



SMU

SINGAPORE MANAGEMENT  
UNIVERSITY

# RESEARCH REPORT 2020

Yong Pung How  
School of  
**Law**



## DEAN'S MESSAGE

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Dear colleagues and friends,

At the Singapore Management University (SMU) Yong Pung How School of Law, we have always strived to produce excellent research that makes substantial impact and bridges academia, theory and practice. In 2020, publications by our faculty and researchers included 10 books, 54 journal articles, 16 case notes and 58 book chapters. These comprised monographs and edited collections such as Nadja M. Alexander et al, "Mediation: Law, Policy & Practice" (Thomson Reuters) and Yeo Tiong Min's volume, "Conflict of Laws", in the Halsbury's Laws of Singapore series.

In response to the unprecedented COVID-19 pandemic, our colleagues collectively contributed to the electronic book, "Law and COVID-19" (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan, eds), which analysed technological, financial and private law approaches to mitigating the crisis. Moreover, our colleagues' articles and notes appeared in leading journals such as the American Business Law Journal, the European Business Organization Law Review, the Law Quarterly Review, the Leiden Journal of International Law, the UNSW Law Journal and the World Trade Review. Our recent alumni and students also published more than 20 academic articles.

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 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 Commercial Law in Asia (CCLA) and the Singapore International Dispute Resolution Academy (SIDRA). In the past three years alone, our research centres have obtained external grants valued at over S\$20 million.

Through our research centres we also organised multiple international and regional research events on cutting-edge developments in artificial intelligence, 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.

In 2020, we launched a number of diverse international schemes, including the Global Faculty Seminars, the Global Ph.D. Fellowship, the Lee Kong Chian International Visiting Professorship and the Global Visiting Assistant Professorship. More information about our innovative initiatives and research activities can be found in our previous Annual Report and the 2019 Research Report. We look forward to sharing more updates and developments later this year.

Sincerely,

**Goh Yihan SC**

Dean and Professor of Law  
Yong Pung How School of Law, Singapore Management University

[law.smu.edu.sg](http://law.smu.edu.sg)

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# RESEARCH OVERVIEW

# RESEARCH CLUSTERS



## OUR RESEARCH FOCUS AREAS

-  LAW AND TECHNOLOGY
-  TRANSNATIONAL COMMERCIAL LAW IN ASIA
-  DISPUTE RESOLUTION

## PUBLICATIONS IN 2020 INCLUDE

- 10 BOOKS
- 54 JOURNAL ARTICLES
- 16 CASE NOTES
- 58 BOOK CHAPTERS

### ASIAN AND COMPARATIVE LEGAL SYSTEMS

- Comparative Law
- Singapore Legal System
- Chinese Commercial Law
- Law and Society
- Asian Legal Systems



### PUBLIC INTERNATIONAL LAW, REGIONAL AND TRADE LAW

- Public International Law
- Transborder Trade & Investment Law
- EU Law
- ASEAN Law
- Asian Intellectual Property Law



### CORPORATE, FINANCE AND SECURITIES LAW

- Company Law
- Securities Regulation
- Insolvency
- Law of Credit & Security
- Banking, Finance and the Law



### PRIVATE LAW

- Contract Law
- Equity & Trusts
- Unjust Enrichment & Restitution
- Tort Law
- Property Law



### PUBLIC INTEREST LAW, COMMUNITY AND SOCIAL JUSTICE

- Family Law
- Criminal Law & Justice
- Animal Law



### PUBLIC LAW

- Constitutional Law
- Administrative Law



### LEGAL THEORY, ETHICS AND LEGAL EDUCATION

- Legal Theory
- Ethics & Social Responsibility
- Law & Economics
- Law & Regulation
- Legal Education



### DISPUTE RESOLUTION

- Law of Evidence
- Civil & Criminal Procedure
- Alternative Dispute Resolution & Conflict Management
- Arbitration
- Private International Law



### INNOVATION, TECHNOLOGY AND THE LAW

- Law of Intellectual Property
- Information Technology Law
- Data Protection & Privacy Law
- Internet Law
- E-Commerce Law



# FACULTY PROFILES

# FACULTY PROFILES



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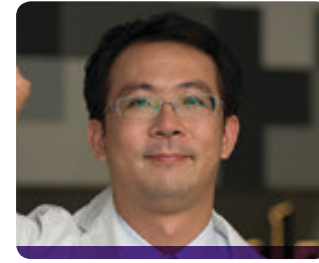
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# FACULTY PROFILES



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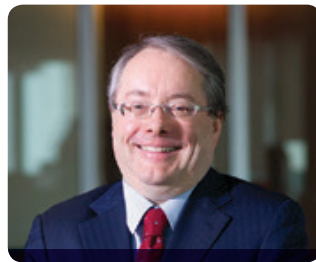
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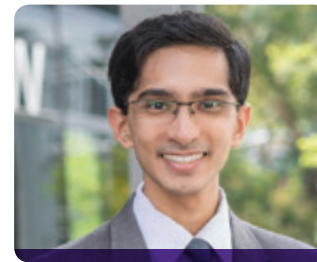
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# RESEARCH CENTRES

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## CENTRE FOR COMPUTATIONAL LAW (CCLAW)

Led by Assistant Professors Lim How Khang (Director) and Jerrold Soh (Deputy Director), CCLAW is the newest research centre at the SMU Yong Pung How School of Law. The Research Programme in Computational Law (the “Programme”), the Centre’s flagship project, was awarded a major grant of S\$15 million by the National Research Foundation (NRF), the largest research grant received by SMU to-date. This Programme aims to make computational law a reality: from designing and implementing a domain-specific language for law (DSL), to building technologies that will bring computational capabilities to any process that involves legal or quasi-legal elements. DSL allows for laws, rules and agreements to be expressed in code. This lays the foundation for ‘smart’ contracts and ‘smart’ statutes that can be reliably executed by computers or run as software to enable precise and accurate performance and compliance. The eventual industry-adoption of the DSL and the technologies built therefrom will facilitate the delivery of more efficient legal and regulatory services through digital systems and will broaden access to justice.



### Seminar on “Legal Technology in Times of COVID-19”

In May 2020, CCLAW and the SMU Law Academy hosted a seminar series with the legal industry on the impact of COVID-19 on the evolution of technology in law and the legal industry’s adoption and attitude towards technology.

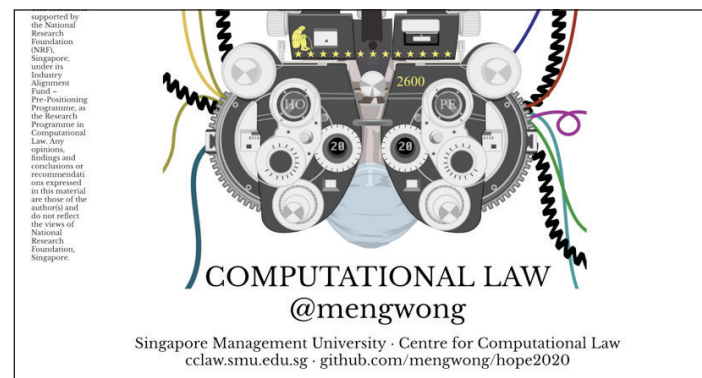
COVID-19 has propelled technology adoption and implementation in unprecedented ways, and the legal industry found itself having to adopt new norms in terms of service delivery and ‘new’ ways of working.

Against this new reality, panellists discussed how technology could be better applied to legal practice and its possible uses to mitigate compliance risks. Also discussed were the ways in which the legal profession could use open data and technology to provide timely and useful information to serve the wider community.

## DocaCon

*Docassemble* is an open-source software that has taken a leading position in the pro bono legal services space in the United States. According to the American Bar Association Journal, *Docassemble* was one of the top 20 web tools for lawyers in 2018, with two of the other top 20 web tools being built using *Docassemble*. The software is also the platform on which other document automation tools are built, such as *Documate* and *Community.Lawyer*, which in turn has been the platform for successful alternative legal service providers such as ‘Hello, Divorce’ in California.

DocaCon is a conference for users and developers of *Docassemble*. The 2020 edition, which went virtual due to the pandemic, was the third annual conference and featured training, troubleshooting and demonstration presentations over the course of two days. CCLAW Principal Research Engineer, Mr Jason Morris, was invited to give a presentation on the Centre’s then recently released tool *docassemble-DADaType*, which expands the capabilities of *Docassemble* to allow it to generate prototype user-facing interviews from nothing more than a data structure and a target document.



## Hackers on Planet Earth (HOPE)

Hackers on Planet Earth (HOPE) is an international conference based in New York and is amongst the most creative and diverse hacker events in the world. An annual affair since 1994, HOPE has attracted thousands of computer scientists and technologists across the world.

CCLAW Principal Research Fellow Mr Wong Meng Weng, who is also the Programme’s Principal Investigator and co-founder of Legalese.com, delivered a lecture titled “*Computational Law: Why the History of Computing Could Be the Future of Law*”. He explored plans for an open-source domain-specific language for law and discussed how the lesser-known corners of computer science (like formal methods, controlled natural languages and logic and constraint programming) might together permanently divide the traditional legal profession (which runs on humans) from a future legal industry (which runs on computers).

## What Computational Law Can Do For You\*

\*Who is “you”? Lawyers? Nonlawyers?

Singapore Management University  
Centre for Computational Law

github.com/smucclaw/complaw/

2020-11-11

tinyurl.com/y6y3yhnl



This research is supported by the National Research Foundation (NRF), Singapore, under its Industry Alignment Fund - Pre-Budgeting Programme, as the Research Programme in Computational Law.

Any opinions, findings and conclusions or recommendations expressed in this material are those of the author(s) and do not reflect the views of National Research Foundation, Singapore.

## IACCM-Northwestern Academic Symposium on “Innovation and Technology: Reshaping Contracts?”

Innovation and technology are driving rapid changes in contracting. This Symposium explored the nature of these changes – what it means to the software and legal industry and how technology will accelerate a computational law-driven future.

## CENTRE FOR AI AND DATA GOVERNANCE (CAIDG)

CAIDG is headed by Professor Mark Findlay (Director) and Associate Professor Warren Chik (Deputy Director). The Centre focusses 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 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 2020 (CAIDG’s second full year of operations), CAIDG members published 18 working papers and eight research articles and organised nine seminars. Highlights of the year included two roundtable sessions for the SMU-Microsoft Asian Dialogues on AI Governance, two sectoral dialogues on AI related to FinTech and the finance industry and a seminar on healthcare AI for Singapore.

In February 2020, CAIDG co-hosted a panel discussion on the “*Challenges of Employing AI in the Healthcare Sector*” with SGInnovate. The 90-minute panel was chaired by Ms Sunita Kannan, an expert on data and AI ethics. The other panellists included Professor Dov Greenbaum (Director of the Zvi Meitar Institute, IDC Herzliya Israel), Dr Tan Jit Seng (Founder and Director of Lotus Eldercare and VP, Asia Pacific Assistive Robotics Association) and Mr Julien Willème (Legal Director for Medtronic, Asia-Pacific). The panel discussed topics including data collection and ownership, AI developments in healthcare, the limits of AI with respect to the data collected and also legal liabilities when AI goes wrong.

