

Schedule: Obligations VI

Tuesday, July 17

- 3:00pm-6:00pm** **Check in and Registration • Spencer Hall**
- 5:00pm-8:00pm** **Opening Reception and Dinner • Spencer Hall**
Sponsor: Hart Publishing Inc.
- 8:00pm-11:00pm** **Spencer Hall Bar Open**

Wednesday, July 18

- 7:00am-9:00am** **Breakfast • Spencer Hall Dining Room**
- 8:00am-9:00am** **Registration • Spencer Hall**
- 9:15am-9:30am** **Welcome • Spencer Hall Dining Room**

Dean W. Iain Scott (Western)

- 9:30am-10:15am** **Plenary • Spencer Hall Dining Room**

Chairs: President and Vice-Chancellor Amit Chakma (Western)
Associate Dean Erika Chamberlain (Western)

Chief Justice Beverley McLachlin (Supreme Court of Canada)
Developing the Private Law in the Context of the 'Vanishing Trial'

- 10:15am-10:45am** **Refreshment Break**

- 10:45am-12:15pm** **Parallel Sessions**

Chair: Chief Justice Beverley McLachlin	Chair: Chief Justice David Jenkins	Chair: Justice Nicholas Kasirer
Ken Oliphant (Institute for European Tort Law), <i>Against Certainty</i>	Elise Bant (Melbourne), <i>Revisiting Seddon's Case</i>	Mark Gergen (Berkeley), <i>Privacy's Shadow</i>
Donal Nolan (Oxford), <i>Deconstructing Duty</i>	Pauline Ridge (Australian National University), <i>Third Party Liability for Undue Influence</i>	Graham Virgo (Cambridge), <i>We Do This In The Criminal Law And That In The Law Of Obligations: A New Fusion Debate</i>

12:15pm-1:45pm Lunch • Spencer Hall Dining Room
Sponsor: Lerner LLP

1:45pm-3:45pm Parallel Sessions

Chair: Justice Stephen Goudge	Chair: Chief Justice Michel Robert	Chair: Justice James Edelman
Kit Barker (Queensland), <i>Private and Public : The Mixed Concept of Vindication</i>	Roderick Bagshaw (Oxford), <i>Sources as Forces: Indirect Effects of Changing Torts</i>	Allan Beever (South Australia), <i>The Orthodox Model of Legal Reasoning: Authoritarian and Obsolete</i>
Jason Varuhas (Cambridge), <i>The Concept of 'Vindication' in Tort Law</i>	James Lee (Birmingham), <i>Legislative Challenges to Orthodoxy</i>	Lionel Smith (McGill), <i>The Uses and Abuses of Policy</i>
Francois Larocque (Ottawa), <i>Is Torture a Common Law Tort?: Using Private Law to Enforce Fundamental Human Rights</i>	Neil Foster (Newcastle, NSW), <i>Statutes and Civil Liability in the Commonwealth and the United States: A Comparative Critique</i>	Dennis Klimchuk (Western), <i>Equity and the Rule of Law</i>

3:45pm-4:15pm Refreshment Break

4:15pm-6:15pm Parallel Sessions

Chair: Justice John Hall	Chair: Justice Paul Rouleau	Chair: Justice David Farrar
Normann Witzleb (Monash), <i>Interim Injunctions for Invasions of Privacy: Challenging the rule in Bonnard v Perryman?</i>	Peter Benson (Toronto), <i>Between Property and Contract: Ownership as a Central Organizing Idea</i>	Arthur Rispteyn (Toronto), <i>Your Own Good Name: Understanding Defamation</i>
Mark Wilde (Reading), <i>Nuisance Law and Damages in Lieu of an Injunction: Challenging the Shelfer Criteria</i>	Ben McFarlane (Oxford), <i>Why Property Does Not Include Contractual Rights & Choses In Action</i>	Claire McIvor (Birmingham), <i>Using Epidemiological Evidence to Resolve Questions of Probabilistic Causation</i>
Matthew Dyson (Cambridge), <i>Crime's Precedence Over Tort: Suspension of Civil Actions Where a Crime Exists</i>	Charlie Webb (LSE), <i>Property, Obligation and Rights</i>	James Goudkamp (Oxford), <i>Rethinking Contributory Negligence</i>

6:30pm-8:00pm **BBQ dinner • Spencer Hall Patio**
Sponsor: McCarthy Tétrault LLP

8:00pm-11:00pm **Spencer Hall Bar Open**

Thursday, July 19

7:00am-8:45am **Breakfast • Spencer Hall Dining Room**

9:00am-10:15am **Plenary • Spencer Hall Dining Room**

Chair: Justice David Farrar

Melvin Eisenberg (Berkeley)
The Foundations of Contract Law

Discussants:

Angela Swan (Aird and Berlis LLP)
Stephen Smith (McGill)
Stephen Waddams (Toronto)

10:15am-10:45am **Refreshment Break**

10:45am-12:45pm **Parallel Sessions**

Chair: Justice Nicholas Kasirer	Chair: Justice Pierre Dalphond	Chair: Justice Eileen Gillese
Paul Davies (Cambridge), <i>Aid, Abet, Counsel or Procure?</i> <i>Accessory liability in Private law</i>	Peter Jaffey (Brunel), <i>The Unjust Enrichment Fallacy</i>	Joshua Karton, (Queen's), <i>Recognizing a Contractual Right to Suspend Performance</i>
Elspeth Reid (Edinburgh), <i>Challenging 'Affronts to Dignity' as a Conceptual Basis of Intentional Torts</i>	Niamh Connolly (Trinity College Dublin), <i>How an Absence of Basis Approach Can Avoid the Problem of Proving A Negative</i>	Adam Kramer (3 Verulam Buildings), <i>The Values Protected by a Contract: Rethinking Contract Damages</i>
Hazel Carty (Manchester), <i>The Case Against Conspiracy</i>	Fredrick Wilmot-Smith (Oxford), <i>Reconsidering Failure of Consideration</i>	Andrew Dyson (Oxford, DPhil Candidate), <i>Mitigation and the Reasonable Person: a challenge to the rule in British Westinghouse</i>

