



**SMU**

SINGAPORE MANAGEMENT  
UNIVERSITY

# RESEARCH REPORT 2019

School of  
**Law**

## DEAN'S MESSAGE

Dear colleagues and friends,

At the Singapore Management University (SMU) School of Law, we have always strived to produce excellent research that makes substantial impact and bridges academia, theory and practice. In 2019, our faculty members' publications included 20 books, 55 journal articles, 12 case notes and 77 book chapters. These comprised monographs such as Professor Tham Chee Ho's *Understanding the Law of Assignment* (Cambridge University Press); co-authored books including Professor Tang Hang Wu's *Tan Sook Yee's Principles of Singapore Land Law* (4th ed, LexisNexis), Professor David Llewelyn's *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (9th ed, Sweet & Maxwell) and Professor Nadja Alexander's *The Singapore Convention on Mediation: A Commentary* (Wolters Kluwer); and co-edited collections such as Associate Professor Pasha Hsieh's *ASEAN Law in the New Regional Economic Order: Global Trends and Shifting Paradigms* (Cambridge University Press).

Our faculty's articles and notes also appeared in leading journals such as the *European Business Organization Law Review*, the *Journal of Equity*, the *Journal of Private International Law*, the *Law Quarterly Review* and the *Lloyd's Maritime and Commercial Law Quarterly*.

In our research we have focused on three strategic areas, namely, law and technology, transnational commercial law and dispute resolution. With support from the government and industry, these areas are at the forefront of the work that goes on in our research centres: the Centre for AI and Data Governance (CAIDG), the Centre for Computational Law (CCLAW), the Applied Research Centre for Intellectual Assets and the Law in Asia (ARCIALA), the Centre for Cross-Border Commercial Law in Asia (CEBCLA) and the Singapore

grants valued at 20 million Singapore dollars.

Through our research centres we also organised multiple international and regional research events on cutting-edge developments in artificial intelligence, data protection, FinTech, private law and insolvency law as well as dispute resolution. We are immensely grateful to our event partners, which include leading academic institutions, law firms and technology companies.

On behalf of the SMU School of Law, I thank you for your support and look forward to deepening our collaboration. Please do not hesitate to contact me if you have any suggestions or comments. Finally, I wish you all the best in 2020.

Sincerely,

International Dispute Resolution Academy (SIDRA). In the past two years alone, our research centres have obtained external



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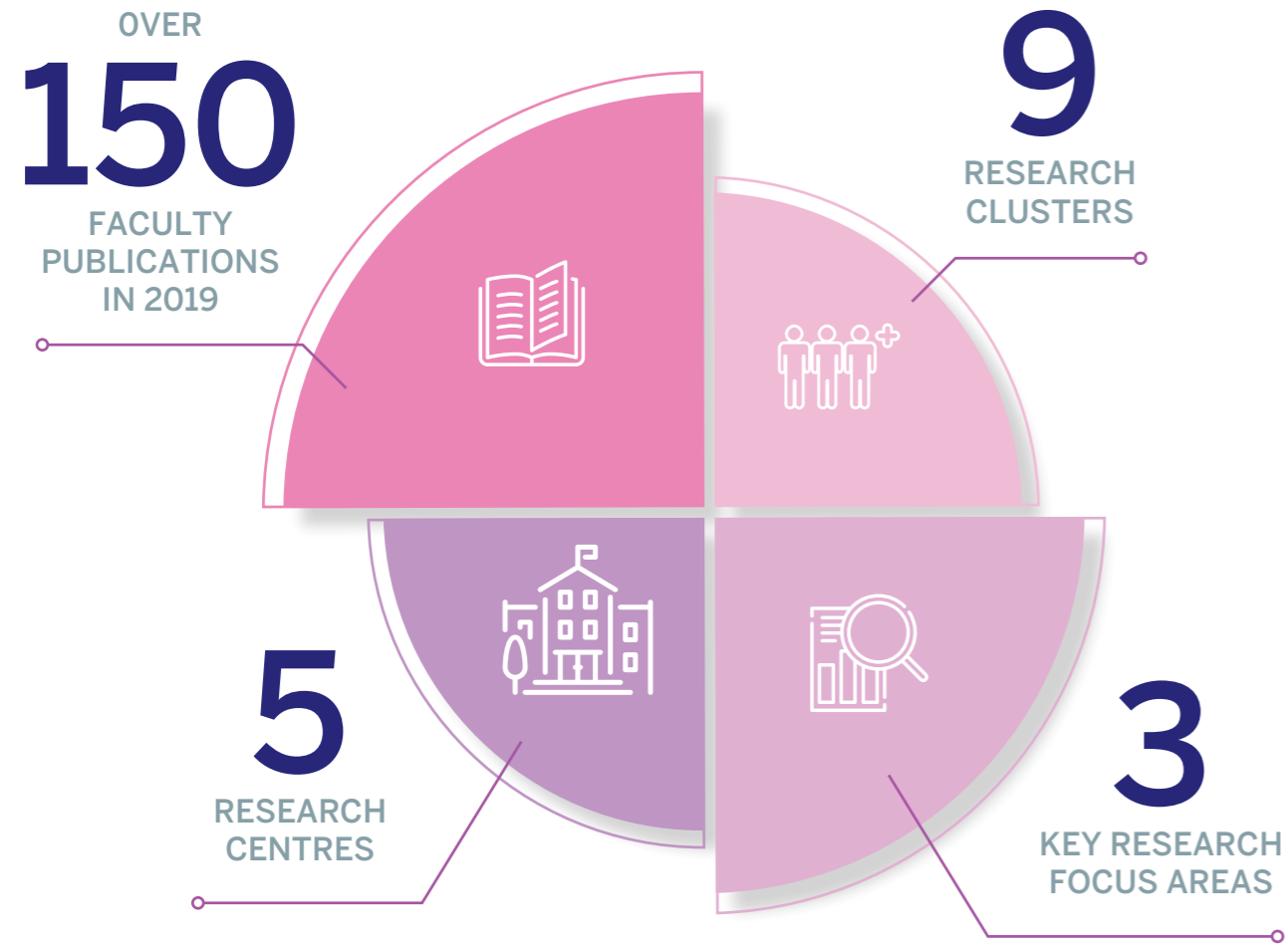
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# RESEARCH OVERVIEW



