THE 2009 MEETING OF
THE CANADIAN LAW AND ECONOMICS
ASSOCIATION

OCTOBER 2 – 3, 2009

PROGRAMME – DRAFT
(24 July 2009)

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CLEA PUBLIC LECTURE

The Technology of Contracting

by
Professor George Triantis
Harvard Law School

Bennett Lecture Hall
78 Queen’s Park
University of Toronto

Saturday, October 3, 2009
1:15 – 2:15 PM
FRIDAY, OCTOBER 2, 2009

3:30 – 4:30  REGISTRATION and REFRESHMENTS  
Location: Rowell Room

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4:30 – 6:00  Session: CORPORATE GOVERNANCE I  
Location: FLA  
Chair: Poonam Puri (Osgoode Hall Law School)

Martin Petrin, (University of California Los Angeles) *The Curious Case of Directors’ and Officers’ Liability for Supervision and Management: Exploring the Intersection of Corporate and Tort Law*

Matteo Erede (Bocconi University) *Governing Corporations with Concentrated Ownership Structure: Can Hedge Funds Activism Play Any Role in Italy?*

Frederick Tung (Emory University) *Bonding Bankers: Executive Compensation and Risk Regulation*

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4:30 – 6:00  Session: ENVIRONMENTAL LAW & ECONOMICS  
Location: FLB  
Chair: Andrew Green (University of Toronto)

Jaimie Graham and Cherie Metcalf (Queen's University) *Measuring the Impact of Judicial Adjustments to Property Rights: Resource Industries and Aboriginal Rights in Canada*

Jonathan Masur (University of Chicago) and Jonathan Nash (Emory University) *The Institutional Dynamics of Transition Relief*

Marcel Boyer (University of Montreal) and Donatella Porrini (Univertisit di Lecce) *Optimal Liability Sharing and Court Errors: An Exploration Analysis*
FRIDAY, OCTOBER 2, 2009

4:30 – 6:00  Session: INTELLECTUAL PROPERTY I
Location: FLC
Chair: Shubha Gosh (University of Wisconsin)

Michael Ilg (University of Calgary) Market Competition in Aid of Humanitarian Concern: Reconsidering Pharmaceutical Drug Patents

Ariel Katz (University of Toronto) Beyond “Essential Factors“: Innovation, Intellectual Property and Competition Policy Across the Atlantic

Daniel Gifford (University of Minnesota) The European Union, the United States, and Microsoft: A Comparative Review of Antitrust Doctrine

4:30 – 6:00  Session: BANKRUPTCY LAW
Location: Bennett Lecture Hall
Chair: Janis Sarra (University of British Columbia)

Jassmine Girgis, (University of Calgary) Corporate Directors’ Disqualification: The New Canadian Regime?

Anna Gelpern (Rutgers University) and Adam J. Levitin (Georgetown University) Rewriting Frankenstein Contracts: Workout Prohibitions in Residential Mortgage-Backed Securities

Jim Hawkins (University of Houston) Doctors as Bankers: Evidence from Fertility Markets

4:30 – 6:00  Session: BEHAVIOURAL LAW & ECONOMICS I
Location: Moot Court Room
Chair: Ben Alarie (University of Toronto)

Jose Vargas-Hernandez (University of Guadalajara) Relationships Between Institutional Economics of Cooperation and the Political Economy of Trust

Qi Zhou (University of Sheffield) An Economic Perspective on Legal Remedies for Unconscionable Contracts

Shay Lavie (Harvard University) Judicial Sunk Cost Bias

Programme as of: 24 July 2009
6:15 p.m.
Cocktails
Trinity College, Sealy Hall
University of Toronto
6 Hoskin Avenue

7:00 p.m.
Dinner
Trinity College, Sealy Hall

Guest Speaker:
George Triantis, Harvard Law School
SATURDAY, OCTOBER 3, 2009

8:30 – 9:00 Coffee and Pastries  
Location: Rowell Room

9:00 – 10:30 Session: CORPORATE GOVERNANCE II  
Location: FLA  
Chair: Frederick Tung (Emory University)

P.M. Vasudev (University of Auckland) Default Swaps and Director Oversight: Lessons from AIG

Brian Chen (University of California, Berkeley) Stark Contrasts: The Impact of Prohibiting Physician Self-Referrals on the Prevalence of Over-treatment in Health Care

Manish Agarwal (University of South Australia) and Derek Ireland (Carleton University) Merger Review and the Dangers of Two Firm Local Nexus Criterion

9:00 – 10:30 Session: CRIMINAL LAW I  
Location: FLB  
Chair: Shi-Ling Hsu (University of British Columbia)

