

## PUBLICATIONS

*Publications in languages other than English are listed in English translation followed by the original language in square brackets.*

### I. BOOKS

**Freedom of Contract, the Firm and Insolvency – Justice Theory, Economic Analysis and Legal Principles** [Privatautonomie, Verband, Insolvenz – Rechtsethik, Rechtsökonomik, Rechtsstrukturen]  
(work in progress)

**Creditor Protection and the Company – Rescue and Insolvency under English and German Company and Corporate Insolvency Law** [Gläubigerschutz in der Kapitalgesellschaft – Krise und Insolvenz im englischen und deutschen Gesellschafts- und Insolvenzrecht],  
Mohr Siebeck, Tübingen 2011, XXXVI, 1016 pp.

Reviews: Manfred Born, *New Journal of Insolvency and Corporate Rescue Law* [Neue Zeitschrift für das Recht der Insolvenz und Sanierung, NZI] 2011 (Vol. 23), pp. 934 – 935; Vincenzo De Stasio, *Banking, Stock Exchange and Securities* [Banca Borsa Titoli di Credito, BBTC] 2012 (Vol. LXV, Issue 4), pp. 478 – 479; Hans Haarmeyer, *Journal of Insolvency Law* [Zeitschrift für das gesamte Insolvenzrecht, ZInsO] 2011 (Vol. 40), p. 1790; Lars Klöhn and Rudolf Haesen, *Insolvency Law Review* [Zeitschrift für Insolvenzrecht, KTS] 2013 (Vol. 2), pp. 192 – 196; Marcus Lutter, *New Journal of Company Law* [Neue Zeitschrift für Gesellschaftsrecht, NZG] 2011 (Vol. 24), p. 942; Hanno Merkt, *The Rabel Journal of Comparative and International Private Law* (RabelsZ) 78 (2014), Vol. 3, pp. 672 – 674.

### II. EDITED BOOKS

**Foundations of Corporate Insolvency Law: A Comparative and Economic Perspective**,  
Oxford University Press (expected 2023)  
– together with Aurelio Gurrea-Martínez –

**Legal Innovation: Technology, the Legal Profession and Industrial Change** [リーガルイノベーション入門],  
Koubundou Publishers, Tokyo, 2022.  
– together with Mihoko Sumida –

**Festschrift for Klaus J. Hopt in Celebration of His 80th Birthday** [Festschrift für Klaus J. Hopt zum 80. Geburtstag am 24. August 2020],  
De Gruyter, Berlin, Boston 2020, XVIII, 1592 pp.  
– together with Stefan Grundmann, Hanno Merkt, Peter O. Mülbert, Harald Baum, Andreas M. Fleckner, Jan von Hein, Christoph Kumpan, Patrick Leyens, Katharina Pistor, Markus Roth, Heike Schweitzer, Felix Steffek, Marina Wellenhofer –

**The Law of Alternative Dispute Resolution** [Recht der alternativen Konfliktlösung],  
C.H. Beck, Munich 2016, 2nd edn., XXVI, 513 pp.  
– together with Reinhard Greger and Hannes Unberath –

Reviews: Christoph Althammer, *Journal of Conflict Management* [Zeitschrift für Konfliktmanagement, ZKM] 2017 (Iss. 1), p. 35–36; Artur Flaminio da Silva, *Procedural Law Review* [Revista de Processo, RePro] 2018 (284), p. 597 – 602; *Foundations and Sponsorship* [Stiftung und Sponsoring] 2016 (Vol. 5); Heinz Hansens, *Lawyers' Fees Report* [RVGReport] 2016 (Vol. 10), p. 366; Hans-Uwe Neuenhahn, *Journal of Succession Law* [Zeitschrift für Erbrecht und Vermögensnachfolge, ZEV] 2017 (Vol. 7); Sorika Pluskat, *New Journal of Company Law* [Neue Zeitschrift für Gesellschaftsrecht, NZG] 2017 (Vol. 16), p. 621.

