

KCON XIV
14th Annual International Conference on Contracts
Tulane Law School
March 8-9, 2019

CONFERENCE SCHEDULE

Thursday, March 7, 2019

7:15—9:15 P.M. Casual Dinner at Acme Oyster House (Reef Room)
724 Iberville St. New Orleans, LA 70130
(Located directly behind the Conference Hotel)

Friday, March 8, 2019

8:00 and 8:20 A.M. Shuttles Depart from Astor Crowne Plaza for Tulane Law School

8:15—8:45 A.M. Registration (Lobby) and Continental Breakfast (Multipurpose Room)—Tulane Law School

8:45—9:00 A.M. Welcoming Remarks (Room 110)—Vice Dean Onnig Dombalagian

9:00—10:15 A.M. Panel Session 1 (Plenary Session Room 110)

Contract Lore (Panel in Honor of Robert A. Hillman)

Robert A. Hillman, Cornell Law School

More Contract Lore

Commentator: Jennifer S. Martin, St. Thomas University School of Law

Commentator: Colin Marks, St. Mary's University School of Law

Commentator: Franklin Snyder, Texas A&M University School of Law

Moderator: Mark B. Wessman, Tulane University Law School

10:15—10:30 A.M. Break (Multipurpose Room)

10:30 A.M.—12:00 P.M. Panel Session 2 (Concurrent Sessions)

The 2016 Revision of the Law of Obligations in the French Civil Code (Room 110)

Mitja Kovac, University of Ljubljana Faculty of Economics

Frustration of Purpose and the French Contract Law Reform: The Challenge to the International Commercial Attractiveness of English Law?

Olivier Moreteau, LSU Law School
Remedies for Nonperformance: A Needed Clarification

Vernon Palmer, Tulane University Law School
Fault, Good Faith, and Freedom in the Pre-Contractual Sphere: The 2016 Revision of the Law of Obligations in France

Ron Scalise, Tulane University Law School
Innovations in the Law of Duress (Violence) in the New French Contract Reform

Lecia Vicente, LSU Law School
The Systemic Effects of the French Civil Code Reform: France, Portugal, and Louisiana Compared

Moderator: Ron Scalise

Intriguing Ideas: Consumer Law, Rolling (Unilateral?) Contracts, and the Art of the (Post?) Deal (Room 151)

Lauren Scholz, Florida State University College of Law
The New Consumer Boilerplate

Bob Brain, Loyola Law School (Los Angeles)
A Possible Explanation for Judge Easterbrook's Approach in Pro CD v. Zeidenberg Under Section 45 of the Restatement

Tina Stark, Emory Law School (Emerita)
The Theory and Art of Contract Negotiations

Moderator: Peter Linzer, University of Houston Law Center

12:00—1:15 P.M. Lunch (Multipurpose Room)

Speaker: James Gordley, Tulane University Law School
Why Roman Contract Law Was Better Than Contemporary Contract Law

1:15—2:45 P.M. Panel Session 3 (Concurrent Sessions)

Empirical and Social Science Studies (Room 110)
Yonathan Arbel, Hugh F. Culverhouse, Jr. School of Law, University of Alabama
All-Caps Clauses in Consumer Contracts

Uri Benoliel, College of Law and Business in Ramat-Gan
The Course of Performance Doctrine in Commercial Contracts: An Empirical Analysis

Kevin E. Davis, New York University School of Law
Contracting for Personal Data

Eyal Zamir, Faculty of Law, Hebrew University of Jerusalem
Enforced Performance in Common Law Versus Civil Law Systems: An Empirical Study of a Legal Transformation

Moderator: Christopher Bradley, University of Kentucky College of Law

Restitution and Contracts: A Comparative Approach (Room 151)

Alberto Pino-Emhart, Universidad Adolfo Ibáñez, Santiago, Chile
Not Quite There Yet: Disgorgement Damages for Breach of Contract in the Civil Law Tradition.

Arturo Ibáñez León, Universidad Adolfo Ibáñez, Santiago, Chile
Contracts Entered into by Minors and Mentally Incompetent Persons: The English and Chilean Law Approach

Rodrigo Momberg Uribe, Pontificia Universidad Católica de Valparaíso, Valparaíso, Chile
Alternatives for the Measuring of Gain-based Damages for Breach of Contract

Albert Ruda González, Universitat de Girona, Girona, Spain
Beyond Borders. Approaches to Disgorgement of Profits Across Legal Frontiers

Sandy Steel, University of Oxford, U.K.
Licence Fee Damages for Breach of Contract

Moderator and Organizer: Alberto Pino-Emhart

2:45—3:00 P.M. Break (Lobby and Multipurpose Room)

3:00—4:30 P.M. Panel Session 4 (Concurrent Sessions)

Teaching Methods Panel 1 (Room 110)

Mark E. Burge, Texas A&M University School of Law
The Execution and Ethics of Contract Law for Nonlawyers

Sidney DeLong, Seattle University School of Law
A Man, A Plan, a Canal: Seven Pathways to Contract

Ben Templin, Thomas Jefferson School of Law
Integrating Metacognitive Self-Assessment in a Contracts Course

Eric A. Zacks, Wayne State University Law School
Nadelle Grossman, Marquette University Law School
Form Follows Function and Law: Teaching Contracts from the Inside Out

Moderator: Ben Templin

Unconscionability, Bad Bargains, and Policing Doctrines (Room 151)
Paul Davies, UCL Faculty of Laws, University College London
Bad Bargains

Hao Jiang, City University of Hong Kong Law School and James Gordley,
Tulane University Law School
Fairness and the Law of Contract

Magda Raczynska, UCL Faculty of Laws, University College London
Implied Terms of Good Faith Under English Law: Going with the (Civilian) Flow?

