



Associazione Internazionale University College of Turin

CLEF CONFERENCE (IUC TORINO)

**First annual Comparative Law,
Economics and Finance Conference
(CLEF)**

December 12th and 13th



INTERNATIONAL UNIVERSITY COLLEGE OF TURIN
COMPARATIVE LAW, ECONOMICS AND FINANCE CONFERENCE

December 12-13, 2008
IUC Turin, Piazza Paleocapa 2

Friday, December 12, 2008 (16:30 – 19:00)

PANEL ONE – CONTESTING TRADITIONS, BEYOND MAINSTREAM L&E

Chiara Bortoluzzi (c.bortoluzzi@sssup.it)

Scuola Superiore Sant'Anna di Studi Universitari e di Perfezionamento

“The New European Model of Legal Education: Towards A World Wide Degree of Attraction?”

Julie De Coninck (Julie.DeConinck@law.kuleuven.be)

Postdoctoral Fellow of the Research Foundation - Flanders (FWO)
KU Leuven, Faculty of Law

“Beyond the Functional Method as a Mere Heuristic Device? An Investigation into to the Possibilities of Behavioral Law and Economics”

Claire Marzo (Claire.Marzo@eui.eu)

European University Institute, Italy

“The Management of Restructuring: At the Interface of Economics and Law”

Mario Viola de Azevedo Cunha (Mario.Cunha@eui.eu)

PhD Candidate, European University Institute, Department of Law

“The Limits for the Collection and Use of Personal Data on Insurance Contracts in EU Law”

Saturday, December 13, 2008 (9:00 – 11:00)

PANEL TWO – RELEVANCE OF DOMINANT PARADIGMS TO THE 2008 FINANCIAL CRISIS

Moderator: Prof. Cally Jordan

Wladimir Kraus (wladimir_kraus@gmx.de)

Ph.D. Candidate, CLEI Centre, IEL Programme, University of Turin, Marburg University

“Wrong Medicine: Financial Regulation in the Fractional Reserve Banking System”

Gerard McCormack (G.McCormack@leeds.ac.uk)

University of Leeds, UK, Professor of International Business Law

“Convergence, Path-dependency and Credit Securities: the Case Against Europe-wide Harmonisation”

Abe Keisuke (kmarkabe@hotmail.com)

Professor of Law, Seikei University

“Law Reform to Meet the Needs of the Aging Society?: Revision of Trust Law in Japan and a New Image of Trustees”

Saturday, December 13, 2008 (11:15 – 12:30)

DISCUSSANT – PROF. UGO MATTEI

KEYNOTE LECTURE – SEN. MIKE GRAVEL (D-AK, RET.)

“Globalization, American Hegemony and the 2008 Global Financial Crisis – Lessons”

John D. Haskell (johndhaskell@gmail.com)

Lecturer in Law, University of London, School of Oriental and African Studies

“The End of Ambivalence: Assessing Perceptions of the Financial Meltdown within the History of Law and Development”

Boris N. Mamlyuk (bnm9@cornell.edu)

Ph.D. Candidate, CLEI Centre, University of Torino; Cornell Law School.

“Pragmatism, Privatization and Property Rights: Global Development After the 2008 Financial Crisis, Lessons from/for U.S./Russia Relations”

Lunch (12:30 – 2:00)

Saturday, December 13, 2008 (14:00 – 15:30)

PANEL THREE – SUBSTANTIVE REFORMS: NEW L&E METHODS, APPLIED

Nicola Sartori (nsartori@umich.edu)
S.J.D. Candidate, University of Michigan

“Managers and Shareholders in Tax Disputes”

Andrea Zanoni (andrea.zanoni@unige.it)
Ph.D. Candidate, Genoa Law School

“Hedge Funds' Empty Voting in Mergers and Acquisitions: A Fiduciary Duties Perspective”

Saturday, December 13, 2008 (15:45 – 17:00)

PANEL FOUR – NATIONAL REFORMS THROUGH THE PRISM OF GLOBALIZATION: THEORY AND PRACTICE

Marco Botta (marco.botta@eui.eu)
Ph.D. Candidate, European University Institute

“Multi-jurisdiction M&As in an Era of Globalization, New Challenges for the Merger Control Regimes of the Developing Countries – Case Study on the Acquisition of Telecom Italia by Telefónica España”

Zdeněk Nový (Zd.Novy@seznam.cz)
Ph.D. Candidate, Masaryk University, Law School, Brno, Czech Republic

“The Arbitration Clause as Unfair Contract Term: The Czech Law Viewpoint”

Tarcisio Gazzini (t.gazzini@law.gla.ac.uk)
VU University Amsterdam
Faculty of Law

“Emergency Measures and Foreign Investment: The Interplay Between Law and Economics”

ABOUT THE PRESENTERS:

U.S. Senator Mike Gravel—

Globalization, American Hegemony and the 2008 Global Financial Crisis – Lessons



Senator Mike Gravel- A Former Democratic United States Senator from Alaska- Author- and founder and chairman of the Democracy foundation.