**Regulating Dispute Resolution – ADR and Access to Justice at the Crossroads**,  
Hart Publishing, Oxford 2013, XXXVI, 454 pp.

– together with Hannes Unberath and in cooperation with Hazel Genn, Reinhard Greger and Carrie Menkel-Meadow –

Reviews: Apostolos Anthimos, *Commercial Law Survey* [Episkopissi Emporikou Dikaiou] 2013, pp. 775 – 776; Annie de Roo, *Nederlands-Vlaams tijdschrift voor mediation en conflictmanagement (TMD)* 2015, No. 1; Naomi Creutzfeld, *The Rabel Journal of Comparative and International Private Law* [Rabels Zeitschrift für ausländisches und internationales Privatrecht] 80/3 (2016) 709–712; Elvis Grahovic, *Revue d'arbitrage et de médiation/Journal of Arbitration and Mediation* 2014, Vol. 4, No. 1, pp. 145 – 152; Deepu Jojo, *Association for International Arbitration Newsletter (AIA Newsletter)* 2014 (No. 1: January), p. 8; Niels Kraunsoe, *The Expert and Dispute Resolver (TEDR)* 2014 (Summer), Vol. 19, No. 2, p. 26; María Luisa Villamarín López, *International Journal of Procedural Law (IJPL)*, Vol. 4 (2014), No. 1, pp. 170 – 171; Nancy Welsh, *Dispute Resolution Magazine (DRM)*, American Bar Association (ABA), 2014 (Summer), Vol. 20, No. 4, pp. 22 – 24.

**Mediation – Principles and Regulation in Comparative Perspective**,

Oxford University Press, Oxford 2013, LX, 1348 pp.  
– together with Klaus J. Hopt –

Reviews: Peter C.H. Chan, *14 European Business Organization Law Review (EBOR)* 2013 (Vol. 14), pp. 613 – 618; Judith Knieper, *German Arbitration Journal* [Zeitschrift für Schiedsverfahren, SchiedsVZ] 2013 (Vol. 6), p. 332.

**Corporate Governance after the Financial and Economic Crisis – Models and Policies of Modern Company and Commercial Law** [Corporate Governance nach der Finanz- und Wirtschaftskrise – Vorbilder und Ziele eines modernen Wirtschaftsrechts],

Mohr Siebeck, Tübingen 2011, XX, 342 pp.

– together with Christoph Allmendinger, Friederike Dorn, Thomas Lang, Stephanie Lumpf –

Reviews: Sebastian Mock, *DAJV-Newsletter* 2013 (Vol. 3), p. 144; Marco S. Spolidoro, *Company Law Review* [Rivista delle Società, Riv. soc.] 2012 (Vol. 57, Issue 5), pp. 1089 – 1092; Manuel R. Theisen, *The Director* [Der Aufsichtsrat, AR] 2012 (Vol. 6), p. 94; Manuel R. Theisen, *The Director* [Der Aufsichtsrat, AR] (Vol. 1), p. 19 (Corporate Governance Publications of the Year); Patrick Velte, *Journal of International and Capital-Markets-Oriented Accounting* [Zeitschrift für internationale und kapitalmarktorientierte Rechnungslegung, KoR] 2012 (Vol. 4), p. M6.

**Mediation – Empirical Research, Comparison of Laws and Regulation** [Mediation – Rechtstatsachen, Rechtsvergleich, Regelungen],  
Mohr Siebeck, Tübingen 2008, LI, 1175 pp.  
– together with Klaus J. Hopt –

