

R&T Moot 2025

Instructions

1. Thank you for signing up for the Rajah & Tann Moot Court Competition 2025. This competition is open to Year 1 and Year 2 law students.
2. The moot is in the format of an appeal against a judgment of the General Division of the High Court. The relevant judgment is found at **Annex A**.
3. You are to assume the role of an advocate before the Court of Appeal and address the Court on the issues identified in **Annex A**. Confine your analysis to the legal issues in the points on appeal. You should not spend significant time on collateral matters, such as civil procedure.
4. Please file your **skeleton submissions** (on the basis you act for Mr Tan), by email to rntmoot2025@rajahtann.com, by **2359 hours on Tuesday, 2 September 2025**. Requirements for the skeleton submissions:
 - (a) Not more than **3 pages**.
 - (b) **1.5 line spacing**.
 - (c) **Times New Roman font size 12** or **Arial font size 11**.
 - (d) If you are referring to any authorities, you may file an accompanying bundle of authorities setting out the relevant extracts.
5. Based on your skeleton submissions, we will select the top mooters for the oral rounds on **6, 7 and 12 September 2025**.
6. The oral rounds will take place in person at Rajah & Tann's office at 9 Straits View #06-07, Marina One West Tower, Singapore 018937.
7. As regards the structure of the oral rounds:
 - (a) **Preliminary Rounds**
 - (i) The preliminary rounds will be held on 6 September 2025.
 - (ii) The timing for each round, and the side you will be taking, will be issued at a later date. Participants may be required to switch sides throughout the competition and will be afforded an opportunity to file fresh skeleton submissions for the relevant side ahead of the round.
 - (iii) Please arrive at our office and register at least 10 minutes ahead of your scheduled session dressed in court attire.
 - (iv) Each participant will be given **9 minutes** for their oral submissions, inclusive of any time you may wish to reserve for rebuttal submissions.
 - (b) **Quarter-Finals**
 - (i) The top eight participants from the preliminary rounds will advance to the Quarter-Finals. Advancing participants will be notified by email by the close of 6 September 2025, and will also be informed in the same

email which side they have been allocated to argue in the Quarter-Finals.

- (ii) Look out for our notification email as the Quarter-finals will be held in the morning of the next day, 7 September 2025.
- (iii) Each participant will be given **15 minutes** for their oral submissions, inclusive of any time reserved for rebuttal submissions.

(c) Semi-Finals

- (i) Four participants will advance from the Quarter-Finals to the Semi-Finals. Advancing participants will be notified by email by mid-day 7 September 2025.
- (ii) The Semi-finals will be held in the afternoon of 7 September 2025.
- (iii) Each participant will be given **20 minutes** for their oral submissions, inclusive of any time reserved for rebuttal submissions.

(d) Finals

- (i) Two participants will advance from the Semi-Finals to the Finals.
- (ii) The Finals will be held in the evening of 12 September 2025, with more details to be provided closer the date.
- (iii) Each participant will be given **22 minutes** for their oral submissions, inclusive of any time reserved for rebuttal submissions.

8. A reception will be held after the winner is announced. **All participants are invited to attend the finals and post-competition reception.**

9. If you have any questions concerning the competition, you can reach the organising committee at the following email address: rntmoot2025@rajahtann.com. Details may be found at the 2025 Moot microsite, accessible here: <https://2025moot.rajahtannasia.com/>.

Annex A

**IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[2025] SGHC 9999

Suit No 123456 of 2023

Between

Tan Ah Husband (a person lacking
capacity suing by his litigation
representative, Tan Ah Wife)

... Claimant(s)

And

1. Dr Lim Bo Chup
2. Glenfalcons Hospital Pte Ltd

... Defendant(s)

Sin Tu Bih Dun J:

Introduction

1. The Claimant, Mr Tan Ah Husband ("**Mr Tan**"), is 47 years old and is suing by his litigation representative Mrs Tan Ah Wife ("**Mrs Tan**") as he lacks the mental capacity to initiate and sustain this action.
2. The 1st Defendant is Dr Lim Bo Chup ("**Dr Lim**"), a medical doctor. Dr Lim is engaged in private practice and has a clinic on the premises of the 2nd Defendant, Glenfalcons Hospital Pte Ltd ("**Glenfalcons**"), a private hospital in Singapore which prides itself in offering cutting-edge facilities and treatments.
3. Glenfalcons has licensed for use, and has made available to doctors working on its premises, an AI-enabled Clinical Decision Support System ("**CDSS**") branded as "**HausMD**" which is developed, trained, and supplied by a US corporation called Top Grade Medical AI Solutions Inc ("**MedAI**").
4. As a CDSS, HausMD can analyse symptoms, test results, or scans which are input into the system and provide recommendations for diagnosis or treatment based on its sophisticated AI-enabled algorithms. The system's algorithmic logic is proprietary and not disclosed to end-users.

Background

5. Dr Lim provided telemedicine consultations from Glenfalcons during the COVID-19 pandemic.
6. Sometime in June 2021, Mr Tan attended a virtual consultation with Dr Lim. At the material time, visits to hospitals in Singapore for non-essential or non-urgent consultations or operations were restricted.

