Singapore Journal of Legal Studies
[2017] 215–238

NUS LAW IN THE NOUGHTIES: BECOMING 'ASIA'S GLOBAL LAW SCHOOL'

TAN CHENG-HAN*

The first decade of the new millennium was a challenging and transformative period for the NUS law school even as she was confronted with a testing financial position. Both the curriculum and teaching pedagogy underwent significant change. Research assumed far greater importance and the period saw important strides being made in the quantity and quality of faculty publications. The school also saw herself become an important voice in the global conversation about law and legal institutions. In addition to being Singapore's national law school, she developed an identity as Asia's Global Law School, a law school that continues to contribute significantly to Singapore while at the same time playing a role intended to advance the interests of people everywhere, particularly in Asia.

I. INTRODUCTION

The National University of Singapore ("NUS") law school ("NUS Law") has for most of independent Singapore's history been the only law school in the country. Thus, it is not surprising that the school has educated most of the judges of the Supreme Court of Singapore including the current Chief Justice, and a majority of the members of the legal profession. The school has also played a pivotal role in the understanding and development of Singapore law. That NUS Law has contributed significantly to the legal profession in Singapore is a given. What is perhaps less known is how the school has had to overcome many challenges in the course of her history; how she had (and has) to continually evolve as society and the practice of law changed over time to ensure that she continues to be relevant to Singapore.

In this paper I do not seek to cover the entire period of NUS Law's existence. My scope is far more modest and confined to the period from 1 May 2001 to 31 December 2011 when I was Dean, albeit relatively substantial portions of the law school's fifth and sixth decades leading to her 60th anniversary. I will recount here (relatively succinctly (I hope) and certainly non-exhaustively) a significant inflection point in NUS Law's history that was brought about by a number of different factors including the increased globalisation of legal practice and profound changes that were taking place within the university. Although I have been asked previously to share my reflections of this period, I have demurred as former Deans should be a helpful presence in the background. This piece would therefore not have been

* Senior Counsel; Professor, Faculty of Law, National University of Singapore and Chairman, E W Barker Centre for Law and Business. The author is grateful to Professor Andrew Halpin and Dr Kevin Tan for their comments on earlier drafts. The usual caveats apply.

written but for the invitation of the current Dean for the school's 60th anniversary celebrations.

In thinking about this paper, I recall that sometime in 2007, after a lecture on legal education, Michael Hor, a colleague till he assumed the Deanship of the University of Hong Kong ("HKU") in 2014, remarked that my Deanship had thus far been a "radical" one. That comment struck me at the time and makes an appropriate starting point for this article. I did not consciously intend to be radical. Indeed, some of my colleagues in 2001 preferred another highly respected academic as Dean[1] because they thought I was likely to be conservative.[2] But like my distinguished predecessors, I 'inherited' a school at a particular place and point in time with its distinct challenges. All I sought to do was to exercise my stewardship responsibly by addressing those challenges as best I could to ensure that the school could fulfil her role as an important institution within the legal fraternity. In doing so, I was much helped by the solid foundation left to me by my predecessors and the many faculty who over the years contributed substantially to the development of the school. Very few people build something from scratch and I am no exception. If any of the "radical" things turned out to be positive for the school, in large measure it was because they were possible thanks to what had been left for me to work with.

It also cannot be said enough that in the more than decade-long journey I was assisted greatly by many colleagues, particularly the Vice-Deans that served with me.[3] Without their support, and just as importantly, the times that they disagreed and therefore helped to make better policy or saved me from grievous error, the school would not be where she is today.

---

1 It has been said that the open consultation at the time by the university on who the next Dean would be "was the closest the [school] came to electing their own Dean since 1968", see Kevin Tan, *Scales of Gold – 50 Years of Legal Education at the NUS Faculty of Law* (Singapore: NUS Law, 2007) at 74. It came to my attention in the latter stages of the consultation process that Associate Professor Robert Beckman (Bob) led the support for the other candidate. The other candidate was Dr Kevin Tan whom I would have been happy to serve under if appointed. When it was announced that I would be the next Dean of the school, I asked Bob to be one of my Vice-Deans. He was surprised. I explained that I understood his motivation, namely a genuine belief that someone else would be better for the school. If he felt he could work with me to build a better institution, I wanted him in the decanal team. He accepted and oversaw academic matters. Associate Professor Dora Neo was the other Vice-Dean having oversight of graduate studies.

2 I believe this came about because of an issue that was debated shortly before the search for a new Dean began. A number of colleagues proposed that the school should work towards offering a US-style graduate law degree to replace the undergraduate Bachelor of Laws programme. I was not in favour of this. First, as a practical matter, the Singapore government was very unlikely to be willing to provide additional grants to fund more than four years of undergraduate education. This would mean significantly higher fees for law students and would affect accessibility. Second, as long as Singapore continued to recognise English law schools, it would place NUS Law at a disadvantage and especially when many Singaporeans find studying overseas to be highly attractive. Third, military service is compulsory and a graduate law programme would lead to male students being called to the bar only in their late twenties. The relatively high cost of living in Singapore makes this somewhat unpalatable. Finally, there was already an existing route for graduate students who could read law in three years rather than four. Although I knew that my views would disappoint these colleagues, I did not want to be ambivalent about my position. I felt that transparency was important so they would know where I stood on this issue and not be disappointed later should I be appointed to the Deanship. Eventually, a majority of colleagues voted against taking this initiative further.

3 Other Vice-Deans that served during my Deanship included Professors Teo Keang Sood, Alan Tan, Victor Ramraj, Kumaralingam Amirthalingam, Simon Chesterman, and Stephen Girvin.

II. The Context

The three key aspects of academic life are teaching, research and service. They therefore constitute the core of what the law school is about. While these aspects are relatively static, their substance changes over time. Within the last 30 years for example, we have seen the role of research grow considerably. Where once an academic could consider his or her primary responsibility to be teaching, that is no longer the case and in many institutions research is regarded as the most significant benchmark for individual academic advancement. From an institutional perspective, there is little doubt that research quality (or perceptions of it) matter the most in determining the standing of a university or school.

When I was appointed Dean in 2001, I had the benefit of a most valuable apprenticeship for close to five years as one of Dean Chin Tet Yung's Vice-Deans. From that period, and in consultation with Dean Chin and many colleagues, it seemed to me that the following were the key issues and trends that my Deanship would have to address.

First, the discipline and practice of law was becoming more global. Additionally, given the relative maturity of the Singapore economy, growth in the legal sector was likely to be modest if Singapore lawyers confined themselves to domestic work. There was therefore a need for the school to be more globally oriented so as to give our students the type of education that they needed.

Second, for the school to continue to thrive, it had to have a strong global reputation. Without this, it would increasingly find it difficult to fulfil its mission in a manner that faculty would find meaningful, and would also affect its ability to attract good faculty. For example, one factor that makes teaching enjoyable is engagement with bright students. While applications from bright Singaporeans to the school were healthy, I considered this to be potentially precarious. This is because many young Singaporeans aspire to an overseas education. In a relatively affluent society, many parents are able to give their children such an education especially in the humanities and social sciences where fees are often less than in the hard sciences. Accordingly, the school has to continually demonstrate a significant value proposition to continue to attract good applicants. Part of the solution lay in the development of innovative programmes. The global reputation of the school also had to be enhanced to diminish the attractiveness of studying overseas. Simply put, the school had to be clearly regarded as better than many of her overseas competitors.

Third, it was necessary to enhance the school's resources. In Singapore, higher education depends greatly on government grants. During my time, and is probably the case today as well, government funding accounted for at least 75% of the school's budget with much of the rest coming from student fees. This is extremely high by the standards of developed economies. I was concerned first about how sustainable this was given the norm internationally. Furthermore, it was also clear that an ambitious agenda would require more resources than what was presently available. This concern was exacerbated by the fact that funding to the school was being reduced because of lower enrolment due to the limit set by the government on the number of students that the school could admit.[4]

[4] For much of the 1990s, the annual intake at the school averaged around 220. This was to be reduced to 150 per year which had a significant impact on revenue.

