

FACULTY OF LAW, UNIVERSITY OF TORONTO
TREBILCOCK SYMPOSIUM, OCTOBER 1 AND 2, 2009
*Vivian and David Campbell Conference Facilities, Munk Centre
1 Devonshire Place*

PROGRAM

Thursday, October 1

11.30 a.m. - *Registration and light lunch*
12.15 p.m.

12.15 p.m. - *Welcome and opening remarks*
12.25 pm **DEAN MAYO MORAN**

12.25 p.m. - **INTERNATIONAL PANEL 1**

1.25 p.m. **Panelists:** **ROBERT COOTER**, (Boalt Hall Law School, U.C.Berkeley)
 Law and Development Economics
 ANTHONY OGUS, (Faculty of Law, University of Manchester)
 RONALD J. DANIELS, (President, Johns Hopkins University)
Moderator: The Honourable **FRANK IACOBUCCI**

1.25 p.m. - **COMPETITION LAW AND POLICY**

2.05 pm **Panelists:** **EDWARD IACOBUCCI** (University of Toronto, Law) and
 RALPH WINTER (Sauder School of Business, University of British Columbia)
 The Abuse of Joint Dominance
 MICHAL GAL (University of Haifa, Law)
 Regional Agreements: The Next Step in International Antitrust
Moderator: **DONALD DEWEES** (University of Toronto, Economics)

2.05 p.m. - **INTERNATIONAL TRADE 1**

3.05 pm **Panelists:** **TOMER BROUDE**, (Hebrew University of Jerusalem)
 *The First Condition of Progress? The Limits of International Trade Law as a Promoter of
Freedom of Speech*
 TRACEY EPPS (University of Otago, Law)
 *To Defer or Not to Defer? Has The Appellate Body Resolved The Issue of the Appropriate
Standard of Review in SPS Cases?*
 ARIE REICH (Bar Ilan University, Law)
 Bilateralism and Regionalism as Expressions of Subsidiarity
Moderator: **OWEN FISS** (Yale Law School)

3.05 p.m. - **Break**
3.20 pm

3.20 p.m. - **INTERNATIONAL TRADE 2**

4.20 pm **Panelists:** **ROBERT HOWSE** (NYU, Law)
 *Beyond the Countertrade Taboo – Why the WTO Should Take Another Look at Barter and
Countertrade*
 BITA AMANI, (Queens University, Law)
 *Regulatory Diversity, an Imperative for the Bioeconomy: Biopatenting, TRIPS, and the
Public Interest in Sectors of Vital Importance*
 ANDREW GREEN (University of Toronto, Law)
 Incomplete Information and WTO Review of Climate Change Policies
Moderator: **OWEN FISS** (Yale Law School)

- 4.20 p.m. - 5.00 p.m.** **SOCIAL AND PUBLIC POLICY 1**
Panelists: **AUDREY MACKLIN** (University of Toronto, Law)
Choosing a Theory of Immigration
NINETTE KELLEY (Office of the United Nations High Commissioner for Refugees)
Ideas, Interests and Institutions and the Recognition of International Human Rights
Moderator: **MATTHEW S. R. PALMER**, Deputy Solicitor-General (Public Law), New Zealand
- 5.00 p.m.- 5.15 pm** **Break**
- 5.15 p.m. - 6.00 pm** **SOCIAL AND PUBLIC POLICY 2**
Panelists: **KENT ROACH** and **LORNE SOSSIN** (University of Toronto, Law)
Access to Justice and Beyond
LISA AUSTIN (University of Toronto, Law)
Person, Place or Thing? Property and the Structuring of Social Relations
Moderator: **MATTHEW PALMER**
- 7:00 p.m.** **SYMPOSIUM DINNER :** Great Hall, Hart House, University Of Toronto
Speakers: Dean **MAYO MORAN**
J ROBERT S PRICHARD , (President Emeritus, University of Toronto)
The Honourable **FRANK IACOBUCCI**
RONALD J. DANIELS
DAVID BEATTY

