



Law School

17th Annual International Conference on Contracts KCON XVII

University of Bristol Law School

Clifton Hill House, Lower Clifton Hill, Bristol BS8 1 BX



THURSDAY, 20 JUNE

Time	Session
8:15 – 8:45	Registration; coffee and tea
8:45 – 8:55	Welcome and opening remarks [JCR] Catherine Kelly, Head of the University of Bristol Law School Katarzyna (Kasia) Kryla-Cudna (Bristol)
8:55 – 9:55	Plenary session 1 [JCR] Moderator: Mark Wessman (Tulane) Hugh Beale (Warwick), <i>Diversity among Contract Laws: What Are the Drivers?</i> Discussants: Mindy Chen-Wishart (NUS) Catherine Valcke (Toronto)
9:55 – 10:15	Coffee break
10:15 – 11:35	Panel session 1
	Panel 1a – Remedies I [Wills Reception Room] Moderator: Timothy Liao (LSE) <ul style="list-style-type: none">• Victor P. Goldberg (Columbia), <i>Back to Hadley</i>• Peter Devonshire (Auckland), <i>Account of Profits and Contract: Strange Bedfellows or Just Strangers?</i>• Yehuda Adar (Haifa), <i>Back from the Future: Retro-Causal Contract Damages</i>

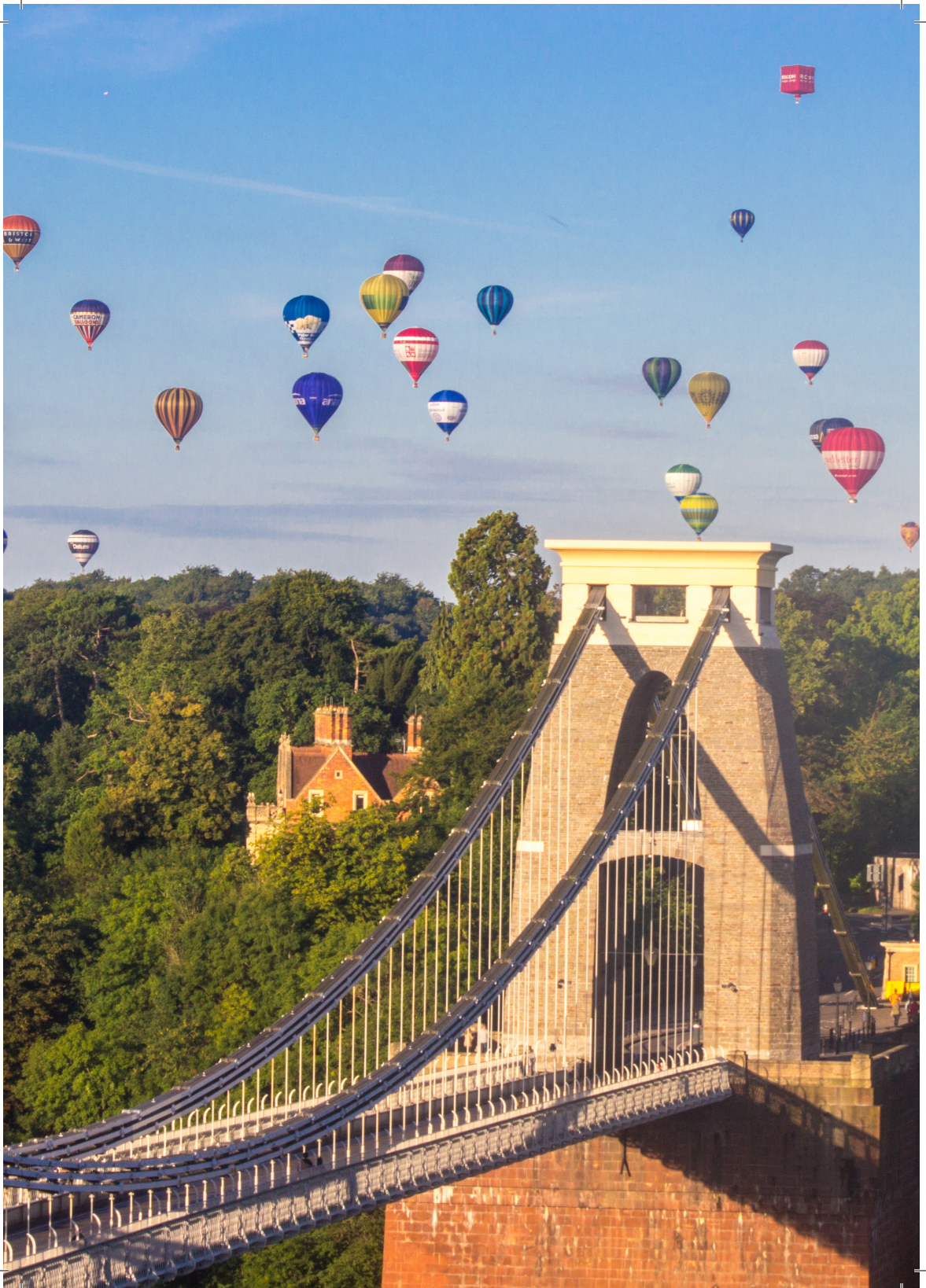
	<p>Panel 1b – Comparative Law [Drawing Room]</p> <p>Moderator: Paula Giliker (Bristol)</p> <ul style="list-style-type: none"> • Catherine Valcke (Toronto), <i>Taking Legal Difference Seriously: Objective and Subjective Contractual Consent</i> • Paul MacMahon (LSE), <i>Common Law Responses to the UNIDROIT Principles of International Commercial Contracts</i> • Catherine Pédamon (Westminster), <i>Sustainable Contracting: The Way Forward? A Comparative Law Approach</i>
	<p>Panel 1c – Contract Theory [The Clifton Room]</p> <p>Moderator: Aditi Bagchi (Fordham)</p> <ul style="list-style-type: none"> • Prince Saprai (UCL), <i>The Politics of Contract Interpretation</i> • Marco Jimenez (Stetson), <i>Contracts and Trust</i> • TT Arvind (York), <i>Towards a Contextual Theory of Contract: Four Views of Contracting</i>