Murat Mungan (Boston College) Asymmetric Costs Associated with False Acquittal and Conviction Rates: Impacts on the Optimal Standards of Proof

Vanisha Sukdeo (York University) Corporate Crime: The Need to Increase Enforcement and Compliance

Md. Saiful Karim (Macquarie University) Global Economy and the Importance of Maintaining Maritime Supply Chain Security: Legal and Institutional Challenges

Anindya Sen (University of Waterloo) Evaluating the determinants of property and violent crime in Canada: Time-series evidence across provinces
SATURDAY, OCTOBER 3, 2009

9:00 – 10:30  Session: INTELLECTUAL PROPERTY LAW II  
Location: FLC  
Chair: Ariel Katz (University of Toronto)

Branislav Hazucha (Hokkaido University) Law, Market, and the Role of Courts in Regulating New Technologies and Online Services: Rokuraku Case and Television on Demand in Japan

Shubha Ghosh (University of Wisconsin) Open Borders, Intellectual Property Police, and Federal Criminal Trade Secret Law

George Barker (Center for Law & Economics) and Daniel Stewart (Center for Law & Economics) Intellectual Property 2.0? Revisiting the Role of Intellectual Property in Encouraging Collaboration

Jing-Yuan Chiou (IMT Lucca Institute for Advanced Studies) Technology Adoption and Fuzzy Patent Rights

9:00 – 10:30  Session: NORMS I  
Location: Moot Court Room  
Chair: Albert Yoon (University of Toronto)

Margaret Friedlander Brinig (Notre Dame University) and Nicole Stelle Garnett (Notre Dame University) Catholic School, Urban Neighbourhoods, and Education Reform

Menahem Pasternak (Hebrew University of Jerusalem) “Employment Discrimination”: Some Economic Definitions and Critique

Uri Benoliel (Academic Center of Law & Business) Reputation Life Cycle: The Case of Franchising

Programme as of: 24 July 2009
SATURDAY, OCTOBER 3, 2009

10:30 – 10:45 Coffee & Juice  
Location: Rowell Room

10:45 – 12:15 Session: CORPORATE GOVERNANCE II  
Location: FLA  
Chair: Edward Iacobucci (University of Toronto)

David Walker (Boston University) Evolving Executive Equity Compensation and the Limits of Optimal Contracting


Paul Huber (Dalhousie University) Issues in Pension Provision and Regulation in Canada

10:45 – 12:15 Session: BEHAVIOURAL LAW & ECONOMICS II  
Location: FLB  
Chair: Cherie Metcalf (Queen’s University)

Dan Usher (Queen's University) Why the Legal System is Not Necessarily Less Efficient than the Income Tax in Redistributing Income

Magnus Söderberg (University of South Australia) and David Round (University of South Australia) Dynamic Influences on Legal Dispute Settlements: The Case of Regulatory Decisions in Sweden

Wassamon Kun-amornpong (University of California, Los Angeles) Value of Life
SATURDAY, OCTOBER 3, 2009

10:45 – 12:15  Session:  SECURITIES LAW
    Location:  FLC
    Chair:  Cally Jordan (University of Melbourne)

Douglas Cumming (York University) and Sofia Johan (University of Tilberg) Exchange Trading Rules

Adam Pritchard (University of Michigan) and Janis Sarra (University of British Columbia) Securities Class Actions Move North: A Doctrinal and Empirical Analysis of Securities Class Actions in Canada

Anita Anand (University of Toronto) and Andrew Green (University of Toronto) Why is this Taking so Long? The Move Towards a National Securities Regulator

10:45 – 12:15  Session:  NORMS II
    Location:  Bennett Lecture Hall
    Chair:  Margaret Brinig (Notre Dame University Law School)

Lisa Spagnolo (Monash University) Green Eggs and Ham: The Behaviour and Economics of Lawyer’s Choices of Law in International Sales Contracts

Ben Templin (Thomas Jefferson School of Law) State Entrepreneurism

Peter Mazzacano (York University) Reflections on the Plight of the CISG in Canada: A Comparative Approach

12:15 – 1:15  Lunch
    Location:  Rowell Room

CLEA Annual Meeting and Executive Committee Meeting

Programme as of: 24 July 2009
SATURDAY, OCTOBER 3, 2009

1:15 – 2:15  PUBLIC LECTURE

Speaker:  Professor George Triantis
Topic:  The Technology of Contracting
Location:  Bennett Lecture Hall

2:15 – 2:30  Coffee & Juice
Location:  Rowell Room

2:30 - 3:45  Session:  TAXATION
Location:  FLB
Chair:  David Walker (Boston University)