In October 2020, the Centre organised and co-hosted a webinar with the AI Policy Initiative (Seoul National University) and the Institute for Future Initiatives (University

The Symposium gave a voice to research in these areas, further building the network contributing to knowledge and progress and enabling increased impact in the delivery of social and economic value. It brought together a community of researchers and practitioners to support review and implementation of existing work, while at the same time providing a forum to act as a catalyst for further research partnerships and activity.

CCLAW Principal Research Fellow Mr Wong Meng Weng participated in a panel titled “*Innovation and Technology Tomorrow - Where to Go, How to Get There?*” alongside Ms Sally Guyer (Global CEO of World Commerce & Contracting) and Mr David Nguyen (CEO and Founder of United Solutions) to discuss the future of contracts. Mr Wong presented the work done by CCLAW and introduced a brief prototype of the L4 language for discussion by panellists.



of Tokyo) on the topic of “*Data, AI Governance, and COVID-19: Medium and Long-Term Perspectives for Asia*”. The webinar built on contributions from an earlier joint report published in September 2020 that mapped out responses to COVID-19 in China, South Korea, Singapore and Japan and the potential challenges from an AI, data governance and human rights perspective.

The webinar started with Professor HakSoo Ko (Co-Director of the AI Policy Initiative) giving the opening address. This was followed by the first panel session titled “*Lessons learned for AI and Data Governance*” moderated by Associate Professor Yong Lim (Co-Director of the AI Policy Initiative), with the panellists including CAIDG Director Professor Mark Findlay, Professor Yi Zeng (Chinese Academy of Science and Beijing Academy of Artificial Intelligence) and Associate Professor Arisa Ema (University of Tokyo). The second session on “*Changing Lifestyles & Governance*” was moderated by



Associate Professor Ema, with Assistant Professor Sangchul Park (Seoul National University) joining the panel. The webinar concluded with Professor Hideaki Shiroyama (Vice Director of the Institute for Future Initiatives) delivering the closing remarks.

The panellists shared with participants their reflections on the employment of COVID-19 measures and responses, and what this emerging trend of technology and big databases signalled for the future of AI governance and ethics. They covered a broad range of topics in the two sessions and weighed in on topical issues concerning data privacy, state surveillance, contact tracing applications and good governance. Panel members also engaged in a lively discussion on the durability

of these COVID-19 measures and highlighted several factors that could run counter to their effective termination in the foreseeable future.

CAIDG Director Professor Mark Findlay also spoke at a number of AI-related webinars organised by other organisations, such as the “AI for Social Good Summit” jointly organised by Google, ESCAP and APRU; the “Responsible AI Forum Preview” by the Technical University of Munich’s Institute of Ethics in Artificial Intelligence; and the “Challenges to equitable access: a look at legal and equity considerations related to ensuring access to essential vaccines and therapeutics in low and middle income countries (LMICs)” forum organised by the SingHealth Duke-NUS Global Health Institute.

**CENTRE FOR COMMERCIAL LAW IN ASIA (CCLA)**

Led by Associate Professor Yip Man (Director) and Assistant Professor Lau Kwan Ho (Deputy Director), CCLA aims to advance commercial growth in Asia marked by sustainability, inclusion and innovation, through excellent research. Formerly known as the Centre for Cross-Border Commercial Law in Asia, CCLA conducts and facilitates research in all areas of commercial law, with a focus on the application, development and impact of its research in Asia. CCLA is a platform for generating great ideas and making these ideas work by promoting academic debate and active engagement with government, practice and industry at international, regional and national levels. These were some of the highlights of 2020.



**Memorandum of Understanding with the Singapore Academy of Law**

In January 2020, the Centre and the Singapore Academy of Law (SAL) signed a Memorandum of Understanding to launch a new peer-reviewed book series, “Commercial Law in Asia”. This book series will form part of SAL’s successful Academy Publishing collection and will be co-published with SMU as a university press book series. The aim of the *Commercial Law in Asia* book series is to publish high-quality scholarship on commercial law in Asia, thereby enhancing the understanding of issues surrounding cross-border commercial laws and trade

in Asia. The series supports original research by emerging and established scholars, as well as pre-eminent practitioners. Its target audience comprises both academics and practitioners. The book series boasts a distinguished advisory board consisting of Justices of the Court of Appeal of Singapore, Justice Andrew Phang and Justice Judith Prakash (co-chairpersons); Professor Chen Lei (Durham); Professor Barnali Choudhury (UCL); Professor Graham Virgo QC (Hon) (Cambridge); and Professor Yeo Tiong Min SC (Hon) (SMU).



**Webinar on “Philanthropic Structuring: The Asian Context”**

At a webinar in August 2020, CCLA and the Labuan International Business and Financial Centre presented the latest in thought leadership on Asian philanthropy through the launch of their Report titled “*Philanthropic Structuring: An Asian Context*”. The Report was vigorously discussed in the webinar, with special attention paid to its main proposals, namely, to encourage: (i) the democratisation of giving in Asia; (ii) the use of effective structures such as Donor-Advised Funds (DAFs) in giving; and (iii) the use of technology-enabled philanthropy. The panellists also strongly advocated the increased use of DAFs across Asia, especially in light of the recent hardships caused by the COVID-19 pandemic and the subsequent outpouring of support from all levels of society.



**Dentons Rodyk Dialogue**

Taking place virtually in September 2020, the latest edition of the Dentons Rodyk Dialogue focused on the theme of global smart cities and their growing importance. Close to 1,000 attendees from 18 countries joined the Dialogue for a lively discussion on the challenges and opportunities of increasingly smart cities. The conference featured a keynote speech by SMU President Professor Lily Kong, who discussed the ASEAN Smart Cities Network as a regional example of rapid urbanisation and also set out some challenges that Singapore might face as well as potential solutions thereto. The Guest of Honour, Minister Desmond Lee, also delivered an illuminating speech, highlighting the acceleration of digitalisation brought on by the pandemic and reiterating the need to elevate the whole nation even as the benefits of technology were pursued.



**Herbert Smith Freehills-SMU Asian Arbitration Lecture**

The 2020 Herbert Smith Freehills-SMU Asian Arbitration Lecture was delivered virtually in October by Ms Loretta Malintoppi (39 Essex Chambers) on a most timely and relevant topic. Titled “*Don’t Shoot the Sheriff: The Threat of Legal Claims Against Arbitrators and Arbitral Institutions*”, the lecture explored in detail the current approaches in national laws, case law and arbitration rules to limit arbitrators’ liability. Ms Malintoppi also proposed innovative solutions to deal with potential issues, such as the early dismissal of frivolous cases as well as the possibility of arbitral institutions obtaining insurance coverage.



**Jones Day Professorship of Commercial Law Lecture**

Professor Lyria Bennett Moses (UNSW) was the 2020 Jones Day Professor of Commercial Law. Her illuminating lecture, delivered online in November, was titled “*Artificial Intelligence and the Idea of a Legal Singularity*” and discussed the increasing presence of Artificial Intelligence (AI) in the modern world as well as its possible impact on the legal industry. The audience also heard from the Guest of Honour, Justice Lee Seiu Kin (Supreme Court of Singapore), who offered his separate remarks on the various applications of AI currently existing in the legal field, also highlighting certain issues which the Singapore legal industry might usefully consider when harnessing the full potential of AI in future.



**Conference on “The Roadmap to the ASEAN-EU FTA in the Post-Pandemic Era”**

In December 2020, the Centre organised an academic conference focusing on issues relating to a future free trade agreement that might be concluded between the ASEAN and EU blocs. Convened by SMU faculty members Associate Professor Pasha Hsieh and Assistant Professor Dorcas Quek Anderson, the conference featured a sterling line-up of global speakers and panellists. Stimulating discussions were held regarding potential keystone issues in a future ASEAN-EU free trade agreement, such as those on e-commerce, sustainable development and regulatory cooperation. The convenors also expressed their gratitude to His Excellency Igor Driesmans (EU Ambassador to ASEAN), Ms Mary Elizabeth Chelliah (Ministry of Trade and Industry), Ms Justyna Lasik (EU Delegation to Singapore) and other participants for delivering keynote remarks, moderating the panel sessions and contributing to the discussions.



**Webinar on “Cryptocurrencies: A Legal Tangle for the Insolvency Industry”**

Also in December 2020, the Singapore Global Restructuring Initiative, one of the Centre’s research initiatives, organised a webinar on topical issues relating to cryptocurrencies and insolvency regulation in collaboration with INSOL, a global industry research partner. Leading practitioners and academics treated audience members to a fascinating discussion on the intersection between two areas of law and legal practice that are rapidly evolving in these technology-fuelled times.



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

Led by Professor Liu Kung-Chung (Director), ARCIALA is a leading research centre undertaking industry-relevant studies and exploration into the treatment of intellectual assets in Singapore and Asia generally. Through its multi-faceted and cross-disciplinary approach, ARCIALA engages in thought-provoking research projects to promote interest, academic research and cooperation, and to nurture promising young scholars.

ARCIALA’s research focus includes annotating and contrasting leading intellectual property cases from major Asian jurisdictions; deciphering the intersections between intellectual property, competition law and trade law; and understanding the relationship between innovation, economic development and intellectual property. ARCIALA publishes a series of edited volumes and monographs on Asian intellectual property law.

ARCIALA highlights of 2020 included the Asian IP Works-in-Progress Conference (January 2020) and the International Conference on Trade Secret Protection-Asia at a Crossroads (December 2020).

**International Conference on Trade Secret Protection – Asia at a Crossroads**

ARCIALA co-organised this conference with the Max Planck Institute for Innovation and Competition (Germany), the Center for Law, Technology and Ethics (College of Law, National Taiwan University) and the Taiwan Intellectual Property Law Association. Some 75 online and offline participants from Asia, Australia and Europe took part. This conference will lead to a book to be co-edited by ARCIALA Director Professor Liu Kung-Chung and Professor Reto Hilty (Max Planck Institute for Innovation and Competition), which will be published by Kluwer in 2021.



**SINGAPORE INTERNATIONAL DISPUTE RESOLUTION ACADEMY (SIDRA)**

SIDRA is a platform for thought leadership in international dispute resolution theory, practice and policy. As a research centre at the SMU Yong Pung How School of Law, SIDRA leads the way through projects, publications and events that promote dynamic and inclusive conversations on how to constructively engage with and resolve differences and disputes at global, regional and national levels. In particular, SIDRA differentiates itself through its focus on applied research that has practical impacts on the industry. Specifically, SIDRA is mandated with three research programmes:

- The International Dispute Resolution Survey research programme
- The Singapore Convention on Mediation research programme
- The Belt & Road Initiative research programme

**Research Programme – International Dispute Resolution Survey**

SIDRA’s highlight of 2020 in relation to the International Dispute Resolution Survey research programme was the launch of the SIDRA International Dispute Resolution Final Report 2020.

