Universiteit
Leiden
The Netherlands

Intra-group financing and enterprise group insolvency: problems, principles and solutions

Kokorin, I.

Citation
Kokorin, I. (2023, November 14). *Intra-group financing and enterprise group insolvency: problems, principles and solutions*. *Meijers-reeks*. Retrieved from https://hdl.handle.net/1887/3663098

Version:	Publisher's Version
License:	Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden
Downloaded from:	https://hdl.handle.net/1887/3663098

Note: To cite this publication please use the final published version (if applicable).

Annex
Summary of Problems and Solutions

Transactions and contractual arrangements	Problems in insolvency	Proposed solutions
Cross-guarantees, co-debtorship, joint and several liability, and collateral arrangements (Chapter 6)	• Destruction of value as a result of simultaneous (group-wide) enforcement • Group restructuring is complicated and less efficient due to: (i) the possible existence of a recourse claim of a guarantor against the principal debtor post-restructuring ("ricochet problem"), and (ii) the failure of a group guarantor and the loss of group synergies ("orphan restructuring problem") • Misalignment of creditors' interests and the holdout position of a guaranteed creditor, resulting in the problem of the anticommons	• Third-party releases (Chapter 10) • Extension of an enforcement stay to group guarantors, co-debtors and collateral providers (Chapter 11)
	• Uncertainty and a lack of predictability in ex post review of transactions involving group members, especially with respect to the recognition of group considerations or group interest → transaction avoidance risk is not easily calculable, which contributes to legal uncertainty (Chapter 8) • Risk of transaction avoidance may discourage efficient intra-group rescue financing, e.g. in the form of a cross-guarantee to secure rescue financing from outside lenders, giving rise to the problem of under-investment	• Inclusion of group considerations in ex post review of transactions (Chapter 12) • Ex ante authorisation of transactions – a safe harbour regime, offering protection against future transaction avoidance actions (Chapter 12) • Pre-emptive support arrangements (contractual and structural) (Chapter 12)

Intra-group loans, including centralised cash management (Chapter 7)	• Risk of subordination may discourage intra-group rescue financing and lead to the problem of underinvestment • Loss of access to centrally managed cash • Risk of transaction avoidance may discourage efficient intra-group rescue financing, e.g. in the form of an intra-group loan, contributing to the problem of underinvestment (Chapter 8)	• Disapplication of subordination rules with respect to intra-group rescue financing (Chapter 12) • Inclusion of group considerations in ex post review (Chapter 12) • Ex ante authorisation of a transaction (i.e. safe harbour regime), offering protection against future transaction avoidance or permitting the continued use of a cash pool (Chapter 12) • Pre-emptive support arrangements (contractual and structural) (Chapter 12)
Intercompany ipso facto clauses (Chapter 9)	• Increased dependence and correlation between group entities • Destruction of value due to the collapse of an entire group enterprise, facilitated by the enforcement of an intercompany ipso facto clause (domino effect) • Reduced negotiation power of the debtor • Discouragement of taking early measures to address financial distress and avoid insolvency → late action reduces the chances of recovery	• Limitation of enforceability of intercompany ipso facto clauses, e.g. with respect to specific enterprises, situations and contracts (Chapter 13)
Intercompany cross-default clauses (Chapter 9)	• Increased dependence and correlation between group entities • Destruction of value due to the collapse of an entire group enterprise, facilitated by the enforcement of an intercompany cross-default clause (domino effect) • Reduced negotiation power of the debtor • Survival of cross-defaults post-restructuring	• Temporary freeze on the enforceability of intercompany cross-default clauses (Chapter 13) • Neutralisation ("curing") of intercompany cross-defaults through a restructuring plan (Chapter 13) • Contract assumption or reinstatement of a cross-defaulted contract, without the need to cure defaults in substantially unrelated (economically separate) contracts of non-debtor group entities (Chapter 13)

Bibliography

Aa M.J. van der, De afkoelingsperiode in faillissement (diss. RUG), Kluwer 2007.

Abma R., De mislukte unificatie van Unilever, Maandblad voor Ondernemingsrecht, n. 1-2, 2019, p. 40-48.

Akintola K., Creditor Treatment in Corporate Insolvency Law, Edward Elgar Publishing, 2020.

Alces P.A., The Law of Suretyship and Guarantee, Thomson Reuters, 2021.

Alexander L., Kress K., Against Legal Principles, Iowa Law Review, Vol. 82, 1997, pp. 739-786.

Alexy R., A Theory of Constitutional Rights, OUP, 2010.

Alexy R., The Construction of Constitutional Rights, Law and Ethics of Human Rights, Vol. 4, 2010, pp. 20-32.

Alexy R., On Balancing and Subsumption. A Structural Comparison, Ratio Juris, Vol. 16, 2003, pp. 433-449.

Altman J., A Test Case in International Bankruptcy Protocols: The Lehman Brothers Insolvency, San Diego International Law Journal, Vol. 12, 2011, pp. 463-496.

Altmeppen H., Das neue Recht der Gesellschafterdarlehen in der Praxis, *NJW* 2008, 3601-3607.

Andenas M., Wooldridge F., European Comparative Company Law, CUP, 2009.

Anderson G.M., McCormick R.E., Tollison R.D., The economic organisation of the English East India Company, Journal of Economic Behavior and Organization, Vol. 4, 1983, pp. 221-238.

Andrew M.T., Executory Contracts Revisited: A Reply to Professor Westbrook, University of Colorado Law Review, Vol. 62, 1991, pp. 1-36.

Andrews G., Millett R., Law of Guarantees, 7th edn, Sweet & Maxwell, 2015.

Andrews G., Millett R., Law of Guarantees, 6th edn, Sweet & Maxwell, 2011.

Andrews G., Millett R., Law of Guarantees, 4th edn, Sweet & Maxwell, 2005.

Arai-Takahashi Y., Proportionality, in D. Shelton (ed), The Oxford Handbook of International Human Rights Law, OUP, 2013.

Armour J., Transactions at an Undervalue, in J. Armour, H. Bennett (eds), Vulnerable Transactions in Corporate Insolvency, Hart Publishing, 2003, pp. 37-93.

Armour J., Hertig G., Kanda H., Transactions with creditors, in R. Kraakman et al. (eds), The Anatomy of Corporate Law: A Comparative and Functional Approach, 3rd edn, OUP, 2017, pp. 109-144.

Armour J., Menezes A., Uttamchandani M., Zwieten K. van, How do creditor rights matter for debt finance? A review of empirical evidence, in F. Dahan (ed), Research Handbook on Secured Financing of Commercial Transactions, Edward Elgar Publishing, 2015, pp. 3-25.

Armour J., Gordon J.N., Systemic Harms and Shareholder Value, Journal of Legal Analysis, Vol. 6, 2014, pp. 35-85.

Armour J., Hsu A., Walters A., The Costs and Benefits of Secured Creditor Control in Bankruptcy: Evidence from the UK, Review of Law & Economics, Vol. 8, 2012, pp. 101-135.

Asperen P. van, Koster H., Leveranciers van elektriciteit en warmte in financiële moeilijkheden: een verkenning van de wettelijke regelingen, O&F 2020-4, p. 70-93.
Avgouleas E., Goodhart C., Schoenmaker D., Bank Resolution Plans as a catalyst for global financial reform, Journal of Financial Stability, Vol. 9, 2013, pp. 210-218.
Ávila H., Certainty in Law, Springer, 2016.
Ávila H., Theory of Legal Principles, Springer, 2007.
Ayotte K., Hansmann H., Legal Entities as Transferable Bundles of Contracts, Michigan Law Review, Vol. 111, 2013, pp. 715-758.
Ayotte K.M., Morrison E.R., Creditor Control and Conflict in Chapter 11, Journal of Legal Analysis, Vol. 1, 2009, pp. 511-551.

Bae F.S.H., McGrath M.E., Rights of a Surety (or Secondary Obligor) under the Restatement of the Law, Third, Suretyship and Guaranty, Banking Law Journal, Vol. 122, 2005, pp. 783-820.
Bainbridge S.M., Henderson M.T., Limited Liability: A Legal and Economic Analysis, Edward Elgar Publishing, 2016.
Baird D.G., Priority Matters: Absolute Priority, Relative Priority, and the Costs of Bankruptcy, University of Pennsylvania Law Review, Vol. 165, 2017, pp. 785-829.
Baird D.G., Bankruptcy's Quiet Revolution, American Bankruptcy Law Journal, Vol. 91, 2017, pp. 593-622.
Baird D.G., Legal Approaches to Restricting Distributions to Shareholders: The Role of Fraudulent Transfer Law, EBOR, Vol. 7, 2006, pp. 199-215.
Baird D.G., The New Face of Chapter 11, American Bankruptcy Institute Law Review, Vol. 12, 2004, pp. 69-99.
Baird D.G., A World Without Bankruptcy, Law and Contemporary Problems, Vol. 50, 1987, pp. 173-193.
Baird D.G., Jackson T.H., Fraudulent Conveyance Law and Its Proper Domain, Vanderbilt Law Review, Vol. 38, 1985, pp. 829-855.
Baird D.G., Rasmussen R.K., Antibankruptcy, The Yale Law Journal, Vol. 119, 2010, pp. 648-599.
Baird D.G., Rasmussen R.K., The End of Bankruptcy, Stanford Law Review, Vol. 55, 2002, pp. 751-789.
Bar C. von, et al. (eds), Principles, Definitions and Model Rules of European Private Law. Draft Common Frame of Reference (DCFR), Outline Edition, Sellier, 2009.
Barak A., Proportional Effect: The Israeli Experience, University of Toronto Law Journal, Vol. 57, 2007, pp. 369-382.
Barak A., The Judge in a Democracy, Princeton University Press, 2006.
Barneveld J., Financiering en vermogensonttrekking door aandeelhouders, Serie vanwege het Van der Heijden Instituut, vol. 120, Deventer: Kluwer, 2014.
Barneveld J., Corpeleijn F., Financiering met risicomijdend vermogen? Over de aandeelhouderslening in faillissement, TvI 2014/39.
Bartman S., Dutch Supreme Court at a Loss over Groups, European Company Law, Vol. 13, 2016, pp. 123-128.
Bartman S., Dorresteijn A., Olaerts M., Van het Concern, Wolters Kluwer, 2020.
Baudino P., Sturluson J.T, Svoronos J-P., The Banking Crisis in Iceland, FSI Crisis Management Series No. 1, March 2020.
Beatty D.M., The Ultimate Rule of Law, OUP, 2004.
Bebchuk L.A., Fried J.M., The Uneasy Case for the Priority of Secured Claims in Bankruptcy, The Yale Law Journal, Vol. 105, 1996, pp. 857-934.

Becht M., Mayer C., Wagner H., Where do Firms Incorporate? Deregulation and the Cost of Entry, Journal of Corporate Finance, Vol. 14, 2008, pp. 241-256.
Behme C., InsO § 39 Nachrangige Insolvenzgläubiger, Münchener Kommentar zur Insolvenzordnung, 4. Auflage 2019.
Bennett H., Late Floating Charges, in J. Armour, H. Bennett (eds), Vulnerable Transactions in Corporate Insolvency, Hart Publishing, 2003, pp. 183-215.
Bergervoet G.J.L., Borgtocht (Onderneming en recht nr. 84), Deventer: Kluwer, 2014.
Bergström C., Eisenberg T., Sundgren S., Secured Debt and the Likelihood of Reorganization, International Review of Law and Economics, Vol. 21, 2002, pp. 359-372.
Berle A.A. Jr., The Theory of Enterprise Entity, Columbia Law Review, Vol. 47, 1947, pp. 343-358.
Beyhaghi M., Third-Party Credit Guarantees and the Cost of Debt: Evidence from Corporate Loans, Review of Finance, Vol. 26, 2022, pp. 287-317.
Binder J-H., Resolution Planning and Structural Bank Reform within the Banking Union, SAFE Working Paper No. 81, 2014, pp. 1-33.
Block-Lieb S., Fishing in Muddy Waters: Clarifying the Common Pool Analogy as Applied to the Standard for Commencement of a Bankruptcy Case, American University Law Review, Vol. 42, 1993, pp. 337-431.
Blumberg P. et al., Blumberg on Corporate Groups, 2nd edn, Wolters Kluwer, 2021.
Blumberg P., The Transformation of Modern Corporation Law: The Law of Corporate Groups, Connecticut Law Review, Vol. 37, 2005, pp. 605-617.
Blumberg P., The Corporate Entity in an Era of Multinational Corporations, Delaware Journal of Corporate Law, Vol. 15, 1990, pp. 283-375.
Blumberg P., Intragroup (Upstream, Cross-Stream, and Downstream) Guarantees under the Uniform Fraudulent Transfer Act, Cardozo Law Review, Vol. 9, 1987, pp. 685-728.
Blumberg P., Limited Liability and Corporate Groups, The Journal of Corporation Law, Vol. 11, 1986, pp. 573-631.
Bolton P., Oehmke M., Bank Resolution and the Structure of Global Banks, The Review of Financial Studies, Vol. 32, 2019, pp. 2384-2421.
Boom W.H. van, Hoofdelijke verbintenissen, Den Haag: Boom Juridische uitgevers, 2016.
Boom W.H. van, Het ontstaansmoment en de verjaring van de regresvordering, Ars Aequi, Januari 2013, p. 36-43.
Boom W.H. van, Hoofdelijke verbintenissen, W.E.J. Tjeenk Willink, 1999.
Boon G-J., Vriesendorp R.D., Koster H., The WHOA: the Breakthrough for a Dutch Business Rescue Culture, HERO 2022 / W-008, 15 December 2022.
Bork R., Corporate Insolvency Law. A Comparative Textbook, Intersentia, 2020.
Bork R., Principles of Cross-Border Insolvency Law, Intersentia, 2017.
Bork R., Transactions at an Undervalue – A Comparison of English and German Law, Journal of Corporate Law Studies, Vol. 14, 2014, pp. 453-477.
Bork R., Rescuing Companies in England and Germany, OUP, 2012.
Bork R., Veder M., Harmonisation of Transactions Avoidance Laws, Intersentia, 2022.
Bork R., Zwieten K. van (eds), Commentary on the European insolvency regulation, OUP, 2016.
Bork R., Abschaffung des Eigenkapitalersatzrechts zugunsten des Insolvenzrechts? ZGR 2007, 250-270.
Bourbouloux H., Hustaix S., National Report on France, in B. Wessels and S. Madaus (eds), Rescue of Business in Europe: A European Law Institute Instrument, OUP, 2020, pp. 624-678.