Benjamin Alarie (University of Toronto) Tax Law Complexity
Bradley Borden (Washburn University) Inequity Function
Alena Kimakova (York University) Fiscal Decentralization, its Political Economy
Determinants and Issues in Effective Measurement

2:30 - 3:45  Session:  CORPORATE GOVERNANCE III
Location:  FLB
Chair:  Douglas Cumming (York University)

Giacomo Rojas Elqueta (University of Rome III) Divergences and Convergences of
Common Law and Civil Law Traditions on Asset Partitioning: A Functional Analysis
Anelize Slomp Aquiar (New York University) The Controversies over AIG’s Collapse
Filippo Belloc (University of Siena) Is Real Shareholder Empowerment What We Need?
How Corporate Villains Depress Innovation

Programme as of: 24 July 2009
SATURDAY, OCTOBER 3, 2009

2:30 - 3:45  Session: COMPETITION POLICY I
Location: FLC  
Chair: Ralph Winter (University of British Columbia)

Shahar Dillbary (University of Alabama) *Predatory Bundling and the Exclusionary Standard*

Reza Dibadj (University of San Francisco) *Tacit Cartels, Oligopolies and the Problem of Conscious Parallelism*

Edward Iacobucci (University of Toronto) *Imperfect Competition, Risk and Bank Regulation*

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2:30 - 3:45  Session: REGULATION OF FINANCIAL INSTITUTIONS
Location: Bennett Lecture Hall  
Chair: Moin Yahya (University of Alberta)

Lucia Dalla Pellegrina (Bocconi University) and Margherita Saraceno (University of Milan, Bicocca) *Securities Class Actions in the U.S. Banking Sector: Between Investor Protection and Bank Stability*

Erik Gerding (University of New Mexico) *Targeting Asset Price Bubbles: Financial Regulation as Substitutes for Monetary Policy*

Cally Jordan (University of Melbourne) *Does “F” Stand for Failure: The Legacy of the Financial Stability Forum and Prospects for the Future*

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3:45 – 4:00  Coffee & Juice  
Location: Rowell Room

Programme as of: 24 July 2009
SATURDAY, OCTOBER 3, 2009

4:00 – 5:30  Session: CRIMINAL LAW II  
Location: FLA  
Chair: Stephane Mechoulan (University of Toronto)

Dan Markel (Florida State University) and Gregg Polsky (Florida State University)  
*Taxing Punitive Damages*

Lydie Ancelot (BETA and Nancy University) and Phillippe Delacote (LEF-ENGREF-INRA)  
*Prosecutor and Lawyer in Plea Bargaining: Screening or Not Screening*

Matteo Rizzolli (University of Milan, Bicocca) and Margherita Saraceno (University of Milan, Bicocca)  
*Better That X Guilty Persons Escape than That One Innocent Suffer*

4:00 - 5:30  Session: NORMS III  
Location: FLB  
Chair: Phil Curry (Simon Fraser University)

Albert Yoon (University of Toronto)  
*Trial and Settlement: A Study of High – Low Agreements*

Stephen Smith (McGill University)  
*Court Orders: Incentives or Duties?*

Larissa Katz (Queen's University)  
*A Jurisdictional Principle of Abuse of Right*

4:00 - 5:30  Session: COMPETITION POLICY II  
Location: FLC  
Chair: Douglas West (University of Alberta)

Reza Rajabiun (York University)  
*Regulatory Specialization, Judicial Discretion, and the Evolution of Legal Constraints on Anticompetitive Practices: An Empirical Analysis*

David Reiss (Brooklyn Law School)  
*Fannie Mae and Freddie Mac and the Future of Federal Housing Finance Policy: A Study of Regulatory Privilege*

Javier Tapia (University College London)  
*Controlling the Capital Structure Under Regulation – The Case of British Utilities*

Programme as of: 24 July 2009
SUNDAY, OCTOBER 4, 2009

4:00 - 5:30  Session: LAW AND DEVELOPMENT
Location: Bennett Lecture Hall
Chair: Kevin Davis (New York University)

Andrea Lavezzi (DPDS) and Simona Benedettini (University of Siena) On
Convergence Across Transition Economies’ Financial Structures: The Role of Investors’
Protection

Mariana Mota Prado (University of Toronto) and Ana Carolina Chasin (University of
Sao Paolo) Bureaucratic Reforms and Development: How Innovative was the
‘Poupatempo’ Experience in Brazil?

Rimawan Pradiptyo (Universitas Gadjah Mada) A Certain Uncertainty; An Assessment
of Court Decisions in Tackling Corruptions in Indonesia 2001-2008

5:30 – 6:30
Wine & Cheese Reception
Location: Rowell Room

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