7. During the consultation, Mr Tan presented with symptoms consistent with common viral infections. The symptoms could also be suggestive of a very rare but potentially serious bacterial infection caused by pathogens endemic to Southeast Asia, including Singapore and Malaysia. Mr Tan informed Dr Lim that he had recently returned from a short business trip to Malaysia, which he described as uneventful save for the difficulties he had faced in obtaining the relevant travel permits in view of the COVID-19 travel restrictions which were in place at the time.
8. Dr Lim input Mr Tan's symptoms and travel history into HausMD, and based on recommendations from the system he diagnosed Mr Tan with a common viral infection and prescribed the appropriate symptomatic treatment.
9. Dr Lim did not conduct a physical examination of Mr Tan or order any laboratory tests to be conducted to confirm that he was suffering from a common viral infection. During the teleconsultation, Mr Tan inquired about the risks of not conducting further tests, but Dr Lim stated that based on Glenfalcons' peer-reviewed telemedicine guidelines and HausMD's recommendations, no further tests were required in similar cases unless symptoms persisted for more than 2 weeks.
10. Over the course of the week following the teleconsultation, Mr Tan's condition deteriorated rapidly and resulted in permanent damage to his brain, causing him to lose mental capacity.
11. Subsequent tests and investigations revealed that:
 - (a) Mr Tan had been suffering from a very rare but serious bacterial infection caused by an endemic pathogen which caused bacterial meningitis.
 - (b) If Mr Tan had been prescribed antibiotics, he would have had a reasonable chance of recovering from the infection without any lasting effects.
 - (c) Unbeknownst to Glenfalcons or the doctors who work at the hospital, at the material time in June 2021 HausMD had been trained primarily (though not only) on data from US-based hospitals and was not specifically validated by MedAI for use in diagnosing rare conditions or infectious diseases endemic to Singapore or the region. In the period since 2021, HausMD has received various updates and has since been validated for diagnosing rare conditions and infectious diseases in Southeast Asia.
12. Mr Tan, through Mrs Tan as his litigation representative, has brought this action against the Defendants claiming various heads of loss and damage which he alleges were caused by his infection.
13. As the circumstances of this case give rise to complex issues concerning liability, I directed that the action be bifurcated so that those issues could be determined first before any issues concerning the amount of damages (if any).

The Parties' Respective Cases on Liability

14. Mr Tan's case is that both Defendants are liable, for reasons that may briefly be summed up as follows:

- (a) Dr Lim was negligent in failing to accurately diagnose Mr Tan's condition and resultantly, to prescribe the appropriate treatment; and
 - (b) Glenfalcons is vicariously liable for the acts or omissions of Dr Lim, and is also vicariously liable for the acts or omissions of HausMD and/or breached a non-delegable duty which it owed to Mr Tan by allowing HausMD to be used by its doctors for diagnostic purposes.
15. Dr Lim's case is that he was not negligent as he acted in accordance with Glenfalcons' established telemedicine protocols and relied on recommendations from HausMD, which was widely used by doctors at Glenfalcons for diagnostic purposes and to generate patient treatment plans.
16. Glenfalcons denies that it would be vicariously liable for any acts or omissions of Dr Lim as he is engaged in private practice, and is therefore not an employee of the hospital but an independent contractor. Glenfalcons also denies that it would be vicariously liable for any acts or omissions of HausMD, which is a computer system and thus cannot give rise any vicarious liability on the hospital's part. Glenfalcons further denies that it owed any non-delegable duty to Mr Tan in the context of his consultation with Dr Lim, or that it breached such duty by allowing HausMD to be used by its doctors.

My Decision

17. Having carefully considered the parties' cases and the evidence which was led, I set out my decision on each of the issues below, together with brief reasons.

Dr Lim's Liability

18. I find that Dr Lim was negligent. It is apparent that he diagnosed Mr Tan by relying solely on HausMD's recommendations when it was unreasonable for him to do so.
19. I heard evidence that HausMD was widely used in Glenfalcons and some doctors find its use for diagnostic purposes to be acceptable as the system usually produces consistent and expected recommendations, but I was unconvinced that this was a reasonable practice.
20. I was fortified in this decision by the evidence which indicated that at the material time, HausMD's training data rendered it less suitable for diagnosis of rare endemic diseases. Although this was not known to Dr Lim or other doctors at Glenfalcons at the material time, I do not consider this to be relevant.
21. For the foregoing reasons, I therefore find that Dr Lim fell below the standard of care expected of a medical professional.

Glenfalcons' Liability

22. In view of the fact that Dr Lim was not employed by Glenfalcons but was an independent doctor engaged in private practice operating at the hospital's premises, I accept that the hospital is not vicariously liable for his acts and omissions.

23. However, I find that Glenfalcons is vicariously liable for the misdiagnosis by HausMD. In this respect, I was unconvinced that there is a material or significant distinction between a human employee and a sophisticated AI-enabled system like HausMD for the purpose of imposing vicarious liability on the hospital. HausMD appears capable of performing many of the same diagnostic tasks which doctors undertake, so I see no reason in principle why it should be treated differently from a human doctor.
24. I also find that, quite apart from being vicariously liable for HausMD's acts and omissions, Glenfalcons had breached a non-delegable duty which it owed to Mr Tan. In coming to this conclusion, I accepted Mr Tan's arguments that by providing the HausMD system to doctors working at the hospital (including Dr Lim), Glenfalcons had assumed responsibility for Mr Tan's diagnosis and treatment. I rejected Glenfalcons' argument that its role was simply to provide telemedicine facilities required for Mr Tan's consultation with Dr Lim.

Conclusion

25. For the foregoing reasons, I found both Dr Lim and Glenfalcons liable for Mr Tan's claims. I will hear the parties on costs and give further directions on the assessment of damages.

Dr Lim and Glenfalcons are dissatisfied with the decision of Justice Sin Tu Bih Dun and have appealed.

The Court of Appeal has transferred the appeal to itself from the Appellate Division on its own motion, and has directed the parties to address only the following issues at the appeal:

1. Did Dr Lim fall below the standard of care expected of him by relying on recommendations from the HausMD system to diagnose Mr Tan?
2. Can Glenfalcons be vicariously liable for any acts or omissions by HausMD?
3. Did Glenfalcons owe and breach a non-delegable duty to Mr Tan?