

Contract Damages: Domestic and International Perspectives

28–29 June 2007



The School of Law at Birmingham is delighted to be hosting the *Contract Damages: Domestic and International Perspectives* conference in June 2007. We have prepared an exciting programme with contributions from prestigious leaders of their field. The conference will bring together academics, practitioners, arbitrators and judges to discuss contract damages from a wide variety of perspectives.

The first day will be dedicated to the examination of damages in the context of the common law, and the second day will focus on international contract and commercial law instruments.

The conference will be held at the Birmingham Business School and the Conference Dinner will be held at the Birmingham Botanical Gardens.

We look forward to welcoming you to Birmingham next June for what promises to be a groundbreaking and truly memorable conference.

Mr Ralph Cunnington and Dr Djakhongir Saidov, Conference Convenors.

Conference programme

Chaired by Lord Mance



Thursday 28 June 2007 Domestic Perspectives	
9.45–10.00am	Welcome (Professor Anthony Arnall)
10.00–11.30am	The Definition and Purpose of Damages
	Professor Andrew Burrows (Oxford) – Reassessing the Functions of Damages
	Professor Stephen Smith (McGill) – Why Damages?
	Professor Daniel Friedmann (Tel-Aviv) – Economic Aspects of Damages and Specific Performance – Compared
11.30–12.00am	Coffee
12.00–1.00pm	The Basic Measures of Damages
	Professor Anthony Ogus (Manchester) – The Economic Basis of Damages for Breach of Contract: Inducement and Expectation
	Professor Peter Jaffey (Brunel) – Damages and the Protection of Contractual Reliance
1.00–2.00pm	Lunch sponsored by Sweet and Maxwell
2.00–3.30pm	Methods of Limiting Damages
	Dr Harvey McGregor QC (Hailsham Chambers) – The Role of Mitigation in the Assessment of Damages
	Mr Ralph Cunnington (Birmingham) – Causation and Remoteness in the Assessment of Gain-Based Damages
	Mr Adam Kramer (3 Verulam Buildings) – Problem Areas in Remoteness
3.30–4.00pm	Tea
4.00–5.30pm	The Assessment of Damages
	Professor Stephen Waddams (Toronto) – Gains Derived from Breach of Contract
	Professor Charles Proctor (Bird & Bird) – Exchange Rate Fluctuations and the Assessment of Damages
	Professor David McLauchlan (Victoria University Wellington) – Some Issues in the Assessment of Expectation Damages
7.00pm	Drinks Reception sponsored by Sweet and Maxwell
7.30pm	Conference Dinner (Botanical Gardens) sponsored by Hart Publishing

Friday 29 June 2007 International Perspectives	
10.00–11.00am	The Relationship between the International Instruments
	Professor Ingeborg Schwenzer (Basel) – The Scope of the CISG Provisions on Damages
	Professor Michael Joachim Bonell (Rome) – Damages in the CISG and the UNIDROIT Principles: Yet Another Area Where the Two Instruments May Complement One Another
11.00–11.30am	Coffee
11.30–1.00pm	Recoverability of Damages
	Professor Ole Lando (Copenhagen) – Recoverability of Damages in the Principles of European Contract Law
	Professor Alastair Mullis (UEA) – Some Problems Relating to the Recoverability of Losses under the Vienna Sales Convention
	Dr Djakhongir Saidov (Birmingham) – Damage to Business Reputation
1.00–2.00pm	Lunch
2.00–3.30pm	Methods of Limiting Damages
	Professor Jan Ramberg (Stockholm) – No Need to Limit When There is No Promise?
	Professor Alexander Komarov (Moscow) – Limitation of Contractual Damages in National Legal Systems and in International Unification Instruments
	Professor Franco Ferrari (Verona) – Hadley v Baxendale v Foreseeability under Article 74 of the CISG
3.30–4.00pm	Tea
4.00–5.00pm	The Assessment of Damages
	Professor Michael Bridge (UCL) – Problems in Calculating Damages in International Sale Cases
	Professor Michael Furmston (Bristol) – Actual Damages, Notional Damages and Damages for Loss of a Chance
5.00–6.00pm	Drinks Reception

Learn more

Miss Emer McGahan
Contract Damages Conference Secretary
School of Law
University of Birmingham
Edgbaston
Birmingham B15 2TT
United Kingdom

Session chairs include:

- Lord Mance
- Professor Hugh Beale QC (Law Commission)
- Professor Roger Halson (Leeds)
- Professor Nelson Enonchong (Birmingham)
- Dr James Edelman (Oxford)
- Mr Luca Castellani (UNCITRAL)

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United Nations Commission
on International Trade Law

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Professor Andrew Burrows QC is the Norton Rose Professor of Commercial Law at the University of Oxford, a former Law Commissioner for England and Wales and a Recorder on the South-Eastern Circuit.

