



Centre for Commercial Law and Justice

Journal of Contract Law Conference

**18 May 2017
Lecture Theatre 8
Sunway University**

*Lecture Theatre 8
Level 1
Sunway University*

Programme

8.00am	Refreshments
9.00am	Welcome address
9.30am	Justice Andrew Phang <i>Supreme Court, Singapore</i> Associate Professor Goh Yihan (Dean Elect) <i>School of Law, Singapore Management University</i> <i>“Pioneering Scholar and Practitioner – The Life and Work of Professor John W. Carter”</i>
10.15am	Associate Professor Wayne Courtney <i>National University of Singapore</i> <i>“Indemnities and Guarantees under Malaysian Contracts Act: Some Insights from Other Commonwealth Jurisdictions”</i>
11.00am	Break for Refreshments
11.15am	Professor Michael Furmston <i>Centre for Commercial Law and Justice, Sunway University Business School</i> <i>“Recent Developments in Illegal Contracts”</i>
12.00pm	Panel Discussion with: Tan Sri Dato’ Dr. Visu Sinnadurai, Justice Andrew Phang, Associate Professor Goh Yihan, Professor Wayne Courtney and Professor Michael Furmston
12.30pm	Break for Lunch
1.30pm	Professor John W. Carter <i>University of Sydney</i> <i>“Drafting Termination Clauses”</i>
2.15pm	Glynn Cooper <i>Herbert Smith Freehills</i>
3.00pm	Break for Refreshments
3.15pm	Professor Roger Brownsword <i>Kings College, London</i> <i>“Post-Brexit Challenges and Opportunities for English Contract Law”</i>
4.00pm	Panel Discussion with: Tan Sri Dato’ Dr. Visu Sinnadurai, Justice Andrew Phang, Professor John W. Carter, Glynn Cooper and Professor Roger Brownsword.

Speakers' Profile

Emeritus Professor John Carter



Emeritus Professor John Carter helps clients objectively approach their most complex commercial issues to reflect sophisticated contractual arrangements drawing on over 30 years of experience in research and writing on contracts.

He provides clients with finely tuned analytical skills and extensive knowledge of relevant case law when considering contractual matters and commercial law advice, including reviewing and drafting contracts.

John provides extensive thought leadership and specialist contract and commercial law advice across a broad range of areas of commercial practice including:

- reviewing contracts, particularly in relation to liability, commercial risk management (e.g. the allocation of risk through indemnities and limitation of liability clauses) and enforceability;
- advising on commercial contractual disputes;
- drafting contracts to reflect sophisticated contractual arrangements (for example, where it is necessary to deal with enforcement by multiple parties to the one contract, or with statutory regimes such as the consumer guarantees regime under the recently enacted Australian Consumer Law (ACL));
- reviewing standard form contracts having regard to the ACL, specifically the unfair terms regime;
- exploring whether the law of mistake, frustration or rectification can assist a client to overcome adverse economic consequences under a contract;

John has published extensively in leading academic journals, including the Law Quarterly Review and Cambridge Law Journal. His published work has been cited in the High Court of Australia and House of Lords, and by courts in Singapore, New Zealand and Malaysia.

His recent books include 'Carter's Breach of Contract' (HP, 2012), the 6th edition of 'Contract Law in Australia' (LNB, 2013) and 'The Construction of Commercial Contracts' (HP, 2013).

In 1988 John established the Journal of Contract Law, of which he is the General Editor.

Professor Michael Furmston



Professor Michael Furmston is an internationally acknowledged authority on contract and commercial law.

An eminent academic, he has taught at Oxford, where he was a Fellow of Lincoln College, at Bristol, where he was Dean of the Faculty of Law and Pro Vice Chancellor, as well as other institutions of international standing. He was appointed Emeritus Professor at Bristol in 1998 and recently Dean and Professor at Singapore Management University's School of Law.

Professor Furmston was called to the English Bar in 1960 (Gray's Inn) and has been a Bencher of Gray's Inn since 1989. He appeared in the House of Lords in *Ruxley Electronics and Construction Ltd v Forsyth* [1995] UKHL

8 on the measure of damages for defective construction and has acted as consultant to many clients, owners, contractors and consultants on commercial and construction law.

In *The Times* October 16 2007: Professor Furmston was ranked as one of the 'Ten Great Law Teachers' with the following citation:

"An internationally revered authority on contract and commercial law and an extraordinarily effective teacher. Admired by former tutees who include judges, academics and senior lawyers across the world."