Reviews: Apostolos Anthimos, *Journal of Commercial Law* [Episkopissi Emporikou Dikaiou] 2010, pp. 297 – 300; Deutscher Anwaltverein (ed.), *Lawyer’s Journal* [Anwaltsblatt, AnwBl] 2009 (Vol. 8+9), p. XXXVIII; Tina de Vries, *Yearbook of Eastern Law* [Jahrbuch für Ostrecht] 2009, p. 539 – 541; Jürgen Klowait, *Journal of Conflict Management* [Zeitschrift für Konfliktmanagement, ZKM] 2009, p. 63 – 64; Jonas Leder, *AdVoice* 2009, p. 60; Dörte Liebrecht, *The Rabel Journal of Comparative and International Private Law* (RabelsZ) 74 (2010), Vol. 4, pp. 888 – 891; Christoph H.M. Maurer, *International Review of Comparative Law* [Revue Internationale de Droit Comparé, RIDC] 2009 (Issue 1), pp. 222 – 224; *Monthly Journal of German Law* [Monatsschrift für Deutsches Recht, MDR] 2008 (Vol. 22), p. R16; André Niedostadek, *Newsletter German Mediation Society* [Newsletter Deutsche Gesellschaft für Mediation, DGM Newsletter] 2009 (Issue 2), pp. 18 – 19; Albert J. van den Berg (ed.), *Yearbook Commercial Arbitration*, 2009 (Vol. XXXIV), p. 1257.

### III. POLICY BOOKS

**Final Report on the General Consumer Conciliation Body** [Abschlussbericht zur Funktionsweise der Allgemeinen Verbraucherschlichtungstelle und der Universalschlichtungsstelle des Bundes in Kehl],  
BT-Drs. 19/27025 as of 12/2/2021 (German Parliament Documents), 150 pp.  
– together with N. Creutzfeldt –

**Analysis of Individual and Collective Loan Enforcement Laws in the EU Member States,**  
European Union, Brussels 2019, 158 pp.

**Interim Report on the General Consumer Conciliation Body** [Zwischenbericht zur Funktionsweise der Allgemeinen Verbraucherschlichtungstelle],  
BT-Drs. 19/6890 as of 20/12/2018 (German Parliament Documents), 122 pp.  
– together with N. Creutzfeldt –

**Access to Justice for Business and Inclusive Growth in Latvia,**  
OECD Publishing, Paris 2018, 158 pp.  
– together with T. Teplova, C. Lelievre et al. –

**Making Mediation Law,**  
in: *Mediation Series*: World Bank, Washington D.C., 2016, VIII, 59 pp.  
– together with N. Alexander –

### IV. CONTRIBUTIONS TO COLLECTED EDITIONS, COMMENTARIES AND HANDBOOKS

**Dispute Resolution and Artificial Intelligence,**  
in: *Legal Innovation: Technology, the Legal Profession and Industrial Change* [リーガルイノベーション入門], edited by Mihoko Sumida and Felix Steffek, Koubundou Publishers, Tokyo, 2022.

**§ 63: Consequences of Late Capital Contributions** [Folgen nicht rechtzeitiger Einzahlung],  
in: AktG – Annotated Guide to the Companies Act [Großkommentar zum Aktiengesetz],  
Volume 3/1, edited by H. Hirte, P. O. Mülberr and M. Roth, De Gruyter, 5th edn., Berlin, Boston  
2022, 18 pp.

– together with M. Gehrlein –

**§ 64: Exclusion of Shareholders Defaulting on Capital Contributions** [Ausschluss säumiger Aktionäre],

in: AktG – Annotated Guide to the Companies Act [Großkommentar zum Aktiengesetz],  
Volume 3/1, edited by H. Hirte, P. O. Mülberr and M. Roth, De Gruyter, 5th edn., Berlin, Boston  
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**§ 65: Payment Obligation of Preceding Shareholders** [Zahlungspflicht der Vormänner],

in: AktG – Annotated Guide to the Companies Act [Großkommentar zum Aktiengesetz],  
Volume 3/1, edited by H. Hirte, P. O. Mülberr and M. Roth, De Gruyter, 5th edn., Berlin, Boston  
2022, 26 pp.

