Liability of Corporate Groups and Networks

Christian A. Witting



Liability Of Corporate Groups

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<u>Liability of Corporate Groups and Networks</u> Christian A. Witting, 2018-01-11 What happens when a corporate subsidiary or network company is unable to pay personal injury victims in full This book sets out to tackle the insolvent entity problem especially as it arises in cases of mass wrongdoing such as those involving asbestos exposure and defective pharmaceuticals After discussing the nature of corporate groups and networks from the perspectives of business history organisation studies and social theory the book assesses a range of rules and proposed rules for extending liability for personal injuries beyond insolvent entities New proposals are put forward for an exception to the rule of limited liability and for the development of a flexible new tort based on conspiracy that encompasses not only control based relationships but also horizontal coordination between companies The book concludes with a general discussion of lessons learned from debates about extended liability and provides guidelines for the development of new liability rules <u>Liability of Corporate Groups and Networks</u> Christian A. Witting, 2018-01-11 What happens when a corporate subsidiary or network company is unable to pay personal injury victims in full This book sets out to tackle the insolvent entity problem especially as it arises in cases of mass wrongdoing such as those involving asbestos exposure and defective pharmaceuticals After discussing the nature of corporate groups and networks from the perspectives of business history organisation studies and social theory the book assesses a range of rules and proposed rules for extending liability for personal injuries beyond insolvent entities New proposals are put for an exception to the rule of limited liability and for the development of a flexible new tort based on conspiracy that encompasses not only control based relationships but also horizontal coordination between companies The book concludes with a general discussion of lessons learned from debates about extended liability and provides guidelines for the development of new liability rules Blumberg on Corporate Groups Phillip I. Blumberg, 2005-01-01 This new five volume Second Edition of The Law of Corporate Groups Phillip I. Blumberg, Kurt A. Strasser, Nicholas L. Georgakopoulos, 2007-01-01 Blumberg on Traditional corporation law or entity law no longer covers the challenges presented by today s multinational corporate integration and control Now Blumberg's ground breaking analysis of the law of corporate groups or enterprise law brings current trends in business law into sharp focus with detailed examination of thousands of cases Every corporate lawyer must deal with state statutory issues and this is the source to turn to for information and guidance Blumberg provides expert practical analysis of the statutes and their application in such areas as Public utilities banking and Savings and Loan Associations following federal models Insurance Alcoholic beverages and gambling The vital topic of professional responsibility in the representation of affiliated corporations is also covered here Corporate Groups and Shadow Business Practices Linn Anker-Sørensen, 2022-04-28 This book analyses innovations of structuring corporate groups and regulatory limitations of group transparency and proposes Systems Thinking as solution The Pervasive Issue of Liability in Corporate Groups Jukka Mähönen, 2017 The question of liability in corporate groups has been referred to as one of the great

unsolved problems of modern company law This special issue indicates the multi faceted faces of corporate groups both in national transnational and international settings especially as regards corporate group liability. The contributions in the issue show that although there is not a common understanding of groups and how they should be regulated the legislators and notably the courts and academics continue to try to think out new ways to understand corporate structures and efficiently tackle attempts to use them to avoid societal and environmental liabilities **Corporate Group Legitimacy Peter** Underwood, 2024-08-01 This book focuses on the legitimacy of corporate power wielded by corporate groups integrating legal doctrine economic analysis and theoretical approaches It reassesses how corporate groups can maintain legitimacy whilst exercising corporate power Corporate groups are a prominent commercial feature of many jurisdictions and present unique challenges The book argues that when analysed through the lens of corporate social responsibility a legitimacy deficiency emerges This arises from a lack of historical debate diluted control mechanisms and inflated growth utilising unique features of the corporate group It explores how the magnified power of the corporate group presents acute challenges for corporate legitimacy Data is utilised alongside current examples of corporate groups which identify structural architectural patterns It explores new technologies such as Artificial Intelligence and blockchain as ways of attaining legitimacy It presents methods of attaining legitimacy for the continued wielding of power to be held within corporate groups This book spans several research interests under the corporate law umbrella It will be of interest to traditional black letter company lawyers Additionally it will be of interest to those who have an interest in business and those who are interested in the role of The Multinational Challenge to Corporation Law Phillip I. Blumberg, 1993-04-08 Modern multinational technology corporate groups of incredible complexity conducting world enterprises through numerous subsidiaries have rendered traditional corporation law archaic The traditional concept of each corporation as a separate legal unit clashes with modern economic realities and frustrates effective regulation when applied to affiliated corporations collectively conducting a common enterprise In response there is emerging a law of corporate groups directed at the enterprise rather than its corporate components As national legal systems begin to apply enterprise law to multinationals including their foreign companies the resulting extraterritorial application of national law inevitably leads to international controversy Resolution of the problems presented by conflicting national regulation of multinational enterprises presents a major challenge to international law and foreign relations law as well as to corporation law This volume is a comprehensive review and analysis of these major legal developments and their economic and political implications It concludes with a pathbreaking analysis of the jurisprudential implications of the changing corporate personality in enterprise law focusing on economic organization rather than on the conceptualized legal entity of yesterday Liability Within Corporate Groups Rene Thomas Wieser, 2012 Corporate Groups are a common phenomenon in modern economic reality Nearly all big international companies are organised as a group of companies made up of individual legal entities within one group managing parent or holding