<p>11:35 – 11:50</p>	<p>Short break</p>
<p>11:50 – 13:10</p>	<p>Panel session 2</p>
	<p>Panel 2a – Remedies II [Wills Reception Room]</p> <p>Moderator: Larry Garvin (Ohio)</p> <ul style="list-style-type: none"> • Paul Davies (UCL), Lord Sales (UK Supreme Court), <i>Remedies for the Improper Exercise of Contract Discretion</i> • Sarah Dadush (Rutgers), <i>Shared Responsibility in American Contract Law</i> • Sidney W. DeLong (Seattle), <i>Immortal Contracts</i>

	<p>Panel 2b – Contract Law and Innovation I [Drawing Room]</p> <p>Moderator: Sarah Green (Law Commission)</p> <ul style="list-style-type: none"> • Eliza Mik (CUHK), <i>Generative Contracts</i> • Christian Twigg-Flesner (Warwick), <i>Beyond Contract Law? Algorithmic Contracts, English Law, and ELI’s ‘Guiding Principles and Model Rules’</i> • Marton Ribary (Royal Holloway), Antony Starza-Allen (Surrey), <i>Unlocking Creativity: Legal Problem Solving in Contract with Lego®</i>
	<p>Panel 2c – Illegality, Public Policy and Public Contracts [The Clifton Room]</p> <p>Moderator: Irina Sakharova (Durham)</p> <ul style="list-style-type: none"> • Nick Sage (LSE), <i>Illegal Transactions and the Character of Contract Law</i> • Eliezer Sanchez-Lasaballett (Newcastle, Australia), <i>Contractual Illegality and the Various Approaches to Public Policy</i> • Aris Christidis (Newcastle, UK), <i>Regulating the Contractual Aspects of Public Contracts: Assessing the Position of English Law</i>
13:10 – 14:00	Lunch [Dining Room]
14:00 – 15:00	<p>Plenary session 2 [JCR]</p> <p>Moderator: Wayne Barnes (Texas A&M)</p> <p>Mindy Chen-Wishart (NUS), <i>Unfair Terms: Cannibalizing Contract by Contract</i></p> <p>Discussants: Christian Twigg-Flesner (Warwick) Prince Saprai (UCL)</p>
15:00 – 15:20	Coffee break
15:20 – 16:40	Panel session 3