– together with M. Gehrlein –

**§ 66: No Release of Shareholders from Their Payment Obligations** [Keine Befreiung der Aktionäre von ihren Leistungspflichten],

in: AktG – Annotated Guide to the Companies Act [Großkommentar zum Aktiengesetz],  
Volume 3/1, edited by H. Hirte, P. O. Mülberr and M. Roth, De Gruyter, 5th edn., Berlin, Boston  
2022, 20 pp.

– together with M. Gehrlein and R. L. Notz –

**§ 15: The Right to File for the Insolvency of Legal Persons and Associations without Legal Personality** [Antragsrecht bei juristischen Personen und Gesellschaften ohne Rechtspersönlichkeit],

in: InsO – Annotated Guide to Insolvency Law [Kommentar zur Insolvenzordnung], edited by  
B. Kübler, H. Prütting and R. Bork, RWS Verlag, Cologne 2021, 12/2021, 18 pp.

**§ 15a: The Duty to File for the Insolvency of Legal Persons and Associations without Legal Personality** [Antragspflicht bei juristischen Personen und Gesellschaften ohne Rechtspersönlichkeit],

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B. Kübler, H. Prütting and R. Bork, RWS Verlag, Cologne 2021, 12/2021, 8 pp.

**Enforcing Bank Loans in the European Union: A Comparative and Leximetric Analysis,**

in: S. Grundmann, H. Merkt, P. O. Mülberr, H. Baum, A. M. Fleckner, J. von Hein, C. Kumpan, P. Leyens, K. Pistor, M. Roth, H. Schweitzer, F. Steffek, M. Wellenhofer, Festschrift for Klaus J. Hopt in Celebration of His 80th Birthday [Festschrift für Klaus J. Hopt zum 80. Geburtstag am 24. August 2020], De Gruyter, Berlin, Boston 2020, pp. 1219–1236.

– Reprint in A. B. Veiga Copo, Civitas (forthcoming).

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in: InsO – Annotated Guide to Insolvency Law [Kommentar zur Insolvenzordnung], edited  
by B. Kübler, H. Prütting and R. Bork, RWS Verlag, Cologne 2020, 5/2020, 66 pp.

**Fundamental Legal Issues of Credit** [Einführung zum Kreditrecht (Vor §§ 488 ff. BGB)],

Chapter 12 in: Annotated Guide to Banking Law [Bankrechts-Kommentar], edited by K. Langenbucher, D. H. Bliesener and G. Spindler, C.H. Beck, 3rd edn., Munich 2020, pp. 801 – 814.

**Loan Contracts: Characteristic Obligations under Loan Contracts** [Darlehensvertrag – Vertragstypische Pflichten beim Darlehensvertrag (§ 488 BGB)],  
Chapter 13 in Annotated Guide to Banking Law [Bankrechts-Kommentar], edited by K. Langenbucher, D. H. Bliesener and G. Spindler, C.H. Beck, 3rd edn., Munich 2020, pp. 815 – 850.

**§ 17: Cash Flow Insolvency** [Zahlungsunfähigkeit],  
in: InsO – Annotated Guide to Insolvency Law [Kommentar zur Insolvenzordnung], edited by B. Kübler, H. Prütting and R. Bork, RWS Verlag, Cologne 2018, 32 pp.

**Paving the Way for Legal Artificial Intelligence – A Common Dataset for Case Outcome Predictions,**  
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– together with L. Bull –

**§ 15: The Right to File for the Insolvency of Legal Persons and Associations without Legal Personality** [Antragsrecht bei juristischen Personen und Gesellschaften ohne Rechtspersönlichkeit],  
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**Creating Value in the Brexit Negotiations,**  
in: Negotiating Brexit, edited by J. Armour and H. Eidenmüller, C.H. Beck, Hart Nomos, Munich 2017, pp. 101–104.

**§ 15a: The Duty to File for the Insolvency of Legal Persons and Associations without Legal Personality** [Antragspflicht bei juristischen Personen und Gesellschaften ohne Rechtspersönlichkeit],  
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**The Relationship between Mediation and Other Forms of Alternative Dispute Resolution,**  
in: The Implementation of the Mediation Directive – Compilation of In-depth Analyses, European Parliament, Committee on Legal Affairs, Policy Department for Citizens' Rights and Constitutional Affairs, Brussels 2016, pp. 43 – 69.