Bovenzi J.F., Guynn R.D., Jackson T.H., Too Big to Fail: The Path to a Solution, Economic Policy Program Financial Regulatory Reform Initiative, May 2013.
Boyle P.M., Non-Debtor Liability In Chapter 11: Validity of Third-Party Discharge In Bankruptcy, Fordham Law Review, Vol. 61, 1992, pp. 421-450.
Bridge M.G., The Exercise of Contractual Discretion, Law Quarterly Review, Vol. 135, 2019, pp. 227-248.
Bricongne J-C., Demertzis M., Pontuch P., Turrini A., Macroeconomic Relevance of Insolvency Frameworks in a High-debt Context: An EU Perspective, European Commission Discussion Paper 32, June 2016.
Brosnan S.F., Waal F.B.M. de, Evolution of responses to (un)fairness, Science, Vol. 346, 2014, pp. 314-321.
Brubaker R., Mandatory Aggregation of Mass Tort Litigation in Bankruptcy, The Yale Law Journal Forum, 28 February 2022, pp. 960-1009.
Brubaker R., Bankruptcy Injunctions and Complex Litigation: A Critical Reappraisal of Non-Debtor Releases in Chapter 11 Reorganizations, University of Illinois Law Review, Vol. 1997, 1997, pp. 959-1080.
Bufford S.L., Coordination of Insolvency Cases for International Enterprise Groups: A Proposal, American Bankruptcy Law Journal, Vol. 86, 2012, pp. 685-748.
Burg E., The Model of Principles. The quest for rationality in the implementation of conflicting principles, Universiteit van Amsterdam, Faculteit der Rechtsgeleerdheid, 2000.
Burrows A., Remedies for Torts, Breach of Contract, and Equitable Wrongs, OUP, 4th edn, 2019.
Burrows A. (ed), Principles of English Commercial Law, OUP, 2015.
Burrows A., English Private Law, 3rd edn, OUP, 2013.

Cahn A., Equitable Subordination of Shareholder Loans? EBOR, Vol. 7, 2006, pp. 287-300.
Cahn A., Donald D.C., Comparative Company Law: Text and Cases on the Laws Governing Corporations in Germany, the UK and the USA, 2nd edn, CUP, 2018.
Campbell A., Moffatt P., Large scale bank insolvencies and the challenges ahead, in M. Haentjens and B. Wessels (eds), Research Handbook on Crisis Management in the Banking Sector, Edward Elgar Publishing, 2015, pp. 55-78.
Carlos A.M., Nicholas S., "Giants of an Earlier Capitalism": The Chartered Trading Companies as Modern Multinationals, The Business History Review, Vol. 62, 1988, pp. 398-419.
Carmassi J., Herring R.J., Corporate Complexity and Systemic Risk: A Progress Report, in A.N. Berger, P. Molyneux and J.O.S. Wilson (eds), The Oxford Handbook of Banking, OUP, 3rd edn, 2019, pp. 95-130.
Carmassi J., Herring R.J., The Corporate Complexity of Global Systemically Important Banks, Journal of Financial Services Research, Vol. 49, 2016, pp. 175-201.
Carrizosa R., Ryan S., Borrower private information covenants and loan contract monitoring, Journal of Accounting and Economics, Vol. 64, 2017, pp. 313-339.
Casey A.J., The New Corporate Web: Tailored Entity Partitions and Creditors' Selective Enforcement, The Yale Law Journal, Vol. 124, 2015, pp. 2680-2744.
Casey A.J., Macey J., In Defense of Chapter 11 for Mass Torts, The University of Chicago Law Review, Vol. 90:3, 2023, pp. 973-1021.
Castermans A.G., Krans H.B., commentaar op art. 7:866 BW, in: H.B. Krans, C.J.J.M. Stolker en W.L. Valk (red.), Tekst & Commentaar Burgerlijk Wetboek, Deventer: Wolters Kluwer (online).

Cerutti E., Ilyina A., Makarova Y., Schmieder C., Bankers Without Borders? Implications of Ring-Fencing for European Cross-Border Banks, in L.L. Ong (ed), A Guide to IMF Stress Testing: Methods and Models, 2014, pp. 151-164.
Chandler A.D., Scale and Scope: The Dynamics of Industrial Capitalism, HUP, 1994.
Che Y-K., Schwartz A., Section 365, Mandatory Bankruptcy Rules and Inefficient Continuance, Journal of Law, Economics, & Organization, Vol. 15, 1999, pp. 441-467.
Clark K., Taylor A., Events of Default in Eurocurrency Loan Agreements, International Financial Law Review, Vol. 1, 1982, pp. 12-15.
Clark R.C., The Duties of the Corporate Debtor to its Creditors, Harvard Law Review, Vol. 90, 1977, pp. 505-562.
Coates J.C. IV, The Volcker Rule as structural law: implications for cost-benefit analysis and administrative law, Capital Markets Law Journal, Vol. 10, 2015, pp. 447-468.
Coco D., Third-Party Bankruptcy Releases: An Analysis of Consent Through the Lenses of Due Process and Contract Law, Fordham Law Review, Vol. 88, 2019, pp. 231-265.
Coles-Bjerre A., Ipso Facto: The Pattern of Assumable Contracts in Bankruptcy, New Mexico Law Review, Vol. 40, 2010, pp. 77-122.
Collins H., Flipping Wreck: *Lex Mercatoria* on the Shoals of *Ius Cogens*, in S. Grundmann, F. Möslein and K. Riesenhuber (eds), Contract Governance: Dimensions in Law and Interdisciplinary Research, OUP, 2015, pp. 383-406.
Colpan A.M., Hikino T. (eds), Business Groups in the West: Origins, Evolution, and Resilience, OUP, 2018.
Conac P-H., Director's duties in groups of companies – legalizing the interest of the group at the European level, European Company and Financial Law Review, Vol. 10, 2013, pp. 194-226.
Cook W., Watered Stock Commissions Blue Sky Laws Stock without Par Value, Michigan Law Review, Vol. 19, 1921, pp. 583-598.
Cooper N.H., Insolvency proceedings in case of groups of companies: prospects of harmonisation at EU level, Briefing Note, 2011.
Cooper R.J., Cestero F.L., Mosier J.W., Oi S.A.: The Saga of Latin America's Largest Private Sector In-court Restructuring, Pratt's Journal of Bankruptcy Law, Vol. 14, 2018, pp. 209-221.
Cooper R.J., Cestero F.L., Mosier J.W., Soltman D.J., The Brazilian Insolvency Regime: Some Modest Suggestions – Part II, Pratt's Journal of Bankruptcy Law, Vol. 12, 2016, pp. 160-168.
Corapi D., Benincasa D., The Law on Groups of Companies in Italy, European Company Law, Vol. 16, 2019, pp. 121-129.
Countryman V., Executory Contracts in Bankruptcy: Part II, Minnesota Law Review, Vol. 58, 1974, pp. 479-567.
Countryman V., Executory Contracts in Bankruptcy: Part I, Minnesota Law Review, Vol. 57, 1973, pp. 439-491.
Couwenberg O., Lubben S.J., Essential Corporate Bankruptcy Law, EBOR, Vol. 16, 2015, pp. 39-61.
Craig R., Groups of companies: the parent subsidiary relationship and creditors remedies, PhD thesis, University of Durham, 1999.
Crystal M., Mokal R.J., The Valuation of Distressed Companies – a Conceptual Framework, International Corporate Rescue, Issues 2 and 3, 2006.
Cukierman A., Central Bank Strategy, Credibility, and Independence: Theory and Evidence, MIT Press, 1992.

Cumming C., Eisenbeis R.A., Resolving Troubled Systemically Important Cross-Border Financial Institutions: Is a New Corporate Organizational Form Required? Federal Reserve Bank of New York, Staff Report No. 457, 2010.

Dahiya S. et al., Debtor-in-possession financing and bankruptcy resolution: Empirical evidence, Journal of Financial Economics, Vol. 69, 2003, pp. 259-280.
Dammann J., Related Party Transactions and Intragroup Transactions, in L. Enriques and T.H. Tröger (eds), The Law and Finance of Related Party Transactions, CUP, 2019, pp. 218-244.
Dammann R., Lessons to be learned from the Nortel case, Eurofenix, No. 82, Winter 2020/21, pp. 34-35.
Dari-Mattiacci G., Gelderblom O., Jonker J., Perotti E.C., The Emergence of the Corporate Form, The Journal of Law, Economics, and Organization, Vol. 33, 2017, pp. 193-236.
Dau L.A., Morck R., Yeung B.Y., Business groups and the study of international business: A Coasean synthesis and extension, Journal of International Business Studies, Vol. 52, 2021, 161-211.
Davies P., Introduction to Company Law, 3rd edn, OUP, 2020.
Davies P., Resolution of cross-border groups, in M. Haentjens and B. Wessels (eds), Research Handbook on Crisis Management in the Banking Sector, Edward Elgar Publishing, 2015, pp. 261-282.
Davies P., Directors' Creditor-Regarding Duties in Respect of Trading Decisions Taken in the Vicinity of Insolvency, EBOR, Vol. 7, 2006, pp. 301-337.
Davies P.S., Raczynska M. (eds), Contents of Commercial Contracts: Terms Affecting Freedoms, Hart Publishing, 2020.
Declercq P.J.M., The actions of a distressed investor in the restructuring of Brazilian Telecom Group Oi SA assessed – villain or essential contributor to the development of law & practice in cross-border restructurings/insolvencies of groups? INSOL World, Second Quarter 2018, pp. 12-14.
Deslandes J., Magnus M., Further Harmonising EU Insolvency Law from a Banking Resolution Perspective? April 2018.
Dewatripont M., Montigny M., Nguyen G., When trust is not enough: Bank resolution, SPE, Ring-fencing and group support, ECGI Finance Working Paper No. 759/2021, May 2021.
Dhillon U.S., Noe T., Ramírez G.G., Debtor-in-possession financing and the resolution of uncertainty in Chapter 11 reorganisations, Journal of Financial Stability, Vol. 3, 2007, pp. 238-260.
Di Gennaro M.J., Goldstein H.J., Can Ipso Facto Clauses Resolve the Discharge Debate? An Economic Approach to Novated Fraud Debt in Bankruptcy, DePaul Business and Commercial Law Journal, Vol. 1, 2003, pp. 417-447.
Dijck G. van, De Faillissementspauliana: Revisie van een Relict (proefschrift), Wolf Legal Publishers, 2016.
Dolan J.F., Standby Letters of Credit and Fraud (Is the Standby Only Another Invention of the Goldsmiths in Lombard Street?), Cardozo Law Review, Vol. 7, 1985, pp. 1-45.
Dooren E.A. van, De aansprakelijkheid op grond van een 403-verklaring (diss.), Uitgaven vanwege het instituut voor Ondernemingsrecht nr. 122, Deventer: Wolters Kluwer, 2021.
Downs W., A Surety's Basic Rights and Remedies, Defense Lawyers Journal, Vol. 15, 1966, pp. 165-176.
Doyle J.G., Insolvency Litigation, Sweet & Maxwell, 1999.

