

6th Annual Canadian Commercial Law Symposium



**October 21, 2022 8:00 a.m. to 1:40 p.m. PT,
virtually through Zoom**

Program

8:00-8:10	Introduction and Welcome by Darcy MacPherson & Virginia Torrie	
8:10-8:40	Moderator Roderick Wood	“The Ever-Expanding Federal Bankruptcy and Insolvency Power: Implications of the Orderly Payment of Debts Act Case” by Thomas GW Telfer & Virginia Torrie , Commentator Caylee Hong
8:40-9:40		“A Utilitarian Perspective on Contract Illegality: Revisiting the Canadian Doctrinal Approach” by Andrew Hindi , Commentator Andrew Luesley
		“New Perspectives on Good Faith in Contractual Negotiation” by Robert Yalden , Commentator Darcy MacPherson
9:40-9:50	Break	
9:50-11:20	Moderator Pascale Chapdelaine	“Consumer Law Responses to Coerced Debt” by Freya Kodar , Commentator Tamara Buckwold
		Informing the Debate on Lowering the Criminal Rate of Interest” by Gail Henderson & Katlin Abrahamson , Commentator Micheline Gleixner
		“Uncertainty Over the Scope of Borrower Protections in Mortgage Enforcement Proceedings: The Problem & Potential Solutions” by Anna Lund , Commentator Ronald Cuming
11:20 - 12:05	Lunch	
12:05-13:35	Moderator Norman Siebrasse	“The Negotiable Transport Document” by Benjamin Geva , Commentator Lukas Vanhonnaeker
		“Steel Rail Blues: Retention-of-Title Clauses in Contracts for the Sale of Goods Between International Sellers and Buyers in PPSA Jurisdictions” by Rachel Weary , Commentator Clayton Bangsund
		“Developing Personal Property Registration Systems within the Financial Inclusion Context” by Shanthi Sente , Commentator Jerry Buckland
13:35-13:40	Closing Remarks by Darcy MacPherson & Virginia Torrie	

Participant Bios



Katlin Abrahamson

Katlin Abrahamson (she/her) is a JD student at the Queen's Faculty of Law. Prior to starting law school, Katlin graduated from Ivey Business School at Western University. She has a keen interest in access to financial services, education and regulation.



Clayton Bangsund

Clayton Bangsund is an Associate Professor at the University of Saskatchewan. He researches and teaches in various areas of commercial law including secured transactions and sales. Thomson Reuters recently published his book, *Bangsund on the Personal Property Security Act: The CCPPSL Model*, and he is currently writing a companion book on *The Commercial Liens Act of Saskatchewan* (to be published by Publications Saskatchewan). Professor Bangsund is a member of the Canadian Conference on Personal Property Security Law, and the founder and editor of *JuliusErwin.com*, an online magazine that serves as a venue for reasoned analysis of law and policy.



Jerry Buckland

Jerry Buckland is an Economics professor at Canadian Mennonite University's Redekop School of Business and a professor of International Development based at the University of Winnipeg. He specializes in financial ecosystem studies and regional/community development. He has authored many articles and books in these fields including co-authoring, with Brenda Spotton Visano, the book *Financial Vulnerability in Canada: The Embedded Experience of Households* (Palgrave Macmillan, 2022). With a team of researchers, he is working on a 6-year study, the *Canadian Financial Diaries*, exploring the financial dynamics of people with low and modest incomes.



Tamara Buckwold

Tamara Buckwold is University of Alberta Professor Emerita. She has researched and taught in contracts and commercial law, focusing primarily on judgment enforcement and personal property security law. She has led or participated in multiple law reform projects, including as primary author of the reports leading to enactment of *The Reviewable Transactions Act* (2022 Saskatchewan, awaiting proclamation) and as co-author of *Alberta Law Reform Institute reports on amendment of the Alberta PPSA and Civil Enforcement Act*.