**§ 16: Ground for the Opening of an Insolvency Proceeding** [Eröffnungsgrund],  
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Chapter F in: The Law of Alternative Dispute Resolution [Recht der alternativen Konfliktlösung], edited by R. Greger, H. Unberath and F. Steffek, C.H. Beck, Munich 2016, 2nd edn., pp. 443 – 465.

**Online Consumer Dispute Resolution** [Verordnung über Online-Streitbeilegung in Verbraucherangelegenheiten (OS-VO)],  
Chapter G in: The Law of Alternative Dispute Resolution [Recht der alternativen Konfliktlösung], edited by R. Greger, H. Unberath and F. Steffek, C.H. Beck, Munich 2016, 2nd edn., pp. 467 – 490.

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**Sketches of a Justice Theory for Private Law** [Skizzen einer Gerechtigkeitstheorie für das Privatrecht],

in: Memorial Publication for Hannes Unberath [Gedächtnisschrift für Hannes Unberath], edited by Stefan Arnold and Stephan Lorenz, C.H. Beck, Munich 2015, pp. 415 – 442.

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**Competition of Laws and Corporate Rescue – The Rodenstock Case** [Concurrence normative et redressement d'entreprise – l'étude du cas Rodenstock],

in: Reforming the Law of Obligations and Company Law – Réformer le droit des obligations et le droit des sociétés, Studies in French and German Law – Études de droit français et allemand, edited by Walter Doralt and Olivier Deshayes, Société de Legislation Comparée, Paris 2013, pp. 145 – 156.

**Guide for Regulating Dispute Resolution (GRDR): Principles,**

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**Guide for Regulating Dispute Resolution (GRDR): Principles and Comments,**

Chapter 2 in: Regulating Dispute Resolution – ADR and Access to Justice at the Crossroads, edited by Felix Steffek and Hannes Unberath in cooperation with Hazel Genn, Reinhard Greger and Carrie Menkel-Meadow, Hart Publishing, Oxford 2013, pp. 13 – 32.

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**Loan Contracts: Characteristic Obligations under Loan Contracts** [Darlehensvertrag – § 488 BGB: Vertragstypische Pflichten beim Darlehensvertrag],

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**Mediation and the Judiciary** [Mediation und Justiz],  
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§ 37 in: Munich Handbook of Company Law [Münchener Handbuch des Gesellschaftsrechts], Vol. 6: International Company Law, Cross-border Reorganisations [Internationales Gesellschaftsrecht, Grenzüberschreitende Umwandlungen], edited by Stefan Leible and Jochem Reichert, C.H. Beck, 4th edn., Munich 2013, pp. 755 – 782.

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**Liability and Vulnerable Transactions** [Haftung und Insolvenzanfechtung],  
§ 41 in: Munich Handbook of Company Law [Münchener Handbuch des Gesellschaftsrechts], Vol. 6: International Company Law, Cross-border Reorganisations [Internationales Gesellschaftsrecht, Grenzüberschreitende Umwandlungen], edited by Stefan Leible and Jochem Reichert, C.H. Beck, 4th edn., Munich 2013, pp. 855 – 869,

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**Mediation: Comparison of Laws, Regulatory Models, Fundamental Issues**,  
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#### **Encyclopedia entries**

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**Creditor Protection and Company Law – Theory and Structure** [Gläubigerschutz im Kapitalgesellschaftsrecht – Grundlagen und Strukturen nach MoMiG und Trihotel in 10 Thesen],

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## V. ARTICLES

**The Impact of Artificial Intelligence on Dispute Resolution** [Die Veränderung der Konfliktlösung durch künstliche Intelligenz],

in: Journal of Conflict Management [Zeitschrift für Konfliktmanagement, ZKM] 2022 (Iss. 6), forthcoming.

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