	<p>Panel 3a – Contract Law and Innovation II [Drawing Room]</p> <p>Moderator: Lauren Scholz (Florida, FSU)</p> <ul style="list-style-type: none"> • Hannah Yee Fen Lim (NTU, Singapore), <i>Contractual Issues in DAOs, Blockchain and Smart Contracts</i> • Maria Breskaya (Maastricht), <i>Failing ‘The Elephant Test’: The Fragmented Meanings of Smart Contracts and the Reassessment of Their Novelty as Compared to Traditional Legal Instruments of Contract Law</i> • Camilla Domenighini (Antwerp), <i>The Contract of Carriage in Light of Autonomous Transport: An Inland Shipping Perspective</i>
	<p>Panel 3b – Arbitration [The Clifton Room]</p> <p>Moderator: Paul MacMahon (LSE)</p> <ul style="list-style-type: none"> • Mark Campbell (Bristol), <i>Arbitration, Certainty and English Commercial Law</i> • Yuliya Chernykh (Inland Norway University, Lillehammer), <i>Interpretation of Sports Contracts in CAS Jurisprudence</i> • Jeremy Telman (Oklahoma City), <i>Mandatory Arbitration, Contracts of Adhesion, and Seventh Amendment Chutzpah</i>
	<p>Panel 3c – Contract Law and Social Justice [Wills Reception Room]</p> <p>Moderator: Danielle Kie Hart (Southwestern)</p> <ul style="list-style-type: none"> • Hila Keren (Southwestern), <i>Market Citizenship for All: An Inclusive Theory of Contract Law</i> • Orit Gan (Sapir), <i>On Women’s Autonomy: From Muller to Dobbs</i> • Susan Chesler (Arizona), <i>Contracting for the Company’s Culture</i>
<p>16:40 – 16:55</p>	<p>Short break</p>

<p>16:55 – 18:15</p>	<p>Panel session 4</p>
	<p>Panel 4a – Rethinking Contract Law [Wills Reception Room]</p> <p>Moderator: Carol Chomsky (Minnesota)</p> <ul style="list-style-type: none"> • Irina Sakharova (Durham), <i>Contracts and Gratuitous Voluntary Obligations: Two Systems, One Approach</i> • Jessica Viven-Wilksch (Adelaide), <i>What Is the Place for an Australian Common Law of Contract Today?</i> • Keith Rowley (Nevada, Las Vegas), <i>Dispatches from the Sausage Factory: Reflections on Common and Statutory Contract Law Reform in the United States</i>
	<p>Panel 4b – Transnational and Commercial Contracts [Drawing Room]</p> <p>Moderator: Ilias Ioannou (Bristol)</p> <ul style="list-style-type: none"> • Shouyu Chong (KCL), <i>Equity in Business: Drawing some Extended Principles from the Enforcement of Forum Selection Agreements in Commercial Contracts</i> • Henry Allen Blair (Mitchell Hamline), <i>The Global Market for Commercial Laws: Choice, Competition, and International Contracting</i> • Michael Malloy (University of the Pacific), <i>Financial Contracts and Community Needs</i>

