

SMU MASTER OF LAWS



LLM with Specialisations in
Commercial Law
Dispute Resolution
Islamic Law & Finance

Message from the Programme Director



In a time of drastic change, it is... the learners who inherit the future.

Eric Hoffer

Greetings.

The Singapore Management University is a young, vibrant and innovative university in the heart of Asia, with a School of Law which admits talented and motivated individuals into its LL.B. and J.D. programmes. Our holistic curriculum and interactive pedagogy have received enthusiastic response from the students, and we are heartened by the glowing reports from legal practitioners with whom our students have interned.

We take pleasure in introducing the SMU LLM (Master of Laws) by coursework programme. This programme aims to enhance your knowledge, skills and mindset, and to help you understand and serve growing global demands in this ever-changing, competitive world. In recognition of the rising demand in specific fields, we are launching specialisations in three niche areas – Commercial Law, Dispute Resolution and Islamic Law & Finance.

This specially designed programme is taught by a team of distinguished faculty and experienced professionals from SMU and abroad. We trust you will benefit from and enjoy the enriching experience that our programme offers.

My colleagues and I look forward to welcoming you.

Yours truly,

Low Kee Yang, PhD

Associate Professor of Law
Director, LLM Programme

The Programme/Course Delivery



The LLM is a modular one-year programme where participants read a total of 8 courses.

8 Courses		
2 Prescribed Courses	4 Specialisation Courses	2 Free Electives

Depending on the specialisation, participants will be awarded with an LLM degree with the specific specialisation indicated on their degree scrolls upon graduation.

COURSE SCHEDULE

Each course is taught over 10 sessions of 3 hours each. Typically, a course is taught over 3 weekends – Fri, Sat, Fri, Sat, Sat – with classes in the morning and in the afternoon. A few courses, where the instructors are overseas visitors, are taught intensively over an extended weekend, from Thursday to Tuesday (with a break on Sunday).

ASSESSMENT

Course assessment is holistic and takes into account class participation, presentations and the written paper/examination. For each module, participants either write an individual assignment of 6,000 to 10,000 words or do a take-home written examination of up to 6,000 words.

PEDAGOGY

Courses are taught in a seminar-inspired style, where participants benefit from lively discussions and presentations in a highly interactive learning environment. Prominent practitioners may be invited to share in some of these sessions.

PRESCRIBED COURSES

Participants will have to take the two prescribed courses – Business, Strategy & Organisation (BSO) and Overseas Study Mission (OSM), irrespective of the specialisation chosen.

BSO and OSM together help provide lawyers the skills and mindset necessary to better understand their clients. With this edge, they will be able, whether in structuring and documenting transactions or in handling legal disputes, to render advice which is not just technically correct but which also takes into account business sensitivities and commercial viability.

SPECIALISATION COURSES & FREE ELECTIVES

Participants must choose 4 courses from the relevant specialisation menu in order to be awarded their degree specialisation. The final two courses can be from any of the specialisations or free electives course listings. Alternatively, a participant may choose to write a supervised research paper (of 12,000 to 15,000 words) in place of a taught elective.

COMMON LAW WORKSHOP

Participants from a civil law background or without a basic law degree must attend a preparatory 2-day workshop to introduce them to the common law system before the start of term.

LLM in Commercial Law

Specialisation Co-ordinator



The broad area of commercial law is becoming increasingly complex. The LLM in Commercial Law aims to give participants keener insights into the workings of business organisations, and to supplement their knowledge and understanding in critical areas and issues of commercial law, such as agency law, commercialisation of intellectual property, corporate crime, comparative competition law and commercial dispute resolution.

Low Kee Yang, PhD
Associate Professor of Law
Director, LLM Programme

List of Commercial Law Electives*

COMPARATIVE COMPETITION LAW

The course will provide an in-depth analysis of Singapore competition law in comparison with the competition laws of much larger economies, such as the UK, USA, and European Union. This is important for a practitioner who advises clients on multi-jurisdictional transactions and the development of competitive businesses in different nations. The course also provides an opportunity to examine the interplay of law and economics.

