

LOCATION & VENUE

The conference will take place from September 30 to October 2, 2010.
The location will be:

Humboldt University Berlin
»Altes Palais« Room 213
Unter den Linden 6
10099 Berlin
Germany

Public Transport

Commuter Rail: Lines S1, S2, S25/S3, S5, S7 and S75: »Friedrichstraße«

Tram: Lines 12 and M1: »Am Kupfergraben«

Subway: Line U2: »Stadtmitte«
Line U6: »Französische Straße«

Bus: Lines 100, 200, TXL: »Staatsoper«
Line 147: »Unter den Linden/Friedrichstr.«

REGISTRATION & CHECK-IN

Participation is free of charge. Registration is required.

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On arrival please check in at the conference office, where you will be handed out the conference materials. The office will be placed in front of room 213. If you have any questions or requests during the conference, the conference office is at your disposal.

For further information, please check <http://www.contract-governance.de>

Conference Organizers:

Professor Dr. iur. Dr. phil. Stefan Grundmann LL.M. (Berkeley)
Dr. iur. Florian Möslein, Dipl.-Kfm., LL.M. (London)

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Professor Dr. iur. Karl Riesenhuber, M.C.J. (Austin/Texas)

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Contract GOVERNANCE



THE CONTRACT GOVERNANCE CONFERENCE BERLIN

September 30 – October 2 · Humboldt University

Funded by the Volkswagen Foundation
In collaboration with the European Law School

CONTRACT GOVERNANCE

DIMENSIONS IN LAW AND INTERDISCIPLINARY RESEARCH

The global financial crisis was mainly rooted in the instability of markets. Most governance structures in which we find its causes were therefore contractual relationships: the (subprime) loans; the arrangements which allowed a passing-on of the risk (via securitization); the assignment of rating firms, but also the employment of brokers in the investment banks (with competition for good brokers). It may well be that some relationships were embedded in corporate structures, and certainly the particular field of banking (prudential) supervision was largely involved. Yet the crisis could not be conceived without contractual relationships.

This, however, only adds impetus to a research which would be interesting anyhow, a research about the stability and constitution of contractually organised mass transactions, typically of long duration. Two main reasons for the importance of such a perspective stand out: First, contract law research, namely in the European context, has not followed the change from an industrial to a service and knowledge based society. Reality, however, is different: Long-term relationships, contract relationships of co-operation, relationships of trust with an ongoing and intensive exchange of information and of inputs and with a high amount of cross-decision powers between the parties. Second, the multiplicity of contract partners, namely in networks of contracts, but as well in the case of parallel behaviour, is a phenomenon which is paramount in real life but still little discussed.

The concept of »Contract Governance« would seem to describe well the panorama of these topics. This term points to the other governance discussions, among them perhaps most prominently the Corporate Governance discussion and its breathtaking development. This discussion is a »meeting-point« of all disciplines concerned. This discussion is genuinely international. This discussion is also integrative in style, focusing on problems in their respective contexts and on cross-influences between them. Finally, this discussion is as well about how to shape the rule-setting environment itself in order to find the way to good rules.

This Conference embarks on the path of »Contract Governance«, and does so choosing four core issues in the large ocean of »Contract Governance«: Third Party Effects of the Contractual Relationship. Long-term Relationships. Networks of Contractual Relationships. Rule Setting as Such. The Conference is aimed at initiating an ongoing process.


