

**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** (Universita di Lecce) *Optimal Liability Sharing and Court Errors: An Exploration Analysis*

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**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*

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

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

**Anna Gelpert** (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*

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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*

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**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**

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**SATURDAY, OCTOBER 3, 2009**

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

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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*

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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*

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**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*

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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*

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**SATURDAY, OCTOBER 3, 2009**

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

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

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

**William Birdthistle** (Chicago-Kent College of Law) *Investment Indiscipline: A Behavioral Approach to Mutual Fund Jurisprudence*

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

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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*

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**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**



**SATURDAY, OCTOBER 3, 2009**

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**1:15 – 2:15 PUBLIC LECTURE**

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

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

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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*

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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*

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**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*

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*

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

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

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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*

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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*

**SATURDAY, OCTOBER 3, 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 Paulo) *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*

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

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