

PUBLICATIONS

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

I. Book

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

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: *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. 1215.

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 Lumpp –

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 Kloweit, 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. CONTRIBUTIONS TO COLLECTED EDITIONS, COMMENTARIES AND HANDBOOKS

Paving the Way for Legal Artificial Intelligence – A Common Dataset for Case Outcome Predictions,

(forthcoming)

– 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],

in: *InsO – Annotated Guide to Insolvency Law* [Kommentar zur Insolvenzordnung], edited by B. Kübler, H. Prütting and R. Bork, RWS Verlag, Cologne 2017, 9/2017, 18 pp.

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],

in: *InsO – Annotated Guide to Insolvency Law* [Kommentar zur Insolvenzordnung], edited by B. Kübler, H. Prütting and R. Bork, RWS Verlag, Cologne 2017, 4/2017, 60 pp.

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],

in: *InsO – Annotated Guide to Insolvency Law* [Kommentar zur Insolvenzordnung], edited by B. Kübler, H. Prütting and R. Bork, RWS Verlag, Cologne 2016, 11/2016, 24 pp.

International Law [Internationales Recht],

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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.

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, 2nd edn., Munich 2016, pp. 643 – 656.

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, 2nd edn., Munich 2016, pp. 657 – 690.

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.

– published as Max Planck Private Law Research Paper No. 14/13:

<http://ssrn.com/abstract=2491056> –

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,

Chapter 1 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. 3 – 11.

– together with H. Unberath, L. Adrian, A. De Matteis, G. De Palo, F. Ferrand, R. Greger, J. Härtling, U. Janzen, S. Kakiuchi, L. Kirchhoff, P. Mayr, I. Meier, K. Nemeth, M. Pel, A. Sperr and I. Verougstraete –

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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Principled Regulation of Dispute Resolution – Taxonomy, Policy, Topics,

Chapter 3 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. 33 – 61.

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Mediation and the Judiciary [Mediation und Justiz],

in: The New Mediation Law – The Legal Framework of Mediation [Das neue Mediationsgesetz – Rechtliche Rahmenbedingungen der Mediation], edited by Christian Fischer and Hannes Unberath, C.H. Beck, Munich, 2013, pp. 29 – 45.

Restructuring Migration [Sanierungsmigration],

§ 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.

Insolvency Proceedings [Insolvenzverfahren],

§ 38 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. 782 – 818.

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§ 40 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. 844 – 855.

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,

Case Studies: Schefenacker, Deutsche Nickel, Brochier und Rodenstock [Fallstudien: Schefenacker, Deutsche Nickel, Brochier und Rodenstock],

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Mediation: Comparison of Laws, Regulatory Models, Fundamental Issues,

in: Mediation – Principles and Regulation in Comparative Perspective, edited by Klaus J. Hopt and Felix Steffek, Oxford University Press, Oxford 2013, pp. 1 – 130.

– together with Klaus J. Hopt –

Encyclopedia entries

– ‘**Insolvency (Corporate)**’ (pp. 900 – 904),

– ‘**Mediation**’ (pp. 1162 – 1167),

– ‘**Piercing the Corporate Veil**’ (pp. 1276 – 1281),

in: The Max Planck Encyclopedia of European Private Law, 2 volumes, edited by Jürgen Basedow, Klaus J. Hopt, Reinhard Zimmermann and Andreas Stier, Oxford University Press, Oxford 2012.

– Encyclopedia entry ‘Mediation’ published in Chinese under: Mediation in the European Union [欧洲国家的调解概述], in: Journal of Law Application [法律适用] 2011 (Issue 8), pp. 114 – 116, translation: Lu Fang.

Corporate Rescue and Insolvency – Fundamental Issues, Regulatory Problems and Future Challenges [Unternehmenssanierung und Unternehmensinsolvenz – Grundzüge, Regelungsprobleme und zukünftige Herausforderungen],

in: 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], edited by Christoph Allmendinger, Friederike Dorn, Thomas Lang, Stephanie Lumpp and Felix Steffek, Mohr Siebeck, Tübingen 2011, pp. 301 – 332.

Restructuring of Bonds under the new Bonds Act [Änderung von Anleihebedingungen nach dem Schuldverschreibungsgesetz],

in: Enterprises, Market and Responsibility – Festschrift for Klaus J. Hopt [Unternehmen, Markt und Verantwortung – Festschrift für Klaus J. Hopt zum 70. Geburtstag am 24. August 2010], edited by Stefan Grundmann, Brigitte Haar, Hanno Merkt, Peter O. Mülbart, Marina Wellenhofer as well as Harald Baum, Jan von Hein, Thomas von Hippel, Katharina Pistor, Markus Roth and Heike Schweitzer, De Gruyter, Berlin, New York 2010, Vol. 2, pp. 2597 – 2619.

