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A Negotiation-Based Choice of Law Rule For Contract Formation

Mr Marcus Teo, Sheridan Fellow, NUS Law

Zoom Webinar | Wednesday 10 November 2021 | 5.00 PM TO 6.15 PM (SGT)

ABOUT THE WEBINAR

What law should govern the formation of international contracts? Common law courts have long been fixated on two choices—the putative proper law or the law of the forum – despite those choices being consistently criticised for perpetuating logical circularity and forum shopping respectively. The Singapore Court of Appeal’s decision in *Solomon Lew v Kaikhushru Shiavax Nargolwala*, however, breaks the common law’s problematic duality on formation issues. There, Lord Mance, sitting as an International Judge on an appeal from the Singapore International Commercial Court, adopted a novel choice of law rule selecting the law most closely connected with parties’ pre-contractual negotiations. This lecture dissects and critiques Mance J’s judgment in *Solomon Lew*, against the backdrop of the case-law and academic literature on the formation of international contracts. It also discusses Mance J’s philosophy of choice of law, reaffirmed in Singapore after *Solomon Lew*, and the implications it may have for choice of law doctrine beyond contracts.

ABOUT THE SPEAKER



Marcus Teo is a Sheridan Fellow at the NUS Faculty of Law. He teaches and researches in constitutional law, administrative law and private international law, and his work has been published in leading journals in these fields, including the *International and Comparative Law Quarterly*, the *International Journal of Constitutional Law*, *Public Law* and the *Journal of Private International Law*. Marcus’ current work focuses on the constitutional dimensions of private international law disputes with foreign relations implications, as well as the political epistemology of substantive review in the common law. He is also an advocate and solicitor of the Supreme Court.

REGISTRATION

Please register at <https://bit.ly/3jandPJ>
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Closing Date for Registration:
Monday 8 November 2021

PROGRAMME

4.45 PM	Zoom Login for Registrants
5.00 PM	Start of Webinar
6.00 PM	Q&A Session
6.15 PM	End of Webinar

REGISTRATION FEE

Registration is compulsory
Registration fees: S\$80.25 (including 7% GST)

Complimentary for NUS Staff & Students.
(Note: for verification purposes, please use your NUS email address to register)

ENQUIRIES

For enquiries, please contact Alexandria Chan at
law.events@nus.edu.sg



Public CPD Points: 1
Practice Area: Private International Law
Training Level: Foundation

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