COMMERCIALISATION OF INTELLECTUAL PROPERTY

This course provides an introduction to the legal and practical issues that arise when commercialising Intellectual Property Rights (IPRs) such as patents, copyrights and trademarks. The IT industry is used as the case study of how IP rights affect methods of commercialising software. IP issues arising on the Internet will also be considered. The course also explains the process and issues involved in conducting due diligence on IP/IT issues in corporate transactions. The impact of antitrust laws on IP commercialisation and the role an effective IP enforcement strategy should play in the commercialisation of the rights is also considered.

COMPARATIVE CONFLICT OF LAWS IN INTERNATIONAL COMMERCIAL DISPUTE (Cross list)

Please refer to the course description found at the Dispute Resolution specialisation.

CONTRACTUAL REMEDIES

Traditional undergraduate courses tend to concentrate on Formation of Contract and vitiating factors such as mistake and misrepresentation. The general law provides a range of possible remedies (termination, specific performance, injunctions, actions for money due and damages) but parties can agree to add additional remedies (for instance by widening the right to termination, providing for deposits or advance payments or for liquidated damages). All of these possibilities will be considered, together with a full analysis of the principles on which damages are calculated.

CORPORATE CRIME

This course will provide students with sufficient knowledge of the major corporate crimes such as company fraud, corruption, insider trading, cyber crime, money laundering, terrorist financing and securities offences and the reasons for their occurrence. It will also examine the role of the State in regulating corporate behaviour and current methods of crime control including international initiatives.

LAW OF AGENCY

This course will seek to examine the general principles by which one identifies an "agent" and the consequences of that position, and will then pay particular attention to the specific agency doctrines of apparent authority, ratification, warranty of authority and the undisclosed principal. It will also touch on non-central applications of agency doctrines such as in tort and property situations.

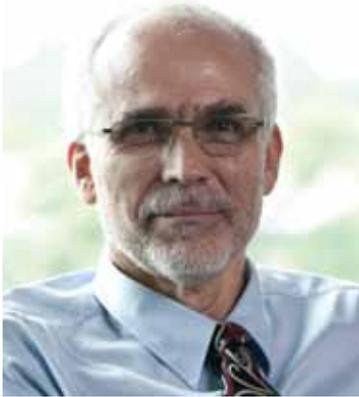
MERGERS & ACQUISITIONS

This course is designed to provide an overview of the regulation and practice of mergers and acquisitions transactions in Singapore. Where relevant, comparisons with other jurisdictions such as the United States, the United Kingdom, Australia and Hong Kong will be made. The topics that would be covered include mechanics of structuring mergers and acquisitions transactions, the preparatory work that is required in connection therewith, the regulatory environment in which mergers and acquisitions take place, duties of participants engaged in mergers and acquisitions deal protections, deal tactics for friendly and hostile bids, disclosure obligations, compulsory acquisitions and financing.

* List of electives may change from time to time

LLM in Dispute Resolution

Specialisation Co-ordinator



The specialist track in Dispute Resolution reflects the changes in practice, from the singular focus on litigation to a more comprehensive view of the varieties of forums to which parties can take their disputes. The course on international conflict parallels the more commercial courses, in that conflicts over resources – in varying guises – dominate the contemporary landscape. Taken together, the courses in this track will equip the modern dispute resolution practitioner and global lawyer with resources to navigate this changing landscape.

Ian MacDuff

Associate Professor of Law (Practice)
Director, Centre for Dispute Resolution

List of Dispute Resolution Electives*

COMPARATIVE CONFLICT OF LAWS IN INTERNATIONAL COMMERCIAL DISPUTE

This course explores a wide range of conflict of laws issues arising in the context of international commercial dispute resolution. It offers valuable insights into how the relevant conflict issues are conceived of, and solved, in both civil and common law jurisdictions. It examines not only the conflict of laws principles applied by domestic courts hearing international disputes, but also the specific problems faced, and methodological approaches followed, by international arbitral tribunals. This course also provides a comparative study of conflicts of jurisdiction, including the recognition and enforcement of foreign judgments.

