
Developments in European Company Law

Editors:
Bart A. K. Rider and Mads Andenas

Volume 2/1997:
The Quest for an Ideal Legal
Form for Small Businesses



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Quest For An Ideal Legal Form For Small Businebes 1997

Erik M. Vermeulen



Quest For An Ideal Legal Form For Small Businesses 1997:

The Evolution of Legal Business Forms in Europe and the United States Erik M. Vermeulen, 2003-01-01 The evolution of partnership forms is stimulated by powerful economic forces that can lead to widespread prosperity and wealth creation for a society. Given the importance of closely held firms in the United States and Europe, *The Evolution of Legal Business Forms in Europe and the United States* argues that partnership law should trouble itself less with historical and descriptive arguments about the legal rules and structure of the partnership form and focus much more on the new analytical apparatus of the economics of organizational form as well as the fundamental economic learning that informs the debates on limited liability partnership rules regarding management and control, conflict resolution and fiduciary duties. Introducing and extending the best available theories from law and economics, particularly those from the theory of the firm, this book's analysis demonstrates that the patterns of European partnership law and its recent history are best understood from an economic and comparative law perspective. By examining the economic theories of the firm and the economics of organization choice, *The Evolution of Legal Business Forms in Europe and the United States* conceives partnership type business forms as contractual entities. The key feature of the modern partnership form is that partners have significant flexibility and power to limit their liability, transfer all of their rights and to freely exit the firm. Another key feature of partnership law is the insight that lawmakers should provide the rules and enforcement mechanisms to regulate the important relationships within the partnership. This book applies an efficiency test to determine which sets of default rules are likely to resolve the main problems in partnerships. Having identified partnership law with the economic theory of organization, *The Evolution of Legal Business Forms in Europe and the United States* then goes on to argue that most of partnership law is directed at offering bundles of legal rules for different types of firms. Lawmakers should promote partnership rules that attract investors and can be expected to be efficient if they allow entrepreneurs to freely select the bundle of rules that best match their priorities. In a modern vision of partnership law, lawmakers promote economic welfare through creating non-mandatory rules that allow multiple businesses to switch to a favourable business form without significant costs. Jurisdictions plagued by falling incorporations and low levels of small and medium business activity should abandon the mandatory and standardized framework and the lock-in effect that it promotes and focus on the mechanisms of legal evolution and rules that tend to mimic the market. This innovation work will have ramifications felt across European jurisdictions and will be debated by a large audience of policymakers and academic lawyers involved in law reform. Moreover, the book will receive serious attention from students of law and economics as well as practising lawyers involved in resolving complex issues of organizational law. Review: s Vermeulen's work makes a significant contribution to the dialogue between legal scholars and policy makers from Europe and the United States on the matter of business entity law reform. The volume is ambitious in scope, thoughtful in approach and accurate in result. It shows a well-read and nuanced view of the recent

American partnership law reform debates He moves with assurance between different systems of law and analysis and has a confident sense of what his diverse readers need to know to come to the ultimate discussion with a common sense of the issues and alternatives at hand Vermeulen's work should serve as a starting point for a robust discussion among scholars and policy makers

The Governance of Close Corporations and Partnerships Joseph McCahery, Erik M. Vermeulen, 2004 This book examines the limited liability business forms that have recently emerged and seeks to identify the forces that have led to the emergence of new business forms for small and medium sized businesses Focusing on the US UK and continental Europe the contributors analyse the Limited Liability Company the Limited Liability Partnership and the new business forms proposed in Europe

Multinational Enterprises and Tort 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

Reform of UK Company Law John De Lacy, 2013-03-04 With the completion of the DTI sponsored Company Law Review the reform of company law has now become a very important subject of study This new book is a must for all those interested in the development and reform of UK company law The book collates the work of leading authorities on company law including members of the judiciary and the Law Commission and individuals from the worlds of professional practice and academia All main areas of company law are covered including directors duties corporate governance minority protection ultra vires company charges and human rights and the company as well as a comprehensive analysis of the work of the Company Law Reform Steering Group The central purpose of this book is to analyze the current state of play and to note in particular the work of the Company Law Review Group Critical analysis and suggestions on how company law should be reformed are also offered

Developments in European Company Law, 1997 *Corporate Governance of Non-Listed Companies* Joseph A. McCahery, Erik P.M. Vermeulen, 2010-09-30 Closely held companies those with the potential to go public family firms partnerships and private equity have particular governance problems This book examines what constitutes good governance in these companies how control is gained and how the closely held firm can stimulate growth and extend innovation

European Access, 1999 The Quest for an Ideal Legal Form for Small Businesses, 1997 Barry Rider, 1999-03-05 This second volume of *Developments in European Company Law* published under the auspices of the Institute of Advanced Legal

Studies Centre for Corporate Law and Practice focuses on the quest for a legal form for small businesses The debate as to whether the traditional registered company perhaps with some modification is an appropriate vehicle for small enterprises has continued in Britain and to a lesser extent in Europe for well over thirty years The imperative behind reform in this area of the law in many cases will be political and this is perhaps most dramatically illustrated in the case of South Africa The British heritage of South African law renders South Africa s approach to developing appropriate legal forms for small enterprises of considerable interest to Europe Consequently the Institute of Advanced Legal Studies in collaboration with the Centre for Business Law of the University of the Orange Free State organised a conference in London in the Autumn of 1997 on the search for an ideal form for small businesses The discussions were chaired by Professor A J Boyle and Professor Johan Henning and ranged across a broad spectrum of issues In compiling this volume of presentations the editors have focused on those of most direct relevance to the debate in Europe and in particular in the United Kingdom in keeping with the orientation of this series towards European Law

Company Law Brenda Hannigan,2003 Hannigan Company Law hopes to capture the dynamism of company law reflect its topicality and above all help students master some of its intricacies The book is divided into seven major sections covering the corporate entity corporate governance and constitution to corporate finance insolvency and ending with corporate restructuring and takeovers The text is fully up to date and reflects numerous recent developments in this fast moving subject

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Consumer Credit, Debt and Investment in Europe James Devenney,Mel Kenny,2012-07-12 This topical collection of essays provides a detailed analysis of European consumer protection law in credit and investment

Tilburg Foreign Law Review ,2004

The Journal of Corporate Law Studies ,2003

The Search for Good Government Filippo Sabetti,2002 Sabetti argues that poor government performance in contemporary Italy has been an unintended consequence of attempts to craft institutions for good government He shows that a chief problem in contemporary Italy is not the absence of the rule of law but the presence of rule by law or too many laws

The British National Bibliography Arthur James Wells,2003

Investigation of Political Fundraising Improprieties and Possible Violations of Law, Interim Report United States. Congress. House. Committee on Government Reform and Oversight,1998

Handbook of Research on Franchising Frank Hoy,Rozenn Perrigot,Andrew Terry,2017-10-27 Franchising is one of the major engines of business expansion and job creation globally The Handbook of Research on Franchising offers new insights into entrepreneurial behavior organizational forms regulation internationalization and other contemporary issues relating to this dynamic business strategy The Handbook challenges both practitioners and scholars to give attention to the conclusions of scholarly research on this business model Practitioners can benefit from the results of high quality scientific research and scholars can find exciting opportunities for contributing to the body of knowledge of a subject that has not received sufficient attention in educational

institutions Books In Print 2004-2005 Ed Bowker Staff,Staff Bowker, Ed,2004 **Investigation of Political Fundraising Improprieties and Possible Violations of Law** United States. Congress. House. Committee on Government Reform and Oversight,1998

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