Drescher F., Insolvency Timing and Managerial Decision-Making, Springer Gabler, 2014.
Drooghenbroeck S. Van, Rizcallah C., The ECHR and the Essence of Fundamental Rights: Searching for Sugar in Hot Milk? German Law Journal, Vol. 20, 2019, p. 904-923.
Duggan A., Ben-Ishai S., Sarra J., Telfer T., Wood R., Canadian Bankruptcy and Insolvency Law: Cases, Text, and Materials, 3rd edn, Emond Montgomery Publications, 2015.
Dworkin R., Is Democracy Possible Here? Principles for a New Political Debate, Princeton University Press, 2006.
Dworkin R., Taking Rights Seriously, HUP, 1977.
Dworkin R., The Model of Rules, The University of Chicago Law Review, Vol. 35, 1967, pp. 14-46.

Easterbrook F.H., Fischel D.R., Limited Liability and the Corporation, University of Chicago Law Review, Vol. 52, 1985, pp. 89-117.
Ehmke D., Publicly Offered Debt in the Shadow of Insolvency, EBOR, Vol. 16, 2015, pp. 63-96.
Ehmke D.C., Gant J.L.L., Boon G-J., Langkjaer L., Ghio E., The European Union preventive restructuring framework: A hole in one? International Insolvency Review, Vol. 28, 2019, pp. 184-209.
Eidenmüller H., Comparative Corporate Insolvency Law, in J.N. Gordon, W-G. Ringe (eds), The Oxford Handbook of Corporate Law and Governance, OUP, 2018, pp. 1003-1036.
Eidenmüller H., Contracting for a European Insolvency Regime, EBOR, Vol. 18, 2017, pp. 273-304.
Eidenmüller H., What is an insolvency proceeding? ECGI Law Working Paper No. 335/2016, December 2016.
Eidenmüller H., Trading in Times of Crisis: Formal Insolvency Proceedings, Workouts, EBOR, Vol. 7, 2006, pp. 239-258.
Eisdorfer A., Empirical Evidence of Risk Shifting in Financially Distressed Firms, The Journal of Finance, Vol. 63, 2008, pp. 609-637.
Eisenberg T. (ed), Debtor-Creditor Law, Matthew Bender & Company, Inc., 2022.
Enriques L., Gilotta S., The Case Against a Special Regime for Intragroup Transactions, ECGI Law Working Paper No. 641/2022, May 2022.
Enriques L., Related Party Transactions, in J.N. Gordon and W-G. Ringe (eds), The Oxford Handbook of Corporate Law and Governance, OUP, 2018, pp. 506-531.
Enriques L., The Mandatory Bid Rule in the Takeover Directive: Harmonization Without Foundation? European Company and Financial Law Review, Vol. 1, 2004, pp. 440-457.
Enriques L., Gelter M., How the Old World Encountered the New One: Regulatory Competition and Cooperation in European Corporate and Bankruptcy Law, Tulane Law Review, Vol. 81, 2007, pp. 577-646.
Epstein R.A., Contracts Small and Contracts Large: Contract Law through the Lens of Laissez-Faire, in F.H. Buckley (ed), The Fall and Rise of Freedom of Contract, Duke University Press, 1999, pp. 25-61.
Erikson E., Between Monopoly and Free Trade: The English East India Company, Princeton University Press, 2014.
Etkin M.S., Brown N.M., Third-Party Release? – Not So Fast! Changing Trends and Heightened Scrutiny, AIRA Journal, Vol. 29, 2015, pp. 22-29.

Faber D., Vermunt N., National Report for the Netherlands, in D. Faber, N. Vermunt, J. Kilborn, K. van der Linde (eds), Treatment of Contracts in Insolvency, OUP, 2013, pp. 287-330.
Fedke T., Konzerninnenfinanzierung nach dem MoMiG in insolvenznahen Szenarien, *NZG* 2009, 928-932.
Feltz G.F. van der, Geschiedenis van de Wet op het Faillissement en de Surséance van Betaling, Haarlem: De Erven F. Bohn 1896.
Ferran E., Ho L.C., Principles of Corporate Finance Law, 2nd edn, OUP, 2014.
Finch V., Corporate Insolvency Law: Perspective and Principles, CUP, 2002.
Finch V., Milman D., Corporate Insolvency Law: Perspectives and Principles, 3rd edn, CUP, 2017.
Fleming M.J., Sarkar A., The Failure Resolution of Lehman Brothers, Federal Reserve Bank of New York Economic Policy Review, Vol. 20, 2014, pp. 175-206.
Fletcher I., The Law of Insolvency, 5th edn, Sweet & Maxwell, 2017.
Fontán I.A. et al., Banking Supervision and Resolution in the EU: Effects on Small Host Countries in Central, Eastern and South Eastern Europe, World Bank Group Working Paper, April 2019.
Franken M.J.M., Verificatie van vorderingen, redelijkheid en billijkheid tussen schuldeisers onderling: een gemiste kans?, in: N.E.D. Faber et al., De bewindvoerder, een octopus, Serie Onderneming en Recht deel 44, Deventer: Kluwer 2008.
Freedland F., History of Holding Company Legislation in New York State: Some Doubts as to the "New Jersey First" Tradition, Fordham Law Review, Vol. 24, 1955, pp. 369-411.
Frentrop P., The Dutch East India Company: the first corporate governance debacle, in T. Clarke, J. O'Brien and C.R.T. O'Kelley (eds), The Oxford Handbook of the Corporation, OUP, 2019, pp. 51-74.
Friedman M., Capitalism and Freedom, The University of Chicago Press, 2020 (originally published in 1962).
Frisby S., Of rights and rescue: a curious confluence? Journal of Corporate Law Studies, Vol. 20, 2020, pp. 39-72.

Galen R.J. van, De surseance als echte reorganisatieprocedure, TvI 2015/23.
Galen R. van, Insolvent Groups of Companies in Cross Border Cases and Rescue Plans, Report to the Netherlands Association for Comparative and International Insolvency Law (8 November 2012).
Gant J.L.L., Balancing the Protection of Business and Employment in Insolvency: An Anglo-French Perspective, Eleven International Publishing, 2017.
Gant J.L.L., Studies of Convergence? Post-Crisis Effects on Corporate Rescue and the Influence of Social Policy: the EU and the USA, International Insolvency Review, Vol. 25, 2016, pp. 72-96.
Garcimartín Alférez F. J., Sánchez Fernández S., Resolution and contracts, in M. Haentjens, B. Wessels (eds), Research Handbook on Cross-Border Bank Resolution, Edward Elgar Publishing, 2019, pp. 201-230.
Gardella A., Rimarchi M., Stroppa D., Potential regulatory obstacles to cross-border mergers and acquisitions in the EU banking sector, EBA Staff Paper Series No. 7, 2020, pp. 1-75.
Garcimartín F., Bermejo N., Involving secured creditors in restructuring proceedings, in P.J. Omar and J.L.L. Gant (eds), Research Handbook on Corporate Restructuring, Edward Elgar Publishing, 2021, pp. 120-142.
Garner B.A. (ed), Black's Law Dictionary, 8th edn, Thomson West, 2004.

Gelderblom O., Jong A. de, Jonker J., The Formative Years of the Modern Corporation: The Dutch East India Company VOC, 1602-1623, The Journal of Economic History, Vol. 73, 2013, pp. 1050-1076.
Gelter M., The subordination of shareholder loans in bankruptcy, International Review of Law and Economics, Vol. 26, 2006, pp. 478-502.
Gerner-Beuerle C., Schillig M., Comparative Company Law, OUP, 2019.
Ghio E., Transposing the preventive restructuring directive 2019 into French insolvency law: Rethinking the role of the judge and rebalancing creditors, International Insolvency Review, Vol. 30, 2021, pp. 54-74.
Gilje E., Do Firms Engage in Risk-Shifting? Empirical Evidence, The Review of Financial Studies, Vol. 29, 2016, pp. 2925-2954.
Goehausen H.A., You Said You Were Going to Do What to My Loan? The Inequitable Doctrine of Recharacterization, DePaul Business and Commercial Law Journal, Vol. 4, 2005, pp. 117-142.
Goey F. De, Jong A. De, The Netherlands: The Overlooked Variety of Big Businesses, in A.M. Colpan, T. Hikino (eds), Business Groups in the West: Origins, Evolution, and Resilience, OUP, 2018, pp. 165-192.
Goode R., Principles of Corporate Insolvency Law, 4th edn, Sweet and Maxwell, 2011.
Goode R., Principles of Corporate Insolvency Law, 3rd edn, Sweet & Maxwell, 2005.
Goode R., Gullifer L., Goode and Gullifer on Legal Problems of Credit and Security, 6th edn, Sweet & Maxwell, 2017.
Gordon J., Landry III R.J., The Risk-Shifting Effect of Business Bankruptcy: A Statutory Solution to Provide Additional Protections for Personal Guarantors of Debts by Closely-Held Business Ventures, Emory Bankruptcy Development Journal, Vol. 32, 2015, pp. 67-85.
Gordon J.N., Ringe W-G., Bank Resolution in the European Banking Union: A Transatlantic Perspective on What it Would Take, Columbia Law Review, Vol. 115, 2015, pp.1297-1370.
Graeber D., Debt: The First 5,000 Years, Melville House Publishing, 2011.
Greenberg J., Folger R., Procedural Justice, Participation, and the Fair Process Effect in Groups and Organizations, in P.B. Paulus (ed), Basic Group Process, Springer New York, NY, 1983, pp. 235-256.
Greer B.E., Moss J.S., Herther-Spiro N.B., Guarantees in Bankruptcy: A Primer II, Norton Annual Survey of Bankruptcy Law, 2014 edn, pp. 155-223.
Gribnau H., Legitimacy of the Judiciary, in E.H. Hondius, C. Joustra (eds), Netherlands Reports to the Sixteenth International Congress of Comparative Law, Intersentia, 2002, pp. 25-45.
Gruber J., Cross-default clauses in finance contracts, International Business Law Journal, No. 5, 1997, pp. 591-603.
Gullifer L., Payne J., Corporate Finance Law: Principles and Policy, 3rd edn, Hart Publishing, 2020.
Gullifer L., Payne J., Corporate Finance Law: Principles and Policy, 2nd edn, Hart Publishing, 2015.
Gunnarsson E.G., The Icelandic Regulatory Responses to the Financial Crisis, EBOR, Vol. 12, 2011, pp. 1-39.
Gurrea-Martínez A., Towards an optimal model of directors' duties in the zone of insolvency: an economic and comparative approach, Journal of Corporate Law Studies, Vol. 21, 2021, pp. 365-395.
Gurrea-Martínez A., Building a Restructuring Hub: Lessons from Singapore, SMU Yong Pung How School of Law Research Paper 16/2021, 11 October 2021.

Gurrea-Martínez A., Insolvency Law in Emerging Markets, Ibero-American Institute for Law and Finance, Working Paper 3/2020, 2020.
Gurrea-Martínez A., The Avoidance of Pre-Bankruptcy Transactions: An Economic and Comparative Approach, Chicago-Kent Law Review, Vol. 93, 2018, pp. 711-750.

Hadden T., Regulating Corporate Groups: An International Perspective, in J. McCahery, S. Picciotto and C. Scott (eds), Corporate Control and Accountability, Oxford: Clarendon Press, 1993, pp. 343-369.
Hadden T., Inside Corporate Groups, International Journal of the Sociology of Law, Vol. 12, 1984, pp. 271-286.
Hadfield G., Legal Infrastructure and the New Economy, I/S: A Journal of Law and Policy for the Information Society, Vol. 8, 2012, pp. 1-59.
Haentjens M., Party Autonomy, Public Policy and European Bank Insolvency Law, Hazelhoff Research Paper Series No. 7, 2015.
Haentjens M., Wessels B., Three Paradigm Shifts in Recent Bank Insolvency Law, Journal of International Banking Law and Regulation, Vol. 7, 2016, pp. 396-400.
Haentjens M., commentaar op art. 7:866 BW, in: S.E. Bartels (red.), Groene Serie Bijzondere overeenkomsten, Deventer: Wolters Kluwer (online).
Hahn D., The Roles of Acceleration, DePaul Business and Commercial Law Journal, Vol. 8, 2010, pp. 229-250.
Halpern P., Trebilcock M., Turnbull S., An Economic Analysis of Limited Liability in Corporation Law, University of Toronto Law Journal, Vol. 30, 1980, pp. 117-150.
Hansmann H., Kraakman R., Squire R., Law and the Rise of the Firm, Harvard Law Review, Vol. 119, 2006, pp. 1333-1403.
Hansmann H., Kraakman R., The End of History for Corporate Law, Georgetown Law Journal, Vol. 89, 2001, pp. 439-468.
Hansmann H., Kraakman R., The Essential Role of Organizational Law, The Yale Law Review, Vol. 110, 2000, pp. 387-440.
Hansmann H., Squire R., External and Internal Asset Partitioning: Corporations and Their Subsidiaries, in J.N. Gordon, W-G. Ringe (eds), The Oxford Handbook of Corporate Law and Governance, OUP, 2018, pp. 251-274.
Harari Y.N., Sapiens: A Brief History of Humankind, McClelland & Stewart, 2014.
Hardman D., Judgment and Decision-Making: Psychological Perspectives, BPS Blackwell, 2009.
Harmsen K., Lehman Brothers: een akkoord in strijd met de Faillissementswet, TvI 2013/28.
Harris J., Hargovan A., Potential liability for directors during corporate restructuring: comparative perspectives, in in P.J. Omar and J.L.L. Gant (eds), Research Handbook on Corporate Restructuring, Edward Elgar Publishing, 2021, pp. 143-165.
Harris R., A new understanding of the history of limited liability: an invitation for theoretical reframing, Journal of Institutional Economics, Vol. 16, 2020, pp. 643-664.
Harris R., Industrializing English Law: Entrepreneurship and Business Organization, 1720-1844, CUP, 2000.
Hartkamp A.S., Sieburgh C.H., Subrogatie in de rechten van de schuldeise, in A.S. Hartkamp & C.H. Sieburgh, Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 6. Verbintenissenrecht. Deel I*. De verbintenis in het algemeen, eerste gedeelte, Deventer: Kluwer 2012.
Heller M.A., The Tragedy of the Anticommons: Property in the Transition from Marx to Markets, Harvard Law Review, Vol. 111, 1998, pp. 621-688.

