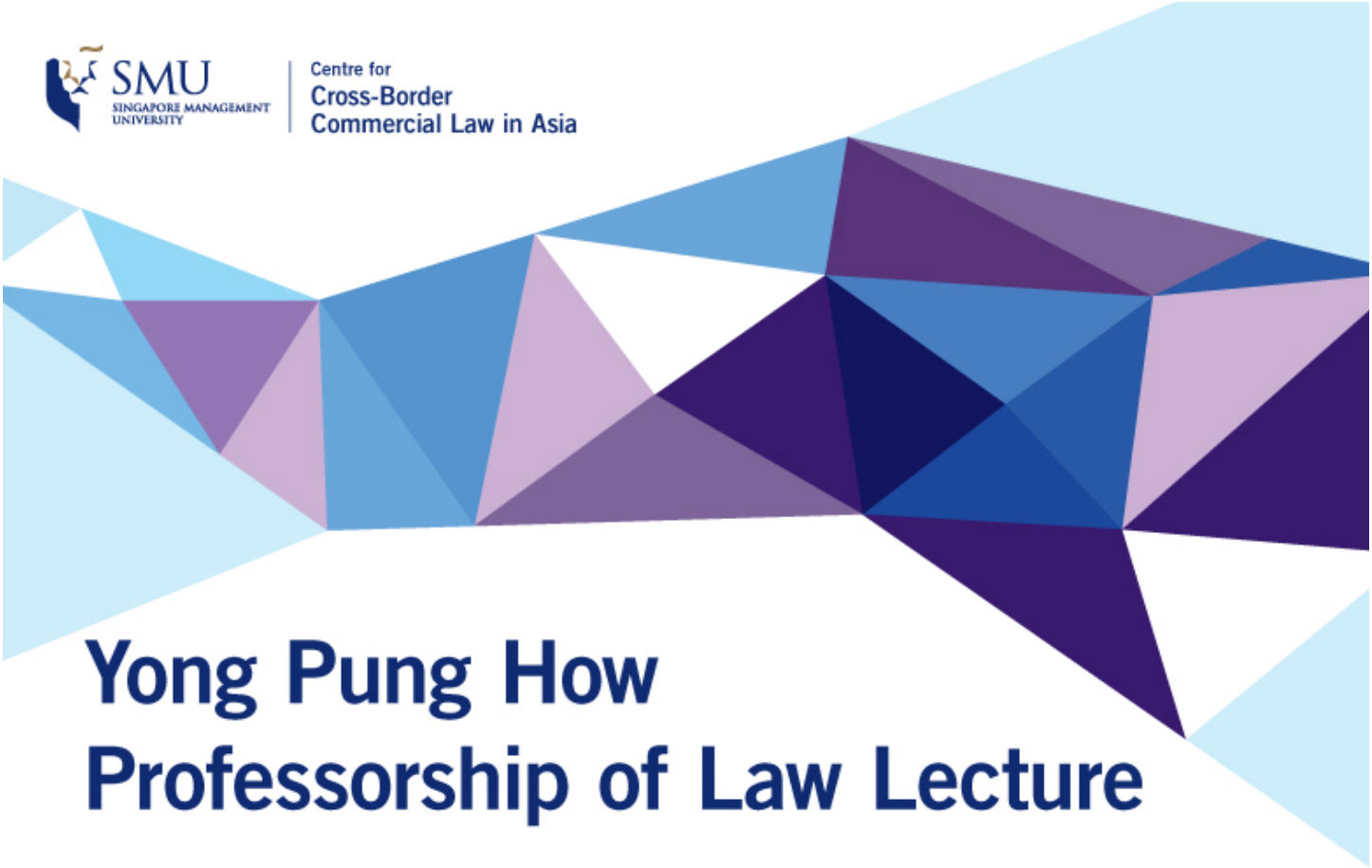

Home

The Choice of Court Agreement: Perils of the Midnight Clause

Date
22 May 2019, Wednesday

Time
5.00pm to 6.30pm
(Registration starts at 4.30pm)

Venue
Mochtar Riady Auditorium, Level 5
Singapore Management University
81 Victoria Street
Singapore 188065

Speaker

Professor Yeo Tiong Min, SC (honoris causa)
School of Law, Singapore Management University
Yong Pung How Professor of Law

Dress Code
Business Attire
(Please note that the organisers reserve the right to refuse admission to any participant who is not properly attired)

Public CPD Points: 1.5

Practice Area: Corporate/Commercial

Training Category: Intermediate

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to http://www.sileCPDcentre.sg for more information.

