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Secured Credit A Systems Approach

Spyridon V Bazinas, Orkun Akseli



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particularly the United Nations Commission on International Trade Law UNCITRAL have been working towards the creation of international legal standards aimed at the modernisation and harmonisation of secured financing laws eg the United Nations Convention on the Assignment of Receivables in International Trade the UNCITRAL Legislative Guide on Secured Transactions and its Intellectual Property Supplement the UNCITRAL Guide on the Implementation of a Security Rights Registry and the UNCITRAL Model Law on Secured Transactions The overall theme of this book is international or cross border secured transactions law It assembles contributions from some of the most authoritative academic voices on secured financing law This publication will be of interest to those involved in secured transactions around the world including policy makers practitioners judges arbitrators and academics

Secured Credit in Europe Teemu Juutilainen, 2018-03-22
 Winner of the 2016 2018 KG Idman Prize This monograph seeks the optimal way to promote compatibility between systems of proprietary security rights in Europe focusing on security rights over tangible movables and receivables Based on comparative research it proposes how best to tackle cross border problems impeding trade and finance notably uncertainty of enforceability and unexpected loss of security rights It offers an extensive analysis of the academic literature of more recent years that has appeared in English German the Scandinavian languages and Finnish The author organises the concrete means of promoting compatibility into a centralised substantive approach a centralised conflicts approach a local conflicts approach and a local substantive approach The centralised approaches develop EU law and the local approaches Member State laws The substantive approaches unify or harmonise substantive law while the conflicts approaches rely on private international law The author proposes determining the optimal way to promote compatibility by objective based division of labour between the four approaches The objectives developed for that purpose are derived from the economic functions of security rights the conditions for legal evolution and a transnational conception of justice This book is an important contribution to the future of secured transactions law in Europe and more widely It will be of interest to academics policymakers and legal practitioners involved in this field

The Creation and Interpretation of Commercial Law Clayton P. Gillette, 2022-03-21 This title was first published in 2003 This volume contains essays by prominent commentators on topics in commercial law It addresses the increasing harmonization of international commercial law and the essays demonstrate different methodologies used in analysing commercial law such as economic and jurisprudential approaches

Use of TARP Funds in the Support and Reorganization of the Domestic Automotive Industry Elizabeth Warren, 2010

A Global View of Business Insolvency Systems Jay Lawrence Westbrook, 2010 We live in an age of economic turmoil The recent crises emphasize the need for modern sophisticated rules to govern businesses in financial distress in order to realize value from distressed companies and to protect economic institutions This book provides information for legislators policymakers lawyers accountants academics and administrators who seek to understand the workings of insolvency laws Guided by the World Bank s Principles and Guidelines it supplements the work in this field done by UNCITRAL

Property

Law and Economics Boudewijn Bouckaert, 2010-01-01 This book contains illuminating and carefully written literature reviews on the central topics of the economics of property rights and institutions As a bonus it includes two fascinating chapters on topics off the beaten path slavery and new types of property rights in environmental goods This book will be indispensable for students and experienced scholars alike Eric Posner University of Chicago Law School US This study covers property law and property rights providing a full summary and comprehensive bibliography of the existing law together with discussion from an economic perspective on the most important aspects of property law Leading experts have brought together their knowledge and insight on a full range of issues including comparative property law and the history of property law to create a truly autonomous interdisciplinary resource This essential reference work will strongly appeal to scholars and students enrolled in academic programmes of law and economics Academic lawyers involved in research and teaching of private common law practicing lawyers in the field of real estate law as well as economists involved in researching development economics and transition economics will also find this an invaluable resource