Moderator: James Gordley

4:45 and 5:00 P.M.—Shuttles Depart for Astor Crowne Plaza

**6:30 P.M.—Cocktail Reception (6:30—7:30) and Dinner (7:30—9:30) at Dickie Brennan’s Bourbon House, Astor Crowne Plaza
Presentation of Lifetime Achievement Award**

Saturday March 9, 2019

8:00 and 8:20 A.M.—Shuttles Depart Astor Crowne Plaza for Tulane Law School

8:15—9:00 A.M. Registration and Continental Breakfast (Lobby and Multipurpose Room)

9:00—10:30 A.M. Panel Session 5 (Concurrent Sessions)

Consent, Autonomy, and Other Values of Contract Law (Room 110)
Brian Bix, University of Minnesota Law School
Contractual Consent: Ideals, Myths and Living Without

Danielle Kie Hart, Southwestern Law School
Who Says Contracts Have to be Voluntary? Exploring Autonomy and Agency in Contract Law

Nancy Kim, California Western School of Law(Organizer)
Defective Consent: When a “Manifestation of Consent” is Not Enough

Kaiponanea Matsumura, Sandra Day O’Connor College of Law, Arizona State University
Nonmarital Relationships, Third Parties, and the Role of Consent

Moderator: Chunlin Leonhard, Loyola Law School (New Orleans)

Oh, Say Can You CISG? (Room 151)

Michael Malloy, University of the Pacific McGeorge School of Law
Introduction: Recent Trends You Can CISG

Henry Gabriel, Elon University School of Law
The Misplaced Reliance on Default Rules in International Sales Law

Soterios Loizou, King’s College London and New York University
UN Convention on International Contracts for the Sale of Goods: 40 Years of Non-application in the USA

Moderator and Organizer: Michael Malloy

10:30—10:45 A.M. Break (Lobby and Multipurpose Room)

10:45 A.M.—12:15 P.M. Panel Session 6 (Concurrent Sessions)

Comparative Law (Room 151)

Wayne Barnes, Texas A&M University School of Law
The Curious Resistance to the Judicial Admissions Exception to the Statute of Frauds in the Common Law

GOH Yihan, Dean, Singapore Management University
Towards a Consistent Use of Subsequent Conduct in Contract Law

LAU Kwan Ho, Singapore Management University
What’s in a Canon of Construction? A Study of the Contractual Exclusion of the Contra Proferentem and Ejusdem Generis Rules in English Law

TEO Keang Sood, National University of Singapore
Contract Law in Singapore

Moderator: Martin J. Davies, Tulane University Law School

Theoretical Perspectives (Room 110)

Christopher G. Bradley, University of Kentucky College of Law
Skeleton Key Business Entities: Business Entities as Transactional Tools

Mitja Kovac, University of Ljubljana Faculty of Economics, and Ann-Sophie Vandenberghe, Rotterdam Institute of Law and Economics, Erasmus School of Law
Pre-contractual Liability Law: A Comparative Law and Economics Approach

Paul MacMahon, London School of Economics
Contract Law's Transferability Bias

Moderator: Adam Feibelman, Tulane University Law School

12:15—1:30 P.M. Lunch (Multipurpose Room)
Speaker: Peter Linzer, University of Houston Law Center
Through the Past Darkly: Reflections on KCON I

1:30—3:00 P.M. Panel Session 7 (Plenary Session Room 110)

Damages and Remedies

Shawn Bayern, Florida State University College of Law
Disproportionate Damages

Allen Blair, Mitchell Hamline School of Law
Remedies for Breaches of Procedural Contracts

Sarah Dadush, Rutgers Law School—Newark
Contorting for Human Rights

Sidney DeLong, Seattle University School of Law
Economically Anomalous Contract Cases

Moderator: Keith Rowley, University of Nevada Las Vegas School of Law

3:00—3:15 P.M. Break (Lobby and Multipurpose Room)

3:15—4:45 P.M. Panel Session 8 (Concurrent Sessions)

Vulnerability and Contract Law (Room 110)

Lyn K. Tjon Soei Len, The Ohio State University
Vulnerability, Capability, and Contract

Sean Scott, Association of American Law Schools
The Illusory Promise of Supported Decision-Making

Hila Keren, Southwestern Law School
Divided and Conquered: “Arbitration Clauses” and the Creation of Powerlessness

Joasia Luzak, University of Exeter Law School
One Size Does Not Fit All: Impact of Consumer Vulnerability on Information Disclosure Design

Moderator: Carol Chomsky, University of Minnesota Law School

Teaching the Contracts Course: Strategies, Techniques, and Ideas for Consideration (Room 151)

Miriam Cherry, St. Louis University School of Law
Howard Katz, Cleveland-Marshall College of Law
Kimberly O’Leary, Western Michigan University Cooley Law School

Moderator and Organizer: Howard Katz

4:45—5:00 P.M. Concluding Remarks and Adjournment (Room 110)

5:15 P.M. Shuttles Depart for Astor Crowne Plaza

SPONSORS:



Carol Levin Bernick Faculty Grant Program



THANK YOU!