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SMU SINGAPORE MANAGEMENT UNIVERSITY | Centre for Cross-Border Commercial Law in Asia

Yong Pung How Professorship of Law Lecture

Synopsis

The Choice of Court Agreement: Perils of the Midnight Clause

In the space of five months recently, the Singapore Court of Appeal released three seminal decisions relating to the enforcement of choice of court agreements in the common law regime: one recasting the "strong cause" test to justify a breach of an exclusive choice of court agreement in the context of the exercise of the court's jurisdiction; one on the interpretation and effect of non-exclusive choice of court agreements; and the third on the availability of injunctions to enforce choice of court agreements. This lecture will review the significance and implications of these developments for litigation and drafting in relation to cross-border transactions, against the backdrop of the common law as well as the Singapore International Commercial Court and the Hague Convention on Choice of Court Agreements, and highlight the perils of midnight choice of court clauses.

2019
Paper | Slides

2018
Paper | Slides

2017

Paper | Slides

2016

Paper | Slides

2015

Paper | Annex | Slides

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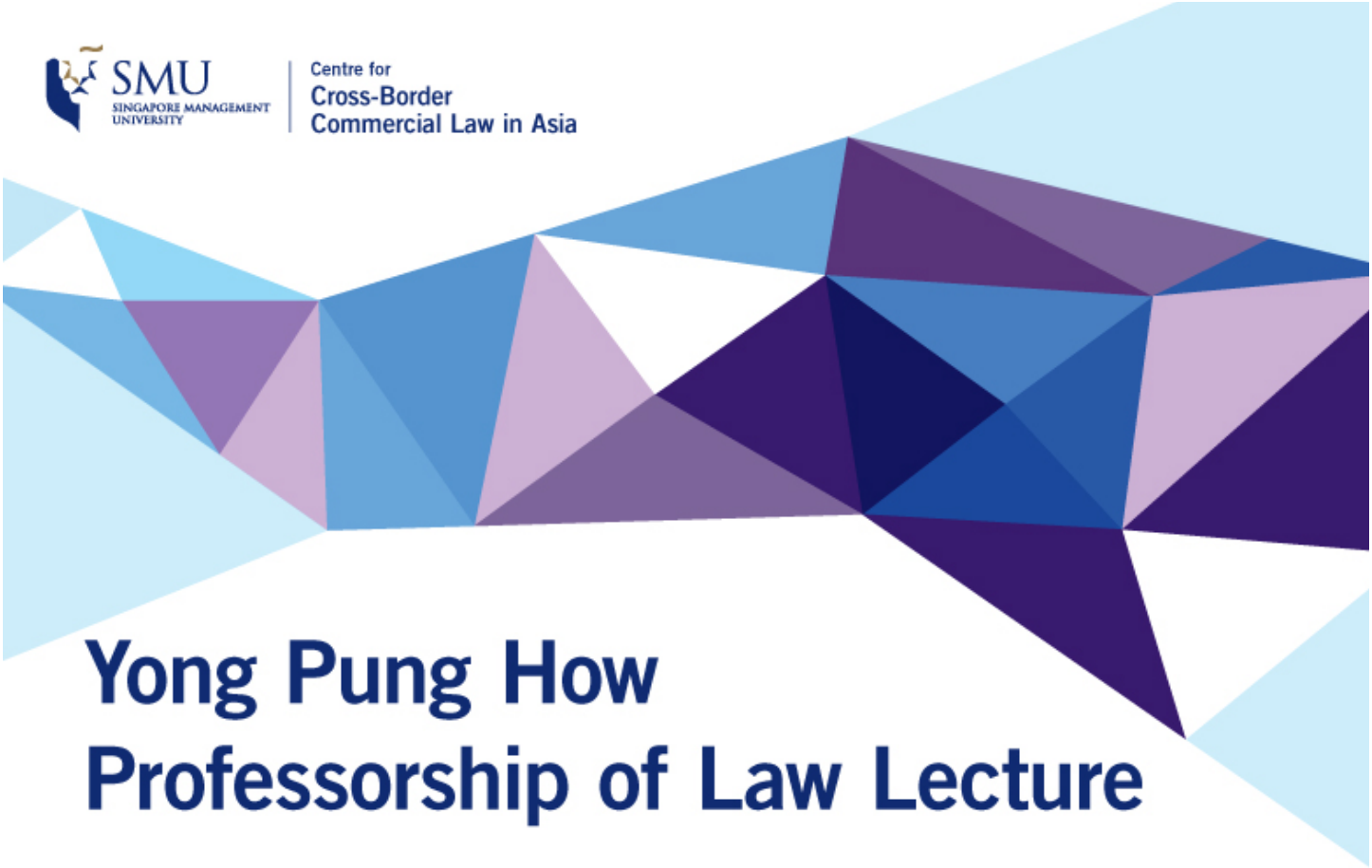