## OUR KEY RESEARCH FOCUS AREAS ARE:

**LAW AND TECHNOLOGY**

**TRANSNATIONAL COMMERCIAL LAW IN ASIA**

**DISPUTE RESOLUTION**

## PUBLICATIONS IN 2019 INCLUDE:

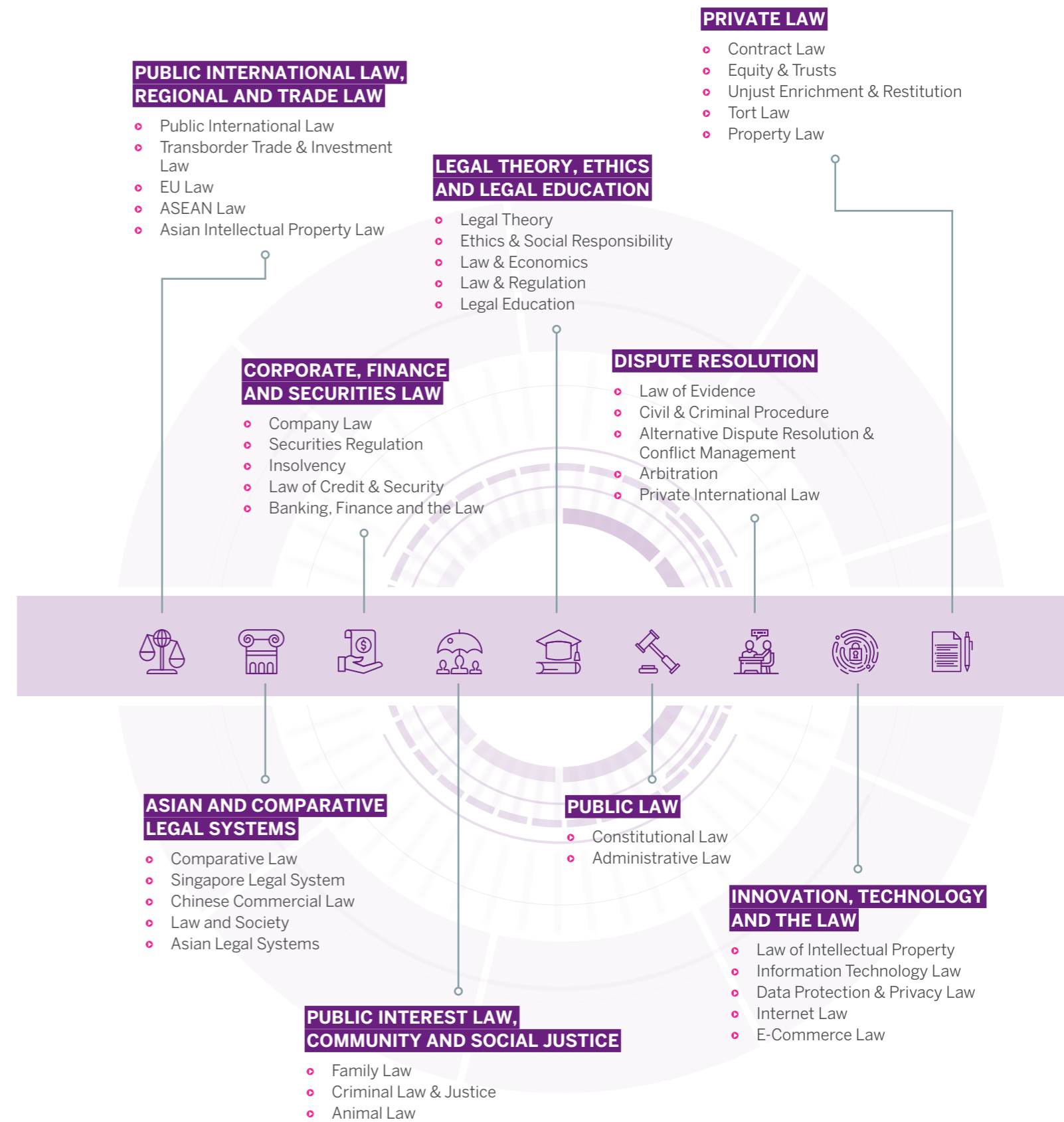
**20**  
BOOKS

**55**  
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**12**  
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# RESEARCH CLUSTERS



# FACULTY PROFILES

# FACULTY PROFILES

## OUR FACULTY MEMBERS



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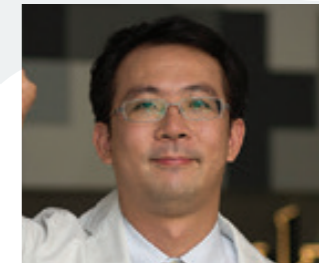


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## FACULTY PROFILES

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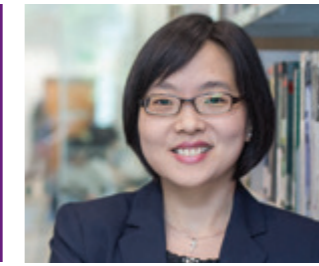


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## RESEARCH CENTRES



### CENTRE FOR AI AND DATA GOVERNANCE (CAIDG)

CAIDG is headed by Professor Mark Findlay (Director) and Associate Professor Warren Chik (Deputy Director). The Centre focuses on three streams of research: AI and Society; AI and Business; and AI in Specific Industries. These research streams benefit from a S\$4.5 million grant from the National Research Foundation (NRF) and the Infocomm Media Development Authority (IMDA) of Singapore, and are complemented by overarching initiatives such as the SMU-Microsoft Asian Dialogue on AI Governance and the AI Ethics Hub 4 Asia.