**Launch of the SIDRA International Dispute Resolution Final Report 2020**

In July 2020, SIDRA launched its International Dispute Resolution Survey 2020 Final Report via webinar. The Survey was commissioned by the Ministry of Law of Singapore and administered by PwC South East Asia Consulting, and examined how businesses and their legal representatives made decisions about cross-border disputes. Covering arbitration, mediation, litigation, hybrid mechanisms and investor-state disputes, the Survey amassed more than 300 responses across 46 countries. Professor Nadja Alexander, Mr Vakhtang Giorgadze and Ms Allison Goh from the SIDRA research team gave an overview of the key findings at the webinar launch, followed by a discussion with esteemed panellists comprising Justice Anselmo Reyes (Singapore International Commercial Court), Mr Daryl Chew (Shearman & Sterling), Mr Antony Cook (Microsoft), Ms Camilla Godman (CI Arb), Mr George Lim SC (Singapore International Mediation Centre), Mr Michael Peer (PwC) and Mr Wong Taur Jiun (Rabobank Singapore).



**Research Programme – Singapore Convention on Mediation**

Among the dozen or so webinars that SIDRA organised in 2020, a key highlight of 2020 in relation to the Singapore Convention on Mediation research programme was the SIDRA Webinar on Investor-State Mediation.

**SIDRA Webinar on Investor-State Mediation**

SIDRA held a webinar in September 2020 in conjunction with the entry into force of the Singapore Convention discussing investor-state mediation and related topics. The panellists included Mr Zannis Mavrogordato (Twenty Essex), Ms Frauke Nitschke (ICSID), Ms Lucy Reed (Arbitration Chambers) and Professor Nadja Alexander and Associate Professor Darius Chan from SMU, with Ms Anna Joubin-Bret from UNCITRAL giving an introductory address. Among other topics, the panellists discussed the mechanics of the Singapore Convention and its application to investor-state disputes, the implications of the opt-out provisions in the Singapore Convention in relation to state parties and the exceptions to enforcement and their implications under the Convention. The webinar



was attended by practitioners, academics and other interested stakeholders from all around the world, including Singapore, the Philippines, China, Indonesia, Korea, the UK and the USA.

**Research Programme – Belt & Road Initiative**

As part of its research programme focusing on China’s Belt & Road Initiative (BRI), SIDRA organised or participated in six webinars/ conferences spanning a wide range of topics including the conflict of laws, international adjudication and global public-private law approaches to the COVID-19 pandemic.





**SIDRA Webinar: Conflict of Laws in BRI Disputes: A Comparative Approach**

In July 2020, SIDRA held a webinar on “*Conflict of Laws in BRI Disputes: A Comparative Approach*”. Panellists comprising SIDRA Deputy Director Associate Professor Darius Chan, Dr Christopher Boog (Schellenberg Wittmer) and Mr Patrick Zheng (Links Law Offices) discussed conflict of laws issues in the BRI context. The panellists covered topics relating to the determination of the law of the governing contract, the law of the arbitration agreement and the competing choices of law in interim measures. The webinar provided a substantive yet practice-oriented review of the approach taken in relation to resolving conflict of law issues from the common law, Chinese, Swiss and German law perspectives. The event was moderated by Ms Allison Goh (Research Associate, SIDRA) and saw participants tuning in from 27 countries and territories around the world.

**SIDRA-ITI Webinar: The Belt and Road Initiative: Maritime Silk Road**

In September 2020, SIDRA and the SMU International Trading Institute (ITI) jointly presented a webinar on the “*Belt and Road Initiative: Maritime Silk Road*”. Dr Mark McLaughlin (Global Visiting Assistant Professor, SMU) kickstarted the discussion with an introduction to the Maritime Silk Road. Mr Punit Oza (Registrar of the Singapore Chamber of Maritime Arbitration) and Ms Louisa Follis (Clarksons Platou) then provided their perspectives as seasoned shipping and maritime experts on the commercial impact of the Maritime Silk Road on shipping routes and trade. The webinar was moderated by Mr Baldev Bhinder (Managing Director, Blackstone & Gold), a legal expert in the commodities sector. The webinar concluded with a lively Q&A session with webinar participants, as the panellists shared their concluding thoughts on the Maritime Silk Road and its foreseeable impact on trade, business and dispute resolution in the region.

**SIDRA Webinar: China and International Adjudication – China’s Approach in its Investor-State and Inter-State Disputes**

In October 2020, SIDRA hosted a webinar on “*China and International Adjudication*”, focusing on China’s approach in its investor-state and inter-state disputes. Professor Chester Brown (University of Sydney) spoke on litigation and arbitration and Dr Mark McLaughlin (Global Visiting Assistant Professor, SMU) discussed mediation and dispute resolution mechanisms under the Belt and Road Initiative. The panellists also provided their perspectives on key investor-state cases to which China has been a party. Moderated by Ms Rachel Tan (Research & Development Operations Lead, SIDRA), the panellists and participants engaged in a constructive discussion on conciliation and mediation as well as China’s approach to investor-state dispute settlement, before the webinar came to a close.



**SIDRA-BIICL Webinar: Implications of China’s Doctrine of Strict State Immunity on Belt & Road Disputes**

In November 2020, SIDRA and the British Institute of International and Comparative Law (BIICL) jointly presented a webinar on the “*Implications of China’s Doctrine of Strict State Immunity on Belt & Road Disputes*”. Mr Charles Tay (Zhong Lun Law Firm) provided participants with an overview of the concept of strict state immunity and potential applications in relation to disputes under the Belt and Road. Ms Chiann Bao (Arbitration Chambers) then commented from her perspective as a seasoned arbitrator currently based in Hong Kong. Mr Duncan Speller (WilmerHale) followed up with his viewpoint as counsel involved in some of the leading cases on state immunity issues in multiple jurisdictions including England and the DIFC. The webinar also dealt with effects of crown immunity in Hong Kong, immunity disputes that may arise in the BRI context in relation to state-owned-enterprises and issues of waiver and other possible mechanisms for dealing with immunity. The thought-provoking webinar was moderated by Ms Allison Goh (Research Associate, SIDRA) and attended by a mix of dispute resolution

practitioners, in-house counsel, academics and students from over 22 countries and territories around the world.



**SMU Conference on Global Public-Private Law Approaches to the COVID-19 Pandemic**

In September 2020, SIDRA Research Associate Ms Allison Goh and Research Fellow Mr Shouyu Chong were speakers at the “*Conference on Public-Private Law Approaches to the COVID-19 Pandemic*”, hosted by the SMU Yong Pung How School of Law. The Conference attracted participants from around the world, which furthered its aim of providing a platform for the exchange of comparative scholarly insights into how different legal systems had grappled with public and private law aspects of the pandemic. After welcome remarks from SMU Vice Provost (Faculty Matters), Professor Lee Pey Woan, the Keynote Address was given by Justice Anselmo Reyes (Singapore International Commercial Court). There followed two public law-themed panel sessions on “*COVID-19 and the Rule of Law*” and “*New Landscapes in Public Law*”, chaired respectively by Associate Professors Jaclyn Neo (NUS) and Maartje de Visser (SMU). In the afternoon the focus shifted to private and commercial law topics, where three panel sessions were convened on “*International Trade and Corporate Law Issues*” (chair: Mr Eu-Jin Teo, University of Melbourne), “*Revisiting the Law of Contract*” (chair: Associate Professor Samuel Becher, VUW) and “*Commercial Law and Litigation in Extraordinary Times*” (chair: Dr Ardavan Arzandeh, University of Bristol). The Conference closed with SMU Yong Pung How School of Law Dean, Professor Goh Yihan, sharing his thoughts for the future.

**FUDAN & GLOBAL FACULTY SEMINARS**

In 2020, the SMU Yong Pung How School of Law continued to expand its international outreach through close collaborations with other research-intensive foreign universities. These included strengthening our existing relationship with Fudan University Law School as well as hosting a number of Global Faculty Seminars.

**SMU-Fudan University Webinars**

The SMU Yong Pung How School of Law and Fudan University Law School jointly organised a 3-part webinar series titled “*New Developments in Advanced Legal Education*”.

**Commercial and Financial Law**

The first webinar, on commercial and financial law, was conducted in September 2020. Opening remarks were made by SMU Yong Pung How School of Law Dean, Professor Goh Yihan, and Professor Wang Zhiqiang (Dean of Fudan University Law School). Speakers at the session were Associate Professor Christopher Chen (SMU), Assistant Professor Jiangqiu Ge (Fudan), Assistant Professor Aurelio Gurrea-Martínez (SMU) and Professor Duoqi Xu (Fudan). The moderators were Professor Chen Li (Associate Dean of Fudan University Law School) and Assistant Professor Zhang Wei (Associate Dean of the SMU Yong Pung How School of Law).







**Dispute Resolution**

The second webinar focusing on dispute resolution was conducted in October 2020. The speakers at this session were Professor Congyan Cai (Fudan), Associate Professor Darius Chan (SMU), Assistant Professor Dorcas Quek Anderson (SMU) and Associate Professor Hao Xiong (Fudan). As with the first webinar, the moderators were Professor Chen and Assistant Professor Zhang.



**Law and Technology**

The third SMU-Fudan webinar, on law and technology, was held in November 2020. The speakers were Assistant Professor Lim How Khang (SMU), Assistant Professor Lin Nuannuan (Fudan), Associate Professor Lu Zhi'an (Fudan) and Assistant Professor Zhang Wei (SMU). The session's moderators were Associate Professor Chen Li (Fudan) and Assistant Professor Zhang.

