

## **THE LAW OF REMEDIES: A PROSPECTUS FOR TEACHING AND SCHOLARSHIP**

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### **ABSTRACT**

*The study of the law of remedies has found a place in the curriculum of many common law law schools. This has generated debate on whether the law of remedies exists as a distinct body of law governed by its own systematic structures and principles, and which can comfortably take its place beside other substantive private law subjects. The author argues that it can, and then suggests a number of important areas of law in which debate on appropriate remedial response is central to the articulation of the particular interest which has been violated. The author suggests that there is much useful work to engage the energies of scholars of the law of remedies.*

### **\*Professor Jeff Berryman Biographical Sketch**

Professor Jeff Berryman is a Senior Research Leadership Chair and Professor of Law at the Faculty of Law, University of Windsor, Canada, where he has been for the past 30 years. In addition, he holds a part-time appointment as Professor of Law, Faculty of Law, University of Auckland, N.Z. A specialist in remedies, he also teaches contract law and restitution. He is the author of “The Law of Equitable Remedies” (Irwin Publishing – Essentials of Canadian Law series) and is the co-ordinating editor and contributing author of Berryman *et al*, “Remedies: Cases and Materials” now in its 5<sup>th</sup> ed., published by Emond Montgomery. His published articles have appeared in journals in Canada, Australia, New Zealand, The United States, and England. He has advised the New Zealand Ministry of Justice, Ontario Law Reform Commission, and the Federal Court of Canada. He is a member of the Law Society of Upper Canada and a barrister and solicitor of the High Court of New Zealand. His most recent publications include; “Challenging Shibboleths: Evidence Based Policy Making, the Supreme Court of Canada and Anton Piller Orders” (2010), 36 *Advocates’ Quarterly* 509-534, “Fact-Based Fiduciary Duties and Breaches of Confidence: An Overview of their imposition and remedies for breach”, (2009), 15 *New Zealand Business Law Quarterly* 36, “The Compensation Principle in Private Law” (2008), 42 *Loyola of Los Angeles Law Review* 91-129, “Accommodation Ethnic and Cultural Factors in Damages for Personal Injury”, (2007) 40 *University of British Columbia Law Review* 1, “Anton Piller Orders and the Supreme Court of Canada’s New Procedural Guidelines; *Celanese Canada Ltd. v. Murray Demolition Corp.*” (2007), 32 *Advocates’ Quarterly* 371, “Cross-Border Enforcement of Mareva Injunctions in Canada”, (2005), 30 *Advocates’ Quarterly* 413-438, “Up in Smoke: What Role Should Litigation Play in Funding Canada’s Health Care” (2004) 12 *Health Law Journal* 125-157, “Reconceptualizing Aggravated Damages: Recognizing the Dignitary Interest and Referential Loss” (2004) 41 *San Diego Law Review* 1521-1550, and

“Canadian Reflections on the Tobacco Wars: Some Unintended Consequences”, (2004),  
53, *International and Comparative Law Quarterly* 579-604.