

# **DRAFT**

**THE 2005 MEETINGS OF  
THE CANADIAN LAW AND ECONOMICS ASSOCIATION  
SEPTEMBER 23 – 24, 2005**

## **PROGRAMME**

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### **CLEA Public Lecture**

*Emote Control: The role of emotions in law and public policy*

by

**George Loewenstein  
Carnegie-Mellon University**

Friday, September 23, 2005  
1:30 – 2:30 PM

Bennett Lecture Hall  
78 Queen's Park  
University of Toronto

**FRIDAY SEPTEMBER 23, 2005**

**12:00 – 1:30**                      **REGISTRATION AND SANDWICH LUNCH**  
Flavelle House, 78 Queen's Park

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**1:30 – 2:30**                      **PUBLIC LECTURE**  
**Bennett Lecture Hall**        **George Loewenstein**  
**Flavelle House**                Carnegie-Mellon University  
**78 Queen's Park**                Topic: *Emote Control: The role of emotions in law and public policy*

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**2:30 – 2:45**                      **COFFEE & JUICE – FLAVELLE HOUSE**

**2:45 - 4:15**                      **Session 1: COMPETITION POLICY AND REGULATION I**

**Location:**                      Chair: Mohammed Rafiquzzaman (Industry Canada)

**Bennett Lecture Hall**

**William Kovacick** (George Washington University)

[\*The DNA of Modern U.S. Competition Policy: The Chicago-Harvard Double Helix\*](#)

**Larry Schwartz**, "The Hypothetical Monopolist Approach to Market Definition: Does the Government Always Win?"

**Edward Iacobucci** (University of Toronto)

[\*Tying in Markets with Switching Costs\*](#)

**Location:**

**Classroom A (FLA)**

**Session 2: TRADE / INTERNATIONAL LAW**

Chair: Margaret Brinig (University of Iowa)

**Azim Essaji** (Wilfred Laurier University)

[\*Technical Regulations and Specialization in International Trade\*](#)

**Eugene Kontorovich**, (George Mason University)

[\*Why Customary International Law? The Divergent Treatment of Custom in Domestic and International Law\*](#)

**Elizabeth Chorvat** (Harvard Law School)

[\*The Political Economy of Corporate Behaviour: Common Agency Dynamics and Regulatory Culture\*](#)

Friday, September 23<sup>rd</sup> (cont'd)

2:45 – 4:15

Location:

Classroom B (FLB)

**Session 3: PROPERTY AND PROPERTY RIGHTS I**

Chair: Shuba Ghosh (University at Buffalo Law School)

**Sarah Harding** (Chicago-Kent College of Law)

[\*Property, Time and the Limits of Rational Boundaries\*](#)

**Larissa Katz** (Queen's University)

[\*Property Rights and State Predation\*](#)

**Cherie Metcalf** ( Queen's University)

*The Law and Economics of Compensation for Aboriginal Resource Rights*

[note: this paper will be hyper-linked when it is revised]

Location:

Classroom C (FLC)

**Session 4: CRIME I**

Chair: Philip Curry (Simon Fraser University)

**Robert A. Mikos** (University of California. Davis)

[\*The Social Gains from Shifting Crime\*](#)

**Linda Welling** and Frances Woolley (University of Victoria)

[\*Bayesians or Bigots?: A Model of Profiling in Law Enforcement\*](#)

**Yoram Margalioth** (Tel Aviv University) and Tomer Blumkin (Ben-Gurion University)

[\*On Terror, Drugs and the Merits of Racial Profiling\*](#)

4:15 – 4:30

COFFEE & JUICE – FLAVELLE HOUSE

4:30 – 6:00

Location:

Bennett Lecture Hall

**Session 5: TORTS**

Chair: Ariel Katz (University of Toronto)

**Claudia Landeo** (University of Alberta), Maxim Nikitin (University of Alberta) and Linda Babcock (Carnegie Mellon University)

[\*Split Awards and Disputes: An Experimental Study of a Strategic Model of Litigation\*](#)

Friday, September 23<sup>rd</sup> (continued)

4:30 – 6:00

**David Hyman** (University of Illinois)  
[\*Rescue Without Law: An Empirical Perspective on the Duty to Rescue\*](#)

**Location:**

**Bennett Lecture Hall**    **Ram Singh** (Delhi School of Economics) [\*Comparative Causation\*](#)

**Location:**

**Classroom A (FLA)**

**Session 6: ENVIRONMENTAL LAW**

Chair: Michael Ilg (University of British Columbia)