Programme

4.30pm
Registration

5.00pm
Presentation by Dr Yeo Tiong Min
The Choice of Court Agreement: Perils of the Midnight Clause

6.30pm
Q&A and End of Session

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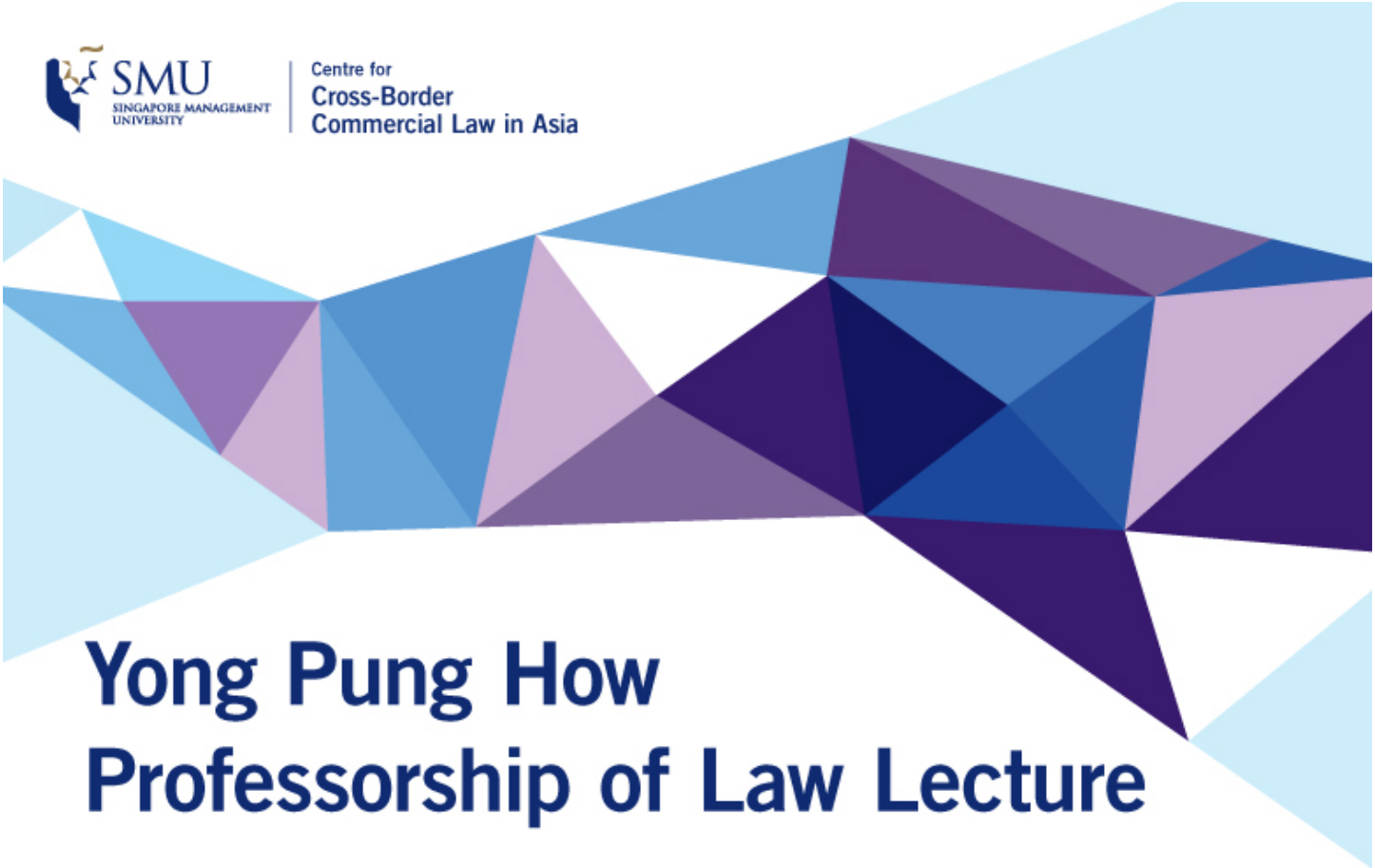