In addition to the above, the noughties were a time of great change at NUS. President Shih Choon Fong had assumed office in the year 2000 and he introduced many changes that were commonly found in US universities but were alien to NUS with its more British traditions. This brought about many human resource and other challenges that had to be addressed.[5]

III. Educational Initiatives

In the school's 60 years of history, there have been two major curriculum review exercises and many minor ones. As the school's first comprehensive curriculum review took place in the early 1980s with the publication of the "Jayakumar-Chin" report in 1981,[6] many colleagues felt that another comprehensive review was appropriate at the start of a new millennium. Vice-Dean Robert Beckman was tasked with chairing the review committee. Its recommendations were radical[7] and included the introduction of three new compulsory courses to provide broader perspectives,[8] a new compulsory course on legal analysis, writing and research,[9] and moving from a year-long system of courses to a semester system. I must confess that I was not entirely enthusiastic about the first two recommendations as I was concerned that they might make the first two years of law school overly demanding, leaving students with insufficient time for reflection and internalisation. Nevertheless, the committee was enthusiastic about the recommendations, there had been wide consultation,[10] and

---

5 For example, instead of a straightforward system of relatively fixed annual increments and bonuses, the university moved towards a merit-based system that required faculty to be reviewed annually and placed in bands. While this new system had strengths, implementing it was not a simple matter given the existing culture. In addition, Deans and Heads of Departments suddenly had to become effective human resource managers. One example of the issues that now had to be contended with was annual remuneration. In a system of fixed increments, matters follow a set course and any adjustment generally only takes place upon promotion. In a variable system, the Dean has to recommend the amount to be allocated to individual faculty. In the course of this process, I couldn't help but notice significant divergences in remuneration between colleagues who were holding the same rank and who, to my mind, were contributing relatively equally. These differences no doubt arose in large part because faculty joined or were promoted at different times and in different circumstances. Now that the remuneration system was different, I felt I needed to reduce these differences. With a limited pot, doing this in a manner least disruptive to morale would be challenging in the initial years until an equilibrium was reached, since helping certain colleagues to catch up meant a smaller amount for others who may also wonder why certain colleagues were getting more of an increment than themselves or others. Unavoidably, people do talk about these things despite the usual exhortation from the university that such matters were to be kept confidential. Although I explained the broad principles behind the approach I would be taking, it would not be surprising if at various times there were individual colleagues who must have been dissatisfied.

6 Professor S Jayakumar and Associate Professor Chin Tet Yung were the principal authors.

7 The curriculum review report of 2002 has been described as "the most radical since the Jayakumar-Chin Report of 1981", see Tan, *supra* note 1 at 81.

8 These courses were 'Introduction to Legal Theory', 'Singapore Legal System', and 'Comparative Legal Traditions'.

9 Further, see Rathna N Koman & Helena Whalen-Bridge, "Clinical Legal Education in Singapore" in Shuvro P Sarkar, ed, *Clinical Legal Education in Asia: Accessing Justice for the Underprivileged* (New York: Palgrave Macmillan, 2015) 137 at 140.

10 Curriculum reviews can be very contentious matters in academic institutions. As such, the consultation process was a lengthy one. Indeed, a colleague remarked at one point that while she appreciated the care being taken over this, it was time to move to the implementation stage. Given the breadth of the proposals, I felt it necessary to err on the side of more, rather than less, consultation.

many colleagues were prepared to try something different, so I put aside my reservations. In retrospect, these have been valuable additions to our curriculum and it is noteworthy that when the Singapore Management University ("SMU") started its law school in 2007, it included in its core curriculum a comparative module, a legal theory course, and a module on legal research and writing. Today, more than 15 years later, the curriculum is still largely the result of the "Beckman report".[11]

It may seem surprising today but the most controversial proposal was that courses be taught over a semester rather than over the academic year. Many colleagues were concerned that teaching courses over a semester, especially the core substantive law courses such as Contract, Tort and Criminal Law, did not afford students sufficient time for thinking and reflection. Members of the legal profession including the then-Chief Justice also expressed such concerns to me, the Chief Justice especially singling out Contract Law as a subject he could not envisage being taught over a semester. On the other hand, I felt there were advantages to students focusing on a smaller number of courses taught in a more intensive manner over a distinct semester. As a result of the Chief Justice's particular reservation about Contract Law, the proposal put eventually to faculty singled this out as the only course that would continue to be taught across the academic year. The proposal carried and has worked so well that when the issue was raised in later years, there was virtually no support to move back to a year-long system.

A semester system had other advantages, including facilitating the development of the school's student exchange programme. Many overseas students can only participate in semester-long exchanges and the school would not be able to conclude exchange agreements with students from such universities if all our courses were taught over a year. By moving to a semester system the school was able to conclude more exchange agreements. Conservatively, 80% of the school's existing student exchange agreements were signed in the noughties.[12] This was part of the strategy to make the school an attractive destination for bright Singaporeans. It ensured that a large percentage of the student body—between 40 to 50%—could enjoy a substantial study abroad period despite studying in a local university. Over time, the programme was enhanced to allow students the opportunity to obtain graduate degrees from our overseas partners.[13]

The semester system also made it easier for colleagues to introduce specialist elective courses. Some areas do not require the coverage of the then-typical year-long course and it didn't seem optimal to have to teach significantly less content across an entire academic year. A semester system allowed colleagues to more naturally offer such courses over a semester. Many were glad to do so and there was an explosion of elective courses which made the school's curricular offerings significantly more compelling than any of its overseas competitors. These courses included many with a comparative and Asian focus to facilitate the development of future lawyers who

---

[11] The curriculum at the school requires students to read significantly more modules compared to a typical English law school. It may be worth exploring whether such requirements can be reduced slightly to give students more time to 'breathe'.

[12] For the current list of exchange partners, see NUS Law, *Outgoing Exchange*, online: <http://law.nus.edu.sg/student_matters/student_ex/outgoing_exchanges.html>.

[13] For example, a student who had completed three years of study could apply to read the Juris Doctor or LLM degree at New York University ("NYU") on a fee-paying basis, or go on exchange to Boston University and obtain an LLM after the exchange year.

would be comfortable thinking about law beyond national boundaries. This also allowed the school to design more attractive Master of Laws ("LLM") programmes that enabled the school to move from what was essentially a 'night-school' part-time LLM degree course[14] to one that also has specialist tracks.[15] Soon after, the school began to attract good numbers of international students to its graduate programme.[16] Aside from strong LLM programmes being an indicator of a law school's international standing, there were two other longer term objectives. The first was to attract bright students from the region who can be expected to become leading lawyers in their countries. The second was to provide the school with a potential source of additional revenue as graduate fees can be set more flexibly compared to undergraduate fees.

One related issue that was much discussed was whether to change the teaching model from the tutorial system to the seminar system. Both have their strengths and it was somewhat strange to me that over the years the seminar system has sometimes been touted in Singapore as innovative and superior. In fact, my personal view is that in an ideal world, the small group setting is far more conducive to deep learning, particularly in the earlier years of study. The major weakness of the tutorial system is that it is a 'Rolls-Royce' or luxury model that is expensive. Most universities cannot afford such a model because of the low student-faculty class ratio. Ultimately the school adopted a pragmatic approach. For most of the core substantive law subjects taught in the First and Second Years, the tutorial system of small group teaching was retained. For all other courses, the seminar system became the norm replacing the tutorial system. The efficiency gains from this were a major factor that facilitated the large growth of elective subjects.

In an increasingly complex world, a legal education must include perspectives from beyond the law. This was recognised in the "Jayakumar-Chin" report and by the founding Dean, Lionel Sheridan.[17] During the noughties, the school built on this approach in a number of ways. However, and perhaps counterintuitively, the school removed non-law subjects such as Basic Accounting, Human Resource Management and Public Administration from the list of compulsory courses. Also removed was the requirement that law students had to read a minimum of two modules from other departments. There were two broad reasons for this. First, the outcome of the long period where students had to read a selected number of compulsory non-law subjects was underwhelming. The vast majority of students treated this as something to be endured and quickly forgotten. Partly, this was because over time these subjects were taught in a manner that did not appear to be relevant to the study of law. Second, it

---

[14] This was useful for continuing education purposes and there was a minority view at the time that the school should maintain the LLM programme in its current form for this purpose.

[15] Such as in International and Comparative Law, Intellectual Property and Technology Law, and Corporate and Financial Services Law. Unlike the practice in many other law schools that offer Law as an undergraduate degree, NUS Law does not offer differentiated courses for graduate and undergraduate students. Modules will therefore comprise a mix of both groups. There are a number of reasons for this. Without going into detail, in essence it is our view that all our electives are advanced in nature and will likely cover the same ground whether taught to graduate or undergraduate students. Undergraduate students are expected to meet this high degree of sophistication.