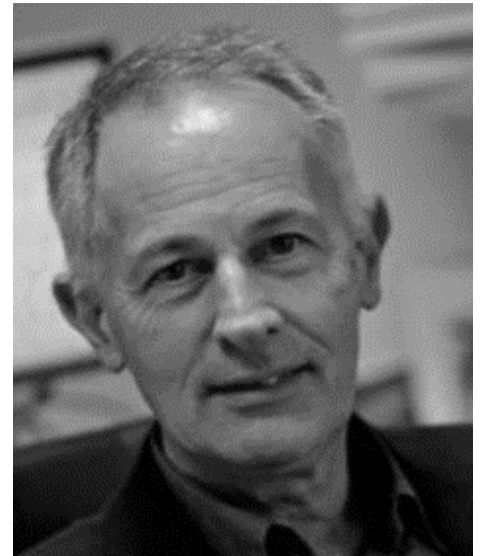
His recent publications include 'Contract Formation: Law and Practice' (OUP, 2016), 'Privity of Contract' (OUP, 2015) and the 17th edition of 'Cheshire, Fifoot, and Furmston's Law of Contract' (OUP, 2017).

Professor Roger Brownsword

Roger Brownsword is a graduate of the London School of Economics (1968). From 1968 until 2010, he held full-time academic positions, first, at the University of Sheffield and then at King's College London. Currently, he holds part-time professorial positions at King's College London and Bournemouth University, and he is Honorary Professor in Law at Sheffield University.

He was Head of the Law Department at the University of Sheffield from 1999-2002; he was founding Director of TELOS, an inter-disciplinary research centre at King's College London that focuses on law, ethics, and technology; and he held a Leverhulme Research Fellowship in 2003-2004.

He has published 20 books and some 250 papers. His books include *Understanding Contract Law* (first published by Fontana in 1987, now by Sweet and Maxwell) (with John Adams), *Contract Law: Themes for the Twenty-First Century* (Oxford University Press, 2006), *Rights, Regulation and the Technological Revolution* (Oxford University Press, 2008), *The Foundations of European Private Law* (Hart, 2011) (co-edited with Hans Micklitz, Leone Niglia, and Stephen Weatherill), *Law and the Technologies of the Twenty-First Century* (Cambridge University Press, 2012) (co-authored with Morag Goodwin), and the *Oxford Handbook of Law, Regulation and Technology* (Oxford University Press, 2017) (co-edited with Eloise Scotford and Karen Yeung). He is a member of the editorial board of the



Outside the university, he was a member of the Nuffield Council on Bioethics from 2004–2010; and he was Chair of the Ethics and Governance Council for UK Biobank from 2011–2015. He has served as a specialist adviser to parliamentary committees (on stem cells and on hybrid embryos); and, he served on the Royal Society Brain Waves' Working Party on neuroscience and the law and, most recently, the Royal Society's Working Party on machine learning.

Justice Andrew Phang



Justice Andrew Phang was appointed to the Supreme Court as Judicial Commissioner on 3 January 2005. He was subsequently appointed Judge on 9 December 2005 and Judge of Appeal on 28 February 2006.

Born in Singapore, he received his Bachelor of Laws from the National University of Singapore ("NUS") in 1982. He pursued his postgraduate studies at Harvard University, where he was conferred his Master of Laws and Doctor of Juridical Science degrees in 1984 and 1988, respectively. In 1990, he was admitted as an advocate and solicitor in Singapore before being appointed as Senior Counsel in 2004. He was one of the first two academics to be conferred the title of senior counsel.

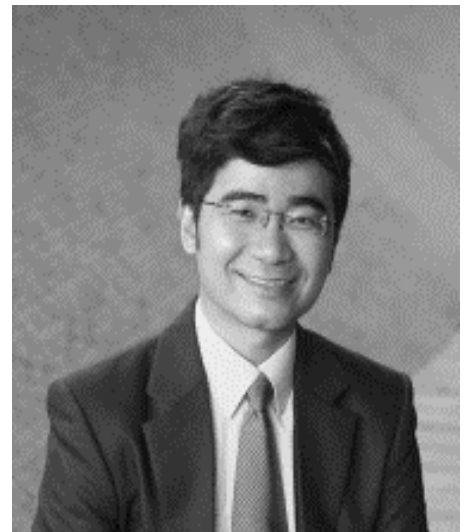
He taught at the NUS Law Faculty from 1982 to 2000. In 2000, he was appointed Professor of Law at the Singapore Management University ("SMU"), and a year later, became Chair of the Department of Law at SMU's Business School.

His publications include 'Cheshire, Fifoot and Furmston's Law of Contract – Singapore and Malaysian Edition' (2nd Edition, BAS, 1998) and 'Contract Law in Singapore' (WKL, 2012). He is also General Editor, as well as contributor to, The Law of Contract in Singapore (APS, 2012).