In 2019, its full first year of operations, CAIDG members published 16 working papers and 12 research articles, and organised 28 seminars. Highlights of the year included a panel discussion with members of the International Women's Forum, a dialogue session with the Chief Legal Officer of Google, the ANU-SMU AI research colloquium, the inaugural World Legal Summit and a conference titled 'AI and Commercial Law: Reimagining Trust, Governance and Private Law Rules'.

In March 2019, CAIDG hosted members of the International Women's Forum at a panel discussion on AI-related topics. Assistant Professor Dorcas Quek Anderson presented on Algorithmic Dispute Resolution and Assistant Professor Malavika Jayaram spoke on AI Ethics and Governance.

CAIDG also hosted Mr Kent Walker, Senior Vice President and Chief Legal Officer of Google, for a dialogue session in April 2019. Mr Walker shared with SMU students and industry guests some of Google's perspectives on various complex social and ethical issues in contemporary times.

Also in April 2019, CAIDG collaborated with the College of Law of the Australian National University (ANU) to focus on the challenges and opportunities when researching developing technologies that transform law and legal regulation. Following opening remarks by Professor Sally Wheeler (Dean, ANU College of Law) and Professor Goh Yihan (Dean, SMU School of Law), the two-day event kicked off with presentations from ANU and SMU faculty covering a variety of contemporary challenges for legal service delivery. A wider audience of regulatory stakeholders in Singapore later participated in an industry roundtable, which enabled representatives from industry and the public sector to share their rich insights. Professor Mark Findlay and Associate Professor Jolyon Ford (ANU) moderated the event.



In August 2019, CAIDG co-organised the World Legal Summit together with the Singapore Academy of Law, LexisNexis and LawTech.Asia. The Summit is an international annual event held over a 24-hour period in multiple countries around the world, bringing experts from the legal and technology industries into conversation on the regulatory and legislative challenges that present themselves in the pursuit of sustainable development of technology. Topics for 2019 included identity and personal governance, autonomous machines and cyber-security and personal data.



## RESEARCH CENTRES

In December 2019, CAIDG organised the conference 'AI and Commercial Law: Reimagining Trust, Governance and Private Law Rules'. Convened by Professor Gary Chan and Associate Professor Yip Man, the conference addressed some of the most relevant topics related to AI and commercial law. A keynote speech by Mr Yeong Zee Kin (Deputy Commissioner, Personal Data Protection Commission) on the Singapore Model AI Governance Model framework was followed by the opening panel of discussants comprising Professor Urs Gasser (Executive Director, Berkman Klein Center for Internet and Society, Harvard), Ms Alexis Chun (co-founder, Legalese), Assistant Professor Akshat Kumar (SMU School of Information Systems) and Assistant Professor Malavika Jayaram.



The conference was attended by leading academics, practitioners and industry members from around the world. The conference included five topical sessions: AI in Asia and the Global Context; AI and Data Protection: New Regulatory Approaches; AI and Data Protection: Conceptions of Property and Trust; Evolution, Innovation and Adaptation in the Age of AI and Data; and AI and Tort Law.



### APPLIED RESEARCH CENTRE FOR INTELLECTUAL ASSETS AND THE LAW IN ASIA (ARCIALA)

Led by Professor Liu Kung-Chung (Director), ARCIALA is a leading research body undertaking industry-relevant studies and exploration into the treatment of intellectual assets not just in Singapore but also in Asia. Its research focus includes annotating and contrasting leading intellectual property cases from major Asian jurisdictions, deciphering the intersection both between intellectual property and competition

law as well as between intellectual property and trade law, and understanding the relationship between innovation, economic development and intellectual property.

Through this multi-faceted and cross-disciplinary approach, ARCIALA engages in thought-provoking research projects in areas of practical and regional

## RESEARCH CENTRES

importance, in order to promote interest, academic research and cooperation on intellectual assets and the law in Asian economies and to nurture promising young scholars on Asian intellectual property law. It also publishes a series of edited volumes and monographs on Asian intellectual property law. Highlights in 2019 included the following.

### **Asian IP Works-in-Progress Conference**

A signature initiative started by ARCIALA in 2016, the annual Asian IP Works-in-Progress Conference provides an open forum for scholars researching and writing on Asian intellectual property laws and regimes to present and discuss their works-in-progress in an interactive manner. The 4th conference, held at the SMU School of Law in January 2019, saw 60 presenters from Asia, Europe and the United States discussing their work with great interest and vigour.



### **Visionary IP Professors (VIPP) Roundtable**

The 8th VIPP Roundtable was held at the SMU School of Law in November 2019. This regular Roundtable series is co-convened under the auspices of ARCIALA and the Max Planck Institute for Innovation and Competition, Germany and serves as a platform to allow for a small group of intellectual property professors to meet regularly to enhance the understanding and improvement of intellectual property research and regimes in Asia. The inaugural VIPP Roundtable took place at SMU in August 2015. Future Roundtables are proposed to be held every six months.



### **Artificial Intelligence and Intellectual Property Conference**

In November 2019, the Artificial Intelligence and Intellectual Property Conference took place at SMU. 24 speakers from nine jurisdictions examined six major themes: technology, business and basics of AI; AI and patent law; AI and copyright law; AI and intellectual property administration; AI software and big data governance; and AI and the greater picture. Cutting-edge issues related to AI were lively discussed by experts from academia, industry and legal practice.