Friday, October 2

- 9.00 a.m. - 10.00 a.m** **INTERNATIONAL PANEL 2**
Panelists: **OWEN FISS** (Yale Law School)
Trebilcock's Heresy
BRUCE CHAPMAN, (Faculty of Law, University of Toronto)
Preference, Pluralism and Proportionality
SUSAN ROSE-ACKERMAN, (Yale Law School)
Regulation and Public Law in Comparative Perspective
Moderator: **GEORGE PRIEST** (Yale Law School)
- 10.00 a.m. - 11.00 am** **CONTRACTS AND COMMERCIAL LAW 1**
Panelists: **JANIS SARRA** and **RON DAVIS** (UBC Faculty of Law)
Giving Voice to Reality: Michael Trebilcock and Governance Issues in Insolvency
THOMAS G.W.TELFER (University of Western Ontario, Faculty of Law)
Ideas, Interests, Institutions and the History of Canadian Bankruptcy Law
BEN ALARIE (University of Toronto, Law)
Trebilcock on Tax
Moderator: **BRENDA COSSMAN**, University of Toronto, Faculty of Law
- 11.00 a.m. - 11.15 a.m.** **Break**
- 11.15 a.m. - 12.00 noon** **CONTRACTS AND COMMERCIAL LAW 2**
Panelists: **GEORGE TRIANTIS** (Harvard, Law)
The Evolution of Contract Remedies (Or Why Does Trebilcock Still Teach Remedies First?)
ANITA ANAND (University of Toronto, Law)
Why is this Taking so Long? The Move Towards a National Securities Regulator
Moderator: **BRENDA COSSMAN**

- 12.00 noon - RE-INVENTING GOVERNMENT**
- 1.00 p.m. Panelists:** **COLLEEN FLOOD** (University of Toronto, Law)
The Evidentiary Burden for Overturning Government's Choice of Regulatory Instrument: The Case of Direct-to-Consumer Advertising of Prescription Drugs
MALCOLM THORBURN (Queens University, Law)
Re-thinking the Night-Watchman State
DAVID DUFF (University of British Columbia, Law)
Rethinking Tax Enforcement and Compliance
- Moderator:** **RONALD J. DANIELS**
- 1.00 p.m. - KEY NOTE ADDRESS : GEORGE PRIEST** (Yale Law School)
2.00 pm *Michael Trebilcock and the Past and Future of Law and Economics*
- Light lunch served*
- 2.15 p.m. - CIVIL LAW**
- 3.00 p.m. Panelists:** **CATHERINE VALCKE** (University of Toronto, Law)
Efficiency and French Law
EJAN MACKAAY (Universite de Montreal, Centre for the Law of Business and International Trade)
Some Thoughts on the Civil Law of Contract
- Moderator:** **ANTHONY OGUS**
- 3.00 p.m. - LAW AND DEVELOPMENT**
- 4.00 pm Panelists:** **GRAHAM MAYEDA** (University of Ottawa, Faculty of Law)
Deconstructing Trebilcock's Development Discourse
KEVIN DAVIS (NYU, Law)
Legal Universalism: Persistent Objections
MARIANA MOTA PRADO (University of Toronto, Faculty of Law)
Rule of Law Reform: A Paradoxical Path of Progress
- Moderator:** **DAVID BEATTY**
- 4.00 p.m. – Break**
4.15 p.m.
- 4.15 p.m. - CONSUMER LAW AND POLICY**
- 5.00 p.m. Panelists:** **ANTHONY DUGGAN** (University of Toronto, Law)
Consumer Credit Redux
IAIN RAMSAY (University of Kent, Law)
"To Heap Distress Upon Distress?" Comparative Reflections on Interest Rate Ceilings
- Moderator:** **J. ROBERT S. PRICHARD**, President Emeritus, University of Toronto
- CLOSE**

The Symposium is generously supported by a grant from the Law Foundation of Ontario

Symposium organizers: Anita Anand, Tony Duggan, Colleen Flood, Ed Iacobucci

Copies of the papers are available on-line at the Symposium Website which is accessible via the University of Toronto Faculty of Law home page: www.law.utoronto.ca.