**Global Faculty Seminars**

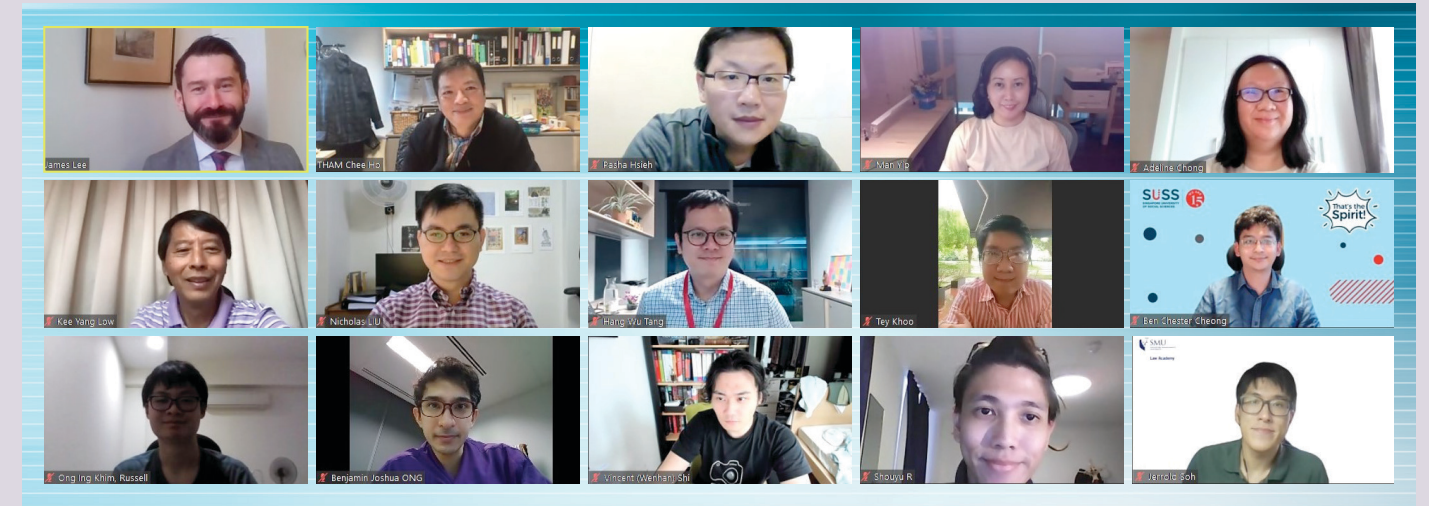
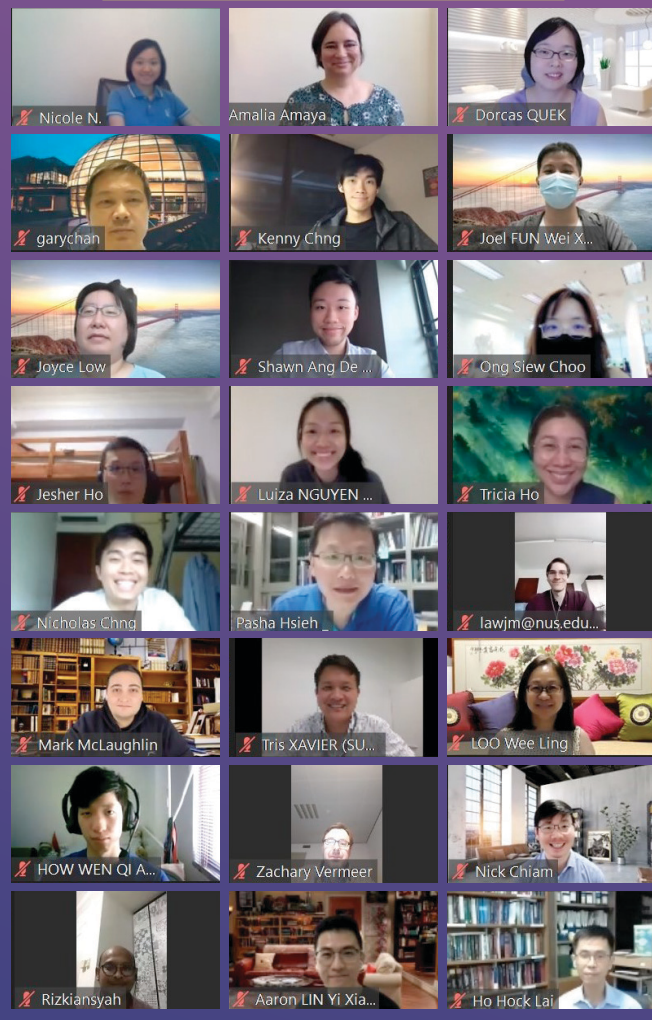
We were pleased to host the following Global Faculty Seminars where leading international academics offered much food for thought on the following topics.

**Pedagogy and Canon in Comparative Constitutional Law**

In October 2020, Professor David S. Law (University of Hong Kong) presented a seminar titled "Pedagogy and Canon in Comparative Constitutional Law". The session was chaired by Associate Professor Maartje de Visser (SMU).

**Virtuous Judgment: The Relevance of Character in Legal Decision-Making**

In November 2020, Professor Amalia Amaya (University of Edinburgh-National Autonomous University of Mexico) presented a seminar titled "Virtuous Judgment: The Relevance of Character in Legal Decision-Making". Associate Professor Tan Sew Hon (SMU) chaired the session.



**Nuisance and the Limits of Tort**

In December 2020, Professor James Lee (King's College London) presented a seminar titled "Nuisance and the Limits of Tort". The chairperson of the session was Professor Tham Chee Ho (SMU).

**Visiting Scholars**

The SMU Yong Pung How 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 2020, including:

- Professor Chester Brown (University of Sydney)
- Professor Chen Li (Fudan University)
- Professor Dov Greenbaum (IDC Herzliya)
- Professor Dino Kritsiotis (University of Nottingham)
- Associate Professor Hengameh Saberi (York University)
- Associate Professor Orkun Akseli (Durham University)
- Dr Ardavan Arzandeh (University of Bristol)

**Research Awards**

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

*Jones Day Professorship of Commercial Law*

Professor Lyria Bennett Moses (UNSW)

*Lee Kong Chian Professorship*

The Lee Kong Chian Professorships and Fellowships were established by the Lee Kong Chian Fund for Research Excellence founded by the Lee Foundation. The chair is presently held by Professor Liu Kung-Chung.

*Yong Pung How Professorship of Law*

Established by the Yong Shook Lin Trust, the Yong Pung How Professorship of Law 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).

*DS Lee Foundation Fellowship*

Established by the DS Lee Foundation, the Fellowship was conferred on Assistant Professor Lau Kwan Ho in 2020.

*Lee Kong Chian Fellowship*

The holders of the Lee Kong Chian Fellowships in 2020 were:

- Associate Professor Christopher Chen
- Assistant Professor Kenny Chng
- Associate Professor Maartje de Visser
- Associate Professor Pasha L. Hsieh
- Assistant Professor Malavika Jayaram
- Associate Professor Alvin See Wei Liang
- Associate Professor Yip Man



# RESEARCH IMPACT & OUTREACH

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## External Research Grants

Professor Locknie Hsu was awarded a grant (2019-2020) by the Singapore Judicial College (SJC) for her project “Dispute Settlement Projects / Transactions in the Belt and Road Initiative”. Associate Professor Maartje de Visser was also awarded a grant by the SJC for her project focusing on transnational peer-to-peer training for judges in the ASEAN region.

Assistant Professor Aurelio Gurrea-Martínez was awarded a grant by the Ministry of Law of Singapore. The grant seeks to contribute to the development of the Singapore Global Restructuring Initiative. Assistant Professor Jerrold Soh was awarded a grant as principal investigator for a project titled “The State of Legal Innovation in the Asia-Pacific” by the Asia-Pacific Legal Innovation and Technology Association.



Associate Professor Eugene Tan completed and presented his research on “International Standards: Catalyst or Barrier for Innovative Entrepreneurship in Singapore?” to the Competition and Consumer Commission of Singapore (CCCS). The research was conducted under the auspices of the CCCS’ inaugural research grant (2018-2020).

## Outreach Activities by Faculty

The semi-annual Legal Research and Writing Forum was held in June and December 2020 by the three Singapore law schools – SMU, NUS and SUSS. SMU’s Ong Ee Ing, Nicholas Liu, Chen Siyuan and adjunct faculty Fong Weili attended. NUS and SUSS colleagues also attended. In the June forum, participants shared their respective experiences with online teaching and discussed ways to improve students’ learning experiences in the coming term. They also considered ways in which online learning could be used to transform teaching, even after the pandemic was resolved. In the December forum, the discussions centred on the pedagogy of legal research and writing, focusing on designing legal writing courses that featured adaptive learning. Also discussed was how legal analysis should be context-dependent so that students could vary their work product depending on their purpose and audience.

Professor Chan Wing Cheong taught a seminar on “Comparative Criminal Law” for the Advanced Criminal Law course for the LLM programme at the Faculty of Law, Thammasat University (February 2020).

In June 2020, Associate Professor Henry Gao spoke on the WTO Rules and China at the 2020 Annual Meeting of the American Society of International Law.

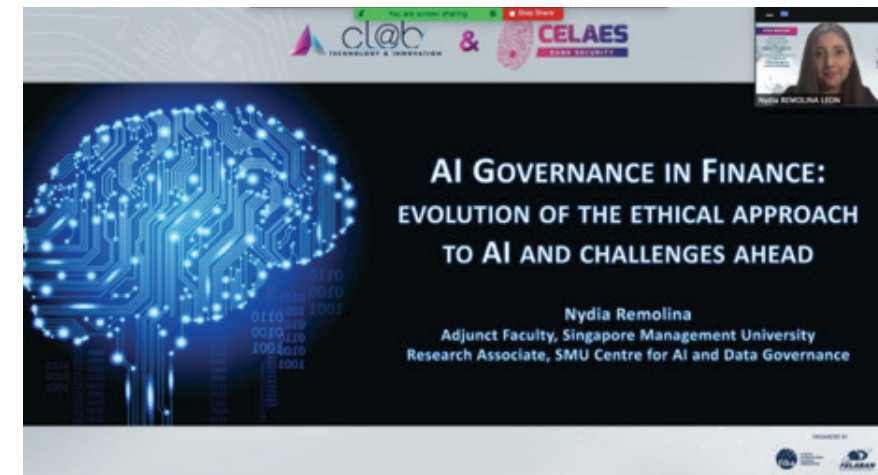
In September 2020, a report submitted by a team of eight SMU law students led by Associate Professor Henry Gao was ranked 3rd out of 60 submissions submitted globally to the UN Economic and Social Commission for Asia and Pacific (ESCAP) in its Policy Hackathon on Trade Model Provisions in Times of Crisis and Pandemic. The report outlined Singapore’s use of its trade agreements to mitigate the adverse effects of the pandemic.



Three associate speakers spoke at Associate Professor Tan Seow Hon’s Legal Theory & Philosophy classes via Zoom. Ms Joyce Low (Senior State Counsel, Attorney General’s Chambers) and Ms Ada Chua (Assistant Director, Legal Aid Bureau) shared with students on doing good as lawyers, while Ms Amy Tung (Director, Legal Services Unit, Ministry of Social and Family Development) shared with students about the interaction between law and policy.

Assistant Professor Aurelio Gurrea-Martínez co-organised and chaired a panel discussion on cryptocurrencies and insolvency. The event was organised by the SMU Singapore Global Restructuring Initiative and the INSOL International Academic Group. It discussed the impact of cryptocurrencies and initial coin offerings on the insolvency and restructuring industry.

Adjunct faculty and research associate at the SMU Centre for AI and Data Governance, Ms Nydia Remolina León, participated as a keynote speaker in the Financial Security and Innovation Conference 2020, organised by the Florida International Bankers Association and the Latin American Banking Federation. Nydia presented her research on AI Governance in Finance, the evolution of the ethical principles approach to AI and the challenges ahead for the financial services industry and regulators.



Access to Justice Project which seeks to identify, plot and analyse emerging trends in access to justice.