About the Yong Pung How Professorship of Law

The Yong Pung How Professorship of Law was established in 2007 and was made possible by a generous S$3 million endowed contribution by the Yong Shook Lin Trust. The late Mr Yong Shook Lin, who was himself a prominent lawyer, was the father of former Chief Justice Mr Yong Pung How. This is the largest donation to the SMU School of Law to date.

The first appointment to the Professorship, which is tenable for three years, was made in August 2007. The prestigious professorship aims to advance the research and teaching of law in SMU through the appointment of an acclaimed legal luminary. The Yong Pung How Professor of Law is a full-time law faculty of the SMU School of Law who is an eminent legal researcher of high international standing, a thought leader and expert in his or her area of legal pursuit, and a passionate teacher of the law. He/She will contribute to the building of the School of Law in research, curriculum and pedagogical development, and in the mentorship of younger law faculty. He/She will also conduct public lectures as part of the Yong Pung How Professorship of Law lecture series.

"The Yong Pung How Professorship of Law recognizes an accomplished faculty member who has achieved a compelling stature of legal excellence. Such a scholar will be a star contribution to the SMU School of Law and will no doubt propel the school quickly to international standing. He or she will provide much gravitas and substance to legal research and teaching, and will be an asset to grooming SMU's new generation of law undergraduates who will have both solid legal foundation and a strong grasp of the workings of the financial world," said Mr Yong Pung How, former

Chairman of the SMU School of Law Advisory Board and now Chancellor of SMU.

Yong Pung How

Mr Yong Pung How was Singapore's Chief Justice from 1990 to 2006, during which time he was also the President of the Legal Service Commission, the Chairman of the Presidential Council for Minority Rights, and President of the Singapore Academy of Law. Since 1991, Mr Yong has been appointed thrice by the Cabinet as acting President of the Republic of Singapore .

He started his legal career as a partner with Shook Lin & Bok in 1952, serving until his retirement from legal practice in 1970. Whilst in legal practice, he also held a variety of public appointments such as Chairman of the Malayan Public Services Arbitration Tribunal from 1955 to 1960, the Malaysian Industrial Court from 1961 to 1967, and Malayan Airways (later renamed Malaysia-Singapore Airlines) from 1964 to 1969. He was also Deputy Chairman of the largest Malayan bank, Malayan Banking Berhad between 1966 and 1971.

In 1971, Mr Yong founded the Singapore International Merchant Bankers Ltd (SIMBL) and Malaysian International Merchant Bankers Berhad (MIMB), and served as Chairman and Managing Director of both companies. In 1976, he retired from SIMBL and MIMB, and was appointed Vice-Chairman of OCBC Bank. In 1981, Mr Yong was seconded by OCBC Bank to the Singapore Government to form and head the Government of Singapore Investment Corporation (GIC). In 1982, he was appointed concurrently the Managing Director of the Monetary Authority of Singapore, Deputy Chairman of the Currency Commissioners, and Alternate Governor for Singapore of the International Monetary Fund. He returned to OCBC Bank as its Chairman and CEO from 1983 to 1989.

Before returning to the law in 1989 when he was appointed a Judge of the Supreme Court of Singapore, Mr Yong also served as a member of the Singapore Securities Industry Council from 1972 to 1981, as a member of the Provisional Mass Rapid Transit Authority, which carried out the planning of the MRT, and later as a director of the MRT Corporation, which carried out the construction of the MRT between 1981 and 1985. He was Chairman of the Singapore Broadcasting Corporation from 1985 to 1989. In 1987 he became the first Chairman of the Institute of Policy Studies, as well as a director of the Singapore Symphony Orchestra.

Mr Yong was conferred the Distinguished Service Order in 1989 and Singapore's highest Award the Order of Temasek (First Class) in 1999. The citation on the Order of Temasek in 1999 stated that “as Chief Justice since 28 September 1990, Justice Yong Pung How has made the Singapore Judiciary world class”.

He was appointed the Chancellor of Singapore Management University (SMU) from 2010 till August 2015.

