation for a railway project in Malaysia.
- Advised a contractor on arbitration agreements in project documentation for a power project in Botswana.
- Advised an Anglo-Dutch multi-national company on its standard form performance bond agreement.
- Advised a Chinese contractor on project documentation for a desalination plant project in Singapore.
- Advised the Singapore government and drafted project documentation for the construction of Singapore's fourth university, the Singapore University of Technology.