Professor Nadja Alexander was appointed to the International Advisory Board of the UN Office of the Ombudsman for UN Funds and programmes. The Board has oversight of the Global Mediation Panel.

Professor Chan Wing Cheong was variously appointed as an External Examiner for a Doctoral Thesis Examination in the University of Malaya, as a Consultant to the Law Society’s Criminal Law Practice Committee and as the Chairman of the Review Board under the Vulnerable Adults Act by the Ministry of Social and Family Development.

Associate Professor Eugene Tan was appointed as a member of the Singapore delegation for Singapore’s third Universal Periodic Review (UPR) at the the 38th Session of the UPR Working Group at the United Nations Human Rights Council. Associate Professor Tan is also Singapore’s national researcher for the *Global*



**Citations by Courts and Governmental Bodies**

The research work of many of our faculty members was cited in 2020 by courts and other governmental and regulatory bodies. The following table lists books or articles published between 2018-2020 and cited in 2020.

No	Faculty	Research Cited	Cited In
1	Chen Siyuan	Chen Siyuan and Eunice Chua, "2018 Changes to the Evidence Act and Criminal Procedure Code" (2018) 30 <i>Singapore Academy of Law Journal</i> 1064-1094	<i>Public Prosecutor v Adaikalaraj a/l Iruthayam &amp; Suresh s/o Krishnan</i> [2020] SGDC 141
2	Chen Siyuan	Singapore Academy of Law, Law Reform Committee – Robotics and Artificial Intelligence Subcommittee, <i>Report on the Attribution of Civil Liability for Accidents Involving Automated Cars</i> (September 2020). [Chen Siyuan contributed to the report as a member of the Robotics and Artificial Intelligence Subcommittee.]	Law Commission (England and Wales) / Scottish Law Commission, <i>Automated Vehicles: Consultation Paper 3 – A regulatory framework for automated vehicles</i> (Law Commission Consultation Paper No 252 / Scottish Law Commission Discussion Paper No 171, December 2020)
3	Henry Gao	Weihuan Zhou, Henry Gao and Xue Bai, "Building a Market Economy Through WTO-Inspired Reform of State-Owned Enterprises in China" (2019) 68 <i>International and Comparative Law Quarterly</i> 977-1022	L. Rubini and T. Wang, "State-Owned Enterprises" in Aaditya Mattoo, Nadia Rocha and Michelle Ruta (eds), <i>Handbook of Deep Trade Agreements</i> (World Bank Group 2020)
4	Goh Yihan	Goh Yihan, <i>The Interpretation of Contracts in Singapore</i> (Sweet & Maxwell 2018)	<i>Lim Beng Kiat v Mohammad Sarman bin Saidi</i> [2020] SGDC 46
5	Goh Yihan	Andrew Phang and Goh Yihan, "Contract Law in Commonwealth Countries: Uniformity or Divergence?" (2019) 31 <i>Singapore Academy of Law Journal</i> 170-245	<i>Law Society of Singapore v Lee Suet Fern</i> [2020] 5 SLR 1151 (HC)
6	Nydia Remolina León	Nydia Remolina, "Open Banking: Regulatory Challenges for a New Form of Financial Intermediation in a Data-Driven World" (2019) SMU Centre for AI & Data Governance Research Paper No 2019/05	Unidad de Regulación Financiera [Financial Regulation Unit, Colombia], <i>Documento de Trabajo: Open Banking y Portabilidad en Colombia</i> [Consultation Paper on Open Banking and Data Portability] (December 2020)
7	Jerrold Soh	Kenneth Khoo & Jerrold Soh, "The Inefficiency of Quasi-Per Se Rules: Regulating Information Exchange in EU and U.S. Antitrust Law" (2020) 57 <i>American Business Law Journal</i> 45-111	<i>Olean Wholesale Grocery Cooperative Inc v Agri Stats Inc</i> No 19 C 8318 (19 October 2020) (District Court, Northern District of Illinois)
8	Yeo Tiong Min	Yeo Tiong Min, <i>Halsbury's Laws of Singapore</i> (Vol 6(2): <i>Conflict of Laws</i> ) (LexisNexis, 2020 Reissue)	<i>Christopher Yun Hian Chen v BHNV Online Ltd</i> [2020] SGHC 284
9	Yeo Tiong Min	Yeo Tiong Min, <i>Halsbury's Laws of Singapore</i> (Vol 6(2): <i>Conflict of Laws</i> ) (LexisNexis, 2020 Reissue)	<i>Esben Finance Ltd v Wong Hou-Lianq Neil</i> [2021] 3 SLR 82 (SICC)
10	Yeo Tiong Min	Yeo Tiong Min, <i>Halsbury's Laws of Singapore</i> (Vol 6(2): <i>Conflict of Laws</i> ) (LexisNexis, 2020 Reissue)	<i>Ivanishvili, Bidzina v Credit Suisse Trust Ltd</i> [2020] 2 SLR 638 (CA)

**Notable Awards or International Recognition for Research Publications**

Associate Professor Darius Chan and SIDRA Research Affiliate Ervin Tan's paper "*The Use of State-Owned Entities Along the BRI: When Does ICSID Have Jurisdiction Over SOEs*" won the best paper award at the 2020 Taipei International Conference on Arbitration and Mediation. This Conference was organised by the Chinese Arbitration Association and the Asian Centre for WTO & International Trade Law and Policy. Associate Professor Chan and Mr Tan's paper critically examined the impact of a December 2019 ICSID decision on the requirements to establish ICSID jurisdiction over a state agency.

Despite 2020 being marred by the pandemic, the SMU Yong Pung How School of Law organised eight faculty research workshops for colleagues to present their works-in-progress.

No	Title	Speaker(s)	Commentators	Date
1	Can Property Theory Explain Why Compulsory Purchase Attracts Compensation While Regulatory Incursions To Land Does Not?	Assistant Professor Edward Ti	Professor Yeo Tiong Min & Associate Professor Yip Man	27 March 2020
2	Towards an Account of the Right to "Profess" Religion	Assistant Professor Benjamin Joshua Ong	Associate Professors Maartje de Visser & Tan Seow Hon	15 April 2020
3	Micro-Contextual Considerations in Ouster Clause Analysis	Assistant Professor Kenny Chng	Professor Mark Findlay & Associate Professor Maartje de Visser	15 April 2020
4	Theory, Evidence and Policy on Dual-Class Shares: A Country-Specific Response to a Global Debate	Assistant Professor Aurelio Gurrea-Martínez	Professor Locknie Hsu & Associate Professor Christopher Chen	16 April 2020
5	Negligence and the Unfair Contract Terms Act: Experiences in Hong Kong and Singapore Compared	Assistant Professor Lau Kwan Ho	Professor Gary Chan & Associate Professor Adeline Chong	15 May 2020
6	Mandatory Bids in China: You Can Lead a Horse to Water, But You Can't Make Him Drink	Assistant Professor Zhang Wei	Professor Lee Pey Woan & Associate Professor Pearl Koh	24 September 2020
7	Causal Inference with Legal Text Analytics	Assistant Professor Jerrold Soh	Professor Chan Wing Cheong & Assistant Professor Zhang Wei	17 November 2020
8	Embedding Mediation into Dispute Settlement Mechanisms of EU-ASEAN Investment Protection Agreements	Assistant Professor Dorcas Quek Anderson	Professor Locknie Hsu & Associate Professor Henry Gao	24 November 2020



# PUBLICATIONS OF FACULTY AND RESEARCH ASSOCIATES

# PUBLICATIONS OF FACULTY AND RESEARCH ASSOCIATES

As members of a premier research institution, the SMU Yong Pung How School of Law faculty and researchers publish many significant books, articles, notes and book chapters every year. The following works were published in 2020.

## Monographs and Edited Collections

- Sarah R. Cole, Craig A. McEwen, Nancy H. Rogers, James R. Coben and Nadja M. **Alexander**, *Mediation: Law, Policy & Practice* (Thomson Reuters, 2020-2021)
- Chan** Wing Cheong, Michael Hor, Neil Morgan, Jeeva Niriella and Stanley Yeo, *Criminal Law in Sri Lanka* (LexisNexis, 2020)
- Warren B. **Chik** and **Saw** Cheng Lim, *Information and Communications Technology and Singapore Law* (Academy Publishing, 2020)
- Adeline **Chong** Swee Ling (ed), *Asian Principles for the Recognition and Enforcement of Foreign Judgments*, Asian Business Law Institute Legal Convergence Series (ABLI, 2020)
- Aurelio **Gurrea-Martínez**, Mark **Findlay** and **Goh** Yihan (eds), *Law and COVID-19* (Singapore Management University School of Law, 2020)
- James Mellor, David **Llewelyn**, Thomas Moody-Stuart, David Keeling and Iona Berkeley, *Kerly's Law of Trade Marks and Trade Names* (Sweet & Maxwell, 16th ed Supplement, 2020)
- Vincent **Ooi** and Liu Hern Kuan, *Halsbury's Laws of Singapore (Vol 16(2): Revenue and Taxation-Income Tax)* (LexisNexis, 2020)
- Jerrold **Soh** and Josh Lee (eds), *The State of Legal Innovation in the Asia-Pacific 2020* (Asia-Pacific Legal Innovation and Technology Association, 2020)
- Eugene **Tan** Kheng Boon, Kenny **Chng** Wei Yao and Benjamin Joshua **Ong**, *Halsbury's Laws of Singapore (Volume 6(3): Constitutional Law)* (LexisNexis, 2020)
- Yeo** Tiong Min, *Conflict of Laws, Halsbury's Laws of Singapore (Vol 6(2): Conflict of Laws)* (LexisNexis, 2020 Reissue)
- Gary **Chan** Kok Yew, "Recent Judicial Developments in Singapore Tort Law" (2020) *Journal of the Malaysian Judiciary* 278-316
- Gary **Chan** Kok Yew, "Trust in and Ethical Design of Carebots: The Case for Ethics of Care" (2020) *International Journal of Social Robotics* 1-17
- Lin Lin and Christopher **Chen**, "The Promise and Perils of InsurTech" [2020] *Singapore Journal of Legal Studies* 115-142
- Chen** Siyuan and Chang Wen Yee, "The Use of Similar Fact in Criminal Proceedings: An Updated Framework" (2020) *25 Singapore Academy of Law Practitioner (Crime)* 17 pp
- Chen** Siyuan, Iris Ng, Melissa Ng and Andre Soh, "Five Recurring Problems in International Arbitration: The Relationship between Courts and Arbitral Tribunals" (2020) *8(2) Indian Journal of Arbitration Law* 19-47
- Kenny **Chng**, "Judicial Precedent in Emerging Constitutional Jurisdictions: Formulating a Doctrine of Constitutional Stare Decisis for Singapore" (2020) *7(1) Journal of International and Comparative Law* 127-153
- Kenny **Chng**, "Adjudication in the Culture Wars: A Novel Perspective From Natural Law Theory" (2020) *97(2) University of Detroit Mercy Law Review* 259-290
- Kenny **Chng**, "Form and Substance in Singapore Constitutional and Administrative Law" (2020) *15(2) Asian Journal of Comparative Law* 363-384
- Adeline **Chong** Swee Ling, "Moving Towards Harmonisation in the Recognition and Enforcement of Foreign Judgment Rules in Asia" (2020) *16 Journal of Private International Law* 31-68
- Maartje **de Visser**, "The Future is Urban: The Progressive Renaissance of the City in EU Law" (2020) *7(2) Journal of International and Comparative Law* 389-408
- Gregory Shaffer and Henry **Gao**, "A New Chinese Economic Order?" (2020) *23(3) Journal of International Economic Law* 607-635
- Zhou Weihuan and Henry **Gao**, "US-China Trade War: A Way Out?" (2020) *19(4) World Trade Review* 605-617
- Vakhtang **Giorgadze**, "Dispute Resolution Clauses and the Enforcement of International Mediated Settlement Agreements under the Singapore Convention on Mediation" (2020) *Transnational Dispute Management* (advance publication)
- Justice Andrew Phang, **Goh** Yihan and Jerrold **Soh**, "The Development of Singapore Law: A Bicentennial Retrospective" (2020) *32 Singapore Academy of Law Journal* 804-890