An Empirical Study of Residential Developer Bankruptcies in the United States 2007-2008 Pei Yee Woo, 2010 With falling home prices and home foreclosures currently acknowledged as a severe problem in the U S more attention needs to be paid to the contributing phenomenon of residential developers undergoing liquidation which has left behind a trail of partially completed or abandoned properties This dissertation presents the results of an empirical investigation aimed at understanding this phenomenon Specifically we addressed the following research questions How have the Chapter 11 bankruptcy cases of residential developers and home builders during this downturn been resolved How did the actions taken by secured lenders in the course of bankruptcy proceedings shape the resolution outcome To what extent was bank behavior during these bankruptcies affected and constrained by the banking regulatory framework and culture This dissertation research involves the analysis of more than 200 residential developers that filed Chapter 11 bankruptcy petitions between November 2007 and December 2008 The main finding is that only a small minority of these developers confirmed a reorganization plan The majority of the cases were dismissed or converted to Chapter 7 culminating in foreclosure or liquidation Over 70% of the cases showed at least one instance where a secured lender sought lift stay motions to pursue foreclosure Among such cases orders granting the lift stay motions were granted most of the time Investigating this insistence on quick foreclosure more nuanced views of banks lending functions risk management and their regulatory environment are explored through a study of FDIC data interviews with industry participants and banks comment letters A key finding is that during a recession banks may have a preference for liquidation in bankruptcy because of capital shortfalls and procyclical regulatory pressure to reduce portfolio concentrations particularly in real estate lending This would be inconsistent with theories that secured lenders will choose economically optimal outcomes within a bankruptcy case as they may choose outcomes that are sub optimal within a bankruptcy to maximize an exogenous urgent need for capital

Elgar Encyclopedia of Comparative

Law, Second Edition J. M. Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library _ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners Cross-border Transfer and Collateralisation of Receivables Woo-jung Jon, 2018-01-25 Legal systems around the world vary widely in terms of how they deal with the transfer of and security interests in receivables The aim of this book is to help international financiers and lawyers in relevant markets in their practice of international receivables financing Substantively this book analyses three types of receivables financing transactions ie outright transfer security transfer and security interests This book covers comprehensive comparison and analysis of the laws on the transfer of and security interests in receivables of fifteen major jurisdictions encompassing common law jurisdictions Roman Germanic jurisdictions and French Napoleonic jurisdictions as well as relevant EU Directives To be more specific this book compares and analyses the relevant legal systems of the US Canada New Zealand Australia Korea Japan France Belgium England Hong Kong Singapore China Germany Austria and the Netherlands Furthermore in order to analyse those legal systems from the international perspective this book compares relevant international conventions it also proposes to establish an international registration system for the transfer of and security interests in receivables The Future of Secured Credit in Europe Horst Eidenmüller, Eva-Maria Kieninger, 2012-07-12 This volume contains the reports and discussions presented at the conference The Future of Secured Credit in Europe in Munich from July 12th to July 14th 2007 It aims at taking the debate to a new stage by exploring the need and possible avenues for creating a European law of security interests The first part examines from an economic and a community law perspective the case for European lawmaking on secured credit and the legislative approach to be taken The intention in the second and third part is to look in more detail at the choices European lawmakers will have to make in devising a European law of secured credit The second part focuses on secured transactions involving corporeal movables tangibles whereas the third

