

Be Careful What You Post Online: The 2019 Howard Hunter Moot Finals*

A Singapore Management University (SMU) internal moot organised by the SMU Moot Club and sponsored by Rajah & Tann LLP. (23 August 2019)



The 12th edition of SMU’s Howard Hunter Moot attracted over 50 participants.¹ The competition problem was centred on the implications of a character Mia Childs’ social media posts, in light of the new Protection from Online Falsehoods and Manipulation Act (“**POFMA**”). This Act allows Correction Directions to be issued against individuals who post “false statements”. This can include statements made on social media posts.

This year’s competition concerned such an order. Mia Childs, the respondent, was a student at the Dickson Shoe School of Business at Singapore University (“SU”). She became the target of a voyeur Harvey Shoe, who was also a SU student. She posted a series of Facester Instant Moments (“**IM**”) (the fictional equivalent of Instagram Stories) recounting her experience with the voyeur, and criticised SU’s management of the incident. Crucially, in her final IM, Mia made the following statement:

“I caught Harvey Shoe red-handed, but what did SU do? Nothing. Everyone knows that Harvey’s dad is the Dickson Shoe that our Business School is named after. If his dad didn’t buy the school you think SU will let him go??? WHERE IS THE JUSTICE”

In response, a Minister issued her a Correction Direction under POFMA, which ordered Mia to add certain corrections to the final IM. However, by that time, the IM had already expired.

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¹ The Howard Hunter Moot is an annual internal moot organised by the SMU Moot Court Club, and sponsored by Rajah & Tann Singapore LLP. It is named after Emeritus Professor of Law Howard Hunter, former President of Singapore Management University (2004 – 2010).

The question before the (moot) court was if the Correction Direction should be set aside under POFMA. This required participants to consider if:

- (i) If the statement was a “false statement”; and
- (ii) If it was even technically possible to comply with the Correction.

The drafters of the problem, SMU alumni Sui Yi Siong and Lyndon Choo, noted that the new POFMA raised intriguing questions regarding compliance with orders made by the Minister, especially given the ever-changing landscape of social media. Sui noted:

“Through this problem, I hope to encourage law students to think more deeply about issues of practicality and compliance. These are important aspects of a lawyer’s role in serving their clients,” he added.

Eventually, the top two pairs were selected to face off in the finals. The finalists presented arguments for their respective clients’ cases, demonstrating their familiarity with the scenario as they responded to questions from the judges. As the judges expressed their concerns regarding the application and implications of the Correction Direction, the finalists calmly and confidently brought them through the provisions in POFMA.

After a close fight, the appellant pair, representing the Attorney-General, comprising Nur Liyana Binte Kamaludin (J.D. Year 2) & Lim Xin Jie Jill (LL.B. Year 2) emerged as champions, with Nur Liyana Binte Kamaludin awarded the Best Speaker prize.

Chan Zheng Wen Samuel (LL.B. Year 3) & Chan Jia Fen (LL.B. Year 3) took second place.

Professor Chan Wing Cheong (Singapore Management University), Assistant Professor Benjamin Ong (Singapore Management University), and Mr Paul Tan (Partner, Rajah & Tann Singapore LLP) served as judges.



*Champion of the 2019 Howard Hunter Moot and the Best Speaker of the competition:
Nur Liyana Binte Kamaludin.*

When asked about the experience, the winning team shared that the 2019 Howard Hunter Moot was an amazing learning experience for them.

“Despite being strangers at the start of the journey, it has brought us much closer, and we’ve also learnt a lot from each other. We’re grateful to everyone who supported us along the way, including our seniors, friends and most importantly our families. Thank you as well to the organisers!” Liyana added.

Samuel Chan (from the finalist respondent team) also spoke fondly of the experience. He shared that it was a good learning experience and also had a lot of fun preparing for the moot with his partner, Jia Fen.

Once again, congratulations to all the participants!