

## **Publikationen Felix Steffek**

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

### **I. BOOKS**

#### **Principles of Corporate Finance Law**

Oxford University Press (forthcoming 2023)  
– together with Eilís Ferran and Elizabeth Howell –

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

University of Hamburg, 2022, 580 pp.

#### **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**

#### **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, 420 pp.  
– 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 Lump –

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. POLICY BOOKS

**Supporting Businesses Through Better Access to Justice: A Focus on SMEs and Entrepreneurship,**  
OECD Publishing, Paris forthcoming, 58 pp.  
– together with H. Sargeant, T. Teplova, C. Lelievre et al. –

**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.

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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 –

### V. ARTICLES

**Hard Law and Soft Law Regulations of Artificial Intelligence in Investment Management,**  
in: (2023) Cambridge Yearbook of European Legal Studies (CYELS) Vol. 24, pp. 262–293.  
– together with W. Buczynski, F. Cuzzolin, M. Jamnik and B. Sahakian –

**The Impact of Artificial Intelligence on Dispute Resolution – Part 1** [Die Veränderung der Konfliktlösung durch künstliche Intelligenz – Teil 1],  
in: Journal of Conflict Management [Zeitschrift für Konfliktmanagement, ZKM] 2022 (Iss. 6), pp. 212–216.

**Thinking Holistically about Procedural Justice in Alternative Dispute Resolution: A Case Study of the German Federal Ombud Scheme,**  
in: Law & Social Inquiry 2022 (online first).  
– together with B. Bradford and N. Creutzfeldt –

**Consumer Dispute Resolution – Ten Reform Options** [Verbraucherstreitbeilegung – Zehn Optionen zur Reform],  
in: Journal of Legal Policy [Zeitschrift für Rechtspolitik, ZRP] 2022 (Iss. 7), pp. 202–206.  
– together with R. Greger –

**The Relationship between Mediation and Other Forms of Alternative Dispute Resolution,**  
in: ULP Law Review/Revista da Faculdade de Direito da Universidade do Porto (RFDUP), 25th Anniversary Edition 2022, pp. 263–296.

**The Civil Dispute Resolution Code – 10 Reasons for Integrating Alternative Dispute Resolution into the Code of Civil Procedure** [Die Zivilkonfliktlösungsordnung (ZKLO) – 10 Gründe für die Integration der alternativen Konfliktlösung in die ZPO],  
in: Journal of Conflict Management [Zeitschrift für Konfliktmanagement, ZKM] 2021 (Iss. 4), pp. 142–147.

**Empirical Research into Consumer Conciliation: Final Report on the Study Commissioned by the Ministry of Justice** [Empirische Forschung zur Verbraucherschlichtung: Schlussbericht zum Forschungsvorhaben im Auftrag des BMJV],  
in: Journal of Conflict Management [Zeitschrift für Konfliktmanagement, ZKM] 2021 (Iss. 2), pp. 65–70.  
– together with N. Creutzfeldt –

**The German Conflict Management Codex** [Der Deutsche Konfliktmanagementkodex],  
in: Journal of Conflict Management [Zeitschrift für Konfliktmanagement, ZKM] 2019 (Iss. 1), pp. 4–8.

**Enforcement of International Settlement Agreements Resulting from Mediation under the Singapore Convention,**  
in: (2019) 31 Singapore Academy of Law Journal (SACLJ) 448–486.  
– together with Shouyu Chong –

**Empirical Research into Consumer Conciliation: Interim Report on the Study ‘Analysis of Universal Consumer Conciliation’ Commissioned by the Ministry of Justice** [Empirische Forschung zur Verbraucherschlichtung: Zwischenbericht zum Forschungsvorhaben ‘Funktionsweise der Allgemeinen Verbraucherschlichtungsstelle’ im Auftrag des BMJV],  
in: Journal of Conflict Management [Zeitschrift für Konfliktmanagement, ZKM] 2019 (Iss. 2), pp. 40–44.  
– together with N. Creutzfeldt –

**Decoding Legal Conflict – Applying Artificial Intelligence to Identify Drivers of Conflict Resolution** [Die Entschlüsselung rechtlicher Konflikte – Der Einsatz künstlicher Intelligenz zur Ermittlung von Entscheidungsfaktoren der Konfliktlösung],  
in: Journal of Conflict Management [Zeitschrift für Konfliktmanagement, ZKM] 2018 (Iss. 5), pp. 165–169.  
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in: Journal of Conflict Management [Zeitschrift für Konfliktmanagement, ZKM] 2017 (Vol. 5), pp. 183–187.

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– 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],

in: Journal of Conflict Management [Zeitschrift für Konfliktmanagement, ZKM] 2013 (Vol. 5), pp. 139–143.

**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],

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**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’],

in: Journal of Business Law [Zeitschrift für Wirtschaftsrecht, ZIP] 2011 (Vol. 10), pp. 459–460.

– 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.