[16] Vice-Dean Associate Professor Dora Neo and her deputy at the time, Professor Teo Keang Sood, oversaw the transformation of the school's graduate programmes.

[17] Andrew Phang, "Founding Father and Legal Scholar – The Life and Work of Professor LA Sheridan" [1999] Sing JLS 335.

was felt that the curriculum should be less prescriptive and students be given more choice to determine their areas of interest given the much richer curricular offerings compared to the early eighties.

In its place three different approaches were introduced. First, faculty were encouraged to offer cross-disciplinary courses.[18] I believe this to be the best way to introduce perspectives from other related disciplines to law students. Reading a course in Economics, History, or Business in itself can be useful but it is often difficult for students to fully appreciate the connections and relevance of such courses to the law.[19] By contrast, and taking competition law as an example, when economic theory is used to determine matters such as market dominance and network effects, the importance of economics and how it shapes the law becomes plain to the lawyer. The context brings to life how legal rules are influenced and shaped by broader societal forces.

Second, the school also adopted a policy of allowing students to take up to an equivalent of a semester of modules outside the law school, particularly if it was part of a Minor programme offered by another department. This would allow students to explore another area with some degree of depth. Finally, the school pioneered the offering of double degrees within NUS. This was at the time relatively common in Australian universities but was absent within NUS. As part of the strategy to make the school a far more attractive place to read law compared to her overseas competitors, I wanted us to have the option of allowing students to concurrently work towards a degree in another discipline.[20] This turned out to be more complicated than I had originally envisaged. Aside from having to negotiate with another department, there was also the more vexed issue of funding. In Singapore, university students are only entitled to a maximum of four years of grants from the government. Any additional year would require students to pay full fees or the university to absorb the additional cost (or a combination of both). After much negotiation, the university administration agreed to absorb the cost of any additional year of studies provided double degree programmes were only open to stronger law students. It represented a cautious start which I was prepared to accept. Thus sometime in 2004, three years after the idea was mooted, the first double degree programmes that NUS introduced included Law and Economics. Subsequently, Law and Business Administration,[21] Law and Life Sciences, and a concurrent degree programme in Law and Public Policy were added. Still later, when the Business School was allowed to offer an accounting qualification, this option was made available.[22] When Yale University and NUS were in discussion over the possibility of a joint liberal arts degree to be offered in Singapore, I was part of the group designing the joint Law and Liberal Arts programme which is offered today.

---

18 Such courses included Law and Sociology of the Family; Regulating the Corporation; Competition Law; Biomedical Law and Ethics; Banking and Finance for Lawyers; Law and Religion.

19 See Tan Cheng Han, "Change and Yet Continuity—What Next After 50 Years of Legal Education in Singapore?" [2007] Sing JLS 201, especially at 210, 211.

20 For most students in such a programme this would mean an additional year of study where they would spend the equivalent of three years or six semesters reading Law modules and two years or four semesters in the other discipline.

21 We had wanted a Law and Business Administration programme from the outset but for reasons that were not clear to me the Business School was not keen initially.

22 See also Tan, *supra* note 1 at 82, 83.

Not all the above developments were universally welcomed at the time. While the profession welcomed the proliferation of courses in areas such as business law and intellectual property, there were criticisms levelled against courses in areas such as international law and environmental law. It was felt by some that these were luxuries that were a waste of resources. As some of these criticisms came from people that held high public office, this was an uncomfortable position to be in. After some degree of reflection, I felt that these criticisms were largely misconceived and the school had to have a longer term view. The passage of time has largely vindicated this position and a very good example was when the government around 2008 raised the idea of a think-tank on international law to be based within the school. I was asked to chair the committee to look into this and it led eventually to the establishment of the Centre for International Law in 2009 with Associate Professor Robert Beckman as its founding director.

Another criticism related to the options available to law students to read non-law subjects, particularly in the context of double degrees. To some members of the profession, this was a watering-down of the law content. One member of the school's Steering Committee remarked that he was not enthusiastic about the school's double degree programmes as it was not in the interest of the profession for law graduates to be marketable beyond the law. This remark and others like it was perhaps understandable at a time when the school was producing insufficient graduates for the legal profession given the small intake number of 150 that had been prescribed. Fortunately, the profession has over time come to better appreciate this initiative.

Two other matters deserve brief mention. First, the criterion for the award of First Class Honours and Upper Seconds was changed. Previously, First Class Honours was rarely awarded with none being awarded in most years up to the eighties. In the 1990s one would usually be awarded each year and in at least one exceptional year a record two were awarded out of a class of between 220 to 250 students. Upper Seconds were from the 1980s awarded to between 25% to a third of each cohort. It will be apparent that this compares very poorly with peer English law schools. Put bluntly, the school was doing a disservice to her students. There was nevertheless reluctance to change. Some felt that this demonstrated the high standards of the school, while others thought that any relaxation of the criterion would devalue their First or Upper Second.

I felt this was wrong and put forward what was to me a modest proposal but which to many was radical. I suggested that First Class Honours should be awarded to the top 5% of each cohort, provided the weighted average of their grades over all applicable courses met a minimum threshold. Upper Seconds would be awarded to all others who were in the top 50% of their cohort, again if the weighted average of their grades met a minimum threshold. As it was clear from the information we had that the weighted average component would very likely be met, in effect this meant that if the proposal carried the school was binding itself to awarding a fixed percentage of Firsts and Upper Seconds. Although this was prescriptive, it was arguably necessary to break the previous mind set. Despite some misgivings, the proposal passed fairly comfortably.[23]

[23] Personally, I would have preferred Firsts to be given to the top 10% of each cohort but that seemed too big a step to take at the time. The present decanal team has since done this with the support of faculty.

Second, mention should also be made of the clinical legal education module that was started in 2010 through collaboration with the Legal Aid Bureau. There were many challenges setting up this programme due to funding constraints and limitations in the *Legal Profession Act*.[24] It therefore took at least two years for the initiative to be realised. The objective, as stated at the signing of the Memorandum of Understanding with the Bureau on 6 October 2010, was to facilitate:

> [T]he contextualisation of the law; students see how the law operates in society and this deepens their understanding of the law and legal institutions. At the same time, [clinical legal education] will help to inculcate values that the law school believes are important for our graduates to have.[25]

Lim Lei Theng, a former litigator at one of Singapore's leading law firms, was appointed director of the programme.[26]

All in, the curricular reforms and innovations during this period were intended to provide students with a deeper and richer legal education; one that in addition to having a strong core component allowed significant flexibility and choice; and at the same time encouraged the development of transferable skills that would be useful in professional life.

IV. Research

Although there were challenges that the school's educational initiatives had to navigate, greater challenges presented themselves in the area of research. At the time the law school was established, its principal role was to train lawyers for the profession in Singapore. While research was always an aspect of her role as an institution of higher learning, much of her early history was consumed with her teaching role. It is probably difficult to appreciate today how challenging it must have been to establish a law school in a country that had a small legal profession given the absence of a local law school. Just ensuring that there was a sufficient number of suitably qualified faculty who could teach basic courses was itself a not inconsiderable task. By the noughties, however, the school's teaching ethos was well established and the moment the educational initiatives discussed above were voted on and the course set, faculty proceeded with the changes necessary.

The school's research tradition was weaker. Although a research culture existed, a simple comparison of the school's research for much of the 2000s with that in the later part of the period and during the 2010s will reveal a significant difference in quality (and quantity) with the research in the latter years on the whole being more ambitious in scope and insight, both doctrinally and theoretically. Where once work from faculty was relatively seldom cited by overseas academics, this is now commonplace. The academic reputation of the academic staff is also demonstrated by the numerous invitations to assume visiting appointments in other leading law

---

24 Cap 161, 2001 Rev Ed Sing.

25 See Newshub – NUS' News Portal, *Faculty of Law launches Singapore's first clinical legal education programme* (8 October 2010), online: <http://newshub.nus.edu.sg/headlines/1010/law_08Oct10.php>.

26 For a fuller account, see Koman & Whalen-Bridge, *supra* note 9.

schools, and to present papers at important conferences. This transformation was not easily achieved as a considerable shift in mind set was necessary.