Senator Gravel served two terms from 1969 to 1981, was a candidate for the 2008 presidential election. Senator Gravel is a graduate of Columbia University, who became nationally known for his forceful but unsuccessful attempts to end the draft during the Vietnam War and for having put the Pentagon Papers into the public record in 1971 despite risk to himself.

In 1989, Sen. Gravel reentered politics by founding and leading The Democracy Foundation, which promotes direct democracy. Sen. Gravel has led an effort to get a United States Constitutional amendment to allow voter-initiated federal legislation similar to state ballot initiatives. Senator Gravel is a passionate advocate of direct democracy and the National Initiative and in 2006 began a run for President of the United States in part to promote those ideas. Senator Gravel is the author of three books, including *Jobs and More Jobs* and *Citizen Power: A People's Platform*. Senator Gravel's *My America* was released in May 2008.

- When:** Saturday, Dec 13, 2008 11:15-12:30
- Where:** Piazza Paleocapa 2 – 2nd floor —Torino Italy
- Speaker:** Mike Gravel
- Discussant:** Ugo Mattei

SELECTED BIOGRAPHICAL NOTES:

Chiara Bortoluzzi:

Ms. Bortoluzzi entered the Scuola Superiore Sant'Anna di Studi Universitari e di Perfezionamento of Pisa in 2005 as an undergraduate student of the Law Department and now she is enrolled in the graduate program. During her undergraduate studies she has carried out research on banking foundations and on class actions. In July 2008 she graduated cum laude in Law from the University of Pisa, with a thesis on Private Comparative Law entitled "Good faith in insurance contract law: comparative issues".

She is currently enrolled in the graduate program in Law, with a specialization in Private Law, at the University of Pisa. In addition to the Italian university, Ms. Bortoluzzi is continuing her academic path in France where she is a graduate student at the Ecole Normale Supérieure of Paris and at the University of Paris II Panthéon-Assas.

Julie De Coninck:

Julie De Coninck is a Postdoctoral Fellow of the Research Foundation - Flanders (FWO) at the Catholic University of Leuven (KU Leuven), and a lecturer in the field of the law of obligations at the University of Antwerp.

Graduated magna cum laude in 2002 at the Law Faculty of the KU Leuven, she worked as a research assistant at the KU Leuven, Campus Kortrijk in 2002-2003. In 2003 she obtained a Ph.D. Fellowship of the Research Foundation - Flanders for a research project on Conditions in the law of contract. Her doctoral dissertation on this subject (according to Belgian, French, Dutch, German and Swiss law) was defended on April 23, 2007. As of October 1, 2007, she is conducting a three-year research project on the methodology and practice of comparative law as a Postdoctoral Fellow of the Research Foundation - Flanders. As of October 1, 2008, she is a lecturer in the field of the law of obligations at the University of Antwerp. She will also co-lecturer the Comparative Law course in the Research Master in Law at KU Leuven (in cooperation with Tilburg University) in the spring of 2009.

Claire Marzo:

Claire Marzo is a PhD researcher at the European University Institute. She is in her fourth year, finishing her Doctoral thesis on "The Social Dimension of European Citizenship". She is currently teaching at the University Paris XII in Paris, France. She is also involved in research projects on Corporate Social Responsibility and the effects of Social Rights at an internal and international level.

Wladimir Kraus:

Wladimir Kraus received his M.S. in Economics from Paderborn University, Germany. The academic year 2001- 2002 Mr. Kraus spent at the DePaul University, Chicago, Il. In 2005 he held Rowley Summer Fellowship at the Ludwig von Mises Institute. Currently, Mr. Kraus is a Ph.D. candidate in law and economics at the CLEI Centre, Turin.

His research interests include all branches in economic theory insofar as they relate to the freedom and prosperity of the individual.

Marco Botta:

Marco Botta is a 3rd year PhD candidate in the Law Department of the European University Institute. His area of study concerns the development of competition law in the developing countries, in particular merger control in Brazil and Argentina. In 2006 he obtained a LLM in European Business Law at the University of Leiden (Netherlands) and in 2003 he graduated in International and Diplomatic Sciences at the University of Torino, Italy.

Gerard McCormack:

Gerard McCormack is Professor of International Business Law at the University of Leeds in the United Kingdom and previously was a Professor of Law at the University of Manchester and the University of Essex. He is the author of a number of books and articles with particular reference to the harmonisation of secured credit and insolvency law including "Secured Credit under English and American Law" (Cambridge University Press, 2004) and "Corporate Rescue Law - An Anglo-American Perspective" (Edward Elgar Publishing, 2008).