Stefan Grundmann


Florian Möslein




Karl Riesenhuber



Thursday

Sept. 30

13.00: Arrival, Light Lunch

13.30—14.00

The Overall Architecture of Contract Governance

Speakers: Stefan Grundmann, Florian Möslin, Karl Riesenhuber

I. Third Party Impact and Governance Problems in Herd Behaviour Chair: Gerd Gigerenzer

14.00—15.15

1. The Concept of Herd Behaviour

Speaker: Tatsuya Kameda

Discussant: Peer Zumbansen

15.15—16.30

2. Moral Hazard and Herd Behaviour in the Financial Crisis

Speaker: Bruno S. Frey

Discussant: Gunther Teubner

16.30: Coffee Break

17.00—18.15

3. Herd Behaviour and Third Party Impact as a Legal Concept?

Speaker: Hans-W. Micklitz

Discussant: Michael Klausner

II. Governance of Networks of Contracts Chair: Christian Kirchner

18.15.—19.30

1. Firms outside Firms – Contract-based and Firm-based Organisation

Speaker: Charles F. Sabel

Discussant: Gerard Hertig

20.00: Conference Dinner

Friday

Oct. 1

9.00—10.15

2. Contractual Networks in a Socio-Economic Perspective

Speaker: Richard Swedberg

Discussant: Marc Amstutz

10.15: Coffee Break

10.30—11.45

3. Direct Claims and Distribution of Profits – Companies and Networks Compared (Round Table)

Discussants: Paul Davies

Hanno Merkt

Vito Roberto

III. Governance in Long-Term Relationships • Chair: Klaus J. Hopt

11.45—13.00

1. Fairness and Reciprocity as Schemes of Behaviour

Speaker: Stefan Magen

Discussant: Graf-Peter Calliess

13.00: Lunch

14.30—15.45

2. Cooperation, Games and Economic Theory in Long-Term Relationship

Speaker: Dominique Demougin

Discussant: Fernando Gomez

15.45: Coffee Break

16.00—17.15

3. Opportunistic Behaviour in Long-Term Investment Relationships and Legal Answers

Speaker: Clayton Gillette

Discussant: Urs Schweizer

IV. Governance and Rule Setting • Chair: Wolfgang Schön

17.15—18.30

1. Europeanisation, Regulatory Competition and Privatisation A Comparative Analysis

Speaker: Fabrizio Cafaggi

Discussant: Wolfgang Kerber

20.00: Philharmonie

Saturday

Oct. 2

9.00—10.15

2. Contract Governance and Governance of Contract (Re-)Negotiations

Speaker: Hugh Collins

Discussant: Horst Eidenmüller

10.15: Coffee Break

10.30—11.45

3. Innovation and the Role of Public-Private Collaboration in Contract Governance

Speaker: Katharina Pistor

Discussant: Gunnar Folke Schuppert

11.45—13.00

V. Contract Governance and Political Dimensions Chair: Christine Windbichler

Discussants: Kern Alexander

Klaus J. Hopt

Mats Isaksson

Karl-Heinz Oehler (yet to be confirmed)

13.00: Lunch

Afternoon: Visit to Potsdam – Sanssouci; Ship cruise back to Berlin.

Speakers

Kern Alexander Professor, University of Zurich, Specialist Academic Adviser to the Committee on EU Financial Regulation of the European Parliament **Marc Amstutz** Professor of Business Law, Economic Law and Legal Theory, University of Fribourg School of Law **Fabrizio Cafaggi** Professor of Comparative Law, European University Institute, Florence **Graf-Peter Calliess** Professor of Private Law, International and Comparative Economic Law, University of Bremen **Hugh Collins** Professor, London School of Economics and Political Science **Paul Davies** Allen & Overy Professor of Corporate Law, University of Oxford **Dominique Demougin** Head of Department of Law, Governance & Economics, European Business School (EBS) **Horst Eidenmüller** Professor of Private Law, German, European and International Corporate Law, Ludwig-Maximilians-University Munich **Bruno S. Frey** Professor for Economics, University of Zurich; Research Director of the Centre for Research in Economics, Management and the Arts **Gerd Gigerenzer** Director of the Max Planck Institute for Human Development, Berlin **Clayton Gillette** Max E. Greenberg Professor of Contract Law, New York University School of Law **Fernando Gomez** Professor of Law and Economics, Universidad Pompeu Fabra School of Law, Barcelona **Stefan Grundmann** Professor of Private Law, German, European and International Economic Law, Humboldt University Berlin **Gerard Hertig** Professor of Law, Swiss Federal Institute of Technology (ETH), Zurich **Klaus J. Hopt** Director em. of the Max Planck Institute for Foreign and International Private Law **Mats Isaksson** Head of the Corporate Affairs Division, OECD, Paris **Tatsuya Kameda** Professor, Department of Behavioral Science, Hokkaido University, Sapporo **Wolfgang Kerber** Professor of Economic Policy, University of Marburg **Christian Kirchner** Professor of German, European and International Economic Law and Institutional Economics, Humboldt University Berlin **Michael Klausner** Nancy and Charles Munger Professor of Business and Professor of Law, Stanford Law School **Stefan Magen** Professor of Public Law, Legal Philosophy and Economic Analysis of Law, Ruhr-University Bochum **Hanno Merkt** Professor, Institute for Foreign and International Private Law, Albert-Ludwigs-University Freiburg i. Br. **Hans-W. Micklitz** Professor of Economic Law, Department of Law, European University Institute, Florence **Florian Möslin** Schumpeter Fellow, Faculty of Law, Humboldt University Berlin **Karl-Heinz Oehler** Federal Ministry of Justice, Berlin **Katharina Pistor** Michael I. Sovern Professor of Law, Columbia Law School **Karl Riesenhuber** Professor of Private Law, German and European Commercial and Economic Law, Ruhr-University Bochum **Vito Roberto** Professor, University of St. Gallen (HSG) **Charles F. Sabel** Professor of Law and Social Science, Columbia Law School **Wolfgang Schön** Director of the Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich **Gunnar Folke Schuppert** Research Professor for Governance, Social Science Research Center Berlin, and Professor of Political and Administrative Sciences, Humboldt University Berlin **Urs Schweizer** Professor of Economics, Rhenish Friedrich-Wilhelms-University Bonn **Richard Swedberg** Professor of Sociology, Cornell University **Gunther Teubner** Professor em. of Private Law and Legal Sociology, Goethe-University Frankfurt am Main **Christine Windbichler** Professor of Commercial and Economic Law, Labor Law and Comparative Law, Humboldt University Berlin **Peer Zumbansen** Professor, Osgoode Hall Law School, York University, Toronto