Pascale Chapdelaine

Pascale Chapdelaine is Associate Professor at the Faculty of Law, University of Windsor. She holds an LL.B. and B.C.L. from Mc Gill University, an LL.M from the K.U. Leuven (Belgium), and a Ph.D. from Osgoode Hall Law School (York University). Her broad research interests in law, technology, and society span various subjects at the intersection of copyright, contracts, property, privacy law, e-commerce, from the perspective of consumers and citizens.



Ronald Cuming

Distinguished Professor Ronald Cuming (Emeritus) has 53 years of professional experience as a professor of commercial law and more than 30 years' experience as an international consultant. Professor Cuming's research focuses on national and international secured financing law, leasing law, judgment enforcement law, and insolvency (bankruptcy) law. Professor Cuming was the principal consultant and drafter of the *Personal Property Security Acts* of several Canadian provinces and territories.



Benjamin Geva

Benjamin Geva is a Professor of Law, Osgoode Hall Law School of York University, Toronto, Canada, Counsel (part-time) in payments and cards group in Torys LLP, Toronto, and founding Editor of the *Banking and Finance Law Review*. His broad research interests include banking, negotiable instruments, funds transfers, digital currencies, payment and settlement systems, and documents of title. He is a prolific author and international consultant in his areas of expertise.



Micheline Gleixner

Micheline Gleixner is an Associate Professor at the Faculty of Law of the Université de Moncton. She teaches and writes in the areas of insolvency and bankruptcy law, commercial law as well as intellectual property law. She is currently a Ph.D. candidate at Dalhousie University's Schulich School of Law studying Canada's consumer credit regulatory framework.

Participant Bios



Gail Henderson

Gail Henderson (she/her) is Associate Professor at Queen's University Faculty of Law. She researches and teaches in the areas of financial regulation, securities regulation, corporate law and contracts. She recently contributed a co-authored article on COVID-19 and Regulation of Alternative Financial Services to a special issue of the Queen's Law Journal and completed a SSHRC-funded, interdisciplinary research project focused on financial literacy education in elementary schools.



Andrew Hindi

Andrew Hindi completed his JD at UBC and is currently pursuing an LLM thesis at the University of Auckland. His research interests are wide-ranging and include corporate insolvency law, the law of contract and legislative reform. As a JD student Andrew had compiled an impressive resume of academic work. Upon graduation Andrew completed an internship at the BC Securities Commission where he worked in finance policy reform. His most recent work, "Frustration of Contract in the Era of COVID-19," is featured in The Advocates' Quarterly.



Caylee Hong

Caylee Hong is a PhD Candidate in Anthropology at the University of California, Berkeley. She works at the intersections of law, the environment, and science and technology studies. Her dissertation project examines urban oil operations in metropolitan Los Angeles; particularly how cities navigate the decommissioning of oil wells and the threat of operator bankruptcies. She completed her BCL/LLB at McGill University, clerked at the Federal Court of Canada, and worked as a project finance attorney in New York City.



Freya Kodar

Freya Kodar is an Associate Professor at the Faculty of Law, University of Victoria. Her research focuses on income and financial security across the life course, and she researches and teaches in the areas of consumer law and policy, debtor and creditor relations, and disability and the law. She is co-author of Law and Disability in Canada: Cases and Materials (LexisNexis, 2021) with Laverne Jacobs, Ruby Dhand, David Ireland, Richard Jochelson & Odelia Bay, and is currently working on research projects examining online dispute resolution and coerced debt.



Andrew Luesley

Andrew Luesley is a PhD Candidate at the University of British Columbia's Peter A. Allard School of Law. He has also served as an Assistant Professor and Purdy Crawford Business Law Fellow at Dalhousie University's Schulich School of Law. Andrew researches in the field of crypto commerce and commercial law.



Anna Lund

Anna Lund (she/her) is an Associate Professor at the University of Alberta. She researches and teaches in the areas of bankruptcy and insolvency, civil procedure, access to justice, and housing. The University of British Columbia Press published her book, Trustees at Work: Financial Pressures, Emotional Labour, and Canadian Bankruptcy Law, in 2019 and she has an article forthcoming in volume 68 of the McGill Law Journal on the Mountain Equipment Cooperative insolvency proceedings.



