New York Law School’s Center on Business Law & Policy and the New York Law School Law Review Present the Symposium:

The Delaware Fiduciary Duty of Good Faith after Disney: Meaningful or Mickey Mouse?

November 13, 2009
9:00 a.m.–5:30 p.m.
New York Law School
185 West Broadway

In the closely followed Walt Disney litigation that occurred between 2003 and 2006, the Delaware Court of Chancery and the Delaware Supreme Court addressed the fledgling fiduciary duty of “good faith” in ways that raised tantalizing questions about corporate governance. Recently, the Delaware Supreme Court has redefined the contours of the duty of good faith, expressly placing the duty within the duty of loyalty in Stone v. Ritter (2006), and perhaps narrowing the duty in Lyondell Chemical Co. v. Ryan (2009), by stressing that “an arguably imperfect attempt” to carry out fiduciary duties should not be equated with a violation of good faith. What then is the future of the meaning and impact of good faith?

At this symposium, leading corporate scholars from the United States and the United Kingdom will analyze the nature and importance of the evolving duty of good faith. Delaware Associate Supreme Court Justice Carolyn Berger, the author of Lyondell, will be available to comment on presentations.

Panels:
I. Good Faith and Fiduciary Theory
II. Good Faith and Compliance with the Law
III. Good Faith in an Institutional Context

No RSVP necessary.