**Jonathon Nash** (Tulane University) and Richard Revesz (New York University)

[\*The Law and Economics of New Source Review\*](#)

**Huilan (Helen) Tian** (University of Toronto)

[\*Optimal Emissions Tax in the Presence of Lobbying\*](#)

**Shi-Ling Hsu** (University of British Columbia)

[\*What Is a Tragedy of the Commons? Overfishing and the Campaign Spending Problem\*](#)

**Location:**

**Classroom B (FLB)**

**Session 7: BIOECONOMICS AND NEUROECONOMICS**

Chair: Claire Hill (Chicago-Kent College of Law)

**Charles Rowley** (George Mason University)

[\*Fragmenting Parchment and the Winds of War: The Constitution of the United States of America, 1860-2004\*](#)

**Terrance Chorvat** (George Mason University)

[\*The Neurological Basis of Utility Theory\*](#)

**Janet Landa** (York University) and Tai Chao

[\*Neuro-economics of the Brain and the Morphology of the Chinese Language\*](#)

Friday, September 23<sup>rd</sup> (continued)

4:30 – 6:00

Location:

Classroom C (FLC)

**Session 8: CORPORATE GOVERNANCE II**

Chair: Poonam Puri (Osgoode Law School)

**Bernard S. Black** (University of Texas), **Woochan Kim** (KDI School of Policy & Management), **Hasung Jang** (Korea University), **Kyung-Suh Park** (KDI School of Policy & Management)

[\*Does Corporate Governance Predict Firms' Market Value? Time Series Evidence from North Korea\*](#)

**Ian B. Lee** (University of Toronto)

[\*Economics and Ethics in the Debate about Shareholder Primacy\*](#)

**Brett H. McDonnell** (University of Minnesota)

[\*Employees vs Shareholders in Economics and Civic Republicanism\*](#)

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**6:15 – 7:00 p.m.**

***COCKTAILS – GREAT HALL, TRINITY COLLEGE  
UNIVERSITY OF TORONTO  
6 HOSKIN AVENUE***

**7:00 p.m.**

***DINNER – GREAT HALL, TRINITY COLLEGE  
GUEST SPEAKER: GEORGE LOEWENSTEIN***

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SATURDAY, SEPTEMBER 24, 2005

8:30 – 9:00

COFFEE AND PASTRIES – ROWELL ROOM, FLAVELLE HOUSE, 78 QUEEN'S PARK

9:00 – 10:30

Location:

Bennett Lecture Hall

**Session 9: CORPORATE LAW**

Chair: Anita Anand (Visiting Olin Scholar, Yale University)

**Stephanie Ben-Ishai** (Osgoode Hall Law School)

[\*A Team Production Theory of Canadian Corporate Law\*](#)

**David I. Walker** (Boston University)

[\*The Manager's Share\*](#)

**Brett H. McDonnell** (University of Minnesota)

[\*Delaware, Federalism, and the Expertise-Bias Tradeoff\*](#)

Location:

Classroom A (FLA)

**Session 10: INTELLECTUAL PROPERTY I**

Chair: Mohammed Rafiquzzaman (Industry Canada)

**Shuba Ghosh** (University at Buffalo Law School)

[\*When Exclusionary Conduct Meets the Exclusive Rights of Intellectual Property: The Limits of Free Riding in Antitrust Business Justifications\*](#)

**Michael Meurer** (Boston University) and Maureen O'Rourke

[\*IP License Terms, Misuse, Preemption, and Competition Law Principles\*](#)

**Norman Siebrasse** and Keith Culver (University of New Brunswick)

[\*The Experimental Use Defense in Patent Infringement: A Comparative Assessment\*](#)

Location:

Classroom B (FLB)

**Session 11: POLITICAL ECONOMY AND TAXATION**

Chair: TBA

**Arthur J. Cockfield** (Queen's University)

[\*The Rise of the OECD as Information 'World Tax Organization' Through the Shaping of National Responses to E-commerce Tax Challenges\*](#)

**Stephane Mechoulan** (University of Toronto)

[\*Impact of Tax Exemption for Dependents on Marital Fertility Revisited\*](#)

Saturday, September 24<sup>th</sup> (cont'd)

9:00 – 10:30

Location:

Classroom C (FLC)

**Session 12: CRIME II**

Chair: Linda Welling, University of Victoria

Nicolas Marceau (Université du Québec à Montréal) and **Steeve Mongrain**  
(Simon Fraser University)