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Yong Pung How Professorship of Law Lecture

Speaker

Professor Yeo Tiong Min, SC (honoris causa)
School of Law,
Singapore Management University
Yong Pung How Professor of Law

Yeo Tiong Min graduated with an LLB from the National University of Singapore (NUS), and post-graduate degrees

(BCL and DPhil) from the University of Oxford, where he was a Senior Research Fellow for a time. He taught at NUS before taking up the appointment as the first Yong Pung How Professor of Law at the Singapore Management University in 2007. His research interests are mainly in private law, with a large concentration on the conflict of laws, and include contract law, the law of restitution, equity and remedies. His works have been widely cited in many jurisdictions by academics and courts. He has been actively engaged with the legal community in Singapore. He was the first person in Singapore to be appointed Senior Counsel (honoris causa) for outstanding contributions to the development of the law and the legal profession in Singapore, and has been appointed as amicus curiae to assist the Singapore Court of Appeal.

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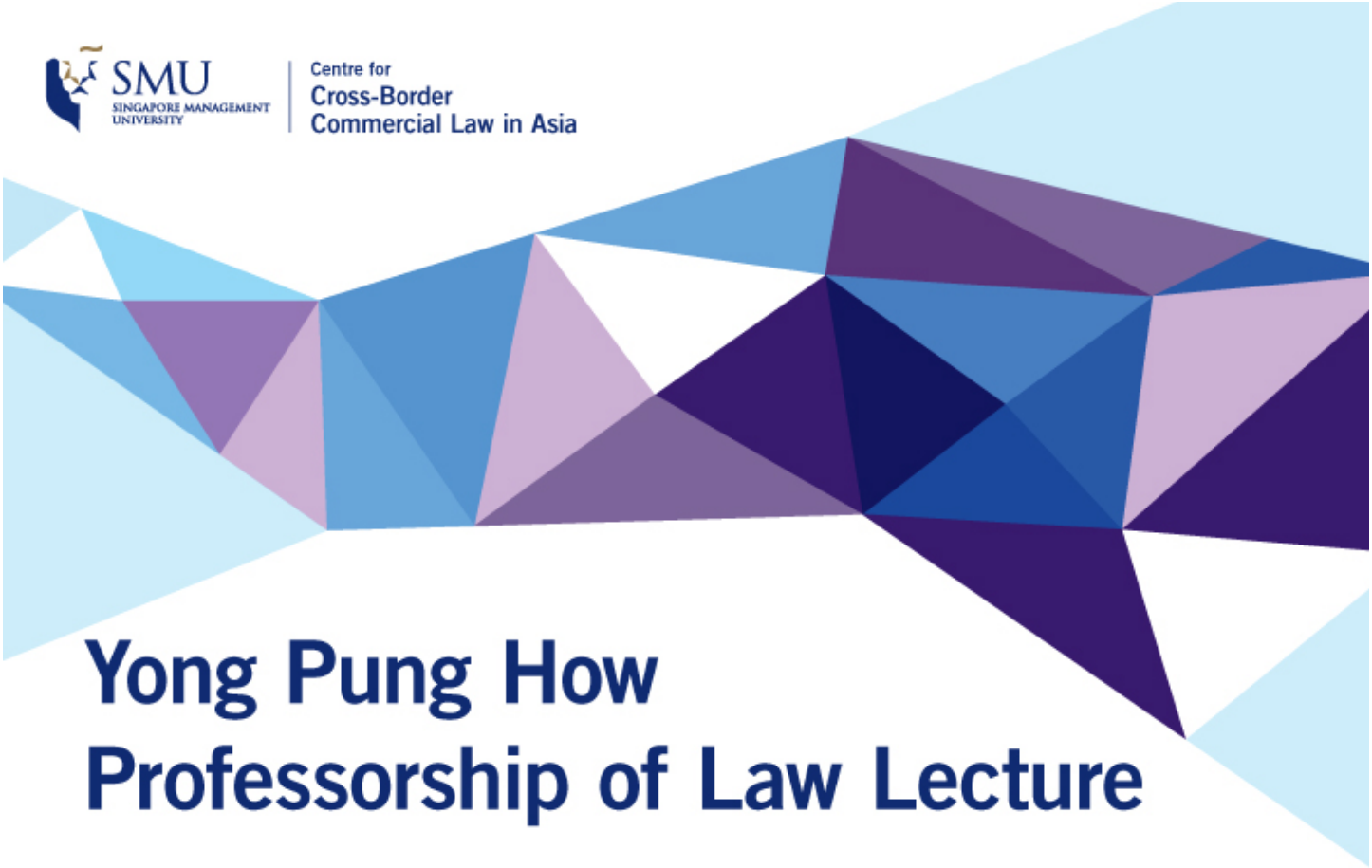