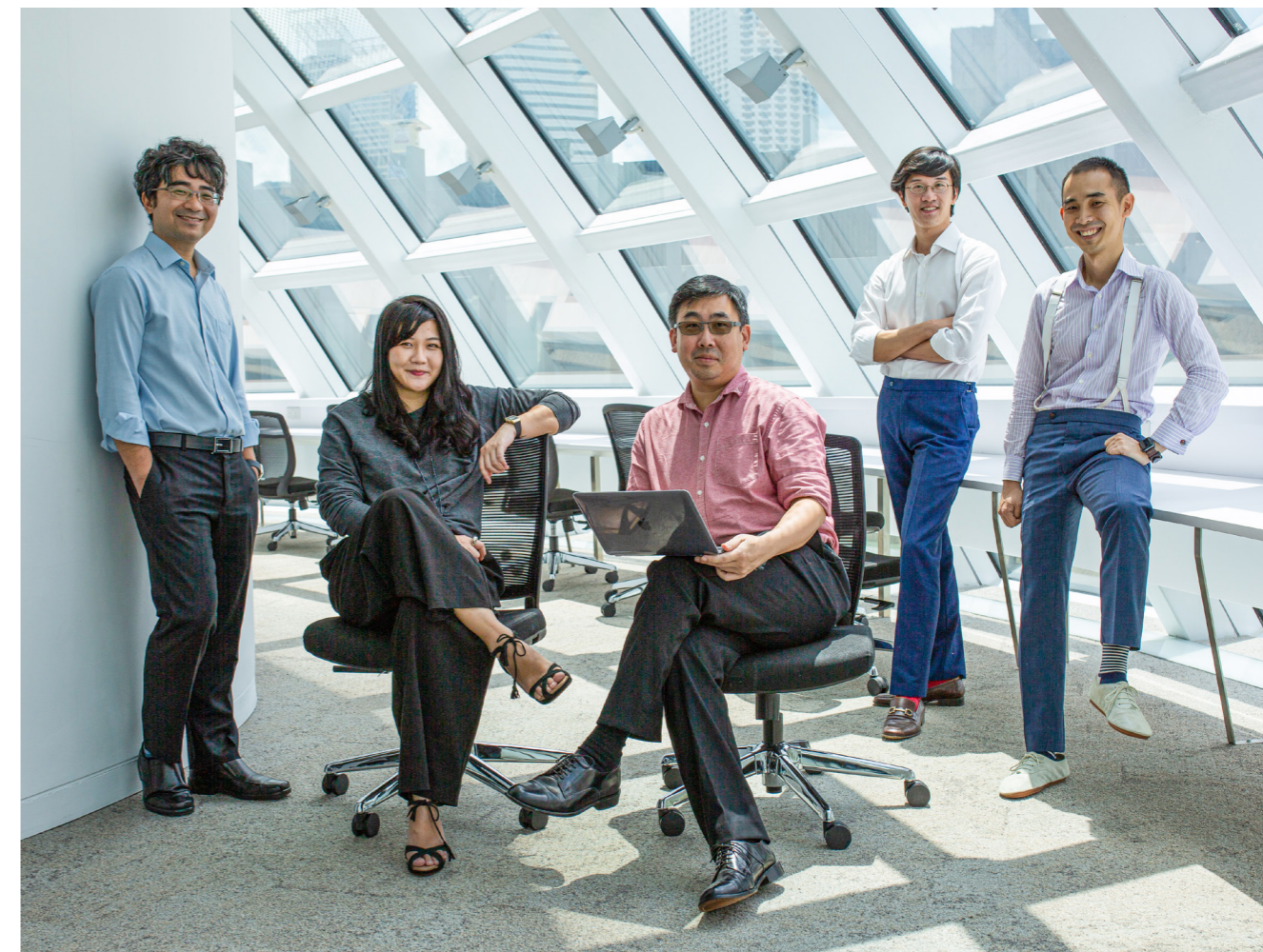
The conference was co-organised by ARCIALA; the Max Planck Institute for Innovation and Competition, Germany; and the Faculty of Law of the Chinese University of Hong Kong. The conference will bear further fruit in the form of a book to be published by Oxford University Press in 2020, which will help guide future debate about the interplay between AI and intellectual property.



### **Mock Trial of Apple 'Slide-To-Lock' Patent**

Also in November 2019, ARCIALA and the Asian Patent Attorneys Association (Singapore) co-organised a mock trial at the SMU School of Law, simulating proceedings before the Boards of Appeal of the European Patent Office. The mock trial related to Apple's 'slide-to-unlock' patent and addressed both procedural aspects (such as admissibility issues concerning late-filed claim sets and evidence) and substantive aspects (such as the patentability of computer-implemented inventions including both technical and non-technical features). The judges of the mock trial included Mr Tan Tee Jim SC (Senior Partner, Lee & Lee) and Professor Liu Kung-Chung.

## RESEARCH CENTRES



### **CENTRE FOR COMPUTATIONAL LAW (CCLAW)**

Assistant Professor Lim How Khang is the Director of CCLAW, the newest research centre of the SMU School of Law. Its flagship project is the Research Programme in Computational Law, which is the beneficiary of a major grant of S\$15 million awarded by NRF.

The Research Programme in Computational Law aims to study and develop open source technologies for 'smart' contracts and 'smart' statutes, starting with the design and implementation of a domain-specific programming language (DSL) that allows for laws, rules and agreements to be expressed in code. This paves the way for 'smart' contracts and statutes that can be reliably executed by computers to enable precise and accurate performance and compliance. The eventual industry-adoption of the DSL will facilitate the delivery of more efficient legal and regulatory services through digital systems, and will broaden access to justice.

Besides computational law research, CCLAW conducts research on the application of cutting-edge computational technology to legal, regulatory, compliance and governance problems. In doing so, CCLAW collaborates with research centres and institutional partners, as well as the technology industry and legal professions around the world.

To incorporate industry and cross-disciplinary expertise, Mr Wong Meng Weng and Ms Alexis Chun, co-founders of legal technology company Legalese, have joined as Principal Research Fellow and Industry Director respectively. Mr Wong has been appointed Principal Investigator of the Research Programme in Computational Law. Co-investigators and research collaborators from the SMU School of Law and School of Information Systems all participate in this exciting space as well.

## RESEARCH CENTRES

### CENTRE FOR CROSS-BORDER COMMERCIAL LAW IN ASIA (CEBCLA)

Under the leadership of Professor Tang Hang Wu (Director) and Associate Professor Yip Man (Deputy Director), CEBCLA facilitates research in all areas of commercial law, with a focus on the Asian context. It aims to be a leading Asian centre of research in commercial law informed by a variety of research methods, including from doctrinal, theoretical, empirical, historical, sociological and comparative perspectives.

