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Announcements

Lord Cooke of Thorndon: Collected Papers Part IX: Contract Law

The Cooke Series forms part of the Victoria University of Wellington Legal Research Paper Series (VUWLRPS). Lord Cooke (1926-2006) was one of New Zealand's most prominent jurists and the first and only New Zealander to sit as a judge in the House of Lords. He was a Distinguished Fellow of the Victoria University of Wellington Law Faculty. The faculty gratefully acknowledges the generous support of the Cooke family for their sponsorship of the series. Lizzie Chan and Tim Cochrane, Wellington solicitors, abstracted and posted Lord Cooke's papers.

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LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES

VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

■ "Introduction (Journal of Contract Law)"

Robin Cooke, "Introduction (Journal of Contract Law)" 9 JCL 1995

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 44/2016

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords

Email: robincookevuw@gmail.com

This is Sir Robin's introduction to a special issue of the Journal of Contract Law containing essays for Professor Brian Coote. Sir Robin outlines his impressions of the main points of each of the seven articles in the Journal. These articles traverse a range of topics on contract law: the doctrine of privity; the construction of exclusion, limitation and indemnity clauses; contractual interpretation; the idea of bargaining in contract law; the fiduciary obligations of company directors and promoters; the validity of contracts; as well as good faith, unconscionability and reasonable expectations. In his conclusion, Sir

Robin explains how the articles in the journal relate to Professor Coote's own work and legal philosophy.

"Remoteness of Damages and Judicial Discretion"

Sir Robin Cooke 'Remoteness of Damages and Judicial Discretion' (1978) 37 CLJ 288
Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 45/2016

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords
Email: robincookevuw@gmail.com

In this article Sir Robin argues for a discretionary approach to assessing damages in tort and contract, also referred to as the issue of remoteness of damages. In the first part of this article Sir Robin outlines leading cases on the remoteness of damages, beginning with *Hadley v Baxendale* (1854) 9 Ex 341. In the second part he argues for a discretionary approach to remoteness of damages. In this part he draws on the leading cases identified to show the absence of a clear definition of remoteness in tort and contract. He then articulates a list of relevant considerations to be applied in determining whether damages should be recoverable or whether a plaintiff's loss is too remote to justify such an award. Finally, Sir Robin argues that this discretionary approach serves the interests of justice. –Abstract by Tim Cochrane

"Tort and Contract"

Robin Cooke "Tort and Contract" in PD Finn (ed) *Essays on Contract* (Law Book Company Ltd, Sydney, 1987) 222
Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 46/2016

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords
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In this article, Sir Robin argues for the recognition of duties of reasonable care as a separate category of liability in law. In working out the nature of such duties, Sir Robin posits that it may be more fruitful to think in terms of the liability that should be borne by the person who breaches such a duty, rather than to begin with assessing whether the particular duty happens to originate in contract, tort or otherwise. He argues that an approach to negligence as a major legal compartment of its own would avoid certain conceptual difficulties, such as having to justify differences in the measure or recoverability of damages according to how the action is framed. –Abstract by Elizabeth Chan

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About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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