

WISCONSIN LAW REVIEW SYMPOSIUM

# “Freedom *from* Contract”

February 6-7-8, 2004  
University of Wisconsin Law School

## Program



LAW SCHOOL



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The John M. Olin Center for Law and Economics at the University of Michigan Law School  
The Institute for Legal Studies at the University of Wisconsin Law School

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The Contracts Enrichment Fund

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## Schedule

### Friday, February 6<sup>th</sup> – Opening Session

- 3:00-3:30      *Registration:* Law School Atrium
- 3:30            *Welcome:* **Brian Larson and Stephen Borgsdorf**  
Symposium Editors, WISCONSIN LAW REVIEW
- Introduction:* **Omri Ben-Shahar**, University of Michigan Law School
- 3:45-4:45      **Melvin A. Eisenberg**, University of California, Berkeley School of Law (Boalt Hall)  
“Revocability and Revocation”
- Comment:* **Charles L. Knapp**, University of California, Hastings College of the Law
- 4:45-5:00      Break
- 5:00-6:00      **Juliet P. Kostritsky**, Case Western Reserve University Law School  
“Taxonomy for Justifying Legal Intervention in an Imperfect World: What to do  
when Parties have not Achieved Bargains or have Drafted Incomplete Contracts”
- Comment:* **Brian Bix**, University of Minnesota Law School
- 6:00            Adjourn

### Saturday, February 7<sup>th</sup> - Morning Session

- 8:15-9:00      Continental Breakfast in Atrium
- 9:00            *Call to Order:* **John Kidwell**, University of Wisconsin Law School
- 9:00-10:00      **Omri Ben-Shahar**, University of Michigan Law School  
“‘Agreeing to Disagree’: Filling Gaps in Deliberately Incomplete Contracts”
- Comment:* **Jason Johnston**, University of Pennsylvania Law School
- 10:00-10:15    Break
- 10:15-12:15    **Roy Kreitner**, Tel-Aviv University  
“Fear of Contract”
- Todd Rakoff**, Harvard Law School  
“Is Freedom from Contract Necessarily a Libertarian Freedom?”
- Comment:* **Iain Ramsay**, York University
- 12:15-2:00      Lunch Break  
*Food will be available to the public in the SideBar Deli located just off the Atrium.  
Lunch is provided for symposium speakers in Lubar Commons (room 7200).*

### **Saturday, February 7<sup>th</sup> - Afternoon Session**

- 2:00            *Call to Order:* **Gordon Smith**, University of Wisconsin Law School
- 2:00-3:00       **Ian Ayres**, Yale Law School and  
**Greg Klass**, Office of the New York Attorney General  
“Promissory Fraud Without Breach”
- Comment:* **Kevin Davis**, University of Toronto
- 3:00-3:30       Break
- 3:30-5:00       **Robert E. Scott** and **Paul B. Stephan**, University of Virginia School of Law  
“Self-Enforcing International Agreements and the Limits of Coercion”
- Comment:* **William Whitford**, University of Wisconsin Law School
- Comment:* **David Campbell**, Cardiff Law School  
                    *Commenting on the papers presented by Juliet Kostritsky,  
                    Omri Ben-Shahar, Robert Scott, and Paul Stephan.*
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### **Saturday Evening Banquet and Special Session** **The University Club on the Library Mall – *Reservations Required***

- 6:15-9:15       Reception, Dinner, and Panel Discussion of *Pro CD v. Zeidenberg*
- Host:*                **William Whitford**, University of Wisconsin Law School
- Panelists:*        **Matthew Zeidenberg**, Defendant  
                                 **David Austin**, Attorney for Mr. Zeidenberg
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### **Sunday, February 8<sup>th</sup> – Closing Session**

Symposium resumes in Godfrey & Kahn Hall (Law School room 2260)

- 8:15-9:00       Continental Breakfast in the Law School Atrium
- 9:00            *Call to Order:* **Larry Bugge**, University of Wisconsin Law School
- 9:00-11:00       **Clayton P. Gillette**, New York University School of Law  
“Rolling Contracts as an Agency Problem”
- James J. White**, University of Michigan Law School  
“Terms in the Box under Amended Article 2”
- Comment:* **Jean Braucher**, University of Arizona Law School
- 11:00-11:15     Break
- 11:15-12:00     **Stewart Macaulay**, University of Wisconsin Law School  
“Freedom from Contract: Solutions in Search of a Problem?”
- 12:00            *Closing Remarks:* **Omri Ben-Shahar**, University of Michigan Law School
- Adjourn

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### ***Thank You***

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Thank you for attending this conference. Your participation contributes to the ongoing exchange of ideas in contract law between scholars, students and practitioners.

Sincerely,

Steve Borgsdorf & Brian Larson  
Symposium Editors  
*Wisconsin Law Review*