At the outset, it should be said that absent financial resources to entice leading researchers away from their institutions, there was no silver bullet. Instead, a number of different approaches were adopted that may have collectively contributed to the change. One was that there was no substitute to putting in a great deal of time understanding the research work that faculty were doing and constantly encouraging them to push the boundaries. This was especially in light of criticism that a fair bit of research from faculty lacked ambition. I therefore urged colleagues to go beyond relatively narrow doctrinal work and to include stronger comparative and theoretical perspectives. They were also encouraged to use the funding available to undertake research projects in collaboration with leading academics elsewhere. The resulting monographs would burnish the school's reputation as well as that of faculty whose chapters would sit alongside others who are highly regarded in their areas. Such projects would also allow colleagues to develop valuable academic relationships. One of the earliest such collaborations was a research symposium on Comparative Anti-Terrorism Law and Policy in June 2004 which led to the publication of a monograph now in its second edition.[27] This is still a popular model today for collaborative research.[28]

Another approach was to fully document and publicise annually the research output of faculty. Pride can be a powerful agent of change in a good academic institution. No academic in any such institution wants to feel as if he or she is not contributing in equal measure. A comprehensive annual record of research provides transparency in this regard. It was also distributed widely beyond the school so that faculty knew that it was a means for their work to be brought to the attention of a wider audience with the prospect of citations in due course.

I also encouraged the editors of the school's oldest journal—the Singapore Journal of Legal Studies ("SJLS")—to encourage more non-NUS contributions. At the time, the overwhelming number of articles published in the SJLS were from faculty.[29] The journal had limited appeal to the overseas community of scholars. My hope was that as more scholars beyond NUS published in the SJLS, it would become better known internationally, its prestige as a journal would rise, and the work of colleagues in the SJLS would in turn become more widely known. The Chief Editor at the time, Professor Teo Keang Sood, took up the challenge. In 2010, the Australian Research Council's Excellence in Research for Australia gave the SJLS an 'A' ranking[30] and many contributions today come from academics from other leading law schools.

---

27 See Victor V Ramraj *et al*, eds, *Global Anti-Terrorism Law and Policy* (New York: Cambridge University Press, 2012).

28 A recent example is Paul S Davies & James Penner, eds, *Equity, Trusts and Commerce* (Portland: Hart Publishing, 2017), which is the result of a symposium jointly organised by the NUS E W Barker Centre for Law and Business and the Oxford Faculty of Law in April 2016.

29 The school's other journal at that time, the Singapore Journal of International and Comparative Law (established in 1997 during Dean Chin Tet Yung's Deanship), did not have the same contributor profile given its focus. This journal became the Singapore Yearbook of International Law in 2004 and is now known as the Asian Yearbook of International Law.

30 See University of South Australia, *Excellence in Research for Australia (ERA) – ERA 2010* (3 February 2011), online: <http://w3.unisa.edu.au/rqie/docs/ERA2010_journal_title_list.xls>.

While encouraging the SJLS to actively seek to be a journal of choice for academics outside NUS in addition to NUS faculty, I also felt that it was important for NUS faculty to publish in the best overseas journals *while continuing to publish in the SJLS and other Singapore journals*. Publishing in good overseas journals would increase the visibility of the school and faculty, and ultimately enhance the school's international reputation. In addition, publishing in such journals would stretch faculty and, over time, lead to a stronger research culture. Even though the SJLS adopts a double-blind peer review system, faculty often did not feel much uncertainty over a submission not being accepted given the small fraternity of Singapore legal academics. Publishing in a good overseas journal was more fraught with uncertainty which in this context was beneficial.

Somewhat to my surprise, this proved to be highly controversial. There was concern expressed by some faculty over whether this would retard the development of Singapore law. Essentially, the concern was that overseas journals would be uninterested in Singapore law perspectives and therefore faculty would de-prioritise Singapore law in their research, leading to a sub-optimal outcome for the Singapore legal system. This concern was in turn echoed by senior members of the legal profession.[31]

I considered this concern to be unwarranted as being overly binary in nature.[32] Take, for example, the field of commercial law which, broadly speaking, is the area most amenable to publication in non-Singapore journals since much of the commercial law applied in Singapore is based on the common law with similar principles across the common law world. A good commercial law article would likely have to discuss the same principles and many of the same cases wherever it is written. Such a piece will therefore be highly relevant across many jurisdictions including Singapore. It is difficult to comprehend why an article on an area of commercial law would have to be written to suit a foreign audience and in the process neglect meaningful discussion of noteworthy Singapore cases. Indeed, this author's experience is to the contrary. In a piece accepted by an English journal,[33] the editor in his acceptance e-mail of 23 October 2013 stated *inter alia* that it "brings in the Singapore authorities which are far less known in the UK than the old favourites that you cite."

This statement brings out a further interesting perspective. While the concern about overseas publications was probably a reflection of unexpressed anxieties,[34] it failed to take sufficiently into account another important consideration. I had long felt that it was a pity Singapore cases were not more widely cited by other common law courts. Size may be a factor in that a small population will generally generate fewer cases but given that New Zealand cases appear to be more frequently cited, size cannot fully explain this. To my mind, one important factor was simply that Singapore

---

31 See also Cheah W L & Goh Yihan, "An Empirical Study on the Singapore Court of Appeal's Citation of Academic Works: Reflections on the Relationship Between Singapore's Judiciary and Academia" (2017) 29:1 Sing Ac LJ 75 at [99], [100].

32 After all, Singapore courts frequently cite the work of overseas academics who, if this criticism was warranted, would be writing only for their jurisdictions.

33 See Tan Cheng-Han, "Veil Piercing: A Fresh Start" [2015] J Bus L 20.

34 Two possible underlying anxieties were the discomfort caused by the more demanding research requirements introduced by the NUS President (discussed further below), and the concern that there may not be enough submissions to Singapore law journals.

cases were for whatever reason just far less known in the UK and other common law jurisdictions. This could be remedied in part by academic writing. Where faculty publish articles in overseas journals, their work will be more widely read and the Singapore cases they cite brought to the attention of an international audience. This serves Singapore's interests as a legal hub in Asia. It also ultimately serves the interests of law academics in Singapore because a greater interest in Singapore law enhances the visibility and reputation of her law schools.

Moving beyond commercial law, it is true that there are areas of Singapore law that are more 'domestic' in nature such as Constitutional Law, Criminal Law and Family Law. And most people would agree wholeheartedly that it makes little sense for Singapore academics to write only about foreign law in these areas simply to publish overseas or, as the argument was sometimes stated in a more nuanced way, to write in such areas in a manner that would enhance their attraction to an overseas journal, the implication being that such pieces would downplay Singapore law if it was even discussed at all.

Again such a position was overly binary and simplistic. If all that an article endeavours to do, for example, is to discuss a particular statutory provision unique to Singapore and the Singapore case law on such a provision, it is certainly likely that this may not of itself be interesting to the editor of a non-Singapore journal. However, such an article may not itself be of the highest quality.[35] Law does not exist in a vacuum and very good articles are often broader in nature with strong theoretical and comparative elements. A piece that discusses the broader perspectives underlying the provision and its interpretation, one that places it within the context of Singapore society and international developments, is both a valuable piece for the development of Singapore law and likely to be of interest beyond Singapore. Indeed, examples of work that both serve the development of Singapore law and have perspectives that are of interest to overseas journals abound.[36]

Another anxiety was whether more publications by faculty in international journals meant that inadequate recognition would be given by the university (not the school) to work published in local journals or in books by local publishers.[37] This anxiety was again unjustified, at least in the NUS context.[38] The only time the university's opinion would be relevant was when faculty were considered for tenure and/or promotion.

---

[35] The tentative nature of this statement is emphasised. Research quality is a complex matter and one should always be wary of over-generalisations. It is not the author's intention to suggest that such articles cannot be of the highest quality.

[36] For example, see Leong Wai Kum, "Formation of Marriage in England and Singapore by Contract: Void Marriage and Non-marriage" (2000) 14:3 Intl JL Pol'y & Fam 256, and Leong Wai Kum, "Towards the Elimination of Prescriptive Sexual Regulation in Family Law in Singapore" (2016) 46:1 Hong Kong LJ 131; Thio Li-ann, "Relational Constitutionalism and the Management of Religious Disputes: The Singapore 'Secularism with a Soul' Model" (2012) 1:2 Oxford J of L & Religion 446; Chan Wing Cheong, "The Death Penalty in Singapore: in Decline but Still Too Soon for Optimism" (2016) 11:3 Asian J of Criminology 179; Amirthalingam Kumaralingam, "Criminal Justice and Diversionary Programmes in Singapore" (2013) 24:4 Crim LF 527; Ho Hock Lai, "The Criminal Trial, the Rule of Law and the Exclusion of Unlawfully Obtained Evidence" (2016) 10:1 Criminal L & Philosophy 109; Teo Keang Sood, "Contract and Strata Title: A View From Another Jurisdiction" (2012) 86:1 Austl LJT 156.