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- ‘**Piercing the Corporate Veil**’ [‘Durchgriff’] (Vol. I, pp. 332 – 337),
- ‘**Insolvency (Corporate)**’ [‘Insolvenz der Kapitalgesellschaft’] (Vol. I, pp. 870 – 875),
- ‘**Mediation**’ (Vol. II, pp. 1054 – 1058),
in: Handbook of European Private Law [Handwörterbuch des Europäischen Privatrechts], 2 volumes, edited by Jürgen Basedow, Klaus J. Hopt, Reinhard Zimmermann, Mohr Siebeck, Tübingen 2009 (student edition 2011).
– Online edition: <http://hwb-eup2009.mpipriv.de> (2016)

Mediation – Comparison of Laws, Regulatory Models, Fundamental Problems [Mediation – Rechtsvergleich, Regelungsmodelle, Grundsatzprobleme],

in: Mediation – Empirical Research, Comparison of Laws and Regulation [Mediation – Rechtstatsachen, Rechtsvergleich, Regelungen], edited by Klaus J. Hopt and Felix Steffek, Mohr Siebeck, Tübingen 2008, pp. 3 – 102.
– together with Klaus J. Hopt –

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

in: Perspectives of Business Law – German, European and International Commercial, Company and Capital Markets Law [Perspektiven des Wirtschaftsrechts – Deutsches, Europäisches und internationales Handels-, Gesellschafts- und Kapitalmarktrecht, Beiträge für Klaus J. Hopt aus Anlass seiner Emeritierung], edited by Harald Baum, Andreas M. Fleckner, Alexander Hellgardt and Markus Roth, De Gruyter Recht, Berlin 2008, pp. 291 – 321.

IV. ARTICLES

The Cost of Capital – The Normative Foundation of Corporate Law?
(forthcoming)

The Relationship between Mediation and Other Forms of Alternative Dispute Resolution [Das Verhältnis der Mediation zu anderen Verfahren der Konfliktlösung],

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in: Journal of Conflict Management [Zeitschrift für Konfliktmanagement, ZKM] 2013 (Vol. 5), pp. 136 – 139.
– together with H. Unberath, L. Adrian, A. De Matteis, G. De Palo, F. Ferrand, R. Greger, J. Härtling, U. Janzen, S. Kakiuchi, L. Kirchhoff, P. Mayr, I. Meier, K. Nemeth, M. Pel, A. Sperr and I. Verougstraete –

Principled Regulation of Dispute Resolution – Taxonomy, Normative Theory, Topics and Methodology [Prinzipiengeleitete Regelung der Konfliktlösung – Systematik, normative Grundlagen, Themen und Methode],

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Legal Issues of Mediation and Court Conciliation – Problems and Regulation from the Perspective of Comparative Law and Empirical Research [Rechtsfragen der Mediation und des Güterichterverfahrens – Rechtsanwendung und Regulierung im Spiegel von Rechtsvergleich und Rechtstatsachen],

in: European Private Law Review [Zeitschrift für Europäisches Privatrecht, ZEuP] 2013 (Vol. 3), pp. 528 – 564.
– Japanese translation published in The Hogaku Ronshu – The Law Review of Kansai University 2013, Vol. 53(3), pp. 214 – 262, translation: Yo Terakawa –

Auditor Independence at the Crossroads – Regulation and Incentives,

in: 13 European Business Organization Law Review (EBOR) 2012 (Vol. 1), pp. 89 – 101.
– together with Walter Doralt (coord.), Andreas M. Fleckner, Susanne Augenhofer, Alexander Hellgardt, Klaus J. Hopt, Christoph Kumpan and Reinhard Zimmermann –

Comments on the Green Paper of the European Commission ‘Audit Policy: Lessons from the Crisis’ [Stellungnahme zum Grünbuch der Europäischen Kommission ‘Weiteres Vorgehen im Bereich der Abschlussprüfung: Lehren aus der Krise’],

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– together with Walter Doralt (coord.), Andreas M. Fleckner, Klaus J. Hopt, Christoph Kumpan, Reinhard Zimmermann, Susanne Augenhofer and Alexander Hellgardt –

Max Planck Institute Working Group on Auditor Independence: Comments on the European Commission Green Paper: Audit Policy – Lessons from the Crisis,

– together with Walter Doralt (coord.), Andreas M. Fleckner, Klaus J. Hopt, Christoph Kumpan, Reinhard Zimmermann, Susanne Augenhofer and Alexander Hellgardt –
Download: <http://ssrn.com/abstract=1723039>,
– Under the title ‘Comments on the European Commission Green Paper’ additionally published in: Company Law Review [Rivista delle Società, Riv. soc.] 56 (Vol. 2) 2011, pp. 485 – 493.

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in: Yearbook of Insolvency Law [Anuario de Derecho Concursal, ADCo] 2010 (Vol. 21: September – December), pp. 565 – 586.
– together with Klaus J. Hopt –

Wrongful Trading – Principles and Case Law [Wrongful Trading – Grundlagen und Spruchpraxis],

in: New Journal of Insolvency and Corporate Rescue Law [Neue Zeitschrift für das Recht der Insolvenz und Sanierung, NZI] 2010 (Vol. 15), pp. 589 – 596.

Comparison of Laws for the Regulation of Mediation [Rechtsvergleichende Erfahrungen für die Regelung der Mediation],

in: The Rabel Journal of Comparative and International Private Law (RabelsZ) 74 (2010), Vol. 4, pp. 841 – 881.

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Prevention Deficits in the Law of Vulnerable Transactions – The Case for Introducing Directors' Disqualification following the English Model [Präventionsdefizite im Insolvenzanfechtungsrecht – zugleich ein Plädoyer für die Einführung einer Geschäftsleiter-Disqualifizierung nach englischem Vorbild],
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– together with Peter Ulmer –

V. EDUCATIONAL ARTICLES

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