

Visiting Academics Series 2017

Date	Speaker / Chair	Topic + Synopsis
30 May 2017	<p>Professor Holger Spamann Harvard Law School</p> <p>Chair: Maartje de Visser</p>	<p>Comparative Law Cliches and "Experimental" Evidence</p> <p>In the middle ages, the legal trajectories of England and Western Europe partly separated, leaving a residue of language, terminology, and connections that differentiates the common and the civil law world. Lawyers continue to project substantive differences onto the historical or terminological differences between common and civil law. For example, common and civil law supposedly still differ in their balance of case and statute law, in their balancing of private rights and public policy, and even in the way their lawyers think. In my talk, I will first show the surprising weakness of the evidence for such claims. I will then discuss the methodological difficulties in establishing or refuting such claims. Finally, I will present some novel evidence from experiments with judges in Argentina, China, and the U.S. that bears on some of these claims.</p>
18 Aug 2017	<p>City University of Hong Kong</p> <p>Professor Geraint Howells Chair Professor of Commercial Law and Dean of the Law School</p> <p>Dr Andre Janssen Dr John Ho</p> <p>Chair: Gary Low</p>	<p>"Consumer Protection in the Common Law Jurisdictions of Asia"</p> <p>This paper seeks to compare the consumer protection laws of Asian common law countries and to contrast these to European and International standards. It will reflect on the influences there have been in developing consumer policy from a comparative law perspective and start a debate upon the nature of consumer needs in Asia and the ability of the legal and regulatory structures to deliver meaningful protection at the appropriate level.</p>
4 Oct 2017	<p>Susan Fortney Professor and Director of the Program for Advancement of Legal Ethics at Texas A&M School of Law in Fort Worth, Texas</p> <p>Chair: Gary Chan</p>	<p>"Ethical Conduct and Organizational Structures, Systems, and Culture in Large Law Firms"</p> <p>Although journalists have reported on the failure of major law firms, limited scholarly attention has been devoted to examining the failure of law firms. This empirical project seeks to address this gap through an empirical study of organizational structure, systems and controls that have destabilized law firms and negatively impacted lawyers, clients, and the public. The results of the study will also provide the basis for phase two of</p>

		<p>the project, a large-scale survey examining the internal and external consequences of organizational structures, systems, and culture in law firms. The primary objective is to learn how formal and informal controls affect ethical conduct and malpractice exposure of lawyers.</p>
1 Dec 2017	<p>Paula Kemp is a doctoral researcher at Leiden University, visiting scholar at the School of Law, Singapore Management University and is practicing attorney-at-law in the realm of cross-border contracting.</p> <p>Chair: Yip Man Associate Professor of Law SMU School of Law</p>	<p>PRIVATE LAW CLUSTER</p> <p>"Performance Remedies for Commercial Sales Transactions, a comparative study of the contract law of the Netherlands, Singapore and China contrasted against international sales law standards"</p> <p>Paula's research seeks to compare the performance remedial schemes of the Netherlands, Singapore and China for commercial sales contracts and to contrast the findings to uniform international sales law standards as present in the Vienna Convention and the UNIDROIT Principles. It will reflect on the distinct interpretation of the legal concept of <i>pacta sunt servanda</i> by the three jurisdictions and whether the outcome of these analyses has an influence on the conditions and restrictions for bringing a claim to court for the actual performance of a sales contract. In this vein, Paula's intention is to start a debate upon the moral underpinnings of the act of promise making and the ability of domestic and international legal principles to deliver adequate protection for contracting parties engaged in commercial sales transactions.</p>