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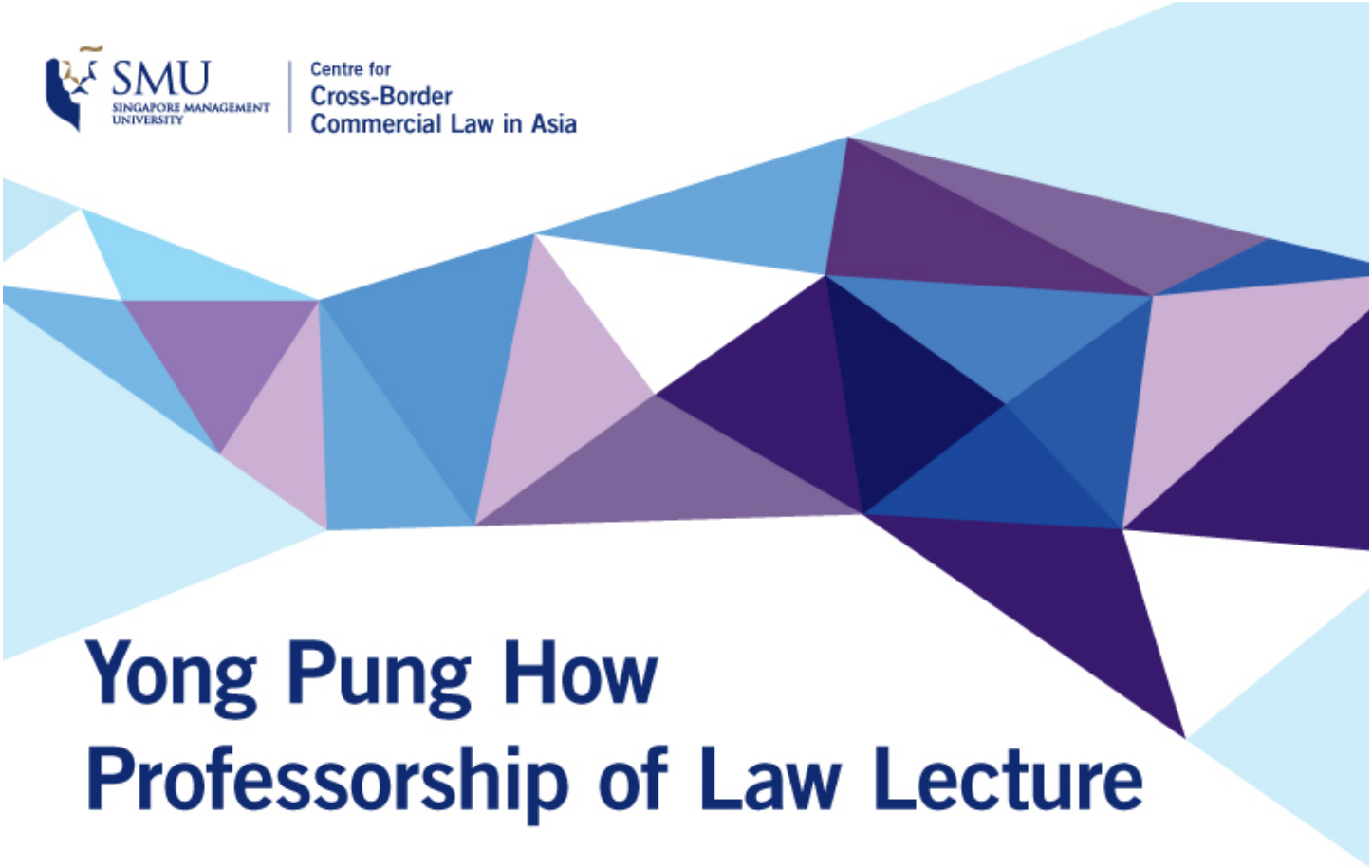

Contact Us

For enquiries, please contact **Adeline Teo** or **Zion Sng** at cebcla@smu.edu.sg

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Yong Pung How Professorship of Law Lecture

Lecture Summary

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Yong Pung How Professorship of Law Lecture

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