Professor Stephen Smith is the William Dawson Scholar in the Faculty of Law, McGill University and author of *Contract Theory* (2004, Clarendon) and *Atiyah's Introduction to the Law of Contract* (6th ed, 2006, Clarendon).

Professor Daniel Friedmann is Professor (Emeritus) at the Faculty of Law, Tel-Aviv University and a member of the Israeli Academy of Sciences and Humanities and the American Law Institute.

Professor Anthony Ogus is a Professor of Law at the University of Manchester and author of *Law of Damages* (1973, Butterworths).

Professor Peter Jaffey is Professor of Law at Brunel University and author of *The Nature and Scope of Restitution* (2000, Hart).

Dr Harvey McGregor QC was Warden of New College, Oxford, from 1985 to 1996, and Head of Chambers at 4 Paper Buildings from 1986 to 2000. He is author of *McGregor on Damages* (17th ed, 2003, Sweet & Maxwell).

Ralph Cunnington is a Lecturer in Law at the University of Birmingham.

Adam Kramer is a barrister at 3 Verulam Buildings and formerly a Lecturer in Law at Durham University.

Professor Stephen Waddams is University Professor and the holder of the Goodman/Schipper chair at the Faculty of Law, University of Toronto. His books include: *The Law of Damages* (4th ed, 2004, Canada Law Book Co); *The Law of Contracts* (5th ed, 2005, Canada Law Book Co).

Professor Charles Proctor is a Partner at Bird & Bird and an Honorary Professor in the School of Law, University of Birmingham. He is author of *Mann on the Legal Aspect of Money* (2005, OUP).

Professor David McLauchlan is Professor of Law at Victoria University of Wellington and an Honorary Professor at The University of Queensland.

Professor Michael Joachim Bonell is the Full Professor of Comparative Law at the Law Faculty of the University of Rome I 'La Sapienza' and consultant at the International Institute for the Unification of Private Law (UNIDROIT).

Professor Dr Ingeborg Schwenzer is Professor at the Law Faculty, University of Basel. She is co-editor (with P. Schlechtriem) of *Commentary on the UN Convention on the International Sale of Goods (CISG)* (2nd ed, 2005, OUP).

Professor Ole Lando is an Emeritus Professor at the Law Department, Copenhagen Business School, Chairman of the Commission on European Contract Law and a member of the UNIDROIT Working Group on International Commercial Contracts.

Professor Alastair Mullis is a Professor at the Norwich Law School, University of East Anglia. He is author of *The CISG: A New Textbook for Students and Practitioner* (Sellier – European Law Publishers, forthcoming) (with Huber).

Dr Djakhongir Saidov is a Lecturer in Commercial Law at the School of Law, University of Birmingham.

Professor Alexander Komarov is the Chairman of the International Commercial Arbitration Court at the Russian Federation of Chamber of Commerce and Industry and the Head of Private Law Chair at the Russian Academy of Foreign Trade.

Professor Jan Ramberg is an Emeritus Professor at the University of Stockholm, an Honorary Professor at Riga Graduate School and Vice-President of the Commission on Commercial Law and Practice of the International Chamber of Commerce.

Professor Franco Ferrari is a Professor at the University of Verona and former Legal Officer of the United Nations Office of Legal Affairs, International Trade Law Branch.

Professor Michael Bridge is Professor of Commercial Law and Dean of the Law Faculty, University College London. He is author of *The International Sale of Goods: Law and Practice* (1999, OUP).

Professor Michael Furmston is an Emeritus Professor at the School of Law, University of Bristol. He is a member of the UNIDROIT working group which has produced the UNIDROIT Principles for International Commercial Contracts.



CPD hours

The conference has been accredited for 10.5 CPD hours by the Law Society and the Bar Council.

Venue

The conference will take place at the Birmingham Business School, conveniently situated in the University's Edgbaston campus.

The early 20th-century house has recently undergone a multi-million pound refit, offering a unique setting for the conference that combines historic charm and cutting-edge facilities.

Conference dinner

The conference dinner will be held at the Birmingham Botanical Gardens. This fine

venue, designed by J C Loudon, was opened in 1832 and hosted the G8 Head of State Summit Dinner in 1998.

With the conference taking place mid-summer the gardens will be at their best and to add to the atmosphere of a warm summer evening, there will be a band playing in the garden followed by dinner at 7.30pm.



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Cancellation by those booked to attend an event

Cancellation of attendance by individuals or groups must be given in writing and received by the Contract Damages conference organisers, via fax at +44 (0) 121 414 3585 or via email at contractdamages@contacts.bham.ac.uk at least 30 days prior to the event to be entitled to receive a refund (less an administrative charge). Those who fail to attend or cancel their attendance within 30 days of the event, for whatever reason, will not receive a refund.

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