12:45pm-2:00pm Lunch • Spencer Hall Dining Room
Sponsor: Cohen Highley LLP

2:15pm-3:45pm Plenary • Spencer Hall Dining Room

Chair: Chief Justice Michel Robert

Ernest Weinrib (Toronto)
The Rights of Corrective Justice

Andrew Robertson (Melbourne)
On the Function of the Law of Negligence

3:45pm-4:15pm Refreshment Break

4:15pm-5:45pm Parallel Sessions

Chair: Chief Justice David Jenkins	Chair: Justice John Hall	Chair: Justice Eileen Gillese
John Murphy (Manchester), <i>The Case against Judicial Immunity in Tort</i>	Shawn Bayern (Florida State), <i>Offer and Acceptance in Modern Contract Law: A Needless Concept</i>	Sarah Worthington (Cambridge), <i>Orthodoxy vs Rationality: The Growing Problems with Proprietary Remedies</i>
David Capper (Queen's University Belfast), <i>The Civil Liability of Participants in the Trial Process</i>	Catharine MacMillan (Queen Mary), <i>The Coronation Cases: Legal Responses to Contractual Impossibility</i>	Tatiana Cutts (Oxford, DPhil Candidate), <i>Rights and Powers: Rethinking the 'Irreducible Core' of the Trust</i>

6:15pm-8:15pm Dinner and Address • Spencer Hall Dining Room
Sponsor: Borden Ladner Gervais LLP

Chair: Guy Pratte (BLG)

Justice Thomas Cromwell (Supreme Court of Canada)
Obligation and Regulation

8:15pm-11:00pm Spencer Hall Bar Open

Friday, July 20

7:00am-8:45am Breakfast • Spencer Hall Dining Room

9:00am-10:30am Plenary • Spencer Hall Dining Room

Chair: Justice Thomas Cromwell

John Goldberg (Harvard)
Ben Zipursky (Fordham)
Economic Loss, Emotional Harm, and Enhanced Intentionality in the Development of Tort Law

Richard Wright (Chicago-Kent)
Misunderstanding Justice and Rights

10:30am-11:00am Refreshment Break

11:00am-12:30pm Parallel Sessions

Chair: Justice Paul Rouleau	Chair: Justice John Hall	Chair: Chief Justice Michel Robert
Leonard Rotman (Windsor), <i>Do Fiduciary Relationships Need an Undertaking?</i>	Stephen Waddams (Toronto), <i>Successive Orthodoxies in Contract Law</i>	Robert Stevens (UCL), <i>The Non-Existence of Unjust Enrichment</i>
T. Leigh Anenson (Maryland), <i>Inequitable Conduct in Retrospective: Understanding Unclean Hands in Patent Remedies</i>	Angela Swan (Aird and Berlis LLP), <i>Hadley v Baxendale: It's About Stopping, not Starting an Award of Damages</i>	Stephen Smith (McGill), <i>Why there is no Duty to Reverse an Unjust Enrichment</i>

12:30pm-2:00pm Lunch
Sponsor: McKenzie Lake LLP

2:00pm-3:30pm Parallel Sessions

Chair: Justice Pierre Dalphond	Chair: Justice Thomas Cromwell	Chair: Justice James Edelman
Christine Beuermann (Tasmania) <i>Dissociating the Two Forms of So-Called 'Vicarious Liability'</i>	Geoff R. Hall (McCarthy Tétrault LLP), <i>The Case for Abolition of the Rule of Inadmissibility of Evidence of Precontractual Negotiations</i>	Gerard McMeel (Bristol), <i>Unjust Enrichment and the Primacy of Contract – the Case for Contract Ceilings</i>
Gerald Fridman (Western), <i>On the Disutility of Vicarious Liability</i>	David McLauchlan (Victoria, University of Wellington), <i>The Entire Agreement Clause: Conclusive or a Question of Weight?</i>	Helen Scott (Cape Town), <i>Allocation of Risk: The New Mistake in Unjust Enrichment?</i>

3:30pm-4:00pm Refreshment Break**4:00pm-5:30pm Parallel Sessions**

Chair: Justice Eileen Gillese	Chair: Justice David Farrar	Chair: Justice Nicholas Kasirer
William Swadling (Oxford), <i>Why there is no Presumption of Advancement</i>	Katy Barnett (Melbourne), <i>'Reasonable Fee' Damages as Partial Disgorgement Damages for Breach of Contract</i>	Gregory Keating (USC), <i>The Place of Emotional Distress in the Law of Negligence</i>
John Mee (University College, Cork), <i>The Basis of Resulting Trusts: An Alternative Vision</i>	Zoë Sinel (Western), <i>Worries about the Place of Corrective Justice in Private Law Remedies</i>	Steve Hedley (University College, Cork), <i>Is 'private law' in need of a Theoretical Explanation?</i>

5:30pm-8:00pm Closing Reception and Dinner • Spencer Hall
Sponsor: Carswell, a Division of Thomson Reuters Canada Limited
8:00pm-11:00pm Spencer Hall Bar Open**Saturday, July 21****7:00am-9:00am Breakfast • Spencer Hall Dining Room****7:00am-11:00am Check out • Spencer Hall**