	<p>Panel 4c – Responsible Contracting [The Clifton Room]</p> <p>Moderator: Sarah Dadush (Rutgers)</p> <ul style="list-style-type: none">• Pia Rebelo (The City Law School, London), <i>Climate Clauses: A Contract Governance Approach to Net-Zero</i>• Nevi Agapiou (Central Lancashire, Cyprus), <i>Environmental Clauses in Commercial Contracts: Navigating Compliance and Enforcement</i>• Reza Beheshti (Nottingham), Sean Thomas (York), <i>Designing a Commercial Contract for Circular Economy Transactions Involving Goods</i>
<p>18:30 – 21:00</p>	<p>Conference Dinner – <i>Sponsored by the University of Bristol Law School</i> (The Orangery at Goldney House)</p> <p>Presentation of the Lifetime Achievement Award to Professor Mindy Chen-Wishart Speaker: Sarah Green (Law Commission)</p>



FRIDAY, 21 JUNE

8:15 – 8:45	Coffee and tea
8:45 – 9:45	Plenary session 3 [JCR] Moderator: Hila Keren (Southwestern) Aditi Bagchi (Fordham), <i>Contract as Exchange</i> Discussants: Nick Sage (LSE) Jaap Baaij (Utrecht)
9:45 – 10:05	Coffee break
10:05 – 11:25	Panel session 5
	Panel 5a – Good Faith [Wills Reception Room] Moderator: Thomas Papadogiannis-Varouchakis (Nottingham) <ul style="list-style-type: none">• David Cabrelli (Edinburgh), Jaap Baaij (Utrecht), Laura Macgregor (Edinburgh), <i>The Implied Duty of Good Faith in English Law – A Comparative Perspective</i>• Amelie Van Belleghem (Court of First Instance, West Flanders), Mitja Kovac (Ljubljana), <i>Cicero's Concepts of Virtue, Honourable Conduct, and Good Faith: A Comparative and Behavioural Analysis</i>• David Gibbs-Kneller (East Anglia), Arad Reisberg (Brunel), <i>The Thick End of the Wedge: Good Faith in the Corporate Constitution</i>

	<p>Panel 5b – Consumer Contracts [The Clifton Room]</p> <p>Moderator: Eliza Mik (CUHK)</p> <ul style="list-style-type: none"> • Laura A. Heymann (William & Mary), <i>Consumer Contracts and Brand Personas</i> • Joasia Luzak (Exeter), Vanessa Mak (Leiden), <i>Gender and the ‘Right to Repair’: Measuring the Effectiveness of the Consumer Protection Framework in the Pursuit of Sustainable Consumption</i> • Wayne Barnes (Texas A&M), <i>The Incoherence of the Consent Argument</i>
	<p>Panel 5c – Liquidated Damages and Penalty Clauses [Drawing Room]</p> <p>Moderator: Wayne Courtney (NUS)</p> <ul style="list-style-type: none"> • Johannes Ungerer (Oxford), <i>Legiliquids as a Regulatory Instrument in English, German, and EU Contract Law</i> • Jack Enman-Beech (KCL), <i>The Punishment in Penalties</i> • Masha Korošec (Ljubljana), <i>Agreed Sums Payable Upon Breach of Contract – Unlocking Solutions and Resolving Uncertainties in International Sales Law</i>
<p>11:25 – 11:40</p>	<p>Short break</p>
<p>11:40 – 13:00</p>	<p>Panel session 6</p>