company In such groups of incorporations there is usually a separation between the management of the group performed by the parent or holding company and the everyday decisions of the subsidiaries However the parent company has managing power over its subsidiaries and the decisions of the subsidiaries are based often on a decision or an instruction from the parent company In such case the subsidiaries do not only work exclusively for their own interests The question arising is now Who is liable for a suit against a subsidiary in such a Corporate Group There is a thin line between the separate personal identity of each corporation and reasonable fairness which means that a corporation that is responsible for a claim has to pay compensation Different jurisdictions have created very different solutions on certain points to solve this problem and to handle the liability within Corporate Groups The book shows the different approaches of English and German law dealing that problem and will draft a possible way to go for an European harmonisation Related Party Transactions and Corporate Groups Ivan Romashchenko, 2020-03-06 In a market environment where economic actors conduct themselves as diligent and conscientious managers the regulation of related party transactions RPTs would be largely irrelevant Unfortunately the corporate reality is far from an ideal world that is innocent of market abuse and corporate fraud It remains necessary to protect minority shareholders from the wrongdoings of majority shareholders and to protect all shareholders from opportunistic managerial behaviour This timely book the first on the subject since implementation of the European Union s EU s revised Shareholders Rights Directive provides in depth analysis of how and to what extent RPTs are covered by existing legal requirements on capital protection and corporate group regulation highlighting experiences and strategies adopted in Germany Poland and the Netherlands as examples for Eastern European countries and in particular Ukraine Beyond his comparative analysis of the current status the author offers recommendations for more effective handling of RPTs investigating such aspects as the following what constitutes a corporate group and how group issues are regulated in the various legal systems what constitutes a conflict of interest originating in ownership and control and what types of such conflicts occur whether RPTs within corporate groups should receive special treatment relative to transactions outside groups combatting corporate raiding most often carried out through illegal seizure of corporate assets approval and disclosure requirements for RPTs and how information about RPTs is disclosed publicly Drawing on resources including legislation case law scholarship and intensive discussions with practicing lawyers from several jurisdictions the author underscores the imperative of establishing limitations and requirements that oblige a company s officers shareholders and other potential related parties to follow certain rules whenever they wish to enter into an RPT As a contribution to the debate about the convergence between EU corporate law and that of major eastern European states the book has no peers Practitioners in both East and West who advise on compliance with regulations for RPTs or represent stakeholders interests against abusive RPTs will ensure appropriate remedies and protection mechanisms for their clients Liability of Corporate Groups: Autonomy and Control in Parent-Subsidiary Relationships in U. S., German and EEC Law: An

International and Comparative Perspective José Engrácia Antunes, 1994-05-11 Full Title Liability of Corporate Groups Autonomy and control in Parent Subsidiary Relationships in US German and EU Law An International and Comparative Perspective Corporation law dates from the 19th century when the growth of business enterprise required a division between the private and the company sphere making the company a legal person with its own rights responsibilities and liabilities. The company was no longer the legal equivalent of its owner but became a separate legal entity providing a form of legal protection for the owners employees and the customers The introduction of company law meant a great step forward for Company Law and Sustainability Beate Sjåfjell, Benjamin those engaged in big business in Europe the U S and elsewhere J. Richardson, 2015-05-21 This investigation of the barriers to and opportunities for promoting environmental sustainability in company law provides an in depth comparative analysis of company law regimes across the world The social norm of shareholder primacy is the greatest barrier preventing progress and it also helps explain why voluntary action by companies and investors is insufficient By deconstructing the myth that shareholder primacy has a legal basis and challenging the economic postulates on which mainstream corporate governance debate is based Company Law and Sustainability reveals a surprisingly large unexplored potential within current company law regimes for companies to reorient themselves towards sustainability It also suggests possible methods of reforming the existing legal infrastructure for companies and provides an *Multinational Enterprises and Tort* important contribution to the broader debate on how to achieve sustainability Liabilities Muzaffer Eroglu, 2008-01-01 This book conducts an interdisciplinary and comparative examination of tort liabilities of multinational enterprises MNEs It examines the social economic managerial and legal characteristics of MNEs and compares the findings of this examination to the current understanding of MNEs in the way that tort liability is applied to them Existing laws and principles related to liability of MNEs are explored from a variety of jurisdictions with the aim of assessing whether these laws are adequate for the challenges that modern MNEs create Muzaffer Eroglu also proposes solutions to the problems of tort liability of MNEs Comparing the theory of control in existing laws and the theory of control in business management structure Multinational Enterprises and Tort Liabilities will be of great interest to academics researchers students and practitioners It will also appeal to NGOs particularly interested with the liabilities of MNEs for their human rights breaches The Anatomy of Corporate Law Reinier H. Kraakman, 2004 This overview starts from the premise that corporate law across jurisdictions addresses the same three basic agency problems the opportunism of managers vis a vis shareholders controlling shareholders vis a vis minority shareholders and shareholdersvis a vis other Multinational Enterprises and the Law Peter Muchlinski, 2021-02-18 Multinational corporate constituencies Enterprises and the Law is the only comprehensive contemporary and interdisciplinary account of the techniques used to regulate multinational enterprises MNEs at the national regional and multilateral levels In addition it considers the effects of corporate self regulation and the impact of civil society and community groups upon the development of the legal order in