A key objective of CEBCLA is to serve as the meeting point and first port of call for scholars, leading practitioners, governments and policy makers pursuing rigorous, informed and significant research in commercial law in Asia. Through such interactions and dialogues, CEBCLA seeks to support the development of regional thought leadership in commercial law and research collaborations. Here are some of the highlights of 2019.

#### Comparative Corporate Governance Conference

CEBCLA, Adelaide University and the Singapore Academy of Law jointly hosted a two-day conference in January 2019 on the theme of complex corporate governance issues confronting Asia and the world. The conference featured a keynote speech delivered by Justice Chua Lee Ming (Supreme Court of Singapore). Leading academic scholars and market practitioners engaged in discourse on topics including diversity on boards, ethics and culture on compliance, the effectiveness of soft law mechanisms (such as corporate governance codes), new frontiers of corporate governance and the impact of technology.



#### SMU-Cambridge Roundtable on Corporate Insolvency Law

In April 2019, CEBCLA hosted the inaugural SMU-Cambridge Roundtable on Corporate Insolvency Law, which was jointly organised by CEBCLA and the University of Cambridge's Centre for Corporate and Commercial Law. Insolvency experts from all over the world gathered to discuss the regulatory competition and insolvency reforms, with particular emphasis on the new restructuring framework implemented in Singapore and the insolvency reforms proposed in the UK and the



#### Journal of Equity Annual Conference

In February 2019, CEBCLA co-organised the Journal of Equity Annual Conference, which took place at the SMU School of Law on 14 February 2019. The conference theme was 'Equitable Fraud'. The Guest of Honour, Judge of Appeal Justice Andrew Phang (Supreme Court of Singapore), opened the conference with warm reminiscences and reflections on the conference theme. A total of five papers addressing a wide range of contemporary issues such as bribes and liability in equity, abuse of trust and corporate structures, undue influence, procedural 'remedy' in the assignment context and misleading conduct in the consumer protection context were featured in the conference. All five featured presenters are leading private law scholars with stellar research records. Selected conference papers appeared in a special issue in the Journal of Equity in 2019.

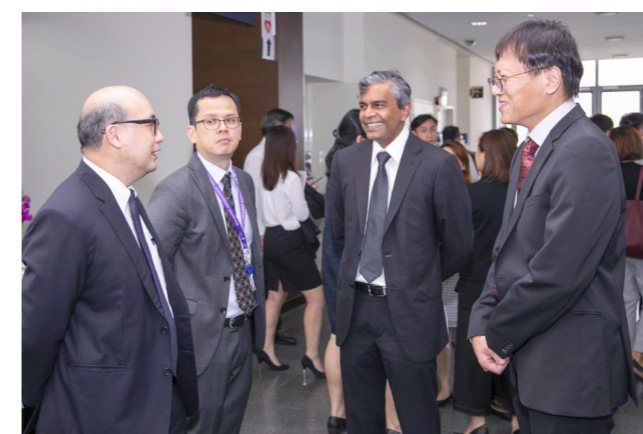
EU. They also analysed the challenges of insolvency law in Brazil, as well as the promises and perils of the restructuring framework that seems to be influencing most insolvency reforms around the world: Chapter 11 of the US Bankruptcy Code. Later in June 2019, a return event was held at Cambridge where leading academics, policy makers and practitioners from the US, the UK, Europe, Asia and Australia all participated in the Roundtable.



#### Dentons Rodyk Dialogue

The third Dentons Rodyk Dialogue in April 2019, co-organised by CEBCLA and Dentons Rodyk, brought together an exciting line-up including world-renowned privacy scholar from the University of Hong Kong, Professor Anne Cheung, and Singapore cyber-security czar, Mr David Koh, to discuss the future direction of privacy in the age of social media and data breaches. The dialogue with these leading figures on digital

security attracted a turnout of about 400 delegates from academia and industry, who gathered to hear more on pressing issues related to privacy (or the lack thereof) that are prevalent in the current age of evolving technology, as well as some of the possible legal and regulatory resolutions. The event was graced by the Guest of Honour, Dr Janil Puthuchearu (Senior Minister of State), who also delivered the opening address.



#### Yong Pung How Professorship of Law Lecture

The 12th Yong Pung How Professorship of Law Lecture was delivered in May 2019 by Professor Yeo Tiong Min SC (Hon), Yong Pung How Chair Professor of Law. The lecture featured a review of three seminal decisions released recently by the Singapore Court of Appeal relating to the enforcement of choice of court agreements in the common law regime. Among the audience were guests from the Supreme Court of Singapore, Justice Chao Hick Tin and Judicial Commissioner (now Justice) Pang Khang Chau.



#### Trusts and Wealth Management Conference

The third conference of the *Modern Studies in the Law of Trusts and Wealth Management* series was on the theme 'Asian Wealth and the Global Context'. Some of the world's most distinguished trust and wealth management lawyers gathered in Singapore in August 2019 to discuss a range of legal issues at the forefront of this field. Justice Aedit Abdullah (Supreme Court of Singapore) gave the welcome address, while Lady Arden (UK Supreme Court) delivered an illuminating keynote lecture on family trusts, explaining the legal difficulties, cultural complexities and family dynamics underlining such trusts and trust-related litigation. The conference was co-organised by CEBCLA, the University of York and the Singapore Academy of Law.



## RESEARCH CENTRES



### Herbert Smith Freehills-SMU Asian Arbitration Lecture

In October 2019, Judge of Appeal Justice Judith Prakash (Supreme Court of Singapore) delivered her lecture 'The Court's Role in Arbitral Proceedings: Regulator or Promoter?'. In a wide-ranging and informative lecture, Justice Prakash discussed the Singapore courts' relationship with arbitral proceedings, and stressed that promotion and regulation are not mutually exclusive. Rather, appropriate regulation is an essential aspect of the promotion of any jurisdiction as a place where disputes are resolved justly. She also explored a number of difficult questions on the future relationship between

courts and arbitration, one of them being how the courts are to exercise their regulatory-type powers to facilitate the growth of the arbitration field while ensuring the integrity of the process.