John D. Haskell:

John Haskell is from California, where he graduated with a JD from UC Hastings. He holds an LLM, and is currently pursuing his PhD at the School of Oriental and African Studies (SOAS) in London. He is also the co-founder of the Centre for the study of Colonialism, Empire and International Law, a research centre part of the University of London, and works on issues primarily relating to global governance, international law and development, and social histories of international law and religion.

Boris N. Mamlyuk:

Boris N. Mamlyuk completed his undergraduate studies at California State University (Fullerton) majoring in English, and obtained his J.D. from the University of California (Hastings) in 2005. Following graduation, Mr. Mamlyuk practiced law in a large firm for several years. Currently, Mr. Mamlyuk is a Fulbright grantee in Moscow and a Ph.D. candidate in law and economics at the CLEI Centre, a research center founded by the University of Torino, Cornell University Law School, *et al.* In academic year 2007-2008, Boris was a visiting scholar at Cornell Law School and at Columbia University's Harriman Institute for Russian, Eurasian and East European Studies.

Mr. Mamlyuk's current research focuses on Russian legal history and jurisprudence, transition economics, and the development of international law in Russia, particularly in the time periods 1865-1939 and 1986-present. His other research interests are international and comparative law, law and economics, law and development, critical legal studies, the Post-Soviet transition & transitology, and legal transplant studies.

Zdeněk Nový:

Zdeněk Nový was born in September 1982 in Ostrava, Czech Republic. After finishing high school studies, he was admitted to the Faculty of Law of the Masaryk University, Brno and graduated there in 2006. He has been the internal postgraduate student of Private International Law at the same faculty since September 2006. His Ph. D. thesis deals with good faith in contract law between international merchants.

Zdeněk Nový was nominated as a Visiting Student at the European University Institute in Florence (October-December 2008). He also obtained a scholarship by the Hague Academy of International Law for the Summer Programme in Private International Law (July 2008). Zdeněk Nový has published articles and conference papers in Czech and English language. They deal with quite wide range of issues as international arbitration (eg arbitrability, *trunc commun doctrine*), law of international civil procedure (eg Brussels I regulation), principles of contract law (eg foreseeability, good faith, precontractual liability, unfair contract terms and so called European Civil Code) and general theory of Private International Law (eg article on development of nationality principle). Zdeněk Nový has been moreover interested in the problems of Child Abduction and Consumer Protection in the EU.

Tarcisio Gazzini:

Tarcisio Gazzini (LL.M., Ph.D.) is Assistant Professor in International law at VU University Amsterdam, Faculty of Law. He has previously taught at the Universities of Padova (Italy) and Glasgow (United Kingdom).

He is a member of the International Law Association Committee on Non State Actors and several learned societies of international law. He has published in several fields of public international law, including international trade law, foreign investment law, international economic sanctions, use of military force, international organizations law. He is currently completing a book on “The Sources of Rights and Obligations in the Field of Foreign Investment”.

Andrea Zanoni:

Andrea Zanoni graduated with honors from the Law School of the University of Genova in 2002. In 2007, he received an LL.M. degree from the U.C. Berkeley School of Law (Boalt Hall). He is a Ph.D. candidate at the University of Genova and has been a member of the European Corporate Governance Training Network. His main research interests include corporate law and governance, securities regulation and venture capital/private equity.

Andrea has been a member of the Genova Bar since 2005 and is a member of the European Corporate Governance Institute.

Keisuke Abe:

Keisuke Abe is Professor of Comparative Law and Head of the Department of Law at Seikei University Faculty of Law. A graduate of the University of Tokyo (LL.B., LL.M., Ph.D.) and of Harvard Law School (LL.M.), he teaches Constitutional Law, Bioethics and Law, and Business Ethics and Law. He also is Summer Program Instructor at Santa Clara University School of Law (Santa Clara, California) where he teaches Introduction to the Japanese Legal System. Professor Abe has been a member of the Trust Law Study Group at the Trust Companies Association of Japan since 2005; his most recent article, entitled "The Changing Legal Status of Animals and the Responsibility of Pet Owners: An International Perspective," examines the various issues and concerns raised by the increase in the number of pet owners living alone (currently around 2.8 million in Japan), and highlights the necessity of estate planning for pets. Professor Abe welcomes opportunities to lecture on contemporary issues in Japanese law.

Nicola Sartori:

Nicola Sartori specializes in International and Comparative Taxation and Tax Policy. He is experienced in both Italian and US Tax Law. He earned his degree in Law and Business Administration, *summa cum laude*, from Bocconi University, Milan, in 2003, and his PhD in Law (curriculum Tax Law) from the University of Milan Bicocca in 2008. He also holds an LLM in International Taxation from the University of Michigan, School of Law, where he is currently an SJD student. He is also a post-doctoral fellow in Comparative Law and Economics at IUC Torino and tutor professor of tax law and research assistant in Italian, International and Comparative Tax Law at Bocconi University. He has been summer associate at Cravath Swaine and Moore LLC, New York, and he is currently practicing tax law part time at Studio Legale Tributario Tesauero, Milan.