this area The book has been thoroughly revised and updated for this third edition making it a definitive reference work for students researchers and practitioners of international economic law business corporate and commercial law development studies and international politics Split into four parts the book first deals with the conceptual basis for MNE regulation It explains the growth of MNEs their business and legal forms and the relationship between them and the effects of a globalized economy and society now increasingly challenged by recently revived nationalist economic policies upon the evolution of regulatory agendas in the field In addition the limits of national and regional jurisdiction over MNE activities are considered a question that arises throughout the specialized areas of regulation covered in the remainder of the book Part II covers the main areas of economic regulation including controls over and the liberalization of entry and establishment tax company and competition law and the impact of intellectual property rights on technology diffusion and transfer A specialized chapter on the regulation of multinational banks in the wake of the global financial crisis is new to this edition Part III introduces the social dimension of MNE regulation covering labour rights human rights and environmental issues Finally Part IV deals with the contribution of international investment law to MNE regulation and to the control of investment risks covering the main provisions found in international investment agreements their interpretation by international tribunals the process of investor state arbitration and how concerns over these developments are leading to reform proposals

Corporate Duties to the Public Barnali Choudhury, Martin Petrin, 2019-01-10 Today's economic and social context demands that corporations once seen only as private actors owe duties to the public The Liability of Corporate Groups Itumeleng Lindelani Mukhovha, 2016 **Corporations and Transnational Human Rights Litigation** Sarah Joseph, 2004-08 Since the mid 1980s beginning with the unsuccessful Union Carbide litigation in the USA litigants have been exploring ways of holding multinational corporations MNCs liable for offshore human rights abuses in the courts of the companies home States The highest profile cases have been the human rights claims brought against MNCs such as Unocal Shell Rio Tinto Coca Cola and Talisman under the Alien Tort Claims Act in the United States Such claims also raise issues under customary international law which may be directly applicable in US federal law and the Racketeer Influenced and Corrupt Organizations RICO statute Another legal front is found in the USA England and Australia where courts have become more willing to exercise jurisdiction over transnational common law tort claims against home corporations Futhermore a corporation s human rights practices were indirectly targeted under trade practices law in groundbreaking litigation in California against sportsgoods manufacturer Nike This new study examines these developments and the procedural arguments eg regarding personal jurisdiction and especially forum non conveniens which have been used to block litigation as well as the principles which can be gleaned from cases which have settled The analysis is important for human rights victims in order to know the boundaries of possible available legal redress It is also important for MNCs which must now take human rights into account in managing the legal risks as well as moral and reputation risks associated with offshore projects

Principles of Corporate Finance Law Eilís Ferran, Elizabeth Howell, Felix Steffek, 2023-09-21 Corporate finance theory seeks to understand how incorporated firms address the financial constraints that affect their investment decisions This is achieved by using varied financial instruments that seek to give holders different claims on the firm's assets Recent scholarship in this area has highlighted the critical importance of the legal environment in explaining the choices that companies make about their capital structure This book combines company law capital markets law and aspects of commercial and insolvency law to give readers a detailed understanding of the legal and regulatory issues relating to corporate finance Informed by insights from theoretical and empirical work the book examines from a legal perspective the key elements of corporate financing structures and capital markets in the UK The authors practical experience of transactions and regulatory issues ensures that thorough scholarly inquiry and critical reflection are complemented by an assured understanding of the interface between legal principles and rules as they are documented and in their actual operation Key developments covered in this third edition include the post Brexit adaptation of UK company law and capital market regulation important new cases on parent company liability in tort creditor facing duties of directors issuer and director liability for misleading statements to the market alternatives to public market financing and recent changes in the practice of debt finance such as the emergence of non bank lenders Comparative Corporate Governance : A Chinese <u>Perspective</u> Yuwa Wei,2003-04-01 The analysis is notable for its insistence that for a corporate governance system to work the principles and practicalities of that system must be derived from customary cultural norms Experience shows that imported models although they may be enshrined in law lead to economic stagnation unless actual practice is monitored and reformed and the laws change to reflect these necessary adjustments Thus the model proposed here begins with the Company Law of 1994 and proceeds to show how practical experience is already providing valuable data for the task of improving the law

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