

addition, the board of directors of the company was well aware of the aggressive accounting practices that were being implemented.⁶ The members were enlightened and notified regarding the reason behind making use of the Whitewing, LJM, and Raptor transactions, thereafter being alerted on the operations once they sanctioned them.⁷ While not all inappropriate accounting activities were let known to the board of directors, all the operations were reliant on its decision. Enron largely depended on the derivatives for its business operations, yet the board, which was the decision-maker on everything, did not have a comprehensive understanding of organization of the derivatives. This was a great risk in management because they could have avoided the use of the derivatives if they understood what it fully entailed.⁸

Do the reforms made address these failures?

In reaction to both the downfall of Enron and the wide-ranging incursion of commercial malfeasance, the Sarbanes-Oxley Act was legislated in 2002. This Act substantively has an impact on the management officials and executives of public corporations. It mandates that the Chief Executive Officer and the Chief Financial Officer should certify that they have appraised the financial report and that on the basis of their understanding the financial report signifies the material respects of the financial position of the firm.⁹ The Sarbanes-Oxley Act stipulates that all substantial off-balance sheet dealings have to be revealed and publicized on all of the company's 10-K forms and 10-Q forms.¹⁰ This regulation was in reaction to the lack of disclosure by Enron concerning its Special Purpose Entity transactions. This is in reaction to

⁶ Paley, R. G., Healy, P. M., *Negotiation, Organizations, and Markets Research Papers* Harvard MBM Research Paper No. 00-06, 2000, 10-11.

⁷ McLean, B., Elkind, P., *The Secretive Days in the Room*, New York: Penguin, 2002, p.67.

⁸ Gillen, S., Martin, J. G., *Financial Engineering, Corporate Governance, and the Collapse of Enron*, The University of Delaware: Alfred Lerner College of Business and Economics, 2002, p.17.

⁹ Romano, R., *The Sarbanes-Oxley Act and the Making of Quack Corporate Governance*, New York: University Law and Economics Working Paper No.3, 2004, p.14.

¹⁰ Goldman, A., Sigmond, W., *Business Law: Principles and Practices* 9th Edition, Cengage, 2004.

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Table of Contents Securities Law The Internet 2002 Disclosure Practices In Light Of Enron

1. Understanding the eBook Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - The Rise of Digital Reading Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - Advantages of eBooks Over Traditional Books
2. Identifying Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - User-Friendly Interface
4. Exploring eBook Recommendations from Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - Personalized Recommendations
 - Securities Law The Internet 2002 Disclosure Practices In Light Of Enron User Reviews and Ratings
 - Securities Law The Internet 2002 Disclosure Practices In Light Of Enron and Bestseller Lists
5. Accessing Securities Law The Internet 2002 Disclosure Practices In Light Of Enron Free and Paid eBooks
 - Securities Law The Internet 2002 Disclosure Practices In Light Of Enron Public Domain eBooks
 - Securities Law The Internet 2002 Disclosure Practices In Light Of Enron eBook Subscription Services
 - Securities Law The Internet 2002 Disclosure Practices In Light Of Enron Budget-Friendly Options
6. Navigating Securities Law The Internet 2002 Disclosure Practices In Light Of Enron eBook Formats
 - ePub, PDF, MOBI, and More
 - Securities Law The Internet 2002 Disclosure Practices In Light Of Enron Compatibility with Devices
 - Securities Law The Internet 2002 Disclosure Practices In Light Of Enron Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - Highlighting and Note-Taking Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - Interactive Elements Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
8. Staying Engaged with Securities Law The Internet 2002 Disclosure Practices In Light Of Enron

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
- 9. Balancing eBooks and Physical Books Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - Setting Reading Goals Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - Fact-Checking eBook Content of Securities Law The Internet 2002 Disclosure Practices In Light Of Enron
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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