**The Liability of Directors of Public and Private Companies – Economic Analysis and Legal Principles** [Die Innenhaftung von Vorständen und Geschäftsführern – Ökonomische Zusammenhänge und rechtliche Grundlagen],

in: Legal Education [Juristische Schulung, JuS] 2010 (Vol. 4), pp. 295–300.

**Insolvency Law and Its Reform from a German and European Perspective** [La reforma del Derecho de la insolvencia: La perspectiva alemana y europea],

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.

**Directors' Liability – Economic Theory and Introduction to Germany Company Law** [Odpowiedzialność członków zarządu spółek z o.o. i spółek akcyjnych w stosunku wewnętrznym – Podstawy ekonomiczne i wprowadzenie do niemieckiego prawa spółek],

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**Preventing Bank Insolvencies in the Financial Crisis: The German Financial Market Stabilisation Acts,**

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– together with Klaus J. Hopt and Christoph Kumpan –

– published in Chinese translation in: *2 Law Review of Corporate Reorganization & Restructuring* 395–433 (2012).

**Insolvency Grounds in the European Union – Comparison of Laws, Regulatory Structures and Perspectives of Legal Harmonisation** [Insolvenzgründe in Europa – Rechtsvergleich, Regelungsstrukturen und Perspektiven der Rechtsangleichung],

in: *Insolvency Law Review* [Zeitschrift für Insolvenzrecht, KTS] 2009 (Vol. 4), pp. 317–353.

**The Civil Law Partnership in the Land Register** [Die Gesellschaft bürgerlichen Rechts im Grundbuch],

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**Nationalisation of Systemic Banks under the Financial Markets Stabilisation Acts** [Kontrollerlangung über systemrelevante Banken nach den Finanzmarktstabilisierungsgesetzen (FMStG/FMStErgG)],

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– together with Klaus J. Hopt, Andreas M. Fleckner and Christoph Kumpan –

**Mediation in Europe and the World – Comparative Research for the Transposition of the Mediation Directive** [Mediation in Europa und der Welt – Rechtsvergleichende Forschung zur Umsetzung der Mediationsrichtlinie],

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**The Subjective Element of Shareholder Liability in the Law of the Private Company – A Contribution to the Theory of Piercing the Corporate Veil** [Der subjektive Tatbestand der Gesellschafterhaftung im Recht der GmbH – zugleich ein Beitrag zum Haftungsdurchgriff],

in: *Lawyers' Review* [JuristenZeitung, JZ] 2009 (Vol. 2), pp. 77–85.

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**Service and Receipt of Declarations of Intention under the Draft Companies Reform Act – Content and Relevance for Private, Public and Foreign Companies** [Zustellungen und Zugang von

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– together with Jan von Hein (coord.) et al. –

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in: Money&Security [Geld&Brief] 2007 (Vol. 1), pp. 28–29.

**Vulnerable Transactions in English Insolvency Law – A Functional Comparison with Specific Emphasis on Company Related Transactions** [Das englische Recht der Insolvenzanfechtung – ein funktionaler Vergleich unter besonderer Berücksichtigung kapitalgesellschaftsrechtlicher Aspekte],  
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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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in: New Weekly Law Journal [Neue Juristische Wochenschrift, NJW] 2002 (Vol. 5), pp. 330–338.  
– together with Peter Ulmer –

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

**§ 19: Balance Sheet Insolvency** [Überschuldung],  
in: InsO – Annotated Guide to Insolvency Law [Kommentar zur Insolvenzordnung], edited by B. Kübler, H. Prütting, R. Bork and F. Jacoby, RWS Verlag, Cologne 2023, 96/2023, 36 pp.

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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. Mülberrt 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. Mülbart and M. Roth, De Gruyter, 5th edn., Berlin, Boston 2022, 20  
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**§ 65: Payment Obligation of Preceding Shareholders** [Zahlungspflicht der Vormänner],  
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**§ 66: No Release of Shareholders from Their Payment Obligations** [Keine Befreiung der Aktionäre von  
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3/1, edited by H. Hirte, P. O. Mülbart and M. Roth, De Gruyter, 5th edn., Berlin, Boston 2022, 20  
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– 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],  
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, 8 pp.

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124.

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Chapter 12 in: Annotated Guide to Banking Law [Bankrechts-Kommentar], edited by K.  
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**Loan Contracts: Characteristic Obligations under Loan Contracts** [Darlehensvertrag –  
Vertragstypische Pflichten beim Darlehensvertrag (§ 488 BGB)],  
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Langenbacher, D. H. Bliesener and G. Spindler, C.H. Beck, 3rd edn., Munich 2020, pp. 815–850.

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in: *Autonomous Systems and the Law*, edited by N. Aggarwal, H. Eidenmüller, L. Enriques, J. Payne and K. van Zwieten, C.H. Beck, Hart Nomos, Munich 2019, pp. 67–71.  
– 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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