Following the lecture by Justice Prakash, Mr Alastair Henderson (Managing Partner SEA, Herbert Smith Freehills) shared some insights and considered the practical implications that were likely to flow from a number of the suggestions raised by Justice Prakash in her lecture.



### Jones Day Professorship of Commercial Law Lecture

In August 2019, Professor Graham Virgo QC (Hon) (Cambridge) delivered the Jones Day Professorship of Commercial Law Lecture, entitled 'The State of Illegality'. In his lecture, Professor Virgo, who is also Senior Pro-Vice-Chancellor for Education at the University of Cambridge, examined recent illegality decisions in English and Singapore law – *Patel v Mirza* [2017] AC 467 and *Ochroid Trading Ltd v Chua Siok Lui* [2018] 1 SLR 363. He also discussed the nature and significance of the different approaches in the two jurisdictions and what these revealed about the judicial and legal methods in both jurisdictions. The lecture was followed by a lively panel discussion with Justice Valerie Thean (Supreme Court of Singapore) and Mr Simon Bellas (Partner, Jones Day).



### Singapore Mediation Lecture

The Singapore Mediation Lecture was delivered at SMU by Mr Edwin Tong SC (Senior Minister of State) in October 2019. Mr Tong discussed how Singapore embarked on its mediation journey and the key milestones along the way. He also explained what the Singapore Convention on Mediation would mean for countries, businesses and practitioners in the long run. Going forward, Mr Tong stressed the importance of harnessing the new opportunities that would abound locally, regionally and internationally. The lecture was followed by a lively panel discussion among Mr Tong, Ms Ng Chai Ngee (General Manager, Kuok Investments (Singapore) Pte Ltd) and Assistant Professor Dorcas Quek Anderson. The panel discussion was moderated by Mr Francis Goh (Partner, Eversheds Harry Elias).

## RESEARCH CENTRES



### SINGAPORE INTERNATIONAL DISPUTE RESOLUTION ACADEMY (SIDRA)

Headed by Professor Nadja Alexander (Director) and Associate Professor Darius Chan (Deputy Director), SIDRA provides critical thought leadership in dispute resolution theory, practice and policy. It is a unique space giving Asian voices a strong presence in global conversations on mediation, negotiation and Appropriate Dispute Resolution. The SIDRA platform connects dispute resolution stakeholders across a range of jurisdictions, cultures and disciplines to exchange ideas and experiences with a view to growing shared vision for international dispute resolution.

Aided by a major S\$9 million grant from the Ministry of Law, SIDRA also focuses on a number of path-breaking and geostrategic research projects, including on the Belt and Road Initiative as well as the maturation of Appropriate Dispute Resolution methods (including mediation and negotiation) in the 21st century. SIDRA's ambitions firmly lie beyond 'best practice' as it seeks to identify 'next practice' in the field through thought leadership, think tank events and research and development.

### Cross-Border Mediation Accreditation Course

In April 2019, SIDRA welcomed its second class of mediator candidates from the SMU LLM and JD programmes and the wider Singapore community. Participants who completed the course and related assessment were eligible for Singapore International Mediation Institute Level 1 Accreditation. The course was taught by Professor Nadja Alexander, who was joined by Associate Professor Lum Kit Wye (Nanyang Technological University). 24 participants completed the course, in which nearly 20 mediation coaches volunteered their time to assist the new cohort of mediator candidates.

### MANE Forum and Singapore Convention on Mediation

In August 2019, SIDRA co-chaired the Mediation: A New Era (MANE) Forum, held in conjunction with the events surrounding the signing of the Singapore Convention on Mediation. The MANE Forum was organised by the Singapore International Mediation Centre, the Singapore International Mediation Institute and the Singapore Mediation Centre. Sponsors of the event included the Society of Mediation Professionals and the law firm Gloria James-Civetta & Co.

The event featured Mr Edwin Tong SC (Senior Minister of State) as the Guest of Honour and Dr Noeleen Heyzer (former Under-Secretary-General of the United Nations) as the Keynote Speaker. Professor Nadja Alexander convened the MANE Forum's first panel of the day on the Singapore Convention on Mediation, which featured Ms Anna Joubin-Bret (Secretary, United Nations Commission on International Trade Law) and Mr Rimsky Yuen SC (former Secretary for Justice, Hong Kong SAR). The MANE Forum was attended by nearly 300 participants, including foreign dignitaries and international guests.

SIDRA's 2019 Preliminary Report on the International Dispute Resolution Survey (now published) was also launched at the MANE Forum. The Survey aims to help corporations make strategic decisions on dispute resolution options, and to inform policy makers, dispute resolution institutions and legal service providers on the dispute resolution needs of corporations. The first of its kind, the Survey is distinctive in a few respects: (i) it covers not only international arbitration, but also international mediation and litigation; (ii) it gathers responses not only from lawyers (the service providers) but also top corporate executives (the users); (iii) it looks at usage rather than preferences, which is more indicative of the lawyers and businesses' actual decision-making processes; and (iv) it covers a balanced geographical spread so as to be more representative of the users and providers across the regions of the world.

## RESEARCH HIGHLIGHTS

In addition to the many conferences, dialogues and events organised by its five research centres in 2019, the SMU School of Law and its faculty members were also active on various fronts domestically and internationally.

### Academic Law Conferences



#### Corporate Law Workshop

The SMU School of Law and Melbourne Law School co-organised a corporate law workshop on the theme of 'Trends and Challenges in Corporate Law – A Comparative Perspective' in May 2019. The convenors were Professor Lee Pey Woan, Associate Professor Andrew Godwin (Melbourne) and Associate Professor Rosemary Langford (Melbourne).

The workshop saw a broad range of papers presented by leading scholars from Australia, New Zealand, Hong Kong and Singapore. These touched on Regtech, Initial Coin Offerings, whistle blowing, crowdfunding, M&A regulations, the conception of the corporation as a fund, variable capital companies, the regulation of financial conglomerates in China and the impact of technology on shareholder governance and board liabilities.



