Empirical and Lyrical: 
Revisiting the Contracts Scholarship of Stewart Macaulay 

Draft Program 
(10/17/11) 

Friday, October 21st 

8:30-9:00 Registration and Continental Breakfast 

9:00-9:10 Welcome and Introductions 
Howard Erlanger (University of Wisconsin Law School) 
Bill Whitford (University of Wisconsin Law School) 

Introductions of Distinguished Conference Fellows: 
Peter Enrich (Northeastern University School of Law) 
Kate O'Neill (University of Washington School of Law) 
Robert E. Rosen (University of Miami Law School) 
Thomas Russell (University of Denver Sturm College of Law) 
Alan White (Valparaiso University School of Law) 

9:10-10:45 Session 1 
Chair/Commentator: Bill Whitford (University of Wisconsin Law School) 
Panel: David Campbell (Durham Law School, U.K.) 
“What Do We Mean by the Non-use of Contract?” 

Robert Gordon (Stanford Law School) 
“Stewart Macaulay Meets the Public-Private Distinction” 

10:45-11:00 Break 

11:00-12:15 Session 2 
Chair/Commentator: Jonathan Lipson (University of Wisconsin Law School) 
Panel: John Wightman (Kent Law School, U.K.) 
“Contract in a Pre-realist World: Macaulay and the Rise of Context in English Contract Law” 

William Woodward (Temple University Beasley School of Law) 
“Restitution Without Context: An Examination of the Losing Contract Problem in the Restatement (Third) of Restitution” 

12:15-1:30 Buffet Lunch provided for all registered participants in the Law School Atrium.
1:30-2:45  **Session 3**
Chair/Commentator: Keith A. Rowley (University of Las Vegas Boyd School of Law)
Panel: Gillian Hadfield and Iva Božović (University of Southern California)  
“Scaffolding: Using Formal Contracts to Build Informal Relations to Support Innovation”
Claire Hill (University of Minnesota Law School)  
“What Mistakes Do Lawyers Make in Complex Business Contracts, and What Can and Should Be Done About It? Some Preliminary Thoughts”
2:45-3:15  Break
3:15-4:30  **Session 4**
Chair/Commentator: Daniel Schwarcz (University of Minnesota Law School)
Panel: Robert Scott (Columbia Law School)  
“The Promise and the Peril of Relational Contract Theory”
D. Gordon Smith (Brigham Young Law School)  
“The Social Dimension of Opportunism”
4:30-6:00  Reception

**Saturday, October 22nd**
8:45-9:15  Continental Breakfast
9:15-10:45  **Session 5**
Chair/Commentator: Jean Braucher (University of Arizona Rogers College of Law)
Panel: Ethan Leib (Fordham University School of Law)  
“What is the Relational Theory of Consumer Form Contract?”
Charles Knapp (Hastings College of the Law)  
“Is There a ‘Duty to Read’?”
10:45-11:00  Break
11:00-12:15  **Session 6**

Chair/Commentator: Alan Hyde (Rutgers University School of Law)

Panel: Jay Feinman (Rutgers (Camden) School of Law)
“Ambition and Humility in Contract Law”

Deborah Post (Touro College Fuchsberg School of Law)
“Recreating a Free Way Out: The Deregulatory Effects of Seventh Circuit Jurisprudence”

12:15-1:30  Buffet Lunch provided for all registered participants in the Law School Atrium.

1:30-2:45  **Session 7**

Chair/Commentator: Jason Yackee (University of Wisconsin Law School)

Panel: Edward Rubin (Vanderbilt University Law School)
“Empiricism’s Crucial Question and the Transformation of the Legal System”

Josh Whitford and Li-Wen Lin (Columbia University)
“Conflict and Collaboration in Business Organization: A Preliminary Study”

2:45-3:15  Break

3:15-4:30  **Session 8**

Chair/Commentator: Lisa Alexander (University of Wisconsin Law School)

Panel: Carol Sanger (Columbia Law School)
“Acquiring Children Contractually: Relational Contracts at Work at Home”

Brian Bix (University of Minnesota Law School)
“The Role of Contract: Stewart Macaulay’s Lessons from Practice”

4:30  Sessions Adjourn

6:00-9:00  **Reception and Closing Banquet for Registered Guests**
(University Club)

6:00-7:00  Reception (Cash bar)
7:00-8:00  Dinner
8:00-9:00  Program
Master of Ceremonies: Jean Braucher
Post-dinner Address: Stewart Macaulay