Table of Contents

Preface		V
Chapter 1	Regulatory Competition in Contract Law and Dispute Resolution Horst Eidenmüller	1
Chapter 2	Clearings and Thickets: Intellectual Property Law and Growth Economics Robert D. Cooter/Aaron S. Edlin	11
	Mathias Siems	25
Chapter 3	Make or Buy – A Public Market for Legal Transplants? Ralf Michaels	27
Chapter 4	Private Lawdrafting, Intellectual Property, and Public Laws	
	Bruce H. Kobayashi/Larry E. Ribstein	43
	Anne van Aaken	66
Chapter 5	Global Law's Toolbox: How Standards Form Cortracts Dan Wielsch	71
	Standard Form Contracts as Private Law Regimes Axel Metzger	112
	Comment on Wielsch Michael Klausner	116
Chapter 6	Regulatory Competition in international Trade: Transnational Regulation through Standard Form Contracts Hugh Collins Private Production of Transnational Regulation through Standard Form Contracts	121
	Thomas Ackerinain	142
	Regulatory Competition between Public and Private Rules Florian Möslein	147
Chapter 7	Contracting Employee Involvement: An Analysis of Bargaining over Employee Involvement Rules for a Societas Europaea	
	Horst Eidenmüller/Lars Hornuf/Markus Reps	155
	Gregor Bachmann/Heiko Richter	187
Chapter 8	Living Wills: A Prelude to Private Ordering Under Bankruptcy Law? Adam Feibelman	199
	Can Living Will Regulations Revive Contractual Approaches to Bankruptcy? Christoph Thole	220
Chapter 9	Regulatory Competition Through Choice of Contract Law and Choice of Forum in Europe: Theory and Evidence	
	Stefan Vogenauer	227
	Michael Coester	285

Table of Contents

Chapter 10	Contract Law	
	Giesela Rühl	287
	Networks and Lemons in the Market for Contract Law	207
	Andreas Engert	304
Chapter 11	Characteristics of Contract Laws and the European Optional Instrument	
Chapter 11	Hugh Beale	313
	The CESL as a European Brand – PayPalizing European Contract Law	010
	Martin Engel/Johanna Stark	337
Chapter 12	Dispute Resolution as a Product: Competition between Civil Justice Systems Gerhard Wagner	347
	Comment on Wagner	
	Dagmar Coester-Waltjen	423
Chapter 13	Jurisdictional Competition for Dispute Resolution: Courts versus Arbitration	
	Erin O'Hara O'Connor	427
	Comment on O'Hara O'Connor	
	Peter F. Schlosser	442
Chapter 14	Arbitration and Access to Courts: Economic Analysis	
	Omri Ben-Shahar	447
Chapter 15	The English vs. the American Rule on Attorney Fees: An Empirical Study of	
	Public Company Contracts	
	Theodore Eisenberg/Geoffrey P. Miller	471
	Comment on Eisenberg/Miller	
	Comment on Eisenberg/Miller Lars Hornuf	497
List of Abbro	eviations	499
Index	37	501

List of Contributors

Anne van Aaken Dr. jur., holds the Chair for Law and Economics,

Legal Theory, Public International Law and Euro-

pean Law at the University of St. Gallen.

Thomas Ackermann Dr. jur., LL.M. (Cantab.) holds the Chair for Private

Law, European and International Business Law at Ludwig-Maximilians-University in Munich.

Gregor Bachmann Dr. jur., LL.M. (Michigan) holds the Chair for Pri-

vate Law, Commercial, Corporate and Capital Market Law and Legal Theory at the Free University of

Berlin.

Hugh Beale is Professor of Law at the University of Warwick's

School of Law and Visiting Professor at the Univer-

sities of Oxford and Amsterdam.

Omri Ben-Shahar Ph.D., S.J.D. (Harvard) is Frank and Bernice J.

Greenberg Professor of Law at the University of

Chicago's Law School.

Michael Coester Dr. jur., LL.M. (Michigan) is Professor emeritus at

Ludwig-Maximilians-University in Munich.

