

Graf-Peter Calliess
Gutachten A zum
70. Deutschen Juristentag

**Der Richter im Zivilprozess
– Sind ZPO und GVG noch
zeitgemäß?**

Verlag C. H. Beck

Verhandlungen Deutschen Juristentages Hannover 2014

Jonas Böhm



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Bundesgerichtshof IV Zivilsenat ausgewählte Entscheidungen zur PKV und zeigt so die wesentlichen Argumentationslinien des Senates im Recht der Krankenversicherung auf **Verhandlungen des 70. Deutschen Juristentages : Hannover 2014** Deutscher Juristentag, 2014 **Strukturierter Parteivortrag im Zivilprozess** Niklas Andressen, 2025-02-19 Ist die schriftliche Kommunikation der Parteien mit dem Gericht im Zivilprozess in der gegenwärtigen Form noch zeitgemäß? Niklas Andressen untersucht die Schriftsätze der Parteien als zentrales Element des Zivilprozesses. Die ZPO enthält keine verbindlichen Vorgaben für deren formalen und inhaltlichen Aufbau. Die Idee eines strukturierten Parteivortrags hinterfragt deshalb ob Schriftsätze strengerem Vorgaben hinsichtlich ihres Aufbaus und ihrer Gestaltung unterworfen werden müssen. Im Einzelnen konkretisiert der Autor die Idee des strukturierten Parteivortrags und beantwortet im Kern drei zentrale Forschungsfragen: In welchem Rahmen ist ein strukturierter Parteivortrag rechtlich zulässig? In welchem Rahmen ist er rechtspolitisch sinnvoll? Wie sieht ein konkretes Modell des strukturierten Parteivortrags aus? *Spruchkörperspezialisierung in wirtschaftszivilrechtlichen Streitigkeiten* Alexandros Tzionas, 2025-04-12 Die Arbeit ist dem Thema der Spruchkörperspezialisierung in wirtschaftszivilrechtlichen Streitigkeiten gewidmet. Dieses Thema wird vor dem Hintergrund des Forumswettbewerbs der Ziviljustiz mit ausländischen Commercial Courts und der Schiedsgerichtsbarkeit beleuchtet. Zur Stärkung des Justizstandortes Deutschland hat der Bundestag ein Gesetz zur Einführung von Commercial Courts beschlossen, das am 10. Oktober 2024 verkündet wurde (BGBl. 2024 Teil I Nr. 302). Die Arbeit ist die erste wissenschaftliche Untersuchung, die sich mit auf Wirtschaftsstreitigkeiten spezialisierten Zivilkammern, den Kammern für Handelssachen und den neuen Commercial Courts umfassend auseinandersetzt. Die Untersuchung beleuchtet die Parameter für die Stärkung des Justizstandortes, die verfahrenstheoretischen Grundlagen und das Instrumentarium für die strukturelle Einbettung von Spezialisierung in die deutsche Ziviljustiz sowie bestehende Defizite in der Gestaltung von auf Wirtschaftsstreitigkeiten spezialisierten Spruchkörpern. De lege ferenda werden Maßnahmen zur Schaffung eines kohärenten Spezialisierungskonzepts und zur maximalen Steigerung der Spezialisierung in Wirtschaftsstreitigkeiten vorgestellt. *Handbook Industry 4.0* Walter Frenz, 2022-06-22 The handbook presents an overview of Industry 4.0 and offers solutions for important practical questions. The law and its current challenges regarding data assignment, who owns the data, EU guidelines, data security, data protection, General Data Protection Regulation, cyberattacks, competition law, right to access vs. monopolists, permissible and prohibited exchanges of information, possible collaborations, is the point of departure. In turn, the book explores peculiarities in specific areas of Industry 4.0: Internet of Production, mechanical engineering, artificial intelligence, electromobility, autonomous driving, traffic, medical science, construction, energy industry, etc. The book's closing section addresses general developments in management, the digital transformation of companies, and the world of work and ethical questions. **Der Schutz des Aufsichtsrats vor existenzbedrohenden Haftungsgefahren** Jonas Böhm, 2025-05-22 In den letzten Jahren ist es in Deutschland zu einer Entwicklung gekommen, die für das Gesellschaftsrecht von besonderer Bedeutung ist: Gesellschaften

nehmen ihre amtierenden sowie ehemaligen Vorstände und Aufsichtsräte mit immer höherer für diese teilweise offensichtlich nicht bezahlbaren Schadensersatzforderungen in Anspruch welche zu einer wirtschaftlichen und sozialen Vernichtung der betroffenen Personen führen können Die Finanzmarkt und Wirtschaftskrise spektakuläre Unternehmensskandale sowie Bremsen zusammenbrüche haben auf nationaler und europäischer Ebene dazu geführt dass Gesetzgeber und Gerichte in einem Wettlauf im Hinblick auf die Einführung weiterer Organisations und bewachungspflichtigen stehen Dadurch gerät die Waage zwischen Beteiligung am Unternehmenserfolg und Haftungsrisiko derzeit in Richtung einer drakonischen Organhaftung aus dem Gleichgewicht Die vorliegende Arbeit untersucht vor diesem Hintergrund welche Mechanismen zur Haftungsbegrenzung im geltenden sowie künftigen Recht zur Verfügung stehen indem ihr Inhalt ihre Funktion und mögliche Ausgestaltungsvarianten dargestellt werden Gleichsam wird hierdurch eine Übersicht zum Umfang der Organhaftung geschaffen die amtierenden potenziellen und ehemaligen Amtswaltern Transparenz und Sicherheit bezüglich dieses Themas bieten soll Diese Zielrichtung insbesondere in Bezug auf das Organ des Aufsichtsrats bildet den forschungstheoretischen Schwerpunkt dieser Abhandlung

Das Körperschaftsdelikt Jan-Erik Schirmer, 2015-08-24 English summary Can the liability of businesses and managing directors be satisfactorily constructed when the law it is founded on was created over 100 years ago Jan Erik Schirmer shows that it is possible his examination shakes off the historical shackles and brings the liability of private corporations into the present age German description Nach üblicher Lesart tritt die auf § 31 BGB gestützte Delikts haftung juristischer Personen in zwei Spielarten auf Begeht der Organwahrer das Delikt eigenhändig haftet die Körperschaft im Wege des Schuldbeitritts Wird dagegen eine Verkehrspflicht verletzt setzt die Verantwortlichkeit direkt bei der Rechtsperson an Dem stellt sich Jan Erik Schirmer entschieden entgegen Er weist nach wie die herrschende Doktrin zwar den Fortschritt predigt sich dabei aber auf überkommene Autoritäten stützt und noch immer mit einem Bein im 19. Jahrhundert verharret Alternativ entwickelt der Autor im Spannungsfeld von Delikt und Gesellschaftsrecht das Modell eines einheitlichen Körperschaftsdelikts § 31 BGB konzentriert die Haftung auf die juristische Person das Organ haftet nur in Sonderfällen

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Research Handbook on Environmental, Social and Corporate Governance Thilo Kuntz, 2024-05-02 The Research Handbook on Environmental Social and Corporate Governance presents a comprehensive view of a rapidly evolving area of study Adopting a comparative approach it goes beyond issues of sustainability and human rights covering the whole spectrum of ESG and its regulatory developments

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