

<https://drive.google.com/file/d/1Mn6gMusMpgHMvtzuoZzv0Pn0GuKTE9fh/view?usp=sharing>

Program

The Honouree for the Conference is [Dr. Lionel Smith](https://www.mcgill.ca/law/about/profs/smith-lionel) <<https://www.mcgill.ca/law/about/profs/smith-lionel>>, the Sir William C. Macdonald Professor of Law at McGill University, who was recently elected to the Downing Professorship of the Laws of England at the University of Cambridge, England.

Program Booklet — [open](https://drive.google.com/file/d/1Mn6gMusMpgHMvtzuoZzv0Pn0GuKTE9fh/view?usp=sharing) <<https://drive.google.com/file/d/1Mn6gMusMpgHMvtzuoZzv0Pn0GuKTE9fh/view?usp=sharing>>



CONFERENCE PROGRAM
The Power and Limits of Private Law
UBC Green College 2022

June 23 & 24, 2022
<https://loop.ubc.ca/2022>



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Thursday, June 23

8:00 – 8:30am (PT < https://time.is/PT >)	Registration & continental breakfast — Graham House < https://www.google.com/maps/place/49%C2%B016'16.3%22N+123%C2%B015'23.5%22W/@49.2711181,-123.2565525,20z/data=!4m5!3m4!1s0x0:0x79070c36fdc041b9!8m2!3d49.2712722!4d-123.2563748 > (Lobby & Billiards Room)
8:30 – 9:00am	Welcome & Keynote — Coach House < https://www.google.com/maps/place/49%C2%B016'16.3%22N+123%C2%B015'23.5%22W/@49.2711181,-123.2565525,20z/data=!4m5!3m4!1s0x0:0x79070c36fdc041b9!8m2!3d49.2712722!4d-123.2563748 > The Honourable David Lametti (Minister of Justice and Attorney General of Canada) <u>Introduction</u> by Assistant Professor Marcus Moore & Assistant Professor Samuel Beswick (Allard Law)
	Panel 1: Private Law & Innovation — Coach House <u>Chair</u> : Professor Debra Parkes (Allard Law) • Associate Professor Jane Thomson (The University of New Brunswick Faculty of Law) — <i>“Til Death Do Us Part... And Then Also for the Rest of Your Life: Marriage Clauses in Canadian Wills”</i> • Amit Singh (Associate, Shearman & Sterling LLP) — <i>“Declaring Rights: The Law of Equity’s Modus</i>

9:00 – 10:50am	<p><i>Operandi</i></p> <ul style="list-style-type: none"> • Professor Jennifer L. Schulz (The University of Manitoba Faculty of Law) — <i>“Mediator Liability in Canada, the USA, England, Australia, New Zealand and South Africa”</i> • Assistant Professor Alan Hanna & Emmaline English (The University of Victoria Faculty of Law) — <i>“Can a Moose be a Party to a Contract? Nuanced Spaces for Indigenous Perspectives in Canadian Contract Law”</i>
15 min break	Tea & coffee — Billiards Room
11:05 – 12:25pm	<p>Panel 2: Contract I — Coach House</p> <p><u>Chair</u>: Professor Benjamin Goold (Allard Law)</p> <ul style="list-style-type: none"> • Associate Professor Daniele Bertolini (Toronto Metropolitan University Ted Rogers School of Business Management) — <i>“Unpacking Entire Agreement Clauses: On the (Elusive) Search for Contractually Induced Formalism in Contractual Adjudication”</i> • Professor Nathalie Vezina (Université de Sherbrooke Faculté de droit) — <i>“Of Power and Limits: Bargaining Power and the Limits of Private Law Regarding Exclusion of Liability Clauses”</i> • Assistant Professor Greg Bowley (The University of New Brunswick Faculty of Law) & John Enman-Beech (The University of Toronto Faculty of Law) — <i>“The Power and Limits of Unconscionability: Debating the the Impact of Uber v Heller on Canadian Contract Law”</i>

12:25 – 1:40pm	<p>Lunch & Keynote — Billiards Room & Upper Patio</p> <p>Professor Lionel Smith (McGill University Faculty of Law) — <i>“Confusion, Illusion, or Delusion: The Irreducible Core of the Common Law Trust”</i></p> <p><u>Introduction</u> by Assistant Professor Marcus Moore & Assistant Professor Samuel Beswick (Allard Law)</p>
1:40 – 3:30pm	<p>Panel 3: Private Law Theory I — Coach House</p> <p><u>Chair</u>: Assistant Professor Régine Tremblay (Allard Law)</p> <ul style="list-style-type: none"> • Associate Professor Alexandra Popovici (Université de Sherbrooke Faculté de droit) — <i>“Rights and Powers in Québec’s Private Law”</i> • Luigi Buonanno (Bocconi University School of Law) — <i>“A Subsidiary Model of Joint and Several Liability: Responsibility for Another’s Debt Between Common Law and Civil Law Traditions”</i> • David Campbell (The University of Oxford Faculty of Law) — <i>“The Limits of Tortious Defences”</i> • Assistant Professor Stéphane Sérafin (The University of Ottawa Faculty of Law) & Kerry Sun (Sullivan & Cromwell LLP) — <i>“Beyond Corrective Justice? Inducing Breach of Contract Reconsidered”</i>
15 min break	Tea & coffee — Billiards Room
	<p>Panel 4: Private Law Theory II — Coach House</p> <p><u>Chair</u>: Professor Hoi Kong (Allard Law)</p>