[37] Alluded to in Cheah & Goh, *supra* note 31, at [101].

[38] In universities that adopt a strict policy of ascribing value only to certain types of publications, a policy that I know one of our neighboring universities adopted, such a fear would be entirely justified but this was never the policy in NUS.

However, a new and more rigorous promotion and tenure policy was adopted within the university that required review at various levels including by the school, the Dean, and the University. A key part of this process involved evaluations by up to eight referees who were expected *inter alia* to comment critically on the applicant's research. It will be apparent from this that the views of the referees on the quality of the content are crucial rather than the place of publication. Indeed I recall at least one instance where a very strong reference from an overseas academic on the quality of a colleague's work published locally (and on a 'domestic' area) swung the decision in favour of this colleague.

From the foregoing, it can be seen that the trend towards greater importance being placed on research was also driven by initiatives taken at the university level. Previously, it was possible to secure tenure at NUS without a respectable research record. The new university policies in the early noughties put an end to this as it was necessary to demonstrate significant potential for research excellence to attain the rank of Associate Professor, and research excellence for promotion to full Professorship.[39] This caused great unease because it was a paradigm shift in approach and process. Together with many other changes that were introduced within a relatively short period of time in the early 2000s including changes in academic designations, new bonus systems, and annual reviews, managing faculty morale increasingly consumed a great deal of time and energy.

Although this caused many difficulties, the university's broad direction cannot be faulted. It is in the national interest that Singapore has at least one world-class university. In the early noughties, only NUS could be such a university. In judging what constitutes a world-class university, research output and quality is the main determinant. NUS Law would also largely be judged by her peers on the quality of research produced by faculty. Unless the university and school were indifferent to their reputation internationally, there was no alternative to developing a more rigorous research culture. At the same time, many faculty within the school and throughout the university joined and worked for many years with a different set of expectations. Many Deans and Heads of Department within NUS including myself had to contend with the difficulties of these competing considerations. For my part, I tried to ease the school's transition to a new paradigm as best I could, not least in getting the university to give every consideration to the need for a period of transition that recognised the expectations of faculty that had reasonably arisen over their years of service. Nevertheless this remained a very difficult issue for most of the 2000s.

On the whole though, and with the passage of time, the process led to relatively good outcomes. Academic faculty acquitted themselves well. A very large majority of faculty who were considered for tenure or promotion were successful in their applications. As such, a majority of the full-time tenured faculty at the school today obtained promotion or tenure (often both) during the noughties. More importantly, in the course of the 2000s, the school saw more than 20 full professors which is several times more than she has ever had in any past period and is comparable with 2017's current 21 full-time full professors.[40] Of the faculty who were full professors

[39] A good teaching record was also necessary.

[40] As at 9 February 2017 excluding fractional and honorary appointments; see NUS Law, *Academic Profiles*, online: <https://law.nus.edu.sg/about_us/faculty/staff/staffdiv.asp>. 15 of these professors are still at the school.

in the 2000s, around 80% were with the school prior to the noughties. All these are indicators demonstrating that faculty were generally able to meet the more demanding and rigorous promotion criteria put in place by the university. The increase in the quality and quantity of scholarly work by faculty has, in this author's view, played a part in enhancing Singapore's position as a legal services hub in Asia.

V. Hiring and Retention

This provides a useful segue to this topic. Hiring and retention are vital to any dynamic organisation and the law school can only discharge her role well if she has good faculty. Good faculty are also vital to the vibrancy of the legal profession in Singapore. Much of the credit for the success the school saw in promotion and tenure applications belongs to my two immediate predecessors, Dean Chin Tet Yung and, before him, Dean Tan Lee Meng. When Dean Tan was appointed in 1987, he hired some of Singapore's brightest young lawyers and continued to do so during his Deanship. He changed the paradigm during his Deanship and this approach is responsible for much of the 'local core' within the school today.[41] Many of his hires have gone on to do well in academia and legal practice. Dean Chin also recruited well; between Deans Tan and Chin, they account for almost half of the tenured faculty today. They left the school with a most invaluable foundation on which her acknowledged success today was built.

Hiring was difficult for much of the noughties because of a triple whammy. First, there was the difficult economic climate caused by the dot-com bust of the early 2000s and the global financial crisis in the latter half of the noughties. There was also the reduction in student numbers with its concomitant effect on funding. These effectively ushered in a hiring freeze in the first half of this decade (save for exceptional circumstances). Second, the university discontinued the Senior Tutor scheme where young graduates could be hired as Senior Tutors and, after teaching for a short period, awarded a scholarship to pursue graduate studies. Third, the Singapore Legal Service was also aggressively hiring the best young graduates for its new Justices Law Clerk programme with terms that the university could not compete with.

Many faculty were highly concerned about this state of affairs. Certainly it was not desirable but I was more sanguine. The economic climate would work its way through and there was increasing recognition that the cap of 150 law freshmen each year was woefully inadequate for Singapore's needs. While there was no longer a formal Senior Tutor scheme, the university was prepared on a case by case basis to award similar grants if exceptional young graduates were interested in an academic career. And while it was to be expected that a new programme in the Legal Service would generate excitement, I was confident that over time, as those numbers became saturated, the school would become competitive again. After all, in every generation of lawyers, some will feel drawn to academia and find the work in other areas of the

[41] The 'local core' comprises faculty born in Singapore and Malaysia. As at 9 February 2017, more than 50% of the school's full-time tenured faculty constitute this group. There is no particular desired ratio except for a broadly held view that such a core is desirable. One reason is that it is more conducive to a stable faculty, though it is also the case that many faculty who were born elsewhere have been with the school for over a decade and more, and have contributed positively. Ultimately, a good mix of faculty with diverse but relevant backgrounds is good for any academic institution.

legal community less fulfilling. But the greatest source of optimism for me came from the school's growing reputation internationally. This would make us increasingly attractive not only to bright young minds but also established academics elsewhere. Indeed, this has been borne out in the latter half of the noughties and second decade as additional funding, fewer prospects in the Legal Service, more difficult market conditions for law firms, and a greatly increased supply of young lawyers, have all conspired to make academia even more attractive to bright young graduates.

From around the mid to latter part of the 2000s, things started to change. More funding became available to the school[42] and meaningful hiring could begin. This was largely because the school was allowed to increase its intake gradually with a view to eventually admitting an average of 250 students a year. I had lobbied for this as an intake of 150 a year was sub-optimal. Some excellent hires at the mid and senior levels included Stephen Girvin, Andrew Simester, Andrew Harding, Simon Chesterman, David Tan, and Daniel Seng. Tenure track hires included Wee Meng Seng, Arun Thiruvengadam, Umakanth Varottil, Dan Puchniak, Kelry Loi, Goh Yihan, Sandra Booysen, Cheah Wuiling, Lynette Chua, Jean Ho, Arif Jamal, and Jaclyn Neo. Of the latter group, seven are from Singapore or Malaysia.

Happily, almost everyone hired during this period has remained at the school though Arun Thiruvengadam joined the School of Policy and Governance at Azim Premji University in 2015 and Goh Yihan joined Singapore Management University sometime around 2014. Most of the tenure track hires have already obtained tenure and promotion to Associate Professor. On the whole, despite the somewhat turbulent noughties, the academic faculty was very stable. Provost Tan Eng Chye once remarked that within the university, the law school was one of the departments with the least number of departures.

One other matter should be mentioned. It struck me at the time that there were many leading academics in UK law schools from Australia and New Zealand, and similarly academics from the UK in Australian law schools. Given that Singapore is geographically significantly closer to their home jurisdictions it seemed strange that none of them considered NUS seriously. Perhaps Singapore was perceived as being too different culturally? Or it may be that the school's merits were insufficiently known. Whatever the reason, it was necessary to address the issue as an ambitious law school must be competitive in the global search for talent even if she has a good 'local core' of faculty with strong international reputations.