Dagmar Coester-Waltjen Dr. jur., LLM. (Michigan) is Professor emeritus at

the University of Göttingen.

Hugh Collins is Professor for English Law at the London School of

Economics.

Robert D. Cooter Ph.D., is Herman F. Selvin Professor of Law at the

University of California at Berkeley's School of Law.

Aaron S. Edlin

Ph.D., holds the Richard W. Jennings Chair at the
University of California at Berkeley's School of Law.

Offiversity of Camorina at Derkeley's School of Law.

Horst Eidenmüller Dr. jur., LL.M. (Cantab.) holds the Chair for Private

Law, German, European, and International Company Law at Ludwig-Maximilians-University in Munich and is Professor at Oxford University.

Theodore Eisenberg is Henry Allen Mark Professor of Law and Adjunct

Professor of Statistical Sciences at Cornell University.

Martin Engel Dr. jur., LL.M. (Stanford) is Assistant Professor at

Ludwig-Maximilians-University in Munich.

Andreas Engert Dr. jur., LL.M. (Univ. Chicago) holds the Chair for

Private Law, German and European Business Law and Corporate Tax Law at the University of Mann-

heim.

List of Contributors

Adam Feibelman is Sumter Davis Marks Professor of Corporate and

Business Law at Tulane University Law School.

Lars Hornuf Dr. oec. publ., M.A. (Essex) is Assistant Professor at

Ludwig-Maximilians-University in Munich.

Michael Klausner is Nancy and Charles Munger Professor of Business

and Professor of Law at Stanford Law School.

Bruce H. Kobayashi Ph.D., is Professor of Law at George Mason Uni-

versity's School of Law.

Axel Metzger Dr. jur., LL.M. (Harvard) holds the Chair for Private

Law, Intellectual Property, IT Law and International

Private Law at the University of Hannover.

Ralf Michaels Dr. jur., LL.M. (Cambridge) is Arthur Larson Pro-

fessor of Law at Duke Law School.

Geoffrey P. Miller is Stuyvesant P. Comfort Professor of Law and

Director at the Center for Financial Institutions at

New York University's School of Law.

Florian Möslein Dr. jur., LL.M. (London) holds the Chair for Private

Law, International Commercial and Company Law

at the University of Bremen.

Erin A. O'Hara O'Connor holds the Milton R. Underwood Chair in Law at

Vanderbilt Law School.

Markus Reps LL.M. (Wicconsin) is Research Associate and PhD

candidate at Ludwig-Maximilians-University in

Munich.

Larry E. Ribstein held the Mildred van Voorhis Jones Chair in Law at

the University of Illinois' Law School.

Heiko Richter LL.M. (Columbia) is Lecturer in Law at the Free

University of Berlin.

Giesela Rühl Dr. jur., LL.M. (Berkeley) holds the Chair for Civil

Law and Civil Procedure, Private International Law and International Civil Procedure, European Private Law and Comparative Law at the University of Jena.

Peter F. Schlosser Dr. jur., is Professor emeritus at Ludwig-Maximi-

lians-University in Munich.

Mathias Siems Dr. jur., LL.M. (Edinburgh) is Professor of Com-

mercial Law at Durham University.

Johanna Stark M.Phil. is Research Associate and PhD candidate at

Ludwig-Maximilians-University in Munich.

Christoph Thole Dr. jur., holds the Chair for Private Law, Civil Proce-

dure Law and European and International Private Law and Procedure at the University of Tübingen.

Stefan Vogenauer M.Jur. (Oxon.) is Linklaters Professor of Compara-

tive Law at the University of Oxford.

List of Contributors

Gerhard Wagner Dr. jur., LL.M. (Chicago) holds the Chair for Ger-

man and European Private Law and Civil Procedure, International Private Law and Comparative Law at

the University of Bonn.

Dan Wielsch Dr. jur., LL.M. (Berkeley) holds the Chair for Private

Law and Legal Theory at the University of Cologne.

ALLO HAMAN BOOKSHOP. COM