Henkel C., Personal Guarantees and Sureties between Commercial Law and Consumers in the United States, The American Journal of Comparative Law, Vol. 62, 2014, pp. 333-359.
Hermans R., Vriesendorp R.D., Het dwangakkoord in het insolventierecht: vrijheid in gebondenheid? TvI 2014/10.
Herring R., The Challenge of Resolving Cross-Border Financial Institutions, Yale Journal on Regulation, Vol. 31, 2014, pp. 853-882.
Herring R.J., Carmassi J., The Corporate Structure of International Financial Conglomerates: Complexity and its Implications for Safety and Soundness, in A.N. Berger, P. Molyneux, J.O.S. Wilson (eds), The Oxford Handbook on Banking, OUP, 1st edn, 2012, pp. 195-230.
Heydon J.D., Leeming M.J., Turner P.G. (eds), Meagher, Gummow and Lehane's Equity Doctrines and Remedies, 5th edn, Chatswood: LexisNexis, 2015.
Hirte H., InsO § 39 Nachrangige Insolvenzgläubiger. Uhlenbruck, Insolvenzordnung: InsO. 15. Auflage 2019.
Ho A., The Treatment of Ipso Facto Clauses in Canada, McGill Law Journal, Vol. 61, 2015, pp. 139-189.
Ho L.C., Goode's Swan Song to Corporate Insolvency Law, European Business Law Review, Vol. 17, 2006, pp. 1727-1752.
Hoed J. den, commentaar op art. 6:10 BW, in: R.J.Q. Klomp & H.N. Schelhaas (red.), Groene Serie Verbintenissenrecht, Deventer: Wolters Kluwer (online).
Hoekstra G.D., De positie van de pandhouder in het faillissementsrecht (diss. Groningen), Den Haag: Boom Juridische Uitgevers 2007.
Hoffmann F., Konzernhandbuch, Wiesbaden: Gabler, 1993.
Hopt K.J., Groups of companies: A Comparative Study of the Economics, Law, and Regulation of Corporate Groups, in J.N. Gordon, W-G. Ringe (eds), The Oxford Handbook of Corporate Law and Governance, OUP, 2018, pp. 603-633.
Hopt K.J., Pistor K., Company Groups in Transition Economies: A Case for Regulatory Intervention? European Business Law Review, Vol. 2, 2001, pp. 1-43.
Hornuf L., Reps M., Schäferling S., Covenants in European investment-grade corporate bonds, Capital Markets Law Journal, Vol. 10, 2015, pp. 345-361.
Hotton L., Norris J., UK Corporate Insolvency and Governance Act: effects on ipso facto clauses, Butterworths Journal of International Banking and Financial Law, September 2020, pp. 550-552.
Hulse B.D., After the Guarantor Pays: The Uncertain Equitable Doctrines of Reimbursement, Contribution, and Subrogation, Real Property, Trust and Estate Law Journal, Vol. 51, 2016, pp. 41-74.
Hummelen J.M., commentaar op art. 136 Fw, in: A.J. Verdaas (red.), Groene Serie Faillissementswet, Deventer: Wolters Kluwer (online).
Hung M-W., Tsai W-H., Managerial optimism, CEO retention, and corporate performance: evidence from bankruptcy-filing firms, Journal of Economics and Finance, Vol. 44, 2020, pp. 506-526.

Jackson T.H., Bankruptcy's logic and limits in the 21st century: some thoughts on Chapter 11's evolution and future, in B.E. Adler (ed), Research Handbook on Corporate Bankruptcy Law, Edward Elgar Publishing, 2020, pp. 6-35.
Jackson T.H., The Logic and Limits of Bankruptcy Law, Harvard University Press, 1986.
Jackson T.H., Translating Assets and Liabilities to the Bankruptcy Forum, The Journal of Legal Studies, Vol. 14, 1985, pp. 73-114.

Jackson T.H., Bankruptcy, Non-Bankruptcy Entitlements, and the Creditors' Bargain, The Yale Law Journal, Vol. 91, 1982, pp. 857-907.
Janger E.J., Aggregation and Abuse: Mass Torts in Bankruptcy, Fordham Law Review, Vol. 91, 2022, pp. 362-383.
Janger E., The idea of rescue and the Chapter 11 model, in P.J. Omar and J.L.L. Gant (eds), Research Handbook on Corporate Restructuring, Edward Elgar Publishing, 2021, pp. 59-72.
Janger E.J., Madaus S., Value Tracing and Priority in Cross-Border Group Bankruptcies: Solving the Nortel Problem from the Bottom Up, University of Miami International and Comparative Law Review, Vol. 27, 2020, pp. 334-357.
Janger E.J., The Logic and Limits of Liens, University of Illinois Law Review, Vol. 2015, 2015, pp. 589-615.
Janger E.J., Pottow J.A.E., Implementing Symmetric Treatment of Financial Contracts in Bankruptcy and Bank Resolution, Brooklyn Journal of Corporate, Financial & Commercial Law, Vol. 10, 2015, pp. 155-181.
Jansen J. (ed), International Cash Pooling: Cross-border Cash Management Systems and Intra-group Financing, Sellier. European law publishers, 2011.
Janssen L.G.A., EU bank resolution framework: A comparative study on the relation with national private law, E.M. Meijers Instituut, 2020.
Jensen M.C., Meckling W.H., Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure, Journal of Financial Economics, Vol. 3, 1976, pp. 305-360.
Jonkers A.L., Insider guarantees in corporate finance: An economic analysis of Dutch, US and German law, PhD thesis, 2020.
Jonkers A.L., Selective Perforation by Means of Guarantees: Dutch Law, in The 800-Pound Gorilla. Limits to Group Structures and Asset Partitioning in Insolvency, NACIIL 2018 report, Eleven International Publishing, 2019, pp. 75-99.

Kahl M., Economic Distress, Financial Distress, and Dynamic Liquidation, The Journal of Finance, Vol. 57, 2002, pp. 135-168.
Kampshoff M., Behandlung von Bankdarlehen in der Krise der GmbH, GmbHR 2010, 897-904.
Kastrinou A., Vullings S., 'No Evil is without Good': A Comparative Analysis of Prepack Sales in the UK and the Netherlands, International Insolvency Review, Vol. 27, 2018, pp. 320-339.
Katz A.W., An Economic Analysis of the Guarantee Contract, The University of Chicago Law Review, Vol. 66, 1999, pp. 47-116.
Keay A., The Harmonization of the Avoidance Rules in European Union Insolvencies, International & Comparative Law Quarterly, Vol. 66, 2016, pp. 79-105.
Keay A., Insolvency Law: A Matter of Public Interest? Northern Ireland Legal Quarterly, Vol. 51, 2000, pp. 509-534.
Keay A., Walton P., The Preferential Debts' Regime in Liquidation Law: In the Public Interest? Company Financial and Insolvency Law Review, Vol. 3, 1999, pp. 84-105.
Kelsen H., Pure Theory of Law, The Lawbook Exchange Ltd., 2005 (originally published in 1934).
Kiersch E.D.G., commentaar op art. 2:403 BW, in: H.B. Krans, C.J.J.M. Stolker en W.L. Valk (red.), Tekst & Commentaar Burgerlijk Wetboek, Deventer: Wolters Kluwer (online).

Kilborn J., National Report for the United States, in D. Faber, N. Vermunt, J. Kilborn, T. Richter, I. Tirado (eds), Ranking and Priority of Creditors, OUP, 2016, pp. 571-595.
Kirshner J.A., International Bankruptcy: The Challenge of Insolvency in a Global Economy, University of Chicago Press, 2018.
Klaassen C.J.M., Hoofdelijkheid ofborgtocht, wat zal het wezen? WPNR 1998/6316, p. 347-351.
Klatt M., Meister M., The Constitutional Structure of Proportionality, OUP, 2012.
Kleinhaus E.A., Zuckerman P.B., The Enforceability of Ipso Facto Clauses in Financing Agreements: American Airlines and Beyond, Norton Journal of Bankruptcy Law and Practice, Vol. 23, 2014, pp. 193-211.
Kok H.G.F.M. de, Het regres (diss. Nijmegen), Deventer: Kluwer 1965.
Kokorin I., Preemptive Financing Arrangements within Cross-Border Banking Groups: Between Flexibility and Legal Certainty, in L. Böffel and J. Schürger (eds), Digitalisation, Sustainability, and the Banking and Capital Markets Union, Palgrave Macmillan Cham, 2022, pp. 377-395.
Kokorin I., Insolvency of Significant Non-Financial Enterprises: Lessons from Bank Failures and Bank Resolution, European Business Law Review, Vol. 32, 2021, pp. 521-556.
Kokorin I., The Future of Harmonisation of Directors' Duties in the EU: Restructuring Directive and Group Insolvencies, International Insolvency Review, Vol. 30, 2021, pp. 361-382.
Kokorin I., Promotion of group restructuring and cross-entity liability arrangements, Journal of Corporate Law Studies, Vol. 21, 2021, pp. 557-593.
Kokorin I., Third-Party Releases in Insolvency of Multinational Enterprise Groups, European Company and Financial Law Review, Vol. 18, 2021, pp. 107-140.
Kokorin I., The Rise of "Group Solution" in Insolvency Law and Bank Resolution, EBOR, Vol. 22, 2021, pp. 781-811.
Kokorin I., Contracting Around Insolvency Jurisdiction: Private Ordering in European Insolvency Jurisdiction Rules and Practices, in V. Lazić and S. Stuij (eds) Recasting the Insolvency Regulation: Improvements and Missed Opportunities, Asser Press, 2020, pp. 21-58.
Kokorin I., Conflicts of interest, intra-group financing and procedural coordination of group insolvencies, International Insolvency Review, Vol. 29, 2020, pp. 32-60.
Kokorin I., Intra-Group Financial Support in a Crisis: Between Rescue and Abuse, Norton Journal of Bankruptcy Law and Practice, Vol. 29, 2020, pp. 378-420.
Kokorin I., Co-ordination in bank resolution and the issue of conflicts of interest, Journal of International Banking Law and Regulation, Vol, 35, 2020, pp. 100-115.
Kokorin I., Madaus S., Mevorach I., Global Competition in Cross-Border Restructuring and Recognition of Centralized Group Solutions, Texas International Law Journal, Vol. 56, 2021, pp. 109-154.
Kokorin I., Wessels B., Cross-Border Protocols in Insolvencies of Multinational Enterprise Groups, Edward Elgar Publishing, 2021.
Kokorin I., Wessels B., annotation: European Court of Human Rights 5 July 2018, no. 41299/09 & 11132/10, *JOR* 2019, 3 (*JOR* 2019/64 *Boyadzhieva and Gloria International Limited Eood v. Bulgaria*), pp. 778-790.
König E., Single Point of Entry – a resolution strategy addressing the home – host issue in Europe's Banking Union, The SRB Blog, 22 April 2021.
König E., Real defragmentation of the Banking Union: the way forward, Eurofi, 17 December 2019.

Kortmann S.C.J.J., Het faillissement, een paradijs voor banken (afscheidsrede Nijmegen), Nijmegen: Radboud Universiteit 2017.
Kortmann S.C.J.J., Derden in het faillissementsrecht, Ars Aequi, 46, 1997, p. 54-60.
Kortmann S.C.J.J., Faber N.E.D. (red.), Geschiedenis van de Faillissementswet, heruitgave Van der Feltz, II, Deventer: Wolters Kluwer, 2016.
Kortmann S.C.J.J., Faber N.E.D. (red.), Geschiedenis van de Faillissementswet. Wetswijzigingen, Zwolle: W.E.J. Tjeenk Willink, 1995.
Kostoula T., Cross-Border Insolvency of Groups of Companies Under the Regulation (EU) 2015/848, European Company Law, Vol. 16, 2019, pp. 74-82.
Kraan J. van der, Toepassing en rechtskarakter van de groepsvrijstelling van artikel 2:403 BW (Serie Van der Heijden Instituut nr. 171), Deventer: Wolters Kluwer, 2022.
Kroeze M.J. (m.m.v. H. Beckman, M.A. Verbrugh), Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 2. Rechtspersonenrecht. Deel I. De rechtspersoon, Deventer: Wolters Kluwer 2021.
Krohn A., Rethinking priority: The dawn of the relative priority rule and the new "best interests of creditors" test in the European Union, International Insolvency Review, Vol. 30, 2021, pp. 75-95.
Kuntz T., German corporate law in the 20th century, in H. Wells (ed), Research Handbook on the History of Corporate and Company Law, Edward Elgar Publishing, 2018, pp. 205-243.