In this regard, the appointment of Professor Andrew Simester in 2006 was significant. A New Zealander, he taught at Birmingham, Nottingham and Cambridge before joining NUS. As a highly regarded criminal law and legal philosophy scholar, and who presently holds a fractional appointment at King's College London as the Edmund-Davies Chair in Criminal Law, his appointment was intended to signify that the best overseas legal minds in academia should see NUS Law as an attractive destination for scholarly endeavour. The school also managed to attract Professor Stephen Girvin back in 2008 which was very pleasing; he had left around 2005 to take up the Chair in Maritime Law at the University of Birmingham.

Recognising also that it will take some time to change mind sets, or that there are often family and other practical reasons that make it difficult for good people

[42] Also discussed further below.

to relocate, the school with the concurrence of faculty decided that selective fractional appointments could be made. These eventually included Mindy Chen-Wishart, Andrew Halpin, Michael Bridge, Stanley Yeo,[43] Joseph Weiler, and Kevin Gray. Some appointments involved spending the equivalent of half a year or one semester at the school—Andrew Halpin[44] and Michael Bridge—while others were for shorter periods in a year. The key to making such appointments work was, in addition to their undoubted eminence, a heartfelt attachment to the school such that despite the fractional appointment there was a commitment to wanting the school to be successful. This is of course difficult to assess but their contributions to the school over the years have validated the appointments made.

VI. A Global Law School

In January 2006, an external review committee for a leading Canadian law school expressed the view that within a few decades, there will be perhaps "twenty or twenty-five universally recognised 'global law schools"'. The committee also opined that it was likely many of these special institutions will be American but it was "also virtually certain that some [would] be found in Europe, Asia and South America". Such global law schools would see themselves and generally be seen as special resources for their nations. At the same time, they would see themselves and generally be seen as "having duties that transcend national borders—duties that require collective transnational investments that are calculated to advance the interests of people everywhere".[45]

This very nicely encapsulates what I envisioned for the school in 2001. As a result of my time in legal practice, I saw how the practice of law was increasingly becoming global. Coupled with the increasing economic importance of Asia, an NUS Law graduate with a global but also Asian legal outlook would be well placed to take advantage of these shifts. This in turn will benefit Singapore. The increasingly global nature of legal practice also indicated that law schools that are able to be globally oriented stand the best chance of increasing their reputation and profile as international and comparative perspectives become more important elements of legal research and discourse. I saw NUS Law as a school rooted in Singapore, engaged in Asia, with a global voice. Thus was the catchphrase "Asia's Global Law School" coined to describe the school.

Thought leadership within Asia was an important element of this strategy. The increasing importance of Asia seemed likely at the time, and indeed some may argue that the world is reverting back to form given that for much of the past 2000 years China and India were the world's largest economies.[46] This trend means that if the school continues to be one of the leading law schools in Asia, this alone will ensure an important place for her. Her position will be enhanced if the school can be a thought

---

43 Who was previously at the law school in the 1980s.

44 Who now holds a full appointment.

45 See Harold Koh & Jeffrey Lehman, *External Review of the University of Toronto Faculty of Law* (28 January 2006) at 3, online: <http://www.law.utoronto.ca/documents/general/ExternalReview2006.pdf>.

46 See The Economist, *Hello America: China's economy overtakes Japan's in real terms* (16 August 2010), online: <http://www.economist.com/node/16834943>.

leader within Asia; a place that facilitates the generation and exchange of ideas on law in Asia. Fortunately, we did not have to develop this from scratch. Under Dean Chin Tet Yung, some expertise in Chinese, Indian and Indonesian law had been developed. Most faculty also had expertise in Singapore and Malaysian law, and to a lesser extent the law of Hong Kong. What was needed was a vehicle and strategy to bring this together into a coherent whole that is more than the sum of its parts.

Ideally, a research centre with sufficient funding to bring researchers together—both those in NUS and beyond—would be the solution.[47] Unfortunately, there was no money to be had. This therefore led the school to establish the Asian Law Institute ("ASLI") on 21 March 2003, a collaboration that initially comprised ten leading Asian law schools as founding institutions.[48] Subsequently three more were added.[49] ASLI was to serve as a platform for academics in Asia and beyond to engage each other through research collaboration, an annual conference, and a new journal focused on comparative law.[50]

Notwithstanding the establishment of ASLI, a properly resourced research centre of excellence in the law of Asia remained a hope. When, towards the end of the noughties, the university was persuaded that such a Centre would be important to the long-term future of the school, additional funding was made available for this purpose. After extensive consultation with faculty for more than a year, it was formally agreed in 2011 through the usual process of the departmental meeting that it was timely to establish such a Centre. Professor Andrew Harding was identified as the Director-designate. As he could only join NUS from the University of Victoria in January 2012, the Centre for Asian Legal Studies ("CALS") was eventually established in February 2012 to, as its present Director puts it: "transform the way that people think about law in Asia and to positively influence the development of Asian legal systems in the process."[51]

Both ASLI and CALS provide the school with the means to play a leadership role in developing Asian legal scholarship from within Asia, while continuing to collaborate with scholars on Asian law outside Asia.[52] More recently, there has been some discussion about hiring more scholars who specialise in the laws of countries that comprise the Association of South-East Asian Nations ("ASEAN"). Consideration was given to a similar idea in the late 2000s. It was not pursued because unless the resources available to the school are significantly enhanced on a long-term basis,

---

47 Such an idea had been mooted by Dr Kevin Tan in the 1990s.

48 See ASLI, *ASLI Inauguration- 21 March 2003*, online: <https://law.nus.edu.sg/asli/asli_inauguration.html>. Associate Professor Gary Bell and Professor Alan Tan were the founding Director and Deputy Director respectively.

49 They were University of Malaya ("UM"), HKU, and Seoul National University. From my recollection, UM and HKU were invited originally but declined initially.

50 The Asian Journal of Comparative Law published its first issue in 2006.

51 See Associate Professor Dan Puchniak's message at NUS Law, *Message from the Director*, online: <http://law.nus.edu.sg/cals/director_message.html>.

52 Although ASLI was not the preferred choice for the school to begin to deepen her engagement in the laws of Asia, it was extremely effective in positioning the school as an intellectual node in this area. The network of links built through the indefatigable efforts of Gary Bell and Alan Tan in the early years was also indispensable to the research links that CALS and other Centres as well as faculty now benefit from. I recall an observation made by then-SMU Dean Yeo Tiong Min in early 2015 at a symposium on Contract Formation and Parties in Asia where he said the strong group of Asian academics participating may well have been one of the outcomes of having established ASLI so many years ago.

such hiring is not an optimal use of resources given the need for resources in the core areas of the common law and other areas of importance to Singapore. Rather, the school should continue to shepherd her resources wisely by being a node for scholars of the law in Asia, including by taking the lead in cutting edge areas of research that bring together the best scholars in the field. This approach can be supplemented by having in-house expertise in the most significant Asian jurisdictions to Singapore, namely China, India and Indonesia, as is presently the case.[53]

The student exchange programme mentioned earlier was also a key plank of the strategy to develop a global law school. For one, a significant period of exchange abroad broadens the minds of students and immerses them significantly in another legal system. The advantages are more pronounced where that jurisdiction is a civil law country or in Asia, the latter because this is likely in any event to be where the NUS Law graduate will have a significant comparative advantage over other lawyers outside that jurisdiction. The school therefore entered into many exchange agreements with non-common law schools and Asian law schools. Another advantage of a broad network of exchange partners is that our students remain a constant presence in many law schools around the world, thereby enhancing the school's global footprint.

Other international collaborations were also developed as part of an overall effort to position the school as a globally oriented school and an indispensable partner in the developing global dialogue on legal issues. In 2004 the school inked an agreement with the East China University of Political Science and Law ("ECUPL") in Shanghai to run an LLM programme on International Business Law from July 2005. This gave the school a presence in what is likely to be the most important economy in Asia for many years to come.[54] A joint LLM programme with NYU Law was started in 2007 as an initiative to attract even more bright students to the school. The school is a founding partner of the Center for Transnational Legal Studies that was established in 2008 and in 2010 joined the Association of Transnational Law Schools that focuses on doctoral programmes. The school has also played a leading role within the International Association of Law Schools and has been represented on its Board of Governors for more than a decade.

VII. Infrastructure and Support

It has always been a matter of some regret that finance was a source of difficulty for much of the noughties, especially given the changes within the university and the more demanding expectations on faculty.[55] To ease the burden on faculty, I decided to provide more administrative support. In the past, faculty had to be very involved in administrative matters. This might include catering arrangements if one

[53] Faculty who teach and write significantly in the laws of these jurisdictions include Associate Professors Wang Jiangyu, Gary Bell, Umakanth Varottil and Assistant Professor Lin Lin.