## Journal Articles

- Michelle LeBaron and Nadja M. **Alexander**, "Optimising Performance: How Jungian Alchemy Informs Organisational Transformation" (2020) *9(2) The Art of Management and Organisational Journal* 2-82
- Darius **Chan** and Teo Jim Yang, "Ascertaining the Proper Law of an Arbitration Agreement: The Artificiality of Inferring Intention When There Is None" (2020) *37(5) Journal of International Arbitration* 635-648
- Darius **Chan** and Claire Neoh, "To Boycott Proceedings or Not? Recourse Against Arbitral Awards on Jurisdictional Grounds by Different Categories of Respondents under the Model Law" (2020) *36(4) Arbitration International* 529-556

- Aurelio **Gurrea-Martínez**, "The Future of Reorganization Procedures in the Era of Pre-Insolvency Law" (2020) *21 European Business Organization Law Review* 829-854
- Aurelio **Gurrea-Martínez**, "Towards a Credible System of Independent Directors in Controlled Firms" (2020) *35(1) Australian Journal of Corporate Law* 31-55
- Aurelio **Gurrea-Martínez**, "Insolvency Law in Times of COVID-19" (2020) *41(7) Company Lawyer* 191-198
- Aurelio **Gurrea-Martínez** and Martin Gelter, "Addressing the Auditor Independence Puzzle: Regulatory Models and Proposal for Reform" (2020) *53(3) Vanderbilt Journal of Transnational Law* 787-827
- Aurelio **Gurrea-Martínez** and Nydia **Remolina León**, "Global Challenges and Regulatory Strategies to Fintech" (2020) *36(1) Banking and Finance Law Review* 39-74
- Aurelio **Gurrea-Martínez** and Samuel Loh, "Singapore's Legal and Economic Response to the Covid-19 Crisis: The Role of Insolvency Law and Corporate Workouts" (2020) *17(4) International Corporate Rescue* 292-297
- Aurelio **Gurrea-Martínez**, "The Low Usage of Bankruptcy Procedures: A Cultural Problem? Lessons from Spain" (2020) *27(2) University of Miami Comparative and International Law Review* 277-307
- Aurelio **Gurrea-Martínez** and Vincent **Ooi**, "The Tax Treatment of Haircuts in Financial Reorganizations" (2020) *26(1) Revenue Law Journal* 1-18
- Ying-jeou Ma, Chun-i Chen and Pasha L. **Hsieh**, "The Chinese (Taiwan) Yearbook of International Law and Affairs: Contributing to the Grotian Moment in Asia" (2020) *50 Netherlands Yearbook of International Law* 99-109
- Pasha L. **Hsieh**, "Rethinking Non-Recognition: The EU's Investment Agreement with Taiwan under the One-China Policy" (2020) *33(3) Leiden Journal of International Law* 689-712
- Pasha L. **Hsieh**, "Rethinking Non-Recognition: Taiwan's New Pivot to ASEAN and the One-China Policy" (2020) *33(2) Cambridge Review of International Affairs* 204-228
- Kai-Chih Chang and Pasha L. **Hsieh**, "ASEAN Economic Integration in New Regionalism: The Case of Trade in Services Liberalization 新區域主義下的東南亞國協經貿整合: 以服務貿易自由化為核心" (2020) *59(2) Issues & Studies* 1-41
- Locknie **Hsu**, "ASEAN and the Belt and Road Initiative: Trust-building in Trade and Investment" (2020) *3(1) International Journal on Belt and Road Initiative- China and the World: Ancient and Modern Silk Road* 1-43
- Lau** Kwan Ho, "Precedent Within the High Court" (2020) *40 Legal Studies* 397-418
- Lau** Kwan Ho, "On Mandatory Criminal Sentences, Legislative Interpretation, and the Prospective Application of the Law: A View from Singapore" (2020) *41 Statute Law Review* 96-124
- Kung-Chung **Liu** and Shufeng **Zheng**, "Asian IP Laws—An Area of Increasing Importance" (2020) *69(3) Gewerblicher Rechtshutz und Urheberrecht (GRUR) International: Journal of European and International IP Law* 1-11
- Lynette Tan, Brenda Yuen, **Loo** Wee Ling, Christiaan Prinsloo and Mark Gan, "Students Conceptions of Bell Curve Grading Fairness In Relation to Goal Orientation and Motivation" (2020) *14(1) International Journal for the Scholarship of Teaching and Learning* 1-9
- Vincent **Ooi**, "Tax Considerations for Funds Structuring in Asia" (2020) *38(1) Journal of Taxation of Investments* 49-62
- Vincent **Ooi**, "Tax Implications of Covid-19 in Singapore" (2020) *26(3) Asia-Pacific Tax Bulletin* 1-12
- Vincent **Ooi**, "Singapore Property Tax Law as it Stands: The Rebus Sic Stantibus Principle and the Statutory Formula" (2020) *32 Singapore Academy of Law Journal* 771-803
- Vincent **Ooi**, "The Anti-Avoidance Response to Professionals Incorporating Companies in Singapore" (2020) *26(2) Asia-Pacific Tax Bulletin* 1-9
- Dorcas **Quek Anderson**, "A Matter of Interpretation? Understanding and Applying Mediation Standards for the Cross-Border Enforcement of Mediated Settlement Agreements" (2020) *38 Conflict Resolution Quarterly* 27-45
- Dorcas **Quek Anderson**, "The Evolving Concept of Access to Justice in Singapore's Mediation Movement" (2020) *16(2) International Journal of Law in Context* 128-145
- Dorcas **Quek Anderson**, "The Singapore Convention on Mediation: Supplying the Missing Piece of the Puzzle for Dispute Resolution" (2020) *Journal of the Malaysian Judiciary* 194-220
- Saw** Cheng Lim, Samuel Chan and Chai Wen Min, "Revisiting the Law of Confidence in Singapore and a Proposal for a New Tort of Misuse of Private Information" (2020) *32 Singapore Academy of Law Journal* 891-963
- Kenneth Khoo and Jerrold **Soh**, "The Inefficiency of Quasi-Per Se Rules: Regulating Information Exchange in EU and U.S. Antitrust Law" (2020) *57 American Business Law Journal* 45-111
- Eugene **Tan** Kheng Boon, "Commercial Judicial Review in Singapore: Strategic or Spontaneous?" [2020] *Singapore Journal of Legal Studies* 448-478



## PUBLICATIONS OF FACULTY AND RESEARCH ASSOCIATES

45. Eugene **Tan** Kheng Boon, "From Third World to First World: Law and Policy in Singapore's Urban Transformation and Integration" (2020) 2(1) *Vietnamese Journal of Legal Sciences* 96-114
46. **Tan** Seow Hon, "Surrogacy and Human Flourishing" (2020) 45 *Journal of Legal Philosophy* 49-79
47. Lim Sing Yong and **Tang** Hang Wu, "Trust, Contribution and Equitable Accounting: Analysing Imbalances in Contribution towards Mortgage Payments" [2020] *Conveyancer and Property Lawyer* 310-329
48. **Tang** Hang Wu, "Trustees' Investment Duties and Cryptoassets" (2020) 26(2) *Trusts and Trustees* 183-194
49. Edward S.W. **Ti**, "Fairly Distributing Sale Proceeds in a Collective Sale of Strata Property" (2020) 43(4) *University of New South Wales Law Journal* 1494-1520
50. Tan Shin Bin and Edward S.W. **Ti**, "What is the Value of Built Heritage Conservation? Assessing Spillover Effects of Conserving Historic Sites in Singapore" (2020) 91 *Land Use Policy* 104393
51. Rebecca Lee and **Yip** Man, "Exclusion of Duty and the Irreducible Core Content of Trusteeship: A Re-Assessment" (2020) 10 *Journal of Equity* 131-150
52. **You** Chuanman, "Equal Treatment of Shareholders Under the Dual Class Share Structure: Recent Development of Takeover Rules in Singapore" (2020) 41(2) *Company Lawyer* 59
53. **You** Chuanman and Bu Qingxiu, "Transformative Digital Economy, Responsive Regulatory Innovation and Contingent Network Effects: The Anatomy of E-Commerce Law in China" (2020) 31(4) *European Business Law Review* 725-762
54. Robin Hui Huang, **Zhang** Wei and Kelvin Siu Cheung Lee, "The (Re)introduction of Dual-Class Share Structures in Hong Kong: A Historical and Comparative Analysis" (2020) 20(1) *Journal of Corporate Law Studies* 121-155
4. Gary **Chan** Kok Yew, "Book Review of Practitioners' Guide on Damages Awarded in Defamation Cases in Singapore Salina Ishak and Clement Julien Tan (eds)" (2020) 32 *Singapore Academy of Law Journal* 332-334
5. **Chan** Wing Cheong, "Impossible Attempts and the Punishment of Intent — *Han Fang Guan v Public Prosecutor*" [2020] *Singapore Journal of Legal Studies* 748-755
6. Kenny **Chng**, "Reconsidering Ouster Clauses in Singapore Administrative Law" (2020) 136 *Law Quarterly Review* 40-45
7. Kenny **Chng**, "Book Review, Constitutional Change in Singapore: Reforming the Elected Presidency (Jaclyn L. Neo and Swati S. Jhaveri eds)" [2020] *Singapore Journal of Legal Studies* 774-779
8. Adeline **Chong** Swee Ling, "Case commentary on *Giant Light Metal Technology (Kunshan) Co Ltd v Aksa Far East Pte Ltd* [2014] 2 SLR 545" (2020) *A Compendium of Singapore-China International Commercial Cases Curated for their Relevance to the Belt and Road Initiative*
9. **Chong** Shouyu, "Choice of Law Governing a Contract Where its Existence is in Dispute: Clarifications from the Singapore International Commercial Court in *Lew, Solomon v Kaikhushru Shiavax Nargolwala*" (2020) *Singapore Academy of Law Journal* 18pp
10. Pearlie **Koh**, "Holding Company's Liability for Inducing its Subsidiary's Contractual Breach" (2020) 136 *Law Quarterly Review* 30-35
11. **Lau** Kwan Ho, "Neither Contract Nor Tort: *Salomon Triumphant?*" (2020) *Lloyd's Maritime and Commercial Law Quarterly Review* 13-20
12. Benjamin Joshua **Ong**, "Compensation for Abused Foreign Domestic Workers: A Problem of Enforcement" (2020) 32 *Singapore Academy of Law Journal* 1200-1218
13. Benjamin Joshua **Ong**, "The Ouster of Parliamentary Sovereignty?" [2020] *Public Law* 41-49
14. Vincent **Ooi** and Soh Kian Peng, "Rethinking Mistake in the Age of Algorithms" (2020) 31(3) *King's Law Journal* 367-372
15. Eugene **Tan** Kheng Boon, "Singapore's Covid-19 General Election: Political Breakthrough amid a Generational Crisis?" (2020) 109(5) *The Round Table: The Commonwealth Journal of International Affairs* 622-623
16. **Tham** Chee Ho, "Understanding Assignments: English, Comparative and Private International Law: Some Possible Implications" (2020) *Butterworths Journal of International Banking and Financial Law* 314-318

