



Bond University, Faculty of Law

NAME: Rick Bigwood

CURRENT POSITION: Professor

FACULTY: Law

RESEARCH SPECIALTIES / CAREER:

Summary Statement:

My research principally focuses on issues within the discipline of contract law (and within areas that touch and concern contract law, such as property, equity and restitution). A central theme running through much of my work over the past decade or so is the law's regulation of unofficial power relations between individuals in voluntary or consensual transactions (such as contracts and gifts).

Research Publications:

Books:

BIGWOOD, R.A. (ed.) *Legal Method in New Zealand: Essays and Commentaries*. Wellington, Butterworths, xxxiv + 348, 2001.

BIGWOOD, R.A. *Exploitative Contracts*. Oxford, Oxford University Press, xxx + 554, 2003.

Reviews: Professor David Campbell (Durham), (2005) 64 CLJ 243–245; Professor Hugh Collins (LSC), [2005] LMCLQ 415–416; Fadi Moghaizel, (2005) 16(2) ICCLR 106; A.G. Noorani, (2004) 21(8) Frontline; Professor Richard Sutton (Otago), [2006] ERCL 127. The work was also the subject of a Book Symposium plenary session at the Australian Society of Legal Philosophy Annual Conference, "The Common Law", Sunday, 25 June 2006.

BIGWOOD, R.A. (ed.) *The Statute: Making and Meaning*. Wellington, LexisNexis, xxxiv + 308, 2004.

BIGWOOD, R.A. (ed.) *Public Interest Litigation: The New Zealand Experience in International Perspective*. Wellington, LexisNexis, xxxvi + 272 pp, 2006.

Review: Doug Bailey [2006] NZLJ 307.

BIGWOOD, R.A. (ed.) *The Permanent New Zealand Court of Appeal: Essays on the First 50 Years*. Oxford, Hart Publishing. xxxii + 377 pp, 2009

Review: Ursula Cheer (2009) Canterbury LR 372

BIGWOOD, R.A. (with BERRYMAN, J.) (ed.) *The Law of Remedies: New Directions in the Common Law*. Toronto, Irwin Law, xxi + 784 pp, 2010.

BIGWOOD, R.A. (ed.) *Brian Coote: Contract as Assumption*. Oxford, Hart Publishing, xxviii + 217 pp, 2010.

Sections in books:

BIGWOOD, R.A. 'Legal Method in New Zealand: Introduction and Overview' In R. Bigwood (ed.) *Legal Method in New Zealand: Essays and Commentaries*. Wellington, Butterworths, 3–12, 2001.

BIGWOOD, R.A. (with SUTTON, R.). 'Taking Stock: Legal Method in New Zealand Today (and for the Future?)' In R. Bigwood (ed.) *Legal Method in New Zealand: Essays and Commentaries*. Wellington, Butterworths, 305–338, 2001.

BIGWOOD, R.A. 'The Statute: Introduction and Overview' In R. Bigwood (ed.) *The Statute: Making and Meaning*. Wellington, LexisNexis, 3–18, 2004.

BIGWOOD, R.A. 'Public Interest Litigation: Introduction and Overview' In R. Bigwood (ed.) *Public Interest Litigation: The New Zealand Experience in International Perspective*. Wellington, LexisNexis, 1–12, 2006.

BIGWOOD, R.A. 'From *Morgan* to *Etridge*: Tracing the (Dis)Integration of Undue Influence in the United Kingdom' In J.W. Neyers, R. Bronaugh, and S.G.A. Pitel (eds.) *Exploring Contract Law*. Oxford, Hart Publishing, 379–430, 2009.

Articles:

BIGWOOD, R.A. 'Fine-Tuning Affirmation of Contract by Election: Part 2' (forthcoming [2010] *New Zealand Law Review* (35,000 words, including footnotes)).

BIGWOOD, R.A. 'Ill-Gotten Contracts in New Zealand: Parting Thoughts on Duress, Undue Influence and Unconscionable Dealing — Kiwi-Style?' (forthcoming (2011) *University of Victoria University Law Review*, 42 (17,000 words, including footnotes))

BIGWOOD, R.A. (with MCLAUCHLAN, D.W.) 'Lapse of Offers Due to Changed Circumstances: A Contract Conversion' (forthcoming (2011) *Journal of Contract Law*, 27 (12,000 words, including footnotes))

BIGWOOD, R.A. 'Fine-Tuning Affirmation of Contract by Election: Part 1' [2010] *New Zealand Law Review* 37–91, 2010.

BIGWOOD, R.A. 'Doctrinal Reform and Post-Contractual Modifications in New Brunswick: *Nav Canada v. Greater Fredericton Airport Authority Inc.*' *Canadian Business Law Journal*, 49, 256–277, 2010.