INTERNATIONAL CONFLICT RESOLUTION

Contemporary international (and internal) conflicts create the need to examine domestic and international policy responses as they introduce challenges related to perceived imperatives for intervention, whether on security or humanitarian grounds. Increasingly, integrated responses involving official, non-governmental and 'grass roots' agencies are required for effective resolution. This course examines the challenges and policy implications, and the conventional and emerging options for resolution, with a view to developing a framework for responding to international conflicts.

INTERNATIONAL ARBITRATION: LAW & PRACTICE

Arbitration has become the preferred method of dispute resolution in international transactions. This course considers how and why arbitration works in both common law and civil law jurisdictions. It explains the legal framework for international arbitration and examines arbitration practice from the drafting of the arbitration agreement to the enforcement of the arbitral award. The advantages and disadvantages of arbitration will be considered in comparison to court litigation and the leading methods of alternative dispute resolution.

INTERNATIONAL COMMERCIAL MEDIATION

Mediation provides a more flexible process shaped by the nature of the dispute, the characteristics of the disputants and the skills of the mediator. The course will examine the development of international commercial mediation and examine how modern mediation practice has developed in both Western and Asian countries, considering in particular how this model suits different legal traditions and cultures. The various theories and practices including communication and negotiation concepts are also explored. Interactive exercises and simulations will provide opportunities to practice these techniques.

INTERNATIONAL TRADE DISPUTE RESOLUTION

International trade and investment activities are the life-blood of economic growth and development. It is essential to have an understanding of the landscape of trade and investment law, the barriers that may form the substance of disputes and the relevant institutions, to work more effectively for clients. This course will equip students with an understanding of the sources of international trade law, interpretative instruments, the relevant institutions, their rules and practices, and the ability to identify solutions to common trade and investment issues facing international businesses.

ISLAMIC FINANCE DISPUTE RESOLUTION

(Cross list)

Please refer to the course description found at the Islamic Law & Finance specialisation.

*List of electives may change from time to time

LLM in Islamic Law & Finance

Specialisation Co-ordinator



Islamic finance, the hottest growth area of finance, is expanding exponentially each year and assets under management currently stand at US\$1 trillion. There is significant demand for products and innovation in the industry as well as expertise in the unique legal nuances of Islamic finance. The SMU LLM in Islamic Law & Finance, one of the very few specialised programmes in the world, provides an excellent opportunity to acquire knowledge and expertise in this burgeoning area.

Andrew White

Associate Professor of Law
Director, International Islamic Law & Finance Centre

List of Islamic Law & Finance Electives*

INTRODUCTION TO ISLAMIC LAW & COMMERCIAL TRANSACTIONS

(Compulsory)

The course is an introduction to Islamic law, through a discussion of the primary sources of *al-Shari'ah*, Islamic commercial jurisprudence (*fiqh al-mu'amalat*), and jurisprudential methodology (*usul al-fiqh*). Students will understand Islamic legal interpretation and analysis through the methodology of *ijtihad*, as regulated by *usul al-fiqh*. The course introduces students to the Islamic law of contracts and partnerships, as well as commonly used Islamic finance facilities and the *Shari'ah* basis for their structures.

ISLAMIC LEGAL DOCUMENTATION & RISK MANAGEMENT (Compulsory)

This course analyses legal documentation with respect to Islamic finance structures commonly used by financial institutions in this region. Also discussed will be banking regulations and guidelines in Singapore governing Islamic finance. Students will learn the practical aspects of applying Islamic finance principles to legal documentation, including important factors to be considered in drafting documentation for syndicated Islamic financing structures. Risk exposure and approaches to mitigation, including careful legal documentation, will also be addressed.