[54] Li Mei Qin was instrumental in facilitating the relationship with ECUPL. She had previously taught at Peking University and many of her former students were now senior academics including the then President of ECUPL, He Qinhua. Li Mei Qin helped me to establish contacts with many leading Chinese law schools.

[55] Although the benefit of facing such a situation was that it caused the school to be more efficient in the use of existing resources, and forced us to develop a process for fundraising.

was a member of the social committee organising a year-end dinner, or arranging flights and hotels for conference participants. This was not perhaps the best use of faculty time and progressively, more administrative colleagues were employed to free academic faculty from the need to manage such matters. In due course an Associate Dean was hired—Goh Mia Yang—to manage the administrative team. She may well have been the first legally trained person employed by the school for a non-academic position. It would have been very difficult for the school to have managed the many programmes, international links, and conferences that it did in the noughties and beyond without the administrative support available. The difficulty was in finding the optimal level of additional support that the school could afford given the financial constraints. The increase in administrative headcount may have meant perhaps two to three fewer academic hires (depending on level) but I think the increased productivity from faculty more than offset this loss.

Over the course of the noughties I constantly lobbied persons within government, the judiciary, and the university, for additional funding. The burden of proof was on me to show that the school was deserving of more resources. By the mid-2000s, a compelling narrative began to emerge. Some people within government were sympathetic but the government could not specifically allocate more resources to a school, and the usual response I received was that the university was allocated a bloc grant and it was for the university to determine how best to distribute this. On the part of the university there were (and are) many priorities and one difficulty was (and is) that smaller schools are to some extent subsidised by larger schools.

Nevertheless, as alluded above, some additional funding was eventually allocated and this, coupled with a few retirements and resignations, led to more hires from the mid-noughties onwards. More significantly, the government agreed to provide additional funding to establish the Centre for International Law, an area the government wanted to see developed. Even more significant was an in-principle assent for additional funding to support research in the area of commercial law. This occurred sometime towards the end of my Deanship in 2011. Professor Joseph Weiler told me he had met the then-Attorney-General Sundaresh Menon and put the case to him for additional funding for the school. Soon after, the Attorney-General responded with a request that the school put forward a paper to request additional funding for purposes that would benefit the development of Singapore law.

With the assistance of Professor Simon Chesterman, a paper was submitted to the Attorney-General. In it the paper outlined the importance of commercial law to Singapore and the role the school could play in developing it, as well as being a thought leader within Asia, thereby influencing its shape regionally. It recommended the setting up of a Centre for Business Law that was adequately resourced to achieve this. When I was informed that the proposal was accepted in principle and the details were to be worked out, I left this to Professor Simon Chesterman as it seemed likely in the second half of 2011[56] that he would succeed me as Dean.[57]

---

[56] I had agreed to commence a fourth term as Dean in May 2010 to allow the university to conduct a second Dean search as the 2009 search did not lead to a successful outcome. The understanding with the university was that I would be allowed to step down from the Deanship at the earliest convenient time after the conclusion of the search process.

[57] No announcement of the government's intention was made at the time. Both Professor Joseph Weiler and I agreed that it was in the best interests of the school for this to be announced by the incoming Dean.

It may have helped that the Minister for Law was K Shanmugam SC who, as a former member of the school's Steering Committee, had agreed at that time that additional funding for the school was merited. Eventually, the additional funding came through his Ministry. The initial proposal also evolved. Instead of a Centre for Business Law, the school decided to establish several Centres. The first was the Centre for Law and Business which was officially launched on 14 August 2014 though it began operating earlier. It was followed by the Centre for Banking and Finance Law which was launched on 12 September 2014 and the Centre for Maritime Law on 3 September 2015. The funding cycle is for a number of years and no doubt the school hopes that it will be renewed in due course. The superior funding for NUS Law in the second decade has allowed the school to hire faculty at a faster pace.

While reliance on government funding then (and now) was inevitable, it was necessary for the school to develop alternative sources of revenue. One logical area might seem to be executive education. However, this was not successful because the market is very price-sensitive, in part due to other providers such as the Singapore Academy of Law and the Law Society whose interests are to offer continuing education at highly affordable prices. The school did for a few years in the 2000s obtain the 'franchise' to conduct the programme for overseas graduates who wished to be called to the Singapore bar, and this was reasonably profitable, but the equivalent programme is now conducted by the Singapore Institute of Legal Education.

Fundraising was the other logical area though prior to the noughties the school, like many British universities, did not focus much on this. I felt this had to change and the process should begin while government funding was healthy. It would take a great deal of time to change mindsets to see giving to a tertiary institution as something to be done naturally and not simply a matter for the government. First and foremost the school had to institutionalise a process of continuing to engage alumni after graduation. Beyond potentially supporting the school financially, alumni also provide other forms of support through their networks and expertise. This led to the alumni magazine LawLink, the now much looked forward to class gatherings that celebrate a special milestone since graduation, overseas alumni gatherings, and other initiatives.

The school also reached out to corporations and other organisations to explore areas of mutual interest. One example was a partnership with Microsoft to provide training on intellectual property issues to regional policy makers. This was also an example of the school's thought leadership strategy. Microsoft provided the funding given their interest in intellectual property protection. Various other organisations including law firms and individuals provided funding for specific initiatives including for scholarships and bursaries.

Without a strong tradition of fundraising, my hope was to embed a consciousness and process that would hopefully flourish in future and which my successors could benefit from. Nevertheless, what was raised exceeded my expectations though nothing close to the scale of what top US law schools manage.[58] The most significant

[58] I recall a conversation around the mid-noughties with the then Dean of NYU Law, Richard Revesz, who told me that in that year alone his school had raised something in the region of US$40 million in gifts. I suspect that over the almost 11 years of my Deanship I would not have raised more than S$35-40 million including the matching grant provided by government for donations from private sources. This amount does not include what the government contributed towards scholarships for the joint NYU-NUS LLM.

portion of the money raised was for named Chairs. During his Deanship, Dean Chin Tet Yung had established two named Chairs, the David Marshall and CJ Koh professorships. Building on this the noughties saw the establishment of the Yong Shook Lin,[59] Maritime and Port Authority, Geoffrey Bartholomew, Lee Sheridan, and Kwa Geok Choo[60] professorships, as well as the Amaladass Fellowship which later became the Amaladass Professorship. These are all endowed professorships which are important to the long term financial health of the school as they provide an income that will cover a substantial part of a professorial salary. Scholarships and bursaries comprised the next largest portion of funds raised.

The school also moved to new premises in the Bukit Timah area in 2006, the original site of the then-University of Singapore that had been occupied subsequently by the National Institute of Education and more recently the Singapore Management University while waiting for its Bras Basah campus to be constructed. When the site was available, alumni who had studied at the Bukit Timah campus were keen for NUS to reclaim it. From the university's standpoint, the size of the facility meant that it was only viable for the smaller schools. The Law and Business schools were seen as the prime candidates and this was the initial idea. However, the facility was not large enough to accommodate both schools easily and the disruption to cross-departmental modules would have been significant if the Business School moved from the main campus as many students from other schools read modules from the Business School. Thus the final decision was that NUS Law and the Lee Kuan Yew School of Public Policy would relocate to Bukit Timah.

There were advantages to such a move. The school had outgrown its space on the main campus and the facilities were frankly somewhat sub-standard. The earliest the school could expect funding to be available for upgrading and expansion was sometime in the 2010s. Many of my colleagues were also keen to move to what many considered an iconic campus located within the Botanic Gardens which in 2015 was listed as a UNESCO World Heritage Site. One concern which other faculty shared, as did I, was that the school would be away from the main campus and it was impossible to know what impact this might have on the school eventually. My particular worry was that such a decision was pretty much irreversible; there could be no Plan B or viable exit strategy if such a move turned out in future to have more disadvantages than benefits, short of, I suppose, a completely disastrous state of affairs resulting from where the school was located that would leave the university with no choice but to allow the school to move back.

Nevertheless, after extensive consultation, a strong majority of faculty voted in favour of the move at the departmental meeting so matters proceeded apace. We tried to ensure that the positives were enhanced. The additional space was very welcome and we had the opportunity to configure the teaching rooms to create significantly better learning environments. Other buildings were also extensively renovated to

---

[59] From a generous donation by then Chief Justice Yong Pung How.