Landuyt S., A Capital Question, A Capital Question, Should Shareholder Loans be Automatically Subordinated?, in D. Bruloot (ed), Belgian and European perspectives on creditor protection in closed companies, Intersentia, 2019, pp. 121-164.
Leahy J., Pearson S., Oi bankruptcy spotlights Brazilian debt problems, Financial Times, 21 June 2016.
Lee P.L., Bankruptcy Alternatives to Title II of the Dodd-Frank Act – Part I, The Banking Law Journal, Vol. 132, 2015, pp. 437-487.
Legg A., The Margin of Appreciation in International Human Rights Law: Deference and Proportionality, OUP, 2012.
Lehavi A., Property Law in a Globalized World, CUP, 2019.
Levitin A.J., Business Bankruptcy: Financial Restructuring and Modern Commercial Markets, Wolters Kluwer, 2016.
Li N., Lou Y., Vasvari F.P., Default clauses in debt contracts, Review of Accounting Studies, Vol. 20, 2015, pp. 1596-1637.
Licht A.N., My Creditor's Keeper: Escalation of Commitment and Custodial Fiduciary Duties in the Vicinity of Insolvency, Washington University Law Review, Vol. 98, 2021, pp. 1731-1764.
Lind E.A., Kanfer R., Earley P.C., Voice, Control, and Procedural Justice: Instrumental and Noninstrumental Concerns in Fairness Judgments, Journal of Personality and Social Psychology, Vol. 59, 1990, pp. 952-959.
Lipton P., The Mythology of Salomon's Case and the Law Dealing with the Tort Liabilities of Corporate Groups: An Historical Perspective, Monash University Law Review, Vol. 40, 2014, pp. 452-487.
Lomnicka E., Credit and security, in Chitty on Contracts, Vol II: Specific Contracts, 33rd edn, Sweet & Maxwell, 2018.
Loth M.A., Dwingend en aanvullend recht (Mon. BW A19), Wolters Kluwer, 2009.
Low K.F.K., Schuster E., Wan W.Y., The Company and Blockchain Technology, 29 October 2022, in C. Witting and M. Petrin (eds), Edward Elgar Handbook on Corporate Liability (Edward Elgar, forthcoming).

Lubben S.J., American Business Bankruptcy: A Primer, Edward Elgar Publishing, 2021.
Lubben S.J., A Functional Analysis of SIFI Insolvency, Texas Law Review, Vol. 96, 2018, pp. 1377-1402.
Lubben S.J., Subsidizing Liquidity or Subsidizing Markets: Safe Harbors, Derivatives, and Finance, American Bankruptcy Law Journal, Vol. 91, 2017, pp. 463-480.
Lubben S.J., Woo S.P., Reconceptualizing Lehman, Texas International Law Journal, Vol. 49, 2014, pp. 297-327.

Madaus S., Leaving the Shadows of US Bankruptcy Law: A Proposal to Divide the Realms of Insolvency and Restructuring Law, EBOR, Vol. 19, 2018, pp. 615-647.
Madaus S., On decision-making in rescue cases: why creditors and shareholders should decide about a rescue plan, in B. Santen and D. van Offeren (eds), Perspectives on international insolvency law: A tribute to Bob Wessels, Kluwer: Deventer, 2014, pp. 215-227.
Madaus S., Wilke A.K., Knauth P., Bringing Non-EU Insolvencies to Germany: Really so Different from the UNCITRAL Model Law on Cross-Border Insolvency? International Corporate Rescue, Vol. 17, 2020, pp. 21-28.
Mallon C., Waisman S.Y., Schrock R.C. (eds), The Law and Practice of Restructuring in the UK and US, OUP, 2011.
Mandel G., Patently Non-Obvious: Empirical Demonstration that the Hindsight Bias Renders Patent Decisions Irrational, Ohio State Law Journal, Vol. 67, 2006, pp. 1391-1463.
Manne H.G., Our Two Corporation Systems: Law and Economics, Virginia Law Review, Vol. 53, 1967, pp. 259-284.
Manove M., Padilla A.J., Pagano M., Collateral versus Project Screening: A Model of Lazy Banks, The RAND Journal of Economics, Vol. 32, 2001, pp. 726-744.
Mäntysaari P., The Law of Corporate Finance: General Principles and EU Law. Volume III: Funding, Exit, Takeovers, Springer, 2010.
Markell B.A., Owners, Auctions, and Absolute Priority in Bankruptcy Reorganizations, Stanford Law Review, Vol. 44, 1991, pp. 69-128.
Markesinis B., Fedtke J., Engaging with Foreign Law, Hart Publishing, 2009.
Martin N., The Role of History and Culture in Developing Bankruptcy and Insolvency Systems: The Perils of Legal Transplantation, Boston College International and Comparative Law Review, Vol. 28, 2005, pp. 1-77.
Martino E., The Bail-in Beyond Unpredictability: Creditors' Incentives and Market Discipline, EBOR, Vol. 21, 2020, pp. 789-828.
Massman S., ISDA Resolution Stay Protocol: A Brief Overview, Harvard Law School Bankruptcy Roundtable, 10 February 2015.
Maza S., Enjoying Third Party Litigation under §362, Norton Journal of Bankruptcy Law & Practice, Vol. 26, 2017 (online version).
Mba S., New Financing for Distressed Businesses in the Context of Business Restructuring Law, Springer, 2019.
McCormack G., National Report for the UK, in R. Bork, M. Veder (eds), Harmonisation of Transaction Avoidance Laws, Intersentia, 2022, pp. 1283-1314.
McCormack G., The European Restructuring Directive, Edward Elgar Publishing, 2021.
McCormack G., Keay A., Brown S., Dahlgreen J., Study on a new approach to business failure and insolvency, 2016.

McCormack G., Bankruptcy Forum Shopping: The UK and US as Venues of Choice for Foreign Companies, International and Comparative Law Quarterly, Vol. 63, 2014, pp. 815-842.
McDonald O., Lehman Brothers: A crisis of value, Manchester University Press, 2015.
McKendrick E., Contract Law: Text, Cases, and Materials, 6th edn, OUP, 2014.
Meier S., Recourse between Solidary Debtors, in N. Jansen, R. Zimmermann (eds), Commentaries on European Contract Laws, OUP, 2018.
Meilicke W., Das Eigenkapitalersatzrecht – eine deutsche Fehlentwicklung, GmbH-Rundschau, 2007, 225-236.
Mennens A.M., Het dwangakkoord buiten surseance en faillissement (Onderneming en recht nr. 118), Deventer: Wolters Kluwer, 2020.
Mevorach I., The Future of Cross-Border Insolvency: Overcoming Biases and Closing Gaps, OUP, 2018.
Mevorach I., Enterprise Groups in Insolvency: Recent International Developments, in J. Sarra (ed), Annual Review of Insolvency Law, Toronto: Carswell, 2013, p. 285ff.
Mevorach I., On the Road to Universalism: A Comparative and Empirical Study of UNCITRAL Model Law on Cross-Border Insolvency, EBOR, Vol. 12, 2011, pp. 517-557.
Mevorach I., Transaction Avoidance in Bankruptcy of Corporate Groups, ECFR, Vol. 8, 2011, pp. 235-258.
Mevorach I., Insolvency within Multinational Enterprise Groups, OUP, 2009.
Mevorach I., Walters A., The Characterization of Pre-insolvency Proceedings in Private International Law, EBOR, Vol. 21, 2021, pp. 855-894.
Miller D.J., Shakra M., *Nortel*: The Long and Winding Road, in J.P. Sarra and B. Romaine (eds), Annual Review of Insolvency Law, Toronto: Carswell, 2015.
Mitchell C., The Law of Contribution and Reimbursement, OUP, 2013.
Mitchell C., Watterson S., Subrogation: Law and Practice, OUP, 2007.
Mokal R.J., Corporate Insolvency Law: Theory and Application, OUP, 2005.
Mokal R.J., Priority as Pathology: The *Pari Passu* Myth, Cambridge Law Journal, Vol. 60, 2001, 581-621.
Mooney Jr. C.W., The Bankruptcy Code's Safe Harbors for Settlement Payments and Securities Contracts: When Is Safe Too Safe? Texas International Law Journal, Vol. 49, 2014, pp. 245-269.
Morrison D., Anderson C., The Australian Corporate Rescue Provisions: How do they Compare? In P. Omar (ed), International Insolvency Law: Reforms and Challenges. Ashgate, Farnham, 2013, pp. 171-206.
Moss G., Fletcher I., Isaacs S. (eds), Moss, Fletcher and Isaacs on the EU Regulation on Insolvency Proceedings, 3rd edn, OUP, 2016.
Moss G., Marks D., Rowlatt on Principal and Surety, 6th edn, Sweet & Maxwell, 2011.
Muchlinski P., Multinational Enterprises and the Law, 3d edn, OUP, 2021.
Muchlinski P., Multinational Enterprises and the Law, 2nd edn, OUP, 2007.
Muscat A., The Liability of the Holding Company for the Debts of its Insolvent Subsidiaries, Dartmouth Publishing Company, 1996.

Nass E., commentaar op art. 2:403 BW, in: J.B. Huizink (red.), Groene Serie Rechtspersonen, Deventer: Wolters Kluwer (online).
Neder Cerezetti S.C., Reorganization of Corporate Groups in Brazil: Substantive Consolidation and the Limited Liability Tale, International Insolvency Review, Vol. 30, 2021, pp. 169-190.

Nijkamp D.D., Steeg R.W.K., How certain elements of the Dutch scheme may (or may not) affect ISDA Master Agreements, Tijdschrift Financiering, Zekerheden en Insolventierechtpraktijk, No. 1, 2021, pp. 47-57.

Obenchain R., The Roman Law of Bankruptcy, The Notre Dame Lawyer, Vol. 3, 1928, pp. 169-200.
O'Donovan J., Lender Liability, English edn, Sweet & Maxwell, 2005.
Olaerts M., commentaar op art. 2:24b BW, in: J.B. Huizink (red.), Groene Serie Rechtspersonen, Deventer: Wolters Kluwer (online).
Olivares-Caminal R. et al., Debt Restructuring, 2nd edn, OUP, 2016.
Omar P.J., Gant J.L.L., Corporate Rescue in the United Kingdom: Past, Present and Future Reforms, Insolvency Law Journal, Vol. 24, 2016, pp. 40-61.
Oostrum C.H.A. van, Regres bij concernfinanciering (Serie Van der Heijden Instituut nr. 156) (diss. Leiden), Deventer: Wolters Kluwer, 2019.
Ophof H.P.J., Hoofdelijke aansprakelijkheid: solidariteit of apartheid? (Inaugurele rede Vrije Universiteit Amsterdam), Deventer: Kluwer 1987.
Orwell G., Animal Farm (1984).
Ostendorf P., Demand Guarantee or Suretyship Guarantee – Have corporate guarantors lost the benefit of the doubt? Oxford Business Law Blog, 14 September 2021.
Overduin J.H., Pool J.M.W., De curator in de spagaat: tussen Nederlandse taakuitoefening en het belang van een internationale herstructurering. Interview met curatoren Marcel Groenewegen (PTIF) en Jasper Berkenbosch (Oi Coop) over de voorlopige surseances en faillissementen van de financieringsmaatschappijen van Oi Telecom, Tijdschrift voor Insolventierecht, 2020/9, pp. 58-67.