BIGWOOD, R.A. "'Threats" versus "Warnings"' *New Zealand Law Journal*, November 2009, 385–387, 2009.

BIGWOOD, R.A. 'Throwing the Baby Out with the Bathwater? Four Questions on the Demise of Lawful-Act Duress in New South Wales' *University of Queensland Law Journal*, 41–84, 2008.

BIGWOOD, R.A. 'Exploitative Contracts: Author's Introduction' *Australian Journal of Legal Philosophy*, 32, 114–126, 2007.

BIGWOOD, R.A. 'Author's Response to the Commentators' *Australian Journal of Legal Philosophy*, 32, 161–174, 2007.

BIGWOOD, R.A. 'The full truth about half-truths?' *New Zealand Law Journal*, April 2006, 114–116, 2006.

BIGWOOD, R.A. 'Symposium Introduction: Confessions of a "Good Faith" Agnostic' *New Zealand Business Law Quarterly*, 11, 371–377, 2005.

BIGWOOD, R.A. 'When Exegesis Becomes Excess: The Newborn Problematics of Contractual Duress Law in New Zealand' *Journal of Contract Law*, 21, 208–225, 2005.

BIGWOOD, R.A. 'Antipodean Reflections on the Canadian Unconscionability Doctrine' *Canadian Bar Review*, 84, 171–216, 2005.

BIGWOOD, R.A. 'Pre-contractual Misrepresentation and the Limits of the Principle in *With v. O'Flanagan*' *Cambridge Law Journal*, 64, 94–125, 2005.

BIGWOOD, R.A. 'Contracts by Unfair Advantage: From Exploitation to Transactional Neglect' *Oxford Journal of Legal Studies*, 25, 65–96, 2005.

BIGWOOD, R.A. "The Elements of Duress in New Zealand Law Today": A Case for Ockham's Razor?' *New Zealand Business Law Quarterly*, 10, 326–335, 2004.

BIGWOOD, R.A. 'Contractual duress and the Supreme Court' *New Zealand Law Journal*, 2005, 140–141, 2005.

BIGWOOD, R.A. 'Reflections on Partial-Truths, Supervening Falsification, and Pre-Contractual Misrepresentation' *New Zealand Business Law Quarterly*, 10, 124–159, 2004.

BIGWOOD, R.A. 'Curbing Unconscionability: *Berbatis* in the High Court of Australia' *Melbourne University Law Review*, 28, 203–231, 2004.

BIGWOOD, R.A. 'Exploitation in contract formation' *New Zealand Law Journal*, 2004, 278–280, 2004.

BIGWOOD, R.A. 'Some Reflections on the Personality–Realty Interface in New Zealand' *New Zealand Business Law Quarterly*, 8, 290–302, 2002.

BIGWOOD, R.A. 'Undue Influence in the House of Lords: Principles and Proof' *Modern Law Review*, 65, 435–450, 2002.

BIGWOOD, R.A. 'Economic Duress by (Threatened) Breach of Contract' *Law Quarterly Review*, 117, 376–381, 2001.

BIGWOOD, R.A. 'Conscience and the Liberal Conception of Contract: Observing Basic Distinctions — Part I' *Journal of Contract Law (Special Issue)*, 16, 1–36, 2000.

BIGWOOD, R.A. 'Conscience and the Liberal Conception of Contract: Observing Basic Distinctions — Part II' *Journal of Contract Law*, 16, 191–222, 2000.

BIGWOOD, R.A. 'Are "Without Prejudice" Communications Admissible in a Claim for Rectification of a Settlement Agreement?' 5 *New Zealand Business Law Quarterly*, 5, 199–203, 1999.

BIGWOOD, R.A. 'Coercion in Contract: The Theoretical Constructs of Duress' *University of Toronto Law Journal*, 46, 201–271, 1996.

BIGWOOD, R.A. 'Undue Influence: "Impaired Consent" or "Wicked Exploitation"?' *Oxford Journal of Legal Studies*, 16, 503–515, 1996.

BIGWOOD, R.A. 'The Civil Liabilities of Air Traffic Control Personnel in New Zealand' *Auckland University Law Review*, 5, 429–439, 1987.

Other works:

BIGWOOD, R.A. *Affirmation under s 7(5) of the Contractual Remedies Act 1979: The Case for a Narrow Doctrine of Election*. LLB(Hons) Dissertation, The University of Auckland, ix + 65, 1988.

BIGWOOD, R.A. *Fair Dealing in Contract Formation*. PhD Thesis, Australian National University, xxxix + 741, 1993.