[\*Competition in Law Enforcement and Capital Allocation\*](#)

**David Scoones**, Y.Kotowitz and J. Chen (University of Victoria)

[\*Career Criminals\*](#)

**Phil Curry** and Steeve Mongrain (Simon Fraser University)

[\*Cheating in Rank-Order Tournaments\*](#)

10:30 – 10:45

**COFFEE & JUICE – Rowell Room**

10:45 – 12:15

Location:

Bennette Lecture Hall

**Session 13: BANKRUPTCY**

Chair: Stephanie Ben-Ishai (Osgoode Law School)

**Stephen Lubben** (Seton Hall University)

[\*Real Options and the Other Liquidation Decision\*](#)

**David Rutenberg** (Queen's University)

[\*Dynamics of Industry Structure When Bankrupt Competitors Re-emerge with Lower Costs\*](#)

**Janis Sarra** (University of British Columbia)

*Empirical Paper on Canadian Insolvency*

Location:

Classroom A (FLA)

**Session 14: SECURITIES LAW AND INSURANCE**

Chair: Norman Siebrasse (University of New Brunswick)

**Anita Anand** (Visiting Olin Scholar, Yale University) and Lew Johnson  
(Queen's University)

[\*The Role of Underwriters in Nontraditional Offerings: Empirical Evidence\*](#)

**Nancy Ursel** (University of Windsor)

[\*Competition Policy for Canadian Underwriters\*](#)

**Michelle E. Boardman** (George Mason University)

[\*Insurance Interpretation : The More Courts Seek Change, The More Language Stays the Same\*](#)

Saturday, September 24<sup>th</sup> (cont'd)

10:45 – 12:15

Location:

Classroom B (FLB)

**Session 15: FAMILY LAW**

Chair: Shi-Ling Hsu (University of British Columbia)

**Margaret Brinig** (University of Iowa) and Douglas Allen (Simon Fraser University)

[\*Bargaining in the Shadow of Joint Parenting\*](#)

Phillipe Février and **Sebastien Gay** (University of Chicago)

[\*Informed Consent Versus Presumed Consent: The Role of the Family in Organ Donations\*](#)

**Rose Anne Devlin** (University of Ottawa) with V. Barnham and J. Yang –

[\*Public Policies and Private Decisions: The Effect of Child-Support Measures on Marriage and Divorce\*](#)

Location:

Classroom C (FLC)

**Session 16: COMPETITION POLICY AND REGULATION II**

Chair: Edward Iacobucci (University of Toronto)

**Eric Gouvin** (Western New England College School of Law)

[\*Bank Mergers in North America: Comparing Approaches in the United States and Canada\*](#)

**Roger Ware** and Ariane Jaros-Denis (Queen's University)

[\*Predatory Pricing in Airlines: The International Case Law\*](#)

**Marc Banik** (Université du Québec à Montréal)

[\*Regulating the Risks of Dietary Supplements: An Economic Welfare Model of Qualified Health Claims and Statement Disclaimers\*](#)

12:15 – 1:15

**LUNCH – ROWELL ROOM**

1:15 – 2:45

Location :

Bennett Lecture Hall

**Session 17: FOUNDATIONS**

Chair: David Scoones, University of Victoria

**Richard Warner** (Chicago-Kent College of Law)

[\*Incomparability and Rationality\*](#)

**Marie Obidzinski** and Bruno Deffains (University of Nancy)

[\*Creation of Rules: How to Deal with Obsolescence?\*](#)

**Alessandro Acquisti** (Carnegie Mellon University) and Jens Grossklags (University of California at Berkeley)

[\*Uncertainty, Ambiguity and Privacy\*](#)



Saturday, September 24<sup>th</sup> (continued)

1:15 – 2:45

Location:

Classroom A (FLA)

**Session 18. INTELLECTUAL PROPERTY II**

Chair: Rose-Anne Devlin (University of Ottawa)

**Matthew Sag** (Northwestern University)

[\*Applying Law and Economics to Copyright's Fair Use Doctrine\*](#)

**Ben Depoorter** (Ghent University), **Sven Vanneste** (University of Leuven) and **Alain Van Hiel** (Ghent University)

[\*Gentle Nudges v. Hard Shoves: An Experimental Study on the Conflict Between Norms and Enforcement in Copyright Law\*](#)