#### SMU-Herbert Smith Freehills CIBEL Centre Mini-Symposium

In May 2019, members of the Herbert Smith Freehills China International Business and Economic Law (CIBEL) Centre at the UNSW Law Faculty visited our city campus. Chaired by Professor Gary Chan, and with CIBEL Centre co-Directors Professor Deborah Healey (UNSW) and Professor Wang Heng (UNSW) in attendance, a

mini-symposium was held at the SMU School of Law. Presenters and commentators from both institutions discussed a variety of topical legal issues relating to China's business and economic environment, including the Belt and Road Initiative, cross-Asian competition laws and takeover regulations.

## RESEARCH HIGHLIGHTS

#### Asian Private Law Workshop

The 2nd Asian Private Law Workshop was co-organised by the SMU School of Law and the Law Faculty of the University of Hong Kong (HKU) in May 2019. As with the inaugural edition held in Singapore in 2018, the aim of the Workshop was to provide a supportive environment for private law academics to present their works-in-progress and engage in constructive debates on their working papers. Professor Lusina Ho (HKU), Associate Professor Rebecca Lee (HKU), Associate Professor Yip Man and Associate Professor Alvin See were the convenors of the Workshop.

This edition of the Workshop was held at HKU, with participants hailing from four institutions (City University of Hong Kong, the National University of Singapore, HKU and SMU). 12 papers were presented which covered a wide range of fascinating topics in private law, including the duty of company directors to act for proper purposes, macro and micro justice in contract law, the abuse of organisational forms, offers to mitigate, the doctrine of fixtures, instrumentalist versus Kantian theories of private law, negotiating damages, contracts formed by software, legal shocks, the doctrine of change of circumstances, tortious liability for automated vehicle accidents and rectification of contracts.



#### ICON•S (Singapore Chapter) Annual Conference

The annual conference of the Singapore Chapter of the International Society of Public Law (ICON•S) took place in September 2019. Co-organised by the SMU School of Law and the Centre for Asian Legal Studies at the National University of Singapore (NUS), the 2019 conference was on the theme of 'Interrogating Constitutionalism'.

The conference is the result of close collaboration among the Singapore Chapter of ICON•S, the SMU School of Law and the NUS Faculty of Law. It was convened by Associate Professor Maartje de Visser and Associate Professor Jaclyn Neo (NUS), the founding co-chairs of the Singapore Chapter.

#### Workshop on Constitutional Literacy

A workshop titled 'Cultivating Constitutional Literacy in Asia' was organised by the SMU School of Law to engage civil society from seven Asian and three non-Asian jurisdictions in October 2019. A distinguished line-up of speakers were invited from academia and governmental institutions. Associate Professor Maartje de Visser organised the workshop in partnership with the Konrad-Adenauer-Stiftung's Rule of Law Programme Asia.

#### Faculty Outreach Activities

Our faculty members were invited to provide their views and opinions to a variety of governmental, regulatory and international organisations and think tanks in 2019.

Professor Tang Hang Wu and Professor Yeo Tiong Min SC (Hon) joined the Singapore Academy of Law's Law Reform Committee as members to evaluate and report on the potential introduction of a statutory jurisdiction for the variation of trusts in Singapore.

At the 31st Annual Conference of the Australasian Tax Teachers Association held at Curtin University in January 2019, Mr Vincent Ooi, Lecturer of Law, was awarded the Best Tax Research Paper Prize. The winning contribution was a co-authored paper titled 'Taxation of Automation and Artificial Intelligence as a Tool of Labour Policy'.

Dean Professor Goh Yihan was an invited panellist at the Asia Business Conference held at Harvard Business School in March 2019. The panel, which was titled 'Business, Law and Technology: What the Future Holds', explored the legal and policy challenges facing businesses and society in the light of rapid changes in technology such as AI, big data, blockchain and cybersecurity.

As the co-chair of the American Society of International Law (ASIL) Asia-Pacific Interest Group, Associate Professor Pasha Hsieh convened the panel 'Asia's Response to the US Indo-Pacific Strategy' at the ASIL Annual Meeting in Washington, DC in March 2019. He was also invited by the Korean National Diplomatic Academy to present on Asian regionalism at the Jeju Forum in May 2019.

In May 2019, Associate Professor Maartje de Visser moderated a roundtable discussion 'Knowledge Sharing on Constitutions at Times of Political Crisis', organised by the Supreme Court of the Philippines and the Philippines Judicial Academy in partnership with the Konrad-Adenauer-Stiftung.

Assistant Professor Aurelio Gurra-Martínez presented his paper on dual-class shares to the International Organization of Securities Commissions in June 2019. Later in November he also presented his findings on the refreshed insolvency and restructuring framework in Singapore to the Indian Institute of Corporate Affairs, an

## RESEARCH HIGHLIGHTS

office situated within the Ministry of Corporate Affairs of India.

In June 2019, Professor Locknie Hsu and Associate Professor Pasha Hsieh were invited by the Singapore Judicial College to give lectures on international business law to foreign government lawyers and legislative drafters under the Ministry of Foreign Affairs' Singapore Cooperation Programme.



In August 2019, Associate Professor Yip Man was invited to address the Attorney-General's Chambers of Singapore on trends and developments in the law of restitution. Later that year in November, she delivered her keynote address on 'The Narrow Doctrine of "Unconscionability" Under Singapore Law' at the Society of Trust and Estate Practitioners' Academic Community Symposium 2019.

Associate Professor Eugene Tan and Assistant Professor Kenny Chng hosted a delegation from Korea's Central Administrative Appeals Commission (CAAC). Mr Kim Hyo-gon, a CAAC Action Officer, conducted a presentation introducing CAAC's role of handling administrative appeals in Korea, while Assistant Professor Chng presented on judicial and non-judicial control of executive action in Singapore. The presentations were followed by a comparative discussion of administrative law in Korea and Singapore.

Associate Professor Henry Gao spoke on reform of the World Trade Organization to the Pacific Economic Cooperation Council and the Asia Pacific Foundation of Canada in October 2019, and to the United Nations Economic and Social Commission for Asia and the Pacific in December 2019.

