

SMU Business Law-Related Courses Offered to THEMIS Students

The following are a list of courses on offer in the first semester (August-December) of Academic Year 2019-2020.

LAW201	Law of Business Organisations (LBO)	LLB
LAW203	Comparative Legal Systems	LLB
LAW302	Commercial Conflict of Laws	JD
LAW001	Ethics & Social Responsibility	JD
LAW401	Intellectual Property Law	LLB+JD
LAW402	Chinese Contract Law	LLB+JD
LAW404	Public International Law	LLB+JD
LAW405	IT & the Law	LLB+JD
LAW406	International Commercial Arbitration	LLB+JD
LAW414	International Commercialisation of Intellectual Property	LLB+JD
LAW417	Law of Mergers & Acquisitions	LLB+JD
LAW419	International and Comparative Criminal Justice	LLB+JD
LAW422	Trade and Investment Law	LLB+JD
LAW423	Shipping and Admiralty Law	LLB+JD
LAW443	Law of International Trade	LLB+JD
LAW447	International Construction Law	LLB+JD
LAW475	Transnational Business and Human Rights	LLB+JD
LAW481	International Mediation Law and Practice	LLB+JD
LAW482	Dealmaking and Dispute Resolution: Negotiation in an Age of Disruption	LLB+JD
LAW484	Economic Analysis of Law	LLB+JD
LAW486	Privacy and Data Protection Law	LLB+JD
LAW487	Topics in Financial Crime	LLB+JD
LAW488	International Humanitarian Law (0.5 Course Unit)	LLB+JD
LAW489	Introduction to Law and Technology (0.5 Course Unit)	LLB+JD

The courses listed as LLB+JD are elective courses, which are open to both LLB (undergraduate) and JD (postgraduate) students. In effect, they attend the same class. The courses listed as LLB/JD are compulsory courses. For these courses, the LLB and JD students are segregated. Unless otherwise indicated, all courses are the equivalent of 1 SMU course unit.

Please note of course that course offerings, even for core courses, vary from year to year and the list for next (and subsequent) years may be slightly different. There should be at least 10 courses that will meet the Themis requirements that will run every fall. Although we will endeavour to cater to each student's selection of courses --- due to limited slots in each course, competition for seats and our small class size --- we cannot ensure that they will get the courses of their first choice. Please remind your students that they should bid for the courses in the manner that they will be briefed on when they come to SMU. They should not approach faculty directly to request to enter courses or demand to take a course (e.g. by claiming that the course is a *mandatory* one).

From the first semester (August-December) of Academic Year 2016-17, LLM (Master of Laws) courses are offered *only and exclusively* to Themis students. The procedure to apply for LLM courses, and the courses on offer, can be found in the attachment "LLM courses for Themis Exchange Students", which is

included in this correspondence. The Academic Calendar for AY2019/2020 is also attached for your reference.



MASTER OF LAWS

ADVANCED LAW OF OBLIGATIONS: A STUDY IN COMMERCIAL REMEDIES

Course Code: LAW 645

Course Title: Advanced Law of Obligations: A Study in Commercial Remedies

Instructor : Goh Yihan and Yip Man

Title : Associate Professor of Law/Dean, School of Law; Associate Professor of Law/Deputy Director, Centre for Cross-Border Commercial Law in Asia

Email : yihangoh@smu.edu.sg; manyip@smu.edu.sg

Date Submitted: 2 May 2019

PRE-REQUISITE/CO-REQUISITE/MUTUALLY EXCLUSIVE COURSE(S)

NIL

GRADING BASIS

Graded

COURSE UNIT

1 CU

FIRST OFFERING TERM

Academic Year: AY2019/2020

Academic Term: Term 1

COURSE DESCRIPTION

The law of obligations is an important aspect of commercial law, and through this course, we will study the interaction across the law of contract, the law of torts, equity, and restitution. We will do this through the lens of commercial remedies principally. In this regard, commercial remedies constitute the end product of any legal dispute but is mired in great uncertainty and potential confusion. We will consider the subjects in the law of obligations that commercial remedies transcends, through a structured and comprehensive discussion of all aspects of Singapore commercial remedies, ranging from issues in contract, tort, equity and restitution. We will discuss key cases that have hitherto never been discussed in a commercial remedies context and draw the threads together on a practically relevant and commercially important area. We will also focus on relevant decisions from other Commonwealth jurisdictions, which contributes to the comparative jurisprudence and enhances its relevance to the broader, global audience. Given its comprehensive treatment of Singapore commercial remedies as well as its reference to a wide range of comparative material with a view towards an advanced understanding of the law of obligations, this course will be highly relevant not only to local practitioners and students, but also to students from other common law jurisdictions.

RECOMMENDED TEXT AND READINGS

There is no prescribed text for this course. Students are however encouraged (and will be required from time to time) to read beyond the materials that will be made available to them in class.

Legal Resources available on the Internet

Free access to **local Statutes** may be found at <http://statutes.agc.gov.sg/aol/home.w3p>

Reports of **local cases** are accessible through *LawNet* (visit SMU Library's website: <http://catalogue.library.smu.edu.sg/search/y?!> and click on "LawNet").