Pacces A.M., Procedural and Substantive Review of Related Party Transactions: The Case for Noncontrolling Shareholder-Dependent Directors, in L. Enriques and T.H. Tröger (eds), The Law and Finance of Related Party Transactions, CUP, 2019, pp. 181-217.
Pennevis N.B., The European harmonisation of avoidance rules, a Dutch perspective on reshaping an age-old instrument, TvI 2023/12, pp. 77-88.
Pannevis N.B., Insolventierecht, Deventer: Wolters Kluwer, 2022.
Pannevis N.B., Achtergestelde vorderingen (Onderneming en recht nr. 114) (diss. Nijmegen), Deventer: Wolters Kluwer 2019.
Pargendler M., Regulatory partitioning as a key function of corporate personality, in E. Pollman and R.B. Thompson (eds), Research Handbook on Corporate Purpose and Personhood, Edward Elgar Publishing, 2021, pp. 263-282.
Pargendler M., The Grip of Nationalism on Corporate Law, Indiana Law Journal, Vol. 95, 2020, pp. 533-590.
Pargendler M., How Universal Is the Corporate Form? Reflections on the Dwindling of Corporate Attributes in Brazil, Columbia Journal of Transnational Law, Vol. 58, 2019, pp. 1-57.
Parry R. et al. (eds), Transaction Avoidance in Insolvencies, 3rd edn, OUP, 2018.
Paterson S., The analytical boundary between corporate reorganisation and sale in corporate bankruptcy theory, in P.J. Omar and J.L.L. Gant (eds), Research Handbook on Corporate Restructuring, Edward Elgar Publishing, 2021, pp. 525-538.
Paterson S., Corporate Reorganization Law and Forces of Change, OUP, 2020.
Paterson S., Debt Restructuring and Notions of Fairness, The Modern Law Review, Vol. 80, 2017, pp. 600-623.

Paterson S., Rethinking the Role of the Law of Corporate Distress in the Twenty-First Century, LSE Law, Society and Economy Working Papers 27/2014, 2014.
Paterson S., Walters A., Selective Corporate Restructuring Strategy, Modern Law Review, Vol. 86, 2023, pp. 436-464
Paulus C.G., Multinational Enterprises and National Insolvency Laws: Lobbying for Special Privileges, EBOR, Vol. 29, 2018, pp. 393-415.
Paulus C.G., The Wonderful World of Privileges – The Par Condicio Creditorum vs. Closeout-Netting, ECFR, Vol. 11, 2014, pp. 531-553.
Payne J., Schemes of Arrangement: Theory, Structure and Operation, CUP, 2021.
Payne J., An Assessment of the UK Restructuring Moratorium, Lloyd's Maritime and Commercial Law Quarterly, 2021, pp. 454-475.
Payne J., Schemes of Arrangement: Theory, Structure and Operations, CUP, 2014.
Payne J., Sarra J., Tripping the Light Fantastic: A Comparative Analysis of the European Commission's Proposals for New and Interim Financing of Insolvent Businesses, International Insolvency Review, Vol. 27, 2018, pp. 178-222.
Peacock L.L., A Tale of Two Courts: The Novel Cross-Border Bankruptcy Trial, American Bankruptcy Institute Law Review, Vol. 23, 2015, pp. 543-570.
Pepels S., Defining groups of companies under the European Insolvency Regulation (recast): on the scope of EU group insolvency law, International Insolvency Review, Vol. 30, 2021, pp. 96-123.
Phillips J., O'Donovan J., Courtney W., Philips and O'Donovan: Modern Contract of Guarantee, 4th edn, Sweet & Maxwell, 2020.
Pilkington C., Schemes of Arrangement in Corporate Restructuring, Sweet & Maxwell, 2017.
Pirker B., Proportionality Analysis and Models of Judicial Review: A Theoretical and Comparative Study, Europa Law Publishing, 2013.
Pistor K., The Code of Capital: How the Law Creates Wealth and Inequality, Princeton University Press, 2019.
Posner E.A., Casey A., A Framework for Bailout Regulation, Notre Dame Law Review, Vol. 91, 2015, pp. 479-536.
Posner R.A., Economic analysis of law, 8th edn, Aspen Publishers, 2011.
Posner R.A., The Crisis of Capitalist Democracy, HUP, 2010.
Posner R.A., The Rights of Creditors of Affiliated Corporations, University of Chicago Law Review, Vol. 43, 1975, pp. 499-526.
Pottow J.A.E., Love *Hertz*: Corporate Groups and Forum Selection, Texas International Law Journal, Vol. 56, 2021, pp. 155-180.
Pottow J.A.E., Cross-border corporate insolvency in the era of soft(ish) law, in B.E. Adler (ed), Research Handbook on Corporate Bankruptcy Law, Edward Elgar Publishing, 2020, pp. 329-362.
Pottow J.A.E., The Dialogic Aspect of Soft Law in International Insolvency: Discord, Digression, and Development, Michigan Journal of International Law, Vol. 40, 2019, pp. 479-503.
Pottow J.A.E., A New Approach to Executory Contracts, Texas Law Review, Vol. 96, 2018, pp. 1437-1472.
Pottow J.A.E., Two Cheers for Universalism: Nortel's Nifty Novelty, in J.P. Sarra, B. Romaine (eds), Annual Review of Insolvency Law, Toronto: Carswell, 2015, pp. 333-367.
Pottow J.A.E., Greed and Pride in International Bankruptcy: The Problems of and Proposed Solutions to 'Local Interests', Michigan Law Review, Vol. 104, 2006, pp. 1899-1949.
Prak M., Zanden J.L. van, Pioneers of Capitalism, Princeton University Press, 2022.

Pretelli I., Cross-Border Credit Protection Against Fraudulent Transfers of Assets: Actio Pauliana in the Conflict of Laws, Yearbook of Private International Law, Vol. 13, 2011, pp. 589-640.

Radin M., Guarantee and Suretyship, California Law Review, Vol. 17, 1929, pp. 605-622.
Ramsay I., Personal Insolvency in the 21st Century: A Comparative Analysis of the US and Europe, Hart Publishing, 2017.
Rajak H., The Culture of Bankruptcy, in P.J. Omar (ed), International insolvency law. Themes and perspectives, Routledge, London and New York, 2008, pp. 3-25.
Rajak H., Insolvency Law: Theory and Practice, Sweet & Maxwell, 1993.
Ramesh K., Synthesising Synthetics: Lessons learnt from Collins & Aikman, 2nd Annual GRR Live New York, 26 September 2018.
Ramos Muñoz D., Lamandini M., Evolving key risks in the banking sector and related priorities for the SRB: the lack of an effective transfer-based bank crisis framework, November 2022, pp. 1-19.
Rank W.A.K., Van saldocompensatie naar saldoconcentratie?, MvV 2018, afl. 11, p. 327-341.
Rank W.A.K., Een paarlen jubileum voor de ISDA Master Agreement: 30 jaar contractszekerheid voor OTC-derivaten, Tijdschrift voor Financieel Recht, afl. 4, 2017, p. 117-128.
Rank W.A.K., Spanje W. van, Dutch Lehman jitters? Butterworths Journal of International Banking and Financial Law, February 2009, pp. 89-92.
Rasmussen R.K., The end of bankruptcy revisited, in B.A. Adler (ed), Research Handbook on Corporate Bankruptcy Law, Edward Elgar Publishing, 2020, pp. 36-53.
Rasmussen R.K., Taking Control Rights Seriously, University of Pennsylvania Law Review, Vol. 166, 2018, pp. 1749-1776.
Rasmussen R.K., Guarantees and Section 548(a)(2) of the Bankruptcy Code, The University of Chicago Law Review, Vol. 52, 1985, pp. 194-217.
Rawls J., A Theory of Justice, Harvard University Press, 1999 (originally published in 1971).
Raz J., The Authority of Law: Essays on Law and Morality, Clarendon Press, 1979.
Raz J., Legal Principles and the Limits of Law, The Yale Law Journal, Vol. 81, 1972, pp. 823-854.
Reinhardt D., Riddiough S.J., The Two Faces of Cross-Border Banking Flows, IMF Economic Review, Vol. 63, 2015, pp. 751-791.
Renssen S., De herijking van het faillissementsrecht. De WHOA (Recht & Praktijk, nr. InsR17), Deventer: Wolters Kluwer 2021.
Renssen S., De herijking van het faillissementsrecht. De pijler modernisering (Recht en Praktijk nr. InsR12), Deventer: Wolters Kluwer, 2019.
Ringe W-G., Patel J., The Dark Side of Bank Resolution: Counterparty Risk through Bail-in, EBI Working Paper Series 2019, No. 31, 2019.
Robert-Tissot F., The Effects of a Reorganization on (Executory) Contracts: A Comparative Law and Policy Study [United States, France, Germany and Switzerland]', III Bronze Medal Winner Paper, 2012.
Roe M.J., Derivatives and repos in bankruptcy, in B.E. Adler (ed), Research Handbook on Corporate Bankruptcy Law, Edward Elgar Publishing, 2020, pp. 102-123.
Roe M.J., Three Ages of Bankruptcy, Harvard Business Law Review, Vol. 7, 2017, pp. 187-219.
Roe M.J., Corporate Strategic Reaction to Mass Tort, Virginia Law Review, Vol. 72, 1986, pp. 1-59.

Roe M.J., F. Tung, Breaking Bankruptcy Priority: How Rent-Seeking Upends the Creditors' Bargain, Virginia Law Review, Vol. 99, 2013, pp. 1235-1290.
Roover R. De, The rise and decline of the Medici Bank, 1397-1494, HUP, 1963.
Roover R. De, The Medici Bank: Organization and Management, The Journal of Economic History, Vol. 6, 1946, pp. 24-52.

Sáez Lacave M., Gutiérrez Urtiaga M., Corporate Groups: Corporate Law, Private Contracting and Equal Ownership, ECGI Law Working Paper No 581, 2021.
Sandel M., Justice: What's the Right Thing to Do? 1st edn, Farrar, Straus and Giroux, 2010.
Saltane V., Serna P.G., Why are minimum capital requirements a concern for entrepreneurs? World Bank Doing Business, 2014, pp. 41-45.
Sarra J., Payne J., Madaus S., The Promise and Perils of Regulating Ipso Facto Clauses, International Insolvency Review, Vol. 31, 2022, pp. 45-80.
Sautner Z., Vladimirov V., Indirect Costs of Financial Distress and Bankruptcy Law: Evidence from Trade Credit and Sales, Review of Finance, Vol. 22, 2018, pp. 1667-1704.
Scarlino D., Zone of Insolvency, Directors' Duties and Creditors' Protection in U.S., European Business Law Review, Vol. 29, 2018, pp. 1-32.
Schaick A.C. van, Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 7. Bijzondere overeenkomsten. Deel VIII. Bewaarneming, borgtocht, vaststellingsovereenkomst, bruikleen, altijddurende rente, spel en weddenschap, Deventer: Wolters Kluwer 2018.
Schaick A.C. van, Het glibberige pad van de verjaring van de regresvordering, *NTBR* 2012/55, p. 420-430.
Schauer F., The Force of Law, HUP, 2015.
Schelhaas H.N., Redelijkheid en billijkheid (Monografieen BW), Wolters Kluwer, 2017.
Scheuch A., *Konzernrecht*: An Overview of the German Regulation of Corporate Groups and Resulting Liability Issues, European Company Law, Vol. 13, 2016, pp. 191-198.
Schillig M., Resolution and Insolvency of Banks and Financial Institutions, OUP, 2016.
Schoenmaker D., The impact of the legal and operational structures of euro-area banks on their resolvability, Policy Contribution, Issue 23, 2016, pp. 1-14.
Schoenmaker D., Governance of International Banking: The Financial Trilemma, OUP, 2013.
Schmidt J., Corporate groups, in P.J. Omar and J.L.L. Gant (eds), Research Handbook on Corporate Restructuring, Edward Elgar Publishing, 2021, pp. 214-227.
Schmidt K., Vom Eigenkapitalersatz in der Krise des Eigenkapitalersatzrechts? GmbH-Rundschau, 2005.
Schroeder J.L., Carlson D.G., Third Party Releases Under the Bankruptcy Code After Purdue Pharma, Cardozo Legal Studies Research Paper No. 681, 2022.
Schuijling B.A., Veder M., National Report for the Netherlands, in R. Bork and M. Veder (eds), Harmonisation of Transaction Avoidance Laws, Intersentia, 2022, pp. 1043-1077.
Schütze R., Tridimas T. (eds), Oxford Principles of European Union Law. Volume I: The European Union Legal Order, OUP, 2018.
Schwarcz S.L., Beyond Bankruptcy: Resolution as a Macroprudential Regulatory Tool, Notre Dame Law Review, Vol. 94, 2018, pp. 709-749.