### Visiting Academics

The SMU School of Law has standing agreements on faculty exchange and research with leading universities. In addition to these formal arrangements, we host a significant number of faculty from other institutions every year. They offer faculty seminars and contribute to working paper series or similar compilations. We were privileged to receive academics from across the globe as visiting professors, scholars and fellows in 2019, including:

- Professor Benjamin Geva (York University)
- Professor Dov Greenbaum (IDC Herzliya, Israel)
- Professor Birke Häcker (University of Oxford)
- Professor John Murphy (Lancaster University)
- Professor Su Yeong-Chin (National Chengchi University)
- Professor Graham Virgo QC (Hon) (University of Cambridge)
- Professor David B Wilkins (Harvard University)
- Associate Professor Orkun Akseli (Durham University)
- Associate Professor Andrea Stazi (European University of Rome)
- Dr Ardavan Arzandeh (Bristol University)

We were also honoured to receive Justice Dominique Hascher on 10 January 2019. Justice Hascher is an International Judge of the Singapore International Commercial Court and a Judge at the Supreme Judicial Court in France, and is currently also the Secretary General of the Network of Presidents of the Supreme Judicial Courts of the European Union.

### Research Awards

At the Singapore Management University, a number of awards at University and School levels are given to faculty members to recognise their excellence in research and industry standing.

#### Yong Pung How Chair Professorship

Established by the Yong Shook Lin Trust, the Yong Pung How Chair Professorship is conferred on an eminent individual who has distinguished himself or herself in the legal profession. The chair is presently held by Professor Yeo Tiong Min SC (Hon).

#### Lee Kong Chian Professorship/Fellowship

The Lee Kong Chian Professorships and Fellowships were established by the Lee Kong Chian Fund for Research Excellence founded by the Lee Foundation. The holders in 2019 were:

- Professor Liu Kung-Chung (Lee Kong Chian Professor)
- Professor Nadja Alexander (Lee Kong Chian Fellow)
- Professor Lee Pey Woan (Lee Kong Chian Fellow)
- Professor Wan Wai Yee (Lee Kong Chian Fellow)
- Associate Professor Pasha L Hsieh (Lee Kong Chian Fellow)
- Associate Professor Alvin See Wei Liang (Lee Kong Chian Fellow)
- Associate Professor Eugene Tan Kheng Boon (Lee Kong Chian Fellow)
- Associate Professor Yip Man (Lee Kong Chian Fellow)

#### Della Suantio Fellowship

Established by Dr Della Suantio Lee, the Della Suantio Fellowship was conferred on Assistant Professor Dorcas Quek Anderson in 2019.

## RESEARCH IMPACT

### Amicus Curiae and Other Appointments

Dean Professor Goh Yihan, Professor Gary Chan and Professor Chan Wing Cheong were each appointed as *amicus curiae* to assist the Singapore Court of Appeal in 2019. In January, Professor Gary Chan was invited to provide his views on tortious damages for loss of a chance in *Armstrong, Carol Ann v Quest Laboratories Pte Ltd* [2020] 1 SLR 133. In October, Professor Goh was asked to address the court on the law of contractual mistake in the case of algorithmic contracts and the proprietary nature of cryptocurrency in *Quoine Pte Ltd v B2C2 Ltd* [2020] 2 SLR 20. And in November, Professor Chan Wing Cheong provided his academic views to the court in *USB v USA* [2020] SGCA 57.

In addition to their academic roles at the SMU School of Law, Professor David Llewelyn and Professor Tang Hang Wu also hold appointments with regulatory bodies in Singapore. Professor Llewelyn is an IP Adjudicator at the Intellectual Property Office of Singapore, while Professor Tang is a panel member of the Strata Titles Board.

Professor Nadja Alexander continued to be recognised as a Global Thought Leader in the field of Mediation by Who's Who Legal in 2019. She is one of four Global Thought Leaders internationally.

### External Research Grants

Our research centres have benefitted immensely from multi-million dollar grants by the NRF, IMDA and the Ministry of Law. We are extremely grateful and privileged to have received the support of these important stakeholders to further the innovative, path-breaking and relevant research that goes on within the centres.

In addition to these grants, our faculty members also received funding from various external sources. Professor Locknie Hsu was awarded a grant by the Singapore Judicial College (SJC) for her project 'Dispute Settlement Projects / Transactions in the Belt and Road Initiative'.

Assistant Professor Dorcas Quek Anderson and Assistant Professor Eunice Chua (now CEO, Financial Industry Disputes Resolution Centre) were funded by the SJC for their project 'Mediation in the Family Justice Courts – Examining the Durability of Settlements'. Mr Jerrold Soh, Lecturer of Law, also received funding support from the SJC to research on 'The State of Legal Innovation in the Asia-Pacific'.

Elsewhere, a team comprising Professor Tang Hang Wu, Associate Professor Yip Man and Lecturer of Law Mr Vincent Ooi was awarded a grant by the Labuan International Business and Financial Centre to research on 'Trends on Philanthropy Structuring in the Asian Context'. Associate Professor Yip also received funding from Chuo University to further two projects between SMU and Chuo University.

### Citations by Courts and Governmental Bodies

The research work of our faculty members was also heavily cited in 2019 by courts and other governmental and regulatory bodies and persons. Here were some of the citations from the Commonwealth and beyond.

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| 2. | Gary Chan | Gary Chan and Lee Pey Woan, <i>The Law of Torts in Singapore</i> (Academy Publishing, 1st Ed, 2011)  | <i>Quantum Automation Pte Ltd v Saravanan Apparsamy</i> [2019] 3 SLR 1383 (HC)             |
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| 24. | Henry Gao     | Henry Gao, "Broken Promises Set a Bad Example for China in the WTO" <i>East Asia Forum</i> (9 March 2018) < <a href="https://www.eastasiaforum.org/2018/03/09/broken-promises-set-a-bad-example-for-china-in-the-wto/">https://www.eastasiaforum.org/2018/03/09/broken-promises-set-a-bad-example-for-china-in-the-wto/</a> > | His Excellency Doru Costea, "China's International Policy in the New Era" (2019) 7 <i>Global Economic Observer</i> 186  |
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