**Ariel Katz** (University of Toronto)

[\*Pharmaceuticals as Lemons and Patent Term Extension\*](#)

Location:

Classroom B (FLB)

**Session 19: CORPORATE SOCIAL RESPONSIBILITY**

Chair: Janis Sarra (University of British Columbia)

**Aaron Arun Dhir** (University of Windsor)

[\*Shareholder Proposals as a Vehicle for Achieving Corporate Social Responsibility: A Comparative Analysis of the Canadian and U. S. Experiences\*](#)

**Larry Ribstein** (University of Illinois)

[\*Accounting and Responsibility in Corporate Governance\*](#)

**Allan Hutchinson** (Osgoode Hall Law School)

[\*Of Economics and Corporate Governance: Entering Never-Never Land\*](#)

Location:

Classroom C (FLC)

**Session 20. BEHAVIOURAL LAW AND ECONOMICS**

Chair: Moin Yahya (University of Alberta)

**Michael Ilg** (University of British Columbia)

[\*Imposing Self-Interest: Behavioural Law and Economics, the Ultimatum Gam and Value Possibilities\*](#)

**Shi-Ling Hsu** (University of British Columbia)

[\*The Identifiability Bias in Environmental Law\*](#)

**Claire Hill** (Chicago-Kent College of Law)

[\*The Newly Discovered Self in Law and Economics\*](#)

Saturday, September 24<sup>th</sup> (continued)

2:45 – 3:00

COFFEE AND JUICE – Rowell Room

3:00 – 4:30

Location:

Bennett Lecture Hall

**Session 21: PRIVACY**

Chair: Steeve Mongrain (Simon Fraser University)

**Steven M. Penny** (University of New Brunswick)

[\*On Privacy\*](#)

**Shuba Ghosh** (University at Buffalo Law School) and **Vikram Mangalmurti** (Carnegie Mellon University)

[\*Curing Privacy Breach through Strict Products Liability\*](#)

**Bart Pestarino** (ALLDATA Shredding Inc.)

[\*Managing Information Risk Through Secure Document, Data, and Product Destruction Prevents Traditional and Computer-Assisted Terrorism, Espionage, and Organized Drug Crime\*](#)

Location:

Classroom A (FLA)

**Session 22. THE LEGAL PROCESS**

Chair: Ian Lee (University of Toronto)

James Stribopoulos and **Moin Yahya** (University of Alberta)

[\*Does Ideology \(and Gender\) Matter for Appellate Decision-Making in Canada: A Study of the Ontario Court of Appeal from 1990-2003\*](#)

**Eyal Erenberg** (Tel Aviv University)

[\*What Types of Disputes Are Best Suited for ADRs ?\*](#)

**Giuseppe Dari-Mattiacci** (George Mason University), **Bruno Deffains** and **Bruno Lovat** (University of Nancy)

[\*Incompleteness of Law\*](#)

Location:

Classroom B (FLB)

**Session 23: PROPERTY II**

Chair: Allan Hutchinson (Osgoode Hall Law School)

**Jonathan Remy Nash** (Tulane University)

[\*Packaging Property: The Effect of Paradigmatic Framing of Property Rights\*](#)

**Jay Weiser** (Baruch College)

[\*Does Inclusionary Zoning Work?: An Empirical Study\*](#)

**Larry Ribstein** (University of Illinois)

[\*Initial Reflections on the Law and Economics of Blogging\*](#)

Saturday, September 24<sup>th</sup> (continued)

3:00 – 4:30

Location:

Classroom C (FLC)

**Session 24: CORPORATE GOVERNANCE II**

Chair: Poonam Puri (Osgoode Law School)

**Lynette Purda**, Anita Anand (Visiting Olin Scholar, Yale University), and Frank Milne (Queen's University)

[\*Voluntary vs Mandatory Corporate Governance Regulation: Theory and Evidence\*](#)

**Benoit Mario Papillon** and Jocelyn Gosselin (University of Québec in Trois-Rivières)

[\*Corporate Governance, Accounting Information and the Efficiency of Business Restructuring Procedures under Canadian BIA\*](#)

**Kate Litvak** (University of Texas)

[\*The Effect of Sarbanes-Oxley Act of 2002 on Non-U.S. Companies Cross-Listed in the U.S.\*](#)

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***4:30 – 6:00 P.M.***

***WINE & CHEESE RECEPTION  
ROWELL ROOM – FLAVELLE HOUSE  
78 QUEEN'S PARK***

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