[60] This was in connection with several initiatives commenced by the school to commemorate the life of Madam Kwa who was a distinguished member of the Singapore bar. This included bursaries for deserving law students. When Madam Kwa passed away, I felt it was appropriate to honour her in some way. I spoke to her niece, Ms Kwa Kim Li, about this. Kim Li said she would speak to Madam Kwa's husband, Mr Lee Kuan Yew. After some exchanges through Kim Li, Mr Lee consented. Kim Li subsequently sent me a text message on behalf of Mr Lee to express his gratitude.

create suitable rooms for faculty. More student rooms and casual areas were also provided for. Arrangements were made for faculty and students to have access to the nearby sports facilities owned by the Ministry of Education. A shuttle bus was to operate between the main campus and the one in Bukit Timah. All this was done in little more than the space of one year as the university, having secured the facility from the government, did not want it to be unused for too long. Thus far, the separation from the main campus does not appear to have had material negative effects on the school. Uncomfortably though, it was the one decision during the noughties where no contingency could be planned for should matters not work out well.

VIII. Student Life

As a relatively small school, NUS Law has for as long as I've been associated with it had a vibrant student environment. Many faculty also foster strong links with their students. This is done for its own sake, but a desire for future alumni support means that students should ideally have had a good experience at the school. Part of this is the educational experience, and the strong offering of core subjects, the wide variety of elective courses, and overseas study opportunities are all aimed at providing such an experience. The social aspect is also important and as mentioned above, one of the disadvantages of being in the Bukit Timah campus is the isolation from the rest of campus life. Some of the steps taken to ameliorate this have been mentioned above. In addition, the decanal team continued to support the many student clubs and activities that have been a staple of the life of the school for decades.

There were occasions though where the enthusiasm and idealism of the law student community placed the decanal team in a tricky situation. One was a proposal in 2004 to establish a Pro Bono Group at the law school. On the face of it this should not be controversial; indeed today law students are encouraged to be involved in pro bono activities. Yet in the early noughties, things were different. When I was asked in early 2001 to take up the Deanship, a senior member of the legal profession advised me not to start any pro bono activities within the school, my understanding of his advice being that this might mark me out as being an anti-establishment figure.[61] Needless to say, I recalled this advice in 2004. However, the idea of student pro bono work was an attractive one, and in line with the school's ethos of empowering and encouraging our students to shape the school environment and be useful members of the community. Approval was therefore given for this initiative to proceed and today this is a thriving student activity.

Another interesting occasion was the desire of some law students to hold an event in October 2007 to show their solidarity with the people of Myanmar. When my approval was sought for this event to be held at the Bukit Timah campus, I readily gave it. Subsequently, I was asked to reconsider my decision. I refused. What was intended did not contravene any public order laws in Singapore. It was intended to be a closed door affair open only to students of the university. I saw no harm in allowing such an event to take place. More importantly, what sort of message would we be sending to our students if we denied, without good reason, their desire

[61] See NUS Law, *Pro Bono in Singapore: The PBG Story* (2016) at 8.

to express their sympathy for the people of Myanmar? Perhaps (hypothetically, as I make no assertion one way or the other), the organisers were misguided and the authorities in Myanmar were perfectly justified in the steps they took to deal with what they considered to be civil unrest. If this was so the Myanmar government could articulate its position to the international community; there was no reason why the students should be held back from what they wanted to do. The event went ahead.[62]

Third, when a group of students wanted to establish a Criminal Justice Club in 2009 with an Innocence Project as one of its initiatives, this seemed to have caused some concern. Perhaps this was because it was perceived in some quarters as a challenge to the integrity of Singapore's criminal justice system. Some people came to see me to express their concern. I told them I would look into the matter. After doing so discreetly I did not see any real basis for concern. I conveyed my confidence in what the students were doing and also expressed the view that the Singapore Legal Service should work with this group to harness their interest in criminal law practice.[63] As it turns out the Criminal Justice Club is now a well-established student group that has even helped to secure the acquittal of a person who had been wrongly convicted.[64]

IX. Concluding Remarks

There were of course times when faculty did not approve the proposals put before them and this should be mentioned for completeness. I recall at least two such incidents. The first related to a proposal that students who had completed the equivalent of three full years of study should have the option of being conferred a Bachelor of Arts degree in Law. This would not qualify them for admission to the Singapore bar but they would at least have a degree. Many Bachelors degrees at NUS are after all three-year programmes. My motivation was two-fold. There were some students who struggled to complete their final year within the maximum candidature of six years and who left after such period without a degree. There may also be a small group of students who realise after entering law school that they do not have a passion for law and don't wish to practise. It may not be ideal to force them to complete the full four-year Honours programme. During the consultation phase this idea was attractive to many colleagues and it was therefore tabled for debate at a departmental meeting. There were also reservations about watering down the Law programme, the loss of revenue if too many students decided to take up this option, and the impact on the profession which was already facing a shortage of young lawyers. During the debate, some colleagues who had previously been sympathetic to the proposal decided that the possible negatives outweighed the positives. The final vote was the closest that I know of. By a margin of one, the proposal failed to carry. It was

---

62 Further, see Chong Kwek Yan, "NUS admin steps in to mute student awareness of Myanmar issue" (3 October 2007), *Kwekings* (blog), online: <https://kwekings.wordpress.com/2007/10/03/nus-admin-steps-in-to-mute-student-awareness-of-myanmar-issue/> and LCC, "Local university students care about peace in Myanmar" (5 October 2007), *Random Thoughts of a Free Thinker* (blog), online: <http://searchingforenlightenment.blogspot.sg/2007/10/local-university-students-care-about.html>.

63 For the avoidance of doubt, the persons who expressed concern were not from the legal service.

64 See Innocence Project Singapore, *Righting an injustice: Innocence Project (Singapore)'s first successful case* (14 January 2015), online: <https://sginnocenceproject.com/2015/01/14/righting-an-injustice-innocence-project-singapores-first-successful-case/>.

subsequently suggested to me that given the razor thin margin, perhaps the matter could be put to the department again. I decided against this. In the future someone else may decide to raise it but I considered the matter closed during my Deanship.

The second related to a proposal by a then-colleague to establish a Competition Law Centre. I was prepared to support the establishment of such a centre and the matter was raised at a departmental meeting. Most colleagues, however, had reservations about starting a centre unless there was a good body of colleagues working in the field. Although 'one-person' centres are a common feature in US law schools, colleagues were lukewarm to this. The proposal therefore did not carry.

Beyond such formal occasions, there were also other occasions when possible initiatives were dropped after consultation. This is to be expected. As lawyers, there is a strong expectation that major decisions affecting the school will not be taken without adequate consultation and a formal vote. Certain matters, however, were not within the school's remit but a matter of university policy. There were occasions when faculty felt that there was insufficient consultation on matters that affected them. Although there was little that the decanal team could do beyond expressing our views prior to the policy coming into effect, the fact that implementation had to be carried out by the school leadership sometimes led to unhappiness.

It was an interesting and also challenging decade or so for the school. Certainly I found it somewhat exhausting. It is never easy to do things for which there was no template, and the school did many such things. Credit must go to faculty who demonstrated a remarkable ability to adapt to the new challenges and demands on the school. From being, for example, somewhat sceptical over the idea that the school could be a centre for the study of the laws of Asia, faculty nevertheless agreed that it was an interesting and worthwhile idea, and today have firmly embraced this important role the school plays. There will undoubtedly be new challenges in the future but the school's adaptability during the noughties leaves room for optimism that such challenges will also be viewed as opportunities. Although there should be a healthy scepticism towards university rankings, the strong ranking of the school in 2010/2011 and 2011/2012 (and beyond) is one objective indicator of the school's adaptability, resilience and ability to innovate.[65] As one of a handful of global law schools, this can only be good for Singapore and beyond.

[65] In the first international ranking of law schools in 2010/2011, NUS Law was ranked within the top 25 at number 24 (see The Guardian, *Top 100 QS World University Rankings for law 2011* (6 September 2011), online: <https://www.theguardian.com/higher-education-network/2011/sep/06/top-100-world-university-rankings-law-2011>), and in 2011/2012 the school was ranked joint tenth with Sydney Law School (see Greg Sherington, *QS World University Rankings 2011/2012* (29 June 2012), online: <http://sydney.edu.au/news/law/436.html?newsstoryid=9523>). On both occasions, NUS Law was the highest ranked Asian law school.