3:45 – 5:45pm	<ul style="list-style-type: none"> • Professor Helge Dedek (McGill University Faculty of Law) — “<i>When Rights Became ‘Subjective’</i>” < https://ssrn.com/abstract=4123676 > ” • Assistant Professor Manish Oza (The University of Western Ontario Faculty of Law) — “<i>Voluntary Associations and the Rule of Law</i>” • Assistant Professor Marcus Moore (The University of British Columbia Peter A. Allard School of Law) — “<i>What is Private Law? Exploring Possibilities of Enhanced Social Justice in Private Ordering Against the Spectre of Authoritarianism</i>” • Professor Stephen Waddams (The University of Toronto Faculty of Law) — “<i>Legal Change and the Temptation of Elegance</i>”
5:45 – 7pm	<p>Reception — Piano Lounge</p> <p>Marshall Rothstein C.C. Q.C. (former Puisne Justice of the Supreme Court of Canada)</p> <p><u>Introduction</u> by Professor Ngai Pindell (Dean of Allard Law)</p>
7pm onwards	Dinner — The Great Hall

Friday, June 24

8:00 – 8:30am	Continental breakfast — Billiards Room
	Panel 5: Private Law & Regulation — Coach House

8:30 – 10:30am	<p><u>Chair</u>: Professor Cristie Ford (Allard Law)</p> <ul style="list-style-type: none"> • Professor Ádám Fuglinszky (Eötvös Loránd University School of Law) — “<i>Private Law Liability Powered and Limited by European Regulatory Law: The Effects of the Liberalization of the Railway Sector in Europe on the Contractual and Extracontractual Liability of Railway Companies</i>” • Dr. Bogna Kaczorowska (The University of Wrocław Faculty of Law, Administration and Economics) — “<i>Regulatory Relevance and Legitimacy of Contract Law in Juxtaposition to Private Ordering</i>” • Professor Hilary Young (The University of New Brunswick Faculty of Law) — “<i>Anti-SLAPP Laws’ Unintended Consequences</i>” • Sofia Santinello (Università degli Studi di Padova) — “<i>Fiduciary Obligations in the Expanding World of Data Trusts</i>”
15 min break	Tea & coffee — Billiards Room
10:45 – 12:15pm	<p>Panel 6: Contract II — Coach House</p> <p><u>Chair</u>: Emeritus Professor Joost Blom Q.C. (Allard Law)</p> <ul style="list-style-type: none"> • Professor Mitchell McInnes (The University of Alberta Faculty of Law) — “<i>COVID-19 and the Limits of Contractual Frustration</i>” • Jakub Adamski (McGill University Faculty of Law / Université de Montréal Faculté de droit) — “<i>Merger of Contract Law</i>” • Assistant Professor Krish Maharaj (The University

	of Manitoba Faculty of Law / Thompson Rivers University Faculty of Law) — <i>“The Supreme Court’s Take on Pre-Existing Legal Relations: An Undue Limit on The Power of Promissory Estoppel”</i>
12:15 – 1:25pm	<p>Lunch — Billiards Room & Upper Patio</p> <p>Angela Swan O.C. (Aird & Berlis LLP) — <i>“A Solicitor Looks at the Law of Contracts”</i></p> <p><u>Introduction</u> by Professor Gordon Christie (Allard Law)</p>
1:25 – 3:20pm	<p>Panel 7: Tort I — Coach House</p> <p><u>Chair</u>: Professor Graham Reynolds (Allard Law)</p> <ul style="list-style-type: none"> • Assistant Professor Martine Dennie (The University of Manitoba Faculty of Law) — <i>“Tying Tort to Professional Sport: Culture, Common Law, and the Reasonable Hockey Player”</i> • Assistant Professor Maytal Gilboa (Bar-Ilan University Faculty of Law) — <i>“Biased but Reasonable: Bias Under the Cover of Standard of Care”</i> • Aaron Yoong (Singapore Management University Yong Pung How School of Law) — <i>“The Limits of Vicarious Liability”</i> • Associate Professor Desmond Ryan (Trinity College Dublin School of Law) — <i>“The Power and limits of Close Connection: Assessing the Legacy of Bazley v Currey through Three Recent Case Studies”</i>
15 min	Tea & coffee — Billiards Room

break	
3:35 – 5:30pm	<p>Panel 8: Tort II — Coach House</p> <ul style="list-style-type: none"> • Dr. Lachlan Deyong (Université de Montréal Faculté de droit) — <i>“Structural Barriers to Deterring Medical Harm in Canadian Medical Malpractice”</i> • Professor Margaret Hall (Simon Fraser University School of Criminology) — <i>“Beyond the “King’s Peace”: Rethinking Direct Interferences with the Person”</i> • Dr. Majid Pourostad — <i>“Jone’s Limited Protection of Intrusion on Seclusion”</i> • Assistant Professor Samuel Beswick (The University of British Columbia Peter A. Allard School of Law) — <i>“The Open Casebook Revolution: Tort Law < a href='\"https://ssrn.com/abstract=4113401\"'>https://ssrn.com/abstract=4113401>”</i>
5:30pm	Closing remarks — Coach House

Special thanks to Allard Law student assistants Gabriel Rincon, Yara Nijm and Caitlin Cunningham for helping to make CLO III run smoothly, and to our photographer Melodie Eure.