Associate Professor Goh Yihan

Goh Yihan is an Associate Professor of Law and Associate Dean (Research) at the School of Law, Singapore Management University. His research focuses primarily on the law of contract and torts, with a secondary interest in the principles of statutory interpretation and the legal process. He maintains a deep interest in the development of Singapore law in general and in his areas of specialization. He has published numerous books, chapters and journal articles internationally and in Singapore, which have been cited on multiple occasions by the Singapore courts. In recognition of his invaluable contributions to the development and advancement of Singapore law, he became the youngest recipient of the pentennial Singapore Academy of Law Singapore Law Merit Award in 2013.

His publications include 'Law Practice Series: The Law of Contract in Singapore' (APS, 2012) and 'Contract Law in Singapore' (WKL, 2012).



Apart from his academic activities, he is also active in the Singapore legal profession. He is a board member of the Singapore Institute of Legal Studies and Singapore Judicial College, and a member of the Selection Panel for the Singapore Law Reports. He has been appointed amicus curiae before the Singapore Court of Appeal and the Singapore High Court. He is also a Visiting Academic at Rajah & Tann Singapore LLP and a Professorial Fellow at the AGC Academy. He is periodically

consulted by law firms in his areas of expertise, and has appeared before the Court of Appeal as instructed counsel. He has also acted as an expert witness on Singapore law in the Federal Court of Canada and the Supreme Court of Victoria (Australia).

Before entering academia, he was an Assistant Registrar, the Senior Justices' Law Clerk and a Justices' Law Clerk between 2006 and 2008 at the Singapore Supreme Court. He obtained his LL.B. (First Class Honours) from the National University of Singapore on a University Undergraduate Scholarship, where he graduated as the top student in 2006. He subsequently obtained a LL.M. from Harvard University in 2010 on a University Overseas Graduate Scholarship. Goh Yi Han will become Dean of SMU Law School in June 2017.

Associate Professor Wayne Courtney



Associate Professor Wayne Courtney specializes in contract law and has broader interests in commercial law and private law. His work has been cited by the Singapore Court of Appeal, the UK Supreme Court, the High Court of Australia, and various other courts. He is a member of the editorial board of the Journal of Contract Law, section co-editor (SE Asia) for the Journal of Banking and Finance Law and Practice, and a past member of the editorial board of the Sydney Law Review. He has been a visiting scholar at Osgoode Hall, York University and the Herbert Smith Freehills Visitor at the Faculty of Law, University of Cambridge.

He joined NUS from the Faculty of Law at the University of Sydney, where he had been an Associate Professor and Associate Dean. Before entering academia, Wayne practiced as a commercial lawyer in a leading Australian law firm as well as an in-house lawyer at a major

multinational company.

Glynn Cooper

Glynn Cooper is a Partner at Herbert Smith and Freehills, Brisbane, Australia. Glynn helps clients structure, negotiate and execute significant cross-border corporate and projects transactions, particularly in infrastructure and related sectors (including transport, energy and resources) and in the financial institutions sector. His practice covers M&A, joint ventures, corporate restructurings and the investment aspects of project developments.

As of May 2017, Glynn will relocate to the firm's new office in Kuala Lumpur. From there, he will focus on assisting the firm's Malaysian and global clients with outbound investments from Malaysia and inbound investments into Malaysia.

Glynn has practiced in London and in Australia. He joined Herbert Smith Freehills from a leading firm in London (Slaughter and May), where he advised on some of the largest and most complex transactions ever undertaken in the UK and globally. Glynn is admitted to practice in England and Wales and in Australia, and is a registered foreign lawyer in Malaysia.





Tan Sri Dato' Dr. Visu Sinnadurai was the co-founder of Malaysia's first law school at Universiti Malaya (UM), with the late Tan Sri Ahmad Ibrahim and then went on to become the faculty's second dean in 1983 till 1987. Together with the late Tan Sri Ahmad Ibrahim, they conceived and began the prestigious "Sultan Azlan Shah Law Lecture" series which attracts a wide audience of judges and lawyers, professionals from various fields, corporate figures, politicians, government officials, students and the public. He was a former Commissioner of Law Revision and Law Reform (10 January 1987 – 28 February 1992) and a former High Court judge (1992-1997). On leaving the judiciary, he was appointed as a Judicial Specialist at the Judicial and Legal Reform Unit, World Bank in Washington DC. He is currently an arbitrator in commercial disputes at the Kuala Lumpur Regional Centre for Arbitration.

He has written extensively on Malaysian law, publishing many books that have since become authoritative sources of reference for legal practitioners as well as law students. His publications include 'The 1988 Judiciary Crisis and Its Aftermath' (2007), 'Law of Contract' (LexisNexis, 2003), 'The Privy Council Cases: Malaysia, Singapore and Brunei' (PLB, 1990), 'Law of Contract in Malaysia and Singapore: Cases and Commentary', (Butterworths, 1987), 'Multilateral Treaties Between ASEAN Countries' (Butterworths, 1986), and 'The Sale and Purchase of Real Property in Malaysia' (Butterworths, 1984).

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