part considers categories of collateral that may require special rules **Where Credit is Due** John Powell,Christy Rogers,2013-11-21 While much recent attention has been focused on the subprime lending and foreclosure crisis little has been said about its radically disparate impact Drawing upon history as well as insight into the current crisis this book shows that this crisis is not an anomaly especially for people of color nor is it over People of color have been excluded from wealth building opportunities via homeownership continuously throughout United States history from the outright denial of credit and residential racial discrimination to federally sponsored urban renewal programs The subprime lending and foreclosure crisis is predicted to strip a quarter of a trillion dollars in wealth from black and Latino homeowners It has reversed home ownership gains for people of color and has decimated neighborhoods across the United States while impacting local regional national and international economies The consequences are devastating This collection of essays provides a framework for creating equitable policy and ultimately building more stable communities for all Americans **Secured Transactions: A Systems Approach** , Courting Failure Lynn LoPucki,2010-06-02 LoPucki s provocative critique of Chapter 11 is required reading for everyone who cares about bankruptcy reform This empirical account of large Chapter 11 cases will trigger intense debate both inside the academy and on the floor of Congress Confronting LoPucki s controversial thesis that competition between bankruptcy judges is corrupting them is the most pressing challenge now facing any defender of the status quo Douglas Baird University of Chicago Law School This book is smart shocking and funny This story has everything professional greed wrecked companies and embarrassed judges Insiders are already buzzing Elizabeth Warren Leo Gottlieb Professor of Law Harvard Law School LoPucki provides a scathing attack on reorganization practice Courting Failure recounts how lawyers managers and judges have transformed Chapter 11 It uses empirical data to explore how the interests of the various participants have combined to create a system markedly different from the one envisioned by Congress LoPucki not only questions the wisdom of these changes but also the free market ideology that supports much of the general regulation of the corporate sector Robert Rasmussen University of Chicago Law School A sobering chronicle of our broken bankruptcy court system Courting Failure exposes yet another American institution corrupted by greed avarice and the thirst for power Lynn LoPucki s eye opening account of the widespread and systematic decay of America s bankruptcy courts is a blockbuster story that has yet to be reported in the media LoPucki reveals the profound corruption in the U S bankruptcy system and how this breakdown has directly led to the major corporate failures of the last decade including Enron MCI WorldCom and Global Crossing LoPucki one of the nation s leading experts on bankruptcy law offers a clear and compelling picture of the destructive power of forum shopping in which corporations choose courts that offer the most favorable outcome for bankruptcy litigation The courts lured by big money and prestige streamline their requirements and lower their standards to compete for these lucrative cases The result has been a series of increasingly shoddy reorganizations of major American corporations proposed by greedy corporate executives and authorized by case hungry

judges Secured Transactions Law Reform Louise Gullifer, Orkun Akseli, 2016-10-20 Secured transactions law has been subjected to a close scrutiny over the last two decades One of the main reasons for this is the importance of availability of credit and the consequent need to reform collateral laws in order to improve access to finance The ability to give security effectively influences not only the cost of credit but also in some cases whether credit will be available at all This requires rules that are transparent and readily accessible to non lawyers as well as rules that recognise the needs of small and medium sized enterprises This book critically engages with the challenges posed by inefficient secured credit laws It offers a comparative analysis of the reasons and the needs for a secured transactions law reform as well as discussion of the steps taken in many common law civil law and mixed law jurisdictions The book written under the auspices of the Secured Transactions Law Reform Project informs the debate about reform and advances novel arguments written by world renowned experts that will build upon the existing literature and as such will be of interest to academics legal practitioners and the judiciary involved in secured transactions law around the world The text considers reform initiatives that have taken place up to the end of April 2016 It has not been possible to incorporate events since then into the discussion However notable developments include the banks decree passed by the Italian Government on 29th June 2016 and the adoption of the Model Law on Secured Transactions by UNCITRAL on 1st July 2016 *Doing Business 2015* World Bank, 2014-10-24 Twelfth in a series of annual reports comparing business regulation in 189 economies Doing Business 2015 measures regulations affecting 10 areas of everyday business activity Starting a business Dealing with construction permits Getting electricity Registering property Getting credit Protecting minority investors Paying taxes Trading across borders Enforcing contracts Resolving insolvency Labor market regulations This year's report will present data for a second city for the 11 economies with more than 100 million inhabitants These are Bangladesh Brazil China India Indonesia Japan Mexico Nigeria Pakistan the Russian Federation and the United States Three of the 10 topics covered have been expanded with further plans to expand on five additional indicators in next year's report Additionally the Doing Business rankings are now based on the distance to the frontier measure where each economy is evaluated based on how close their business regulations are to the best global practices This provides a more precise view of each economy's performance and its improvement over time The report updates all indicators as of June 1 2014 ranks economies on their overall ease of doing business and analyzes reforms to business regulation identifying which economies