	<p>Panel 6a – Interpretation and Content I [Wills Reception Room]</p> <p>Moderator: James Davey (Bristol)</p> <ul style="list-style-type: none"> • Farshad Ghodoosi (California, Northridge), Tal Kastner (Touro), <i>Against the Drafter: A Big Data View of Contra Proferentem</i> • Erik Knutsen (Queen’s, Canada), <i>Contract or ‘Something Else?’: Common Law Insurance Policy Interpretation in the United Kingdom, the United States, and Canada</i> • Chaim Saiman (Villanova), <i>Religious Concepts in Contractual Interpretation: What America Can Learn from the Anglo-Commonwealth Experience?</i>
	<p>Panel 6b – Change of Circumstances and Consent [The Clifton Room]</p> <p>Moderator: Susan Chesler (Arizona)</p> <ul style="list-style-type: none"> • Danielle Kie Hart (Southwestern), <i>If Past is Prologue, Then the Future is Bleak: Contracts, Covid-19 and the Changed Circumstances Doctrines</i> • Chathuni Jayathilaka (Bristol), <i>Supervening Impossibility and the Sale of Goods</i> • Eric A. Zacks (Wayne), <i>Contract and Fraud</i>
	<p>Panel 6c – Contract Formation [Drawing Room]</p> <p>Moderator: Mindy Chen-Wishart (NUS)</p> <ul style="list-style-type: none"> • Charlie Webb (LSE), <i>The Rationality of Consideration</i> • Dov Waisman (Southwestern), <i>Reasonableness of Reliance v. Reasonable Foreseeability of Reliance in Promissory Estoppel</i> • Naveen Thomas (Brooklyn), <i>Agency Problems (and Solutions) in Contract Design</i>
<p>13:00 – 13:50</p>	<p>Lunch (Dining Room)</p>

<p>13:50 – 15:10</p>	<p>Panel session 7</p>
	<p>Panel 7a – Interpretation and Content II [Wills Reception Room]</p> <p>Moderator: Joanna McCunn (Bristol)</p> <ul style="list-style-type: none"> • Gerard McMeel (Reading), <i>‘How Strange the Change from Major to Minor’ – the Shift in the Focus of Contractual Interpretation from General Principles to the Effect of Particular Provisions</i> • Francisco Paulo De Crescenzo Marino (São Paulo), <i>The Role and the Limits of Context in the Interpretation of Commercial Contracts</i> • Daniele Bertolini (Toronto Metropolitan), <i>On the Admissibility and Use of Prior Negotiation Evidence as an Aid to Contractual Interpretation. A Canadian Perspective</i>
	<p>Panel 7b – Relational Contracts I [Drawing Room]</p> <p>Moderator: Katie McCay (Bristol)</p> <ul style="list-style-type: none"> • Jay M. Feinman (Rutgers), <i>Critical Relational Contract Theory</i> • Ilias Ioannou (Bristol), <i>Modern Relational Contracts under English Law</i> • James Gibson (Richmond), <i>Reputation Reconsidered</i>
<p>15:10 – 15:25</p>	<p>Coffee break</p>

15:25 – 16:45	Panel session 8
	<p>Panel 8a – Interpretation and Content III [Wills Reception Room]</p> <p>Moderator: Michael Malloy (University of the Pacific)</p> <ul style="list-style-type: none"> • Lauren Scholz (Florida, FSU), <i>Peripheral Boilerplate</i> • Rachel Arnow-Richman (Florida), <i>Domesticating Disclaimers: Rethinking Exculpatory Boilerplate in At-Will Employment Contracts</i> • Riccardo Serafin (Turin), <i>The Many Faces of Default Rules: More Than Just Gap Fillers?</i>
	<p>Panel 8b – Relational Contracts II [Drawing Room]</p> <p>Moderator: James Gibson (Richmond)</p> <ul style="list-style-type: none"> • Séverine Saintier (Cardiff), David Christie (Robert Gordon), Jessica Viven-Wilksch (Adelaide), <i>Good Faith, Relational Contracts: Lessons on the ‘Art of Contracting’ from Management?</i> • Alec Morris (Buckingham), <i>Unincorporated Associations: The Archetypal Relational Contract</i> • Haward Soper (Leicester), <i>Is a Long Domestic Leasehold Contract a Relational Contract? If Not Why Not? Could Relational Concepts Transform Leasehold?</i>
16:45	End of Conference

Sponsors:

University of Bristol Law School, Centre for Private and Commercial Law





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