ISLAMIC CAPITAL MARKETS

The course discusses the role of capital markets as part of the modern financial system, and as an important component of Islamic finance. The subject begins with an overview of conventional market dynamics, Islamic financial markets and Islamic economics in comparison with conventional macroeconomics. Primary Islamic capital markets, new issues of equities and debts, as well as emerging secondary Islamic capital markets for reallocation of issues among investors are discussed.

ISLAMIC WEALTH MANAGEMENT

The course discusses Islamic asset and wealth management, beginning with an overview of Shari'ah-compliant equity funds, non-equity investments, and Shari'ah-compliant fund management. Participants are taught practical concepts employed in the structure, diversification, and management of a Shari'ah-compliant portfolio. Commodity funds, equity investments, investment in sukuk, Islamic private equity placements and typical structures are all analysed. Alternative investments, including capital protected investment products and hedge fund investments are also discussed.

ISLAMIC FINANCE DISPUTE RESOLUTION

The course begins with an overview of the Islamic finance industry and the need for a specialised dispute resolution framework suited to the industry. The course also discusses Western, Asian, and Arab cultures and considers their impact on the selection and efficacy of appropriate Alternative Dispute Resolution (ADR) models, both for conventional as well as for Islamic commercial disputes. The history, theory and legal authority for traditional Islamic *sulh* (subsuming concepts of arbitration and mediation), and its application in Islamic finance are analysed. Practice related issues, which include the drafting of Islamic ADR agreements are discussed.

* List of electives may change from time to time

Application

ADMISSIONS ELIGIBILITY

Applications should be made online via http://www.law.smu.edu.sg/llm/admission_fees/admissions_and_fees.asp

Applicants to the programme should have a good LL.B. or J.D. degree and at least 2 years' of professional legal working experience.

Applicants without a basic law degree but who have substantial knowledge of and exposure to law may be considered for admission on a case-by-case basis.

Supporting documents include:

- Identification documents
- Academic transcripts
- Resume
- 2 Recommendation forms
- 2 Essays
- TOFEL/IELTS*

* If your degree was not taught in English

An official translation would be required for all documents which are not in English.

Shortlisted candidates will be invited for an interview and required to write a brief essay on an assigned topic.

PROGRAMME FEES

Application:	S\$50 (Non-refundable)
Registration:	S\$400 (Singaporean /PR, non-refundable) S\$500 (Foreigner, non-refundable) Amount is payable on acceptance to the programme. The registration fee covers matriculation, examination fees, library and email account.
Tuition Fees:	S\$30,000 (inclusive of GST) Payment schedules: <ul style="list-style-type: none"> • First installment payable on 15 Mar: S\$15,000 • Second installment payable on 15 Sep: S\$15,000

The Singapore Management University reserves the right to alter tuition fees for the new incoming cohorts when required.

SCHOLARSHIPS

The SMU LLM programme provides a limited number of partial scholarships.

Please refer to <http://www.law.smu.edu.sg/llm/scholarships&awards.asp> for more information.

Applicants who wish to specialise in Islamic Law & Finance may be eligible for funding support under the MAS Finance Scholarship Programme.

Please visit http://www.mas.gov.sg/fin_development/Finance_Scholarship_Programme.html for more details.

FAQs

My undergraduate degree was not in English, but my postgraduate degree is. Do I still need to take TOEFL/IELTS?

Yes. The discipline of law requires a very high level of language competency. All participants need to have the requisite language facility in order to benefit fully from the programme.

Will the classes be held together with the undergraduates?

No, the LLM classes are exclusively for postgraduate participants. Our intention is to maximise the wealth of the learning experience in the programme.

I have taken similar law modules before. Can I be exempted from it or be given credit transfers?

As the content and approach in courses varies widely from institution to institution, the policy is not to grant exemptions or credit transfers.

Will I be qualified to take the Singapore Bar upon graduation?

No, as the SMU LLM is not designed for this purpose.





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