For access to reports of **English and many other Commonwealth cases**, visit *Lexis* at SMU Library's website (see above) and click on "Lexis".

See also the British and Irish Legal Information Institute website at http://www.bailii.org/form/search_cases.html.

For Australian and New Zealand material, see the Australasian Legal Information Institute website available at <http://www.austlii.edu.au/>.

Note: The specific outline for each seminar will be made available online at least one week before each scheduled seminar. Owing to time constraints, it may not be practicable to discuss all topics set out in the seminar outline in class.

COURSE METHODS

Each session of this course will be conducted as a seminar with 3 hours of instruction time and an additional 15-minute break.

ASSESSMENT METHOD

Class Participation	-	20%
Group Presentation	-	30% (see below for breakdown)
Final Examination	-	50%
TOTAL	-	100%

INSTRUCTIONAL METHODS AND EXPECTATIONS

Class Participation

Each student will be assessed on his or her participation in class. All students should therefore complete the assigned reading prior to attending the seminar. Active participation by students will create a vibrant and interactive environment that is conducive for learning.

Group Presentations

Students will form their own teams of 2 to 3 persons (depending on class size) for group presentations.

A typical project will take the form of a *research (essay-type) question*, usually involving one or two topics/issues in the law of obligations which have not been covered in any detail in class. The purpose of the group project is to expose students to legal research and writing. In this regard, **independent research is mandated** and students are reminded *not* to enlist research assistance from any other third party (SMU-affiliated or otherwise).

Presentations of the group project are required to be made orally and in writing and both forms of presentation will be graded in the following proportion: **20% for the written component (combined grade) and 10% for the individual oral component.**

There is a word limit for the written answer (to be advised) but this must be submitted to the instructor *prior to* the start of the oral presentation in class.

[**N.B.**: Please be reminded that **plagiarism is strictly forbidden** and may result in a “fail” grade for the entire group. All materials and ideas gleaned from other sources must therefore be attributed accordingly.]

Final Examination

The final examination is typically a **3-hour open book** paper comprising hypothetical and/or essay questions. Although the examination is open-book, extensive reference to materials may prove detrimental to your final grade.

Important: Academic Integrity

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorised possession of exam questions, or tampering with the academic work of other students) are serious offences. All work – whether oral or written – presented in class and/or submitted for purposes of assessment must be the student’s own work. Penalties for violation of this policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.

When in doubt, students should consult the instructor(s) of the course. Details on the SMU Code of Academic Integrity may be accessed at:

<http://www.smuscd.org/resources.html>.

COURSE SCHEDULE

Session	Topic	Readings (tba)
1	Overview: Theory and Themes	
2	Monetary Relief at Law (1)	
3	Monetary Relief at Law (2)	
4	Monetary Relief at Law (3)	
5	– Two Group Presentations –	
6	Monetary Relief in Equity (1)	
7	Monetary Relief in Equity (2)	
8	Specific Relief	
9	Contractually Agreed Relief	
10	– Two Group Presentations –	

Note: The above schedule is meant only as a guide and may be subject to alteration from time to time.

ACCESSIBILITY

SMU strives to make learning experiences accessible for all. If you anticipate or experience physical or academic barriers due to disability, please let the course instructor know immediately. You are also welcome to contact the university's disability services team if you have questions or concerns about academic provisions: included@smu.edu.sg.

Please be aware that the accessible tables in our seminar rooms should remain available for students who require them.

LLM Courses for THEMIS Exchange Students

Procedure to apply for LLM courses

- Last week of June –
 - SMU programme manager will email to the THEMIS students, who are JD/Master students, regarding course selection.
 - Students have 1 week to respond on the courses they wish to take up.
 - Should there be insufficient seats for the THEMIS students, course allocation will be on first come first served basis.
- The THEMIS students are not required to bid for LLM courses. Registrar will enrol them into the courses.

Note: Only postgraduate students from THEMIS network are eligible for the selected LLM course.

LAW645

Advanced Law of Obligations: A Study in Commercial Remedies

The law of obligations is an important aspect of commercial law, and through this course, we will study the interaction across the law of contract, the law of torts, equity, and restitution. We will do this through the lens of commercial remedies principally. In this regard, commercial remedies constitute the end product of any legal dispute but is mired in great uncertainty and potential confusion. We will consider the subjects in the law of obligations that commercial remedies transcends, through a structured and comprehensive discussion of all aspects of Singapore commercial remedies, ranging from issues in contract, tort, equity and restitution. We will discuss key cases that have hitherto never been discussed in a commercial remedies context and draw the threads together on a practically relevant and commercially important area. We will also focus on relevant decisions from other Commonwealth jurisdictions, which contributes to the comparative jurisprudence and enhances its relevance to the broader, global audience. Given its comprehensive treatment of Singapore commercial remedies as well as its reference to a wide range of comparative material with a view towards an advanced understanding of the law of obligations, this course will be highly relevant not only to local practitioners and students, but also to students from other common law jurisdictions.