Schwarcz S.L., Regulating Complexity in Financial Markets, Washington University Law Review, Vol. 87, 2009, pp. 211-268.
Schwarcz S.L., Collapsing Corporate Structures: Resolving the Tension Between Form and Substance, The Business Lawyer, Vol. 60, 2004, pp. 109-145.
Schwarcz S.L., Rethinking Freedom of Contract: A Bankruptcy Paradigm, Texas Law Review, Vol. 77, 1999, pp. 515-604.
Sen A., The Idea of Justice, HUP, 2009.
Resnick A.N., Scheler B.E., From the Bankruptcy Courts: The Effect of a Cross-Default Provision on the Ability to Assume an Executory Contract or Unexpired Lease, Uniform Commercial Code Journal, Vol. 32, 2000, pp. 338-343.
Sexton A.V., Current Problems and Trends in the Administration of Transnational Insolvencies Involving Enterprise Groups: the Mixed Record of Protocols, the UNCITRAL Model Insolvency Law, and the EU Insolvency Regulation, Chicago Journal of International Law, Vol. 12, 2012, pp. 811-840.
Shaydullin A., Subordination of shareholder claims in insolvency law, PhD dissertation, 2022.
Sherrill M.D., In Defense of the Bankruptcy Code's Safe Harbors, The Business Lawyer, Vol. 70, 2015, pp. 1007-1037.
Sieburgh C.H., Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 6. Verbintenissenrecht. Deel III. Algemeen overeenkomstenrecht, Deventer: Wolters Kluwer 2022.
Sieburgh C.H., Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 6. Verbintenissenrecht. Deel II. De verbintenis in het algemeen, tweede gedeelte, Deventer: Wolters Kluwer 2021.
Sieburgh C.H., Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 6. Verbintenissenrecht. Deel I. De verbintenis in het algemeen, eerste gedeelte, Deventer: Wolters Kluwer 2020.
Sieburgh C.H., Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 6. Verbintenissenrecht. Deel III. Algemeen overeenkomstenrecht, Deventer: Wolters Kluwer 2018.
Siems M., Comparative Law, 2nd edn, CUP, 2018.
Sigron M., Legitimate Expectations under Article 1 of Protocol No. 1 to the European Convention on Human Rights, Intersentia, 2014.
Sigtenhorst R. van den, commentaar op art. 372 Fw, in: J.L.M. Groenewegen en F.M.J. Verstijlen (red.), Tekst & Commentaar Insolventierecht, Deventer: Wolters Kluwer (online).
Sigtenhorst R. van den, Herstructurering van groepen onder de WHOA, in C.M. Harmsen & M.L.H. Reumers (red.), De WHOA van wet naar recht (Recht & Praktijk, nr. InsR18), Deventer: Wolters Kluwer 2021.
Silverstein J.M., Overlooking Tort Claimants' Best Interests: Non-Debtor Releases in Asbestos Bankruptcies, UMKC Law Review, Vol. 78, 2009, pp. 1-100.
Simon L.D., Bankruptcy Grifters, The Yale Law Journal, Vol. 131, 2022, pp. 1154-1216.
Singh D., European Cross-Border Banking and Banking Supervision, OUP, 2020.
Skeel D.A., The new synthesis of bank regulation and bankruptcy in the Dodd-Frank era, in B.E. Adler (ed), Research Handbook on Corporate Bankruptcy Law, Edward Elgar Publishing, 2020, pp. 66-101.
Skeel D.A., The Empty Idea of "Equality of Creditors", University of Pennsylvania Law Review, Vol. 166, 2018, pp. 699-744.
Skeel D.A., Single Point of Entry and the Bankruptcy Alternative, in M.N. Baily and J.B. Taylor (eds), Across the Great Divide: New Perspectives on the Financial Crisis, Hoover Press, 2014, pp. 311-333.

Skeel D.A., Icarus in the Boardroom: The Fundamental Flaws in Corporate America and Where They Came From, OUP, 2005.
Skeel D.A., The Past, Present and Future of Debtor-in-Possession Financing, Cardozo Law Review, Vol. 25, 2004, pp. 1905-1934.
Skeel D.A., Creditors' Ball: The New Corporate Governance in Chapter 11, University of Pennsylvania Law Review, Vol. 152, 2003, pp. 917-951.
Skeel D.A., Debt's Dominion: A History of Bankruptcy Law in America, Princeton University Press, 2001.
Skeel D.A., An Evolutionary Theory of Corporate Law and Corporate Bankruptcy, Vanderbilt Law Review, Vol. 51, 1998, pp. 1325-1398.
Skeel D.A., Krause-Vilmar G., Recharacterization and the Nonhindrance of Creditors, EBOR, Vol. 7, 2006, pp. 259-285.
Skeel D.A., Triantis G., Bankruptcy's Uneasy Shift to a Contract Paradigm, University of Pennsylvania Law Review, Vol. 166, 2018, pp. 1777-1818.
Smith L., Security, in A. Burrows (ed), Principles of English Commercial Law, OUP, 2015.
Smith S., Contract Theory, OUP, 2004.
Soedira A.D.W., Het Akkoord. Een wetenschappelijke proeve op het gebied van de rechtsgeleerdheid (Onderneming en recht, nr. 60) (diss. Nijmegen), Deventer: Kluwer, 2011.
Solinge G. van, Nieuwe Weme M.P., Mr. C. Assers Handleiding tot de beoefening van het Nederlands burgerlijk recht. 2. Rechtspersonenrecht. Deel II*. De naamloze en besloten vennootschap, Deventer: Kluwer, 2009.
Sommer H.J., Levin R., Collier on Bankruptcy, 16th edn, 2022.
Sørensen K.E., The Legal Position of Parent Companies: A Top-Down Focus on Group Governance, EBOR, Vol. 22, 2021, pp. 433-474.
Sørensen K.E., Groups of Companies in the Case Law of the Court of Justice of the European Union, European Business Law Review, Vol. 27, 2016, pp. 393-420.
Soveral Martins A. de, Groups of companies in the Recast European Insolvency Regulation: Around and about the "group", International Insolvency Review, Vol. 28, 2019, pp. 354-362.
Spahos D., Lenders, Borrowing Groups of Companies and Corporate Guarantees: An Insolvency Perspective, Journal of Corporate Law Studies, Vol. 1, 2001, pp. 333-357.
Squire R., Distress-triggered liabilities and the agency costs of debt, in B.E. Adler (ed), Research Handbook on Corporate Bankruptcy Law, Edward Elgar Publishing, 2020, pp. 124-149.
Squire R., Limits to Group Structures and Asset Partitioning in Insolvency: Suppressing Value and Selective Perforation by Means of Guarantees, in The 800-Pound Gorilla. Limits to Group Structures and Asset Partitioning in Insolvency, NACIIL 2018 report, Eleven International Publishing, 2019, pp. 1-19.
Squire R., Strategic Liability in Corporate Groups, The University of Chicago Law Review, Vol. 78, 2011, pp. 605-669.
Squire R., Shareholder Opportunism in a World of Risky Debt, Harvard Law Review, Vol. 123, 2010, pp. 1151-1213.
Stanghellini L., Mokal R., Paulus C.G., Tirado I. (eds), Best Practices in European Restructuring. Contractualised Distress Resolution in the Shadow of the Law, Wolters Kluwer, 2018.
Steele S., Ramsay I., Webster M., Insolvency law reform in Australia and Singapore: Directors' liability for insolvent trading and wrongful trading, International Insolvency Review, Vol. 28, 2019, pp. 363-391.

Stein D.F.H., Verjaring van wettelijke regresvorderingen en de 'afzonderlijke elementen-leer', AV&S 2020/26, p. 157-166.
Stein D.F.H., Tweehuysen V., Bartels S.E. (red.), Verjaring, Deventer: Wolters Kluwer, 2020.
Strohmaier N. et al., Hindsight bias and outcome bias in judging directors' liability and the role of free will beliefs, Journal of Applied Social Psychology, Vol. 51, 2020, pp. 141-158.
Sun L., The Fairness Instinct: The Robin Hood Mentality and Our Biological Nature, Prometheus Books, 2013.
Symes C., Harris J., Be Careful What You Wish For! Evaluating the Ipso Facto Reforms, OBLB, 13 September 2019.

Tabb C.J., Law of Bankruptcy, 4th edn, West Academic Publishing, 2016.
Tabb C.J., The Bankruptcy Clause, the Fifth Amendment, and the Limited Rights of Secured Creditors in Bankruptcy, University of Illinois Law Review, Vol. 2015, 2015, pp. 765-809.
Tabb C.J., The History of the Bankruptcy Laws in the United States, ABI Law Review, Vol. 3(1), 1995, pp. 5-51.
Tan M., Han K., A Comparative Look at the Ipso Facto Regime, Singapore Academy of Law, SAL Prac 1, 2021.
Teichmann C., Towards a European Framework for Cross-Border Group Management, European Company Law, Vol. 13, 2016, pp. 150-157.
Tett G., Global debt is soaring – and we need to talk about it, Financial Times, 16 September 2021.
Thibaut J., Walker L., A theory of procedure, *California Law Review*, Vol. *66*, 1978, pp. 541-566.
Thole C., Dueñas M., Some Observations on the New Group Coordination Procedure of the Reformed European Insolvency Regulation, International Insolvency Review, Vol. 24, 2015, pp. 214-227.
Tirado I., Scheming against the Schemes: A New Framework to Deal with Business Financial Distress in Spain, ECFR, Vol. 15, 2018, pp. 516-552.
Tjittes R.P.J.L., Commercieel contractenrecht, Deel I Totstandkoming en inhoud, Den Haag: Boom Juridisch 2018.
Tollenaar N., Pre-Insolvency Proceedings: A Normative Foundation and Framework, OUP, 2018.
Tollenaar N.W.A., Het pre-insolventieakkoord. Grondslagen en raamwerk (diss. Groningen), Deventer: Wolters Kluwer 2016.
Tolstoy L., Anna Karenina (1877).
Tomasello M., Vaish A., Origins of Human Cooperation and Morality, Annual Review of Psychology, Vol. 64, 2013, 231-255.
Toube F., Rumley J., A Brave New World? Should the UK Ban Ipso Facto Clauses in Non-Executory Contracts? Insolvency Intelligence, 31(3), 2018, p. 78ff.
Trebilcock M.J., The Limits of Freedom of Contract, Harvard University Press, 1997.
Triantis G.G., Organizations as Internal Capital Markets: The Legal Boundaries of Firms, Collateral, and Trusts in Commercial and Charitable Enterprises, Harvard Law Review, Vol. 117, 2004, pp. 1102-1162.
Triantis G.G., A Theory of the Regulation of Debtor-in-Possession Financing, Vanderbilt Law Review, Vol. 46, 1993, pp. 901-935.
Tsioli L., Rescue financing under a 'viability spotlight', Journal of Corporate Law Studies, Vol. 22, 2022, pp. 843-885.

Tsioli L., Viability assessment in corporate debt restructuring: Optimizing the filtration effect of the European directive on restructuring and insolvency, Norton Journal of Bankruptcy Law and Practice, Vol. 30, 2021, pp. 397-447.
Tucker M.R., Debt Recharacterization During an Economic Trough: Trashing Historical Tests to Avoid Discouraging Insider Lending, Ohio State Law Journal, Vol. 71, 2010, pp. 187-228.

Uzal M.E., National Report on Argentina, in R.M. Manóvil (ed), Groups of Companies: A Comparative Law Overview, Springer, 2020, pp. 591-625.

Vaccari E., The normative and jural meanings of the anti-deprivation principle *vis-à-vis* freedom of contract, International Insolvency Review, Vol. 31, 2022, pp. 235-274.
Valsan R., National Report on the United Kingdom, in R.M. Manóvil (ed), Groups of Companies: A Comparative Law Overview, Springer, 2020, pp. 627-658.
Valukas A.R., Byman R.L., Murray D.R., The Rise and Fall of Lehman Brothers, in D. Faber and N. Vermunt (eds), Bank Failure: Lessons from Lehman Brothers, OUP, 2017, pp. 3-30.
Veder M., Party Autonomy and Insolvency Law, in R. Westrik, J. van der Weide (eds), Party Autonomy in International Property Law, Sellier European Law Publishers, 2011, pp. 261-276.
Veder M., Thery A., The release of third party guarantees in pre-insolvency restructuring plans, in D. Faber, B. Schuijling and N. Vermunt (eds), Trust and Good Faith across Borders, Liber Amicorum Prof. Dr. S.C.J.J. Kortmann, Wolters Kluwer, 2017, pp. 259-274.
Ventoruzzo M., Sandrelli G., O Tell Me the Truth about Bail-In: Theory and Practice, Journal of Business, Entrepreneurship & the Law, Vol. 13, 2020, pp. 187-316.
Verheul E.F., commentaar op art. 57 Fw, in: A.J. Verdaas (red.), Groene Serie Faillissementswet, Deventer: Wolters Kluwer (online).
Verhoeven F., Lehman Brothers Treasury, in M. Haentjens and B. Wessels (eds), Research Handbook on Cross-Border Bank Resolution, Edward Elgar Publishing, 2019, pp. 344-358.
Verse D.A., Shareholder Loans in Corporate Insolvency – A New Approach to an Old Problem, German Law Journal, Vol. 9, 2008, pp. 1109-1124.
Verstijlen F.M.J., commentaar op art. 136 Fw, in: J.L.M. Groenewegen en F.M.J. Verstijlen (red.), Tekst & Commentaar Insolventierecht, Deventer: Wolters Kluwer (online).
Verstijlen F.M.J., Ondersteunende voorzieningen in de WHOA, TvI 2020/4.
Verstijlen F.M.J., Flankerende voorzieningen in de Wet Homologatie onderhands akkoord ter voorkoming van faillissement, in Preadviezen van de Vereniging Handelsrecht, Uitgeverij Paris, 2017.
Verstijlen F.M.J., De betrekkelijke continuïteit van het contract binnen faillissement, in W.J.M. van Andel & F.M.J. Verstijlen, Materieel faillissementsrecht: de Peeters/Gatzen-vordering en de overeenkomst binnen faillissement. Preadviezen 2006 uitgebracht voor de Vereniging voor Burgerlijk Recht, Kluwer: Deventer 2006.
Verstijlen F.M.J., Nieuwstadt F.M. van, Stelling: De separatistenpositie voor zekerheidsgerechtigden moet worden afgeschaft, TvI 2005/14.
Verstijlen F.M.J., De faillissementscurator, W.E.J. Tjeenk Willink, 1998.
Vinter G.D., Project Finance: A Legal Guide, 3rd edn, Sweet & Maxwell, 2006.
Virgós M., Garcimartín F., The European Insolvency Regulation: Law and Practice, Kluwer Law International, 2004.