Darcy MacPherson

Darcy MacPherson is a Professor in the Faculty of Law at the University of Manitoba. He has recently been appointed as the Research Director for the Marcel A Desautels Centre for Private Enterprise and the Law. His research areas include contracts, corporate law, the law of agency and partnership, and organizational criminal liability.



Shanthi Elizabeth Senthe

Shanthi Elizabeth Senthe is an Assistant Professor at Windsor Law. She teaches Business Associations, Secured Transactions, and Sports Law. Professor Senthe is also a faculty member with the Dual-JD program, in which she teaches the Business Association module. Her research interests include corporate, commercial, banking and finance law, critical race and sports law. She is currently leading a research study involving Black entrepreneurship, commercialization and financialization in the Detroit area.

Participant Bios



Norman Siebrasse

Norman Siebrasse is a Professor of Law at the University of New Brunswick. His research focuses on patent law, particularly pharmaceutical patent law, patent remedies, and the intersection of intellectual property law and commercial law. His blog, Sufficient Description, comments on recent Canadian patent law cases, and is regularly cited by the Canadian courts.



Thomas Telfer

Thomas Telfer is a Professor in the Faculty of Law at Western University. His main research interests are in the fields of bankruptcy law and legal history. His publications include *Ruin and Redemption: A Struggle for Canadian Bankruptcy Law, 1867-1919* (University of Toronto Press, 2014) and (with Virginia Torrie) *Debt and Federalism: Landmark Cases in Canadian Bankruptcy and Insolvency Law* (UBC Press, 2021).



Virginia Torrie

Virginia Torrie is an Associate Professor at the University of Manitoba Faculty of Law and Editor-in-Chief of the *Banking and Finance Law Review*. Her main research interests are bankruptcy/insolvency law, commercial law and legal history. She is the author of *Reinventing Bankruptcy Law: A History of the Companies' Creditors Arrangement Act (UTP 2020)* and co-author with Thomas GW Telfer of *Debt and Federalism: Landmark Cases in Canadian Bankruptcy and Insolvency Law* (UBC Press, 2021).



Lukas Vanhonnaeker

Dr. Lukas Vanhonnaeker is an Assistant Professor at the Faculty of Law of the University of Montreal where he conducts research in the field of international economic law with an emphasis on the law of international commercial transactions and international investment law and arbitration. Before being appointed as Assistant Professor, Lukas received his PhD from McGill University where he was also a post-doctoral research fellow.



Rachel Weary

Rachel Weary (she/her) is an LLM student at the University of Alberta. Her thesis research is focussed on the law of guarantees in Alberta and, in particular, the history of the Alberta Guarantees Acknowledgment Act.



Roderick J. Wood

Professor Roderick J. Wood is the F.R. (Dick) Matthews Q.C. Professor of Business Law at the Faculty of Law, University of Alberta, and teaches in the areas of commercial law, bankruptcy and insolvency law, and secured transactions law. Professor Wood is the author of a book on Canadian bankruptcy and insolvency law, a co-author of a book on personal property security law, and has written extensively on commercial law topics in national and international law journals.



Robert Yalden

Robert Yalden is the Stephen Sigurdson Professor in Corporate Law and Finance at the Faculty of Law, Queen's University. He was previously a partner with Osler, Hoskin & Harcourt LLP where he practiced business law for 25 years and served in a number of leadership roles. He has written extensively on the forces that shape competing institutional perspectives on the regulation of mergers and acquisitions, and was recently appointed Co-Editor in Chief of the *Canadian Business Law Journal*.

Hosted by the Desautels Centre for Private Enterprise and the Law, Faculty of Law, University of Manitoba.

THE
MARCEL A. DESAUTELS CENTRE
FOR PRIVATE ENTERPRISE AND THE LAW