### Case Notes and Shorter Notes

1. Nadja M. **Alexander** and Claudia Kueck, "Das Mediations- „Ökosystem“ Singapur – Anregungen für die internationale Mediationslandschaft" (2020) (2) *Internationale Wirtschaftsrecht Zeitschrift* 64-70
2. Darius **Chan**, "The UNCITRAL Model Law and Asian Arbitration Laws: Implementation and Comparison" (2020) *Asian Dispute Review* 132-133
3. Gary **Chan** Kok Yew, "Assessing Mental Capacity in *BUV v BUU*" (2020) 32 *Singapore Academy of Law Journal* 287-304

## PUBLICATIONS OF FACULTY AND RESEARCH ASSOCIATES

### Book Chapters

1. Nadja M. **Alexander**, "Through the Looking Glass: Exploring the Regulatory-Ethical Ecosystem for Mediation" in *Comparative Dispute Resolution* (Maria Moscati, Michael Palmer and Marian Roberts eds) (Edward Elgar, 2020), 172-189
2. Nadja M. **Alexander** and Shouyu **Chong**, "Mediation and Appropriate Dispute Resolution" in *Singapore Academy of Law Annual Review of Singapore Cases* (Teo Keang Sood and Goh Yihan eds) (Academy Publishing, 2020), 614 - 641
3. Nadja M. **Alexander**, "Mediation: The New Normal?" in *Law and COVID-19*, (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 245-254
4. Gary **Chan** Kok Yew, "Support, Care and Employment for the Elderly: Examining the Law and Policy in Singapore" in *Solidarity Across Generations, Ius Comparatum – Global Studies in Comparative Law* (Eri Kasagi ed) (Springer, 2020), 241-264
5. Gary **Chan** Kok Yew, "Reflections on the Use of Facial Recognition Technology during COVID-19" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 161-165
6. Christopher **Chen**, "Rethinking the Regulatory Sandbox for Financial Innovation: An Assessment of the UK and Singapore" in *Regulating FinTech in Asia: Global Context, Local Perspectives* (Mark Fenwick, Steven Van Uytsel and Bi Ying eds) (Springer, 2020), 11-30
7. Christopher **Chen**, "Shareholders' Rights and Corporate Meetings Post-COVID-19" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 85-93
8. **Chen** Siyuan, "Online Advocacy: Views from a Moot Coach" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 242-245
9. **Chen** Siyuan and Tricia Ho, "Family Law" in *Singapore Academy of Law Annual Review of Singapore Cases* (Teo Keang Sood and Goh Yihan eds) (Academy Publishing, 2020), 477-504
10. Warren B. **Chik**, "Coronavirus: Pandemics, Artificial Intelligence and Personal Data: How to Manage Pandemics Using AI and What That Means for Personal Data Protection" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 123-128

11. Adeline **Chong** Swee Ling, "Bridging the Common Law-Civil Law Divide? The Convention on the Law Applicable to Trusts and their Recognition" in *Elgar Companion on the Hague Conference on Private International Law* (Thomas John, Rishi Gulati and Ben Köhler eds) (Edward Elgar, 2020), 323-335
12. Adeline **Chong** Swee Ling, "Introduction" in *Asian Principles for the Recognition and Enforcement of Foreign Judgments* (Adeline Chong ed) (Asian Business Law Institute, 2020), xi-xx
13. Adeline **Chong** Swee Ling, "General Principle" in *Asian Principles for the Recognition and Enforcement of Foreign Judgments* (Adeline Chong ed) (Asian Business Law Institute, 2020), 1-17
14. Adeline **Chong** Swee Ling, "Jurisdiction of the Court" in *Asian Principles for the Recognition and Enforcement of Foreign Judgments* (Adeline Chong ed) (Asian Business Law Institute, 2020), 18-39
15. Adeline **Chong** Swee Ling and Narinder Singh, "In rem Judgments" in *Asian Principles for the Recognition and Enforcement of Foreign Judgments* (Adeline Chong ed) (Asian Business Law Institute, 2020), 174-184
16. Maartje **de Visser** and Paulin Straughan, "Covid-19 in Singapore: Technocracy and Transition" in *Covid-19 in Asia: Law and Policy Contexts* (Victor V. Ramraj ed) (Oxford University Press, 2020), 221-239
17. Maartje **de Visser**, "Procedural Rules and the Cultivation of Well-Informed and Responsive Constitutional Judiciaries" in *Dialogues on Italian Constitutional Justice – A Comparative Perspective* (Vittoria Barsotti, Paolo G. Carozza, Marta Cartabia and Andrea Simoncini eds) (Routledge, 2020), 83-105
18. Maartje **de Visser**, "Of constitutional commissions and expert-led interpretation during processes of constitutional change" in *Constitutional Change in Singapore: Reforming the Elected Presidency* (Jaclyn L. Neo and Swati Jhaveri eds) (Routledge, 2020), 209-236
19. Maartje **de Visser**, "Constitutional Literacy in Times of Crisis" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 142-146
20. Mark **Findlay**, "Property Abandoned: Rights, wrongs and forgetting Durkheim" in *Kritika – Essays in Intellectual Property* (H. Ulrich, Peter Drahos and Gustavo Ghidini eds) (Edward Elgar, 2020), 100-120
21. Mark **Findlay**, "Ethics, Rule of Law and Pandemic Responses" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 129-140



## PUBLICATIONS OF FACULTY AND RESEARCH ASSOCIATES

22. Henry **Gao**, "Disruptive Construction or Constructive Destruction? Reflections on the Appellate Body Crisis" in *The Appellate Body of the WTO and its Reform* (Chang-fa Lo, Jinji Nakagawa and Tsai-yu Lin eds) (Springer, 2020), 215-238
23. Henry **Gao**, Dhiraj G. Chainani and Chew Siu Farn, "Trading Through a Pandemic: The Singapore Experience" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 26-50
24. **Goh Yihan**, "COVID-19 as a Frustrating Event Under Singapore Contract Law" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 10-20
25. **Goh Yihan** and Nydia **Remolina León**, "The Innovation of Singapore's AI Ethics and Model Framework" in *AI Governance in 2019: A Year in Review (Observations of 50 Experts in the World)* (Li Hui and Brian Tse eds) (Shanghai Institute for Science of Science, 2020), 77-78
26. **Goh Yihan**, "Rule of Law" in *Fifty Secrets of Singapore's Success* (Tommy Koh ed) (Straits Times Press, 2020)
27. Aurelio **Gurrea-Martínez**, "The Value of Insolvency Law in the COVID-19 Crisis" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 101-104
28. Aurelio **Gurrea-Martínez** and Nydia **Remolina León**, "A regulatory and conceptual approach to financial innovation and the fintech industry" in *FINTECH, REGTECH and LEGALTECH: Foundations and Regulatory Challenges* (Aurelio Gurrea-Martínez and Nydia Remolina eds), (Tirant lo blanch, 2020), 141-173
29. Aurelio **Gurrea-Martínez** and Nydia **Remolina León**, "Legal, accounting and financial issues in Initial Coin Offerings" in *FINTECH, REGTECH and LEGALTECH: Foundations and Regulatory Challenges* (Aurelio Gurrea-Martínez and Nydia Remolina eds) (Tirant lo blanch, 2020), 275-321
30. Pasha L. **Hsieh**, "Can International Economic Agreements Combat COVID-19? Singapore's Experience" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 78-83
31. Pasha L. **Hsieh**, "ASEAN Trade in Services" in *ASEAN Law and Regional Integration: Governance and the Rule of Law in Southeast Asia's Single Market* (David Cohen and Diane Desierto eds) (Routledge, 2020), 95-112
32. Pearlie **Koh**, "COVID-19 and the Spotlight on Stakeholderism" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 94-97
33. **Lau Kwan Ho** and Daryl Xu, "Hearing Essential and Urgent Court Matters During the COVID-19 Pandemic", in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 235-241
34. Nicholas **Liu**, "'In Case of Emergency, Break Contract'? The Case for a Unified Regime for Changed Circumstances in Singapore Law" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 69-77
35. David **Llewelyn** and Prashant Reddy T, "Metatags 'using' third party trade marks on the internet" in *Research Handbook on Intellectual Property and Digital Technologies* (Tanya Aplin ed) (Edward Elgar, 2020), 411-425
36. David **Llewelyn**, "Comparative Advertising: Does Trade Mark Law Over-or Under-Protect the Average Consumer? A Couple of Recent Examples of Asian Jurisdictions Going their Own Way" in *Transition and Coherence in Intellectual Property Law: Essays in honour of Annette Kur* (Niklas Bruun, Graeme B. Dinwoodie, Marianne Levin and Ansgar Ohly eds) (Cambridge University Press, 2020), 478-485
37. David **Llewelyn**, "Language and Law: The Role of the Intellectual Property Treatise" in *Across Intellectual Property: Essays in Honour of Sam Ricketson* (Graeme W. Austin, Andrew F. Christie, Andrew T. Kenyon and Megan Richardson eds) (Cambridge University Press, 2020), 280-291
38. **Low Kee Yang**, "Tort Liability in a Pandemic Environment: Exploratory Thoughts" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 202-213
39. **Ong Ee Ing**, "The year of COVID-19: Personal reflections on how traditional pedagogy can be informed by online teaching methods (aka how I changed my mind about online teaching)" *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 177-184
40. **Ong Ee Ing**, "Data Protection in the Internet – Singapore Report" in *Data Protection in the Internet* (Dário Moura Vicente and Sofia de Vasconcelos Casimiro eds) (Springer, 2020), 309-347
41. Benjamin Joshua **Ong**, "The ideals of law in a health crisis: Singapore's legislative responses to COVID-19", in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 147-160
42. Benjamin Joshua **Ong**, "Proportionality in Malaysia: New Dawn or 'Merely Obiter'?" in *Proportionality in Asia* (Po Jen Yap ed) (Cambridge University Press, 2020), 105-139
43. Vincent **Ooi**, "Business Trusts Act (Cap 31A)", in *Woon's Corporations Law* (Walter Woon ed) (LexisNexis, 2020)
44. Dorcas **Quek Anderson**, "Taking Disputes Online in a Pandemic-Stricken World: Do We Necessarily Lose More than We Gain?" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 215-234
45. Nydia **Remolina León**, "Big Data: Concept and Foundations" in *FINTECH, REGTECH and LEGALTECH: Foundations and Regulatory Challenges* (Aurelio Gurrea-Martínez and Nydia Remolina eds) (Tirant lo blanch, 2020), 77-93
46. Nydia **Remolina León**, "Cryptocurrencies" in *FINTECH, REGTECH and LEGALTECH: Foundations and Regulatory Challenges* (Aurelio Gurrea-Martínez and Nydia Remolina eds) (Tirant lo blanch, 2020), 237-251
47. Nydia **Remolina León**, "Towards a Data-Driven Financial System: The Impact of COVID-19" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 105-121
48. Jerrold **Soh**, "Private Liability for Public Health" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 57-68
49. Eugene **Tan Kheng Boon**, "Article 152 of the Singapore Constitution: The Past, Present, and Future of Multiracial Recognition, Inclusion, and Accommodation" in *Beyond Bicentennial: Perspectives on Malays* (Zainul Abidin Rasheed, Wan Hussin Zohri and Norshahril Saat eds) (World Scientific Publishing, 2020), 713-726
50. Eugene **Tan Kheng Boon**, "Massive Covid-19 Infections in Foreign Workers Dormitories: The Dog that Did Not Bark in Singapore's Fight against the Covid-19 Pandemic" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 166-175
51. Thomas Thomas and Eugene **Tan Kheng Boon**, "Corporate Social Responsibility in Asia, with Particular Reference to Southeast Asia: Untapped Potential, New Approaches, and Opportunities for Humanistic Enterprise" in *Corporate Social Responsibility – Sustainable Business: Environmental, Social and Governance Frameworks for the 21st Century* (Rae Lindsay and Roger Martella eds) (Kluwer Law International, 2020), 693-724
52. **Tan Seow Hon**, "Legislating and enforcing for containment in a pandemic: An introduction to jurisprudence issues raised by COVID-19 (Temporary Measures) (Control Order) Regulations 2020" on *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 186-201
53. **Tang Hang Wu**, "Unjust Enrichment and Contract" in *Research Handbook in Unjust Enrichment and Restitution* (Elise Bant, Kit Barker and Simone Degeling eds) (Edward Elgar, 2020), 101-122
54. **Tang Hang Wu** and Tay Yong Seng, "Equity & Trusts" in *Singapore Academy of Law Annual Review of Singapore Cases* (Teo Keang Sood and Goh Yihan eds) (Academy Publishing, 2020), 455-476
55. **Tang Hang Wu**, "Exorcising the Ghost in the Wills Act" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 51-53
56. Edward S.W. **Ti**, "Pragmatism in the Pandemic: The Protection of Commercial Tenants in Singapore" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 21-25
57. **Yip Man**, "COVID-19 Crisis and its Impact on Trustees and Beneficiaries" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 54-56
58. **Zhang Wei**, "Stock Buybacks: Some Old Norm Should Remain New" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 98-100



**Monographs and Edited Collections**

1. Jerrold Soh and Josh **Lee** (LLB, 2015) (eds), *The State of Legal Innovation in the Asia-Pacific 2020* (Asia-Pacific Legal Innovation and Technology Association, 2020)

**Journal Articles**

1. Saw Cheng Lim, Samuel **Chan** (LLB, 2022) and **Chai Wen Min** (LLB, 2021), "Revisiting the Law of Confidence in Singapore and a Proposal for a New Tort of Misuse of Private Information" (2020) 32 *Singapore Academy of Law Journal* 891-963
2. Gerome **Goh** (LLB, 2020) "An Arbitral Tribunal's Dilemma: The Plea of Financially Impecunious Parties" (2020) 37(4) *Journal of International Arbitration* 479-510
3. Chandra Mohan and **Lee Yingqi** (JD, 2018), "Sexual Grooming as an Offence in Singapore" (2020) 32 *Singapore Academy of Law Journal* 96-123
4. Terence **Lerh** Guan Wei (LLB, 2020), "Mediation Confidentiality: Authentic or Delusory?" (2020) 5 *Contemporary Issues in Mediation* 97-107
5. Dominic **Liew** Jr (LLB, 2018), "Finding Clarity Amidst Confusion: Cleaning up the Clean Hands Doctrine in International Investment Law" (2020) 32 *Singapore Academy of Law Journal* 643-683
6. **Lim** Sing Yong (LLB, 2011) and Tang Hang Wu, "Trust, Contribution and Equitable Accounting: Analysing Imbalances on Contribution Towards Mortgage Payments" [2020] *Conveyancer and Property Lawyer* 310-329
7. Aurelio Gurrea-Martínez and Samuel **Loh** (LLB, 2020), "Singapore's Legal and Economic Response to the COVID-19 Crisis: The Role of Insolvency Law and Corporate Workouts" (2020) 17(4) *International Corporate Rescue* 292-297
8. **Low** Yan Lin (LLB, 2020), "International Regulations on Artificial Intelligence in the Military: Adequate or Outdated?" (2020) 32 *Singapore Academy of Law Journal* 720-746
9. Ian **Mah** (LLB, 2020), "Revisiting the Presumptions of Resulting Trust and Advancement in the Context of Joint Tenanted Matrimonial Property" (2020) 28(2) *Australian Property Law Journal* 59-74
10. Ian **Mah** (LLB, 2020) and Aaron **Cheuk** (LLB, 2021), "Dispute Settlement System Under Attack: A Move Away from Multilateralism" (2020) 12 *Indian Journal of International Economic Law* 153
11. Darius Chan and Claire **Neoh** (LLB, 2020), "To Boycott Proceedings or Not? Recourse Against Arbitral Awards on Jurisdictional Grounds by Different Categories of Respondents under the Model Law" (2020) 36(4) *Arbitration International* 529-556

12. Chen Siyuan, Iris **Ng** (LLB, 2018), Melissa **Ng** (LLB, 2018) and Andre **Soh** (JD, 2017), "Five Recurring Problems in International Arbitration: The Relationship Between Courts and Arbitral Tribunals" (2020) 8(2) *Indian Journal of Arbitration Law* 19-47
13. Nicole **Ng** (LLB, 2020), "Illegally Obtained Evidence in International Arbitration: Protecting the Integrity of the Arbitral Process" (2020) 32 *Singapore Academy of Law Journal* 747-770
14. Darius Chan and **Teo** Jim Yang (LLB, 2020), "Ascertaining the Proper Law of an Arbitration Agreement: The Artificiality of Inferring Intention When There Is None" (2020) 37(5) *Journal of International Arbitration* 635-648
15. Rennie **Whang** (JD, 2020), "The Tainting Doctrine in Singapore Conflict of Laws" [2020] *Singapore Journal of Legal Studies* 726-747
16. Terence **Yeo** (LLB, 2020), "The Hague Judgments Convention: A View from Singapore" (2020) 32 *Singapore Academy of Law Journal* 1153-1188
17. Terence **Yeo** (LLB, 2020) and Victoria **Liu** (LLB, 2021), "To Good Purpose: Non-Charitable Purpose Trusts for the Specific Purpose of Holding Shares in Perpetuity in Singapore" (2020) 26(7) *Trusts and Trustees* 646-653
18. Terence **Yeo** (LLB, 2020), "Assessing Potential Liability Regimes for Autonomous Vehicle Technologies in Singapore" (2020) 27(3) *Tort Law Review* 172-190
19. Wan Wai Yee, Andrew Godwin and **Yao** Qinzhe (JD, 2014), "When is an Individual Investor Not in Need of Consumer Protection? A Comparative Analysis of Singapore, Hong Kong, and Australia" [2020] *Singapore Journal of Legal Studies* 190-216

**Case Notes and Shorter Notes**

1. Gerome **Goh** (LLB, 2020), "Opening the Door to Fickle-Minded Guilty Pleas? - PP v Dinesh s/o Rajantheran" [2020] *Singapore Journal of Legal Studies* 756-768
2. Vincent Ooi and **Soh** Kian Peng (LLB, 2021), "Rethinking Mistake in the Age of Algorithms" (2020) 31(3) *King's Law Journal* 367-372
3. **Soh** Kian Peng (LLB, 2021), "Trusts and Jurisdiction Clauses – Crociani Revisited: Ivanishvili, Bidzina and Others v Credit Suisse Trust Ltd (2020) SGCA 62" (2020) 26(10) *Trusts and Trustees* 997-1000
4. **Soh** Kian Peng (LLB, 2021), "Accrual of a Cause of Action in Tort: IPP Financial Advisers Pte Ltd v Saimme Bin Jumaat" (2020) 36(4) *Journal of Professional Negligence* 186-192
5. **Soh** Kian Peng (LLB, 2021), "Statistical Evidence and Its Use in Medical Litigation: Armstrong Carol Ann v Quest Laboratories" (2020) 36(2) *Journal of Professional Negligence* 78-83

6. Darien **The** (LLB, 2021), "Crossing the Rubicon: The Push for Loss of Chance in Medical Negligence Claims" (2020) 15 *Singapore Comparative Law Review* 49-59
7. Rennie **Whang** (JD, 2020), "The Doctrine of Wilful Blindness in Drug Offences: Adili Chibuike Ejike v Public Prosecutor [2019] 2 SLR 254" (2020) 32 *Singapore Academy of Law Journal* 305-323
8. **Yap** Hui Yen (LLB, 2022), "Severing the tentacles of reflective loss: Sevilleja v Marex Financial Ltd" (2020) 36(4) *Journal of Professional Negligence* 193-199

**Book Chapters**

1. Chen Siyuan and Tricia **Ho** (LLB, 2013), "Family Law" in *Singapore Academy of Law Annual Review of Singapore Cases* (Teo Keang Sood and Goh Yihan eds) (Academy Publishing, 2020), 477-504
2. Henry Gao, Dhiraj G. **Chainani** (LLB, 2019) and **Chew** Siu Farn (JD, 2020), "Trading Through a Pandemic: The Singapore Experience" in *Law and COVID-19* (Aurelio Gurrea-Martínez, Mark Findlay and Goh Yihan eds) (Singapore Management University School of Law, 2020), 26-50





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