Virgós M., Schmit E., Report on the Convention on Insolvency Proceedings, 1996.
Vriesendorp R.D., Insolventierecht, 2e druk, Deventer: Wolters Kluwer, 2021.
Vriesendorp R.D., Enkele grenzen van artikel 47 Fw verkend: een machtig wapen voor de curator of een dode letter, Insolad Jaarboek 2014, Deventer: Kluwer, 2015, p. 165-193.
Vriesendorp R.D., Insolventierecht, Deventer: Wolters Kluwer, 2013.
Vriesendorp R.D., Art. 47 FW: een geamputeerde tentakel of verdient de curator meer? in S.C.J.J. Kortmann e.a. (red.), De curator, een octopus, Zwolle: W.E.J. Tjeenk Willink, 1996, p. 65-79.
Vriesendorp R.D., Hengst F., Elkerbout-Kok R., One year and 100 court decisions later: Dutch restructuring scheme in practice, 23 March 2022.
Vriesendorp, R.D., Hengst, F.J.M., Kesteren, W.J.J. van, Lynch Fannon, I., Nickels, M., Nerriec, B. Restructuring Cross Border Groups: Key Considerations Around Foreign Tax and Finance Driven SPVs. INSOL Special Report. London: INSOL International, 2020.
Vriesendorp R.D., Hermans R.M., Vries K.A.J. de, Herijking faillissementsrecht en het informeel akkoord: gemiste kans of opportunity voor een Nederlandse scheme of arrangement? TvI 2013/12.

Walters A., United States' bankruptcy jurisdiction over foreign entities: exorbitant or congruent? Journal of Corporate Law Studies, Vol. 17, 2017, pp. 367-404.
Walton P., Umfreville C., Jacobs L., A snapshot of company voluntary arrangements: Success, failure and proposals for reform, International Insolvency Review, Vol. 29, 2020, pp. 267-284.
Wan W.Y., Watters C., McCormack G., Schemes of Arrangement in Singapore: Empirical and Comparative Analyses, American Bankruptcy Law Journal, Vol. 94, 2020, pp. 463-505.
Warner G. Ray, Comparative collectivity: European Union and United States approaches, International Insolvency Review, Vol. 32, 2023, pp. 156-175.
Warner G. Ray, Veder M., Enterprise Group Restructuring: Dutch Options and United States Enforcement, European Insolvency and Restructuring Journal, 2021-7, 2021, pp. 1-52.
Warner G. Ray, Conflicting Norms: Impact of the Model Law on Chapter 11's Global Restructuring Role, International Insolvency Review, Vol. 28, 2019, pp. 273-286.
Warren E., Bankruptcy Policymaking in an Imperfect World, Michigan Law Review, Vol. 92, 1993, pp. 336-387.
Warren E., Bankruptcy Policy, The University of Chicago Law Review, Vol. 54, 1987, pp. 775-814.
Warren E., Westbrook J.L., The Success of Chapter 11: A Challenge to the Critics, Michigan Law Review, Vol. 107, 2009, pp. 603-642.
Wee M.S., The Singapore Story of Injecting US Chapter 11 into the Commonwealth Scheme, ECFR, Vol. 15, 2018, pp. 553-584.
Weijden R.J. van der, commentaar op art. 6:150 BW, in: R.J.Q. Klomp & H.N. Schelhaas (red.), Groene Serie Verbintenissenrecht, Deventer: Wolters Kluwer (online).
Weijden R.J. van der, Wetenschap van benadeling in de zin van art. 42 Fw en de voorzienbaarheid van het faillissement van de schuldenaar, MvV, afl. 10, 2017, p. 285-289.
Weijden R.J. van der, De faillissementspauliana (Onderneming en recht nr. 75) (diss. Nijmegen), Deventer: Kluwer, 2012.

Weijs R.J. de, Harmonization of European Insolvency Law: Preventing Insolvency Law from Turning against Creditors by Upholding the Debt-Equity Divide, ECFR, Vol. 2, 2018, pp. 403-444.
Weijs R.J. de, Harmonisation of European Insolvency Law and the Need to Tackle Two Common Problems: Common Pool and Anticommons, International Insolvency Review, Vol. 21, 2012, pp. 67-83.
Weijs R.J. de, Faillissementspauliana, Insolvenzanfechtung en Transaction Avoidance in Insolvencies. Naar een geobjectiveerde regeling van schuldeisersbenadeling (Recht en Praktijk nr. InsR1) (diss. Amsterdam UvA), Deventer: Kluwer 2010.
Weijs R.J. de, Baltjes M., Opening the Door for the Opportunistic Use of Interim Financing: A Critical Assessment of the EU Draft Directive on Preventive Restructuring Frameworks, International Insolvency Review, Vol. 27, 2018, pp. 223-254.
Weijs R.J. de, Good M., Shareholders' and creditors' entitlements on insolvency: who wins where? Butterworths Journal of International Banking and Financial Law, November 2015, pp. 642-645.
Weijs R.J. de, Heems D.G.J., commentaar op art. 42 Fw, in: A.J. Verdaas (red.), Groene Serie Faillissementswet, Deventer: Wolters Kluwer (online).
Weijs R.J. de, Vries J. de, Jonkers A., Corporate Finance for Lawyers, Edward Elgar Publishing, 2023.
Weinrib E.J., The Idea of Private Law, OUP, 2012.
Welling-Steffens L., Ellias J.A., van den Berg S.W., Florstedt T., Distressed Debt Trading – Brave New EU Legal Rules in Relation to Bold New Strategies, NACIIL 2018 report, Eleven International Publishing, 2019.
Wells C., Doulai A., Till default do us part: facility agreements and acceleration, Butterworths Journal of International Banking and Financial Law, October 2013, pp. 571-575.
Wessels B., Vereffening van de boedel (Wessels Insolventierecht nr. VII), 5e druk, Deventer: Wolters Kluwer, 2021.
Wessels B., Het Akkoord (Wessels Insolventierecht nr. VI), 5e druk, Deventer: Wolters Kluwer, 2020.
Wessels B., Gevolgen van faillietverklaring (Wessels Insolventierecht nr. III), 5e druk, Deventer: Wolters Kluwer, 2019.
Wessels B., Weijs R.J. de (ed), International Contributions to the Reform of Chapter 11 U.S. Bankruptcy Code, Eleven International Publishing, 2015.
Wessels B., Moeten schuldeisers altijd gelijk behandeld worden? Nederlands Juristenblad, Aflevering 6, 2010, p. 334-340.
Wessels B., Madaus S. (eds), Rescue of Business in Europe: A European Law Institute Instrument, OUP, 2020.
Wessels B., Kokorin I., European Union Regulation on Insolvency Proceedings: An Introductory Analysis, Alexandria: American Bankruptcy Institute, 2018.
Wessels B., Madaus S., Rescue of Business in Insolvency Law. Instrument of the ELI, 2017.
Westbrook J.L., Transparency in Corporate Groups, Brooklyn Journal of Corporate, Financial & Commercial Law, Vol. 13, 2018, pp. 33-52.
Westbrook J.L., Corporate Formalism in a Global Economy, in J.P. Sarra and B. Romaine (eds), Annual Review of Insolvency Law, Toronto: Carswell, 2015.
Westbrook J.L., Commercial Law and the Public Interest, Penn State Journal of Law and International Affairs, Vol. 4, 2015, pp. 445-458.
Westbrook J.L., The Control of Wealth in Bankruptcy, Texas Law Review, Vol. 82, 2004, pp. 795-862.

Westbrook J.L., A Functional Analysis of Executory Contracts, Minnesota Law Review, Vol. 74, 1989, pp. 227-338.
Westbrook J.L., White K.S., The Demystification of Contracts in Bankruptcy, American Bankruptcy Law Journal, Vol. 91, 2017, pp. 481-562.
Wetzer T., In Two Minds: The Governance of Ring-Fenced Banks, Journal of Corporate Law Studies, Vol. 19, 2019, pp. 197-249.
Wheaton C., Clearing a Minefield of Insolvency Law: Toward Debt Recharacterization as a Supplement to the Bankruptcy Code, Santa Clara Law Review, Vol. 55, 2015, pp. 769-798.
Whittaker S., Suretyship, in Chitty on Contracts, 34th edn, Sweet & Maxwell, 2021.
Whittaker S., Suretyship, in Chitty on Contracts, 33d edn, Sweet & Maxwell, 2018.
Widen W.H., Report to the American Bankruptcy Institute: Prevalence of Substantive Consolidation in Large Public Company Bankruptcies from 2000 to 2005, American Bankruptcy Institute Law Review, Vol. 16, 2008, pp. 1-36.
Widen W.H., Corporate Form and Substantive Consolidation, George Washington Law Review, Vol. 75, 2007, pp. 237-328.
Widen W.H., Prevalence of Substantive Consolidation in Large Bankruptcies from 2000 to 2004: Preliminary Results, American Bankruptcy Institute Law Review, Vol. 14, 2006, pp. 47-68.
Wiggins R.Z., Piontek T., Metrick A., The Lehman Brothers Bankruptcy A: Overview, Journal of Financial Crises, Vol. 1, 2019, pp. 39-62.
Wilkins M., The History of the Multinational Enterprise, in A.M. Rugman (ed), The Oxford Handbook of International Business, 2nd edn, OUP, 2009, pp. 3-35.
Wilkins M., The Emergence of Multinational Enterprise: American Business Abroad from the Colonial Era to 1914, HUP, 1970.
Willems M. (ed), Cash Pooling and Insolvency: A Practical Global Handbook, Globe Business Publishing, 2012.
Williams J.F., The Fallacies of Contemporary Fraudulent Transfer Models as Applied to Intercorporate Guaranties: Fraudulent Transfer Law as a Fuzzy System, Cardozo Law Review, Vol. 15, 1994, pp. 1403-1474.
Williamson O.E., Opportunism and its Critics, Managerial and Decision Economics, Vol. 14, 1993, pp. 97-107.
Williamson O.E., The Modern Corporation: Origins, Evolution, Attributes, Journal of Economic Literature, Vol. 19, 1981, pp. 1537-1568.
Wilton J.M., McGee W.A., The Past and Future of Debt Recharacterization, The Business Law, Vol. 74, Winter 2018-2019, pp. 91-125.
Winner M., Group interest in European company law: an overview, Acta Univ. Sapientiae, Leg. Stud., Vol. 5, 2016, pp. 85-96.
Witting C., Liability of Corporate Groups and Networks, CUP, 2018.
Wood P., Corporate, Bank and Sovereign Insolvencies: Why the Difference? Business Law International, Vol. 22, 2021, pp. 307-317.
Wood P., Law and Practice of International Finance, Sweet & Maxwell, 2008.
Wood P., Project Finance, Securitisations, Subordinated Debt, 2nd edn, Sweet & Maxwell, 2007.
Wood P., International Loans, Bonds, Guarantees, Legal Opinions, Sweet & Maxwell, 2007.
Wood P., Principles of International Insolvency, 2nd edn, Sweet & Maxwell, 2007.
Worthington S., Good Faith, Flawed Assets and the Emasculation of the UK Anti-Deprivation Rule, The Modern Law Review, Vol. 75, 2012, pp. 112-121.

Youard R., Default in International Loan Agreements – Part 2, Journal of Business Law, 1986, pp. 378-392.

Zanten T. van, Het lot van de overeenkomst bij insolventie: Stormachtige ontwikkelingen op het snijvlak van het overeenkomsten- en insolventierecht, TvI 2020/49.
Zanten T.T. van, De overeenkomst in het insolventierecht (Recht en Praktijk, nr. InsR3), Deventer, Kluwer 2012.
Zhang D., Preventive Restructuring Frameworks: A Possible Solution for Financially Distressed Multinational Corporate Groups in the EU, EBOR, Vol. 20, 2019, pp. 285-318.
Zorzi A., The Italian Insolvency Law Reform, European Business Law Review, Vol. 32, 2021, pp. 935-964.
Zwieten K. van, Related Party Transactions in Insolvency, in L. Enriques and T.H. Tröger (eds), The Law and Finance of Related Party Transactions, CUP, 2019, pp. 260-282.
Zwieten K. van, Goode on Principles of Corporate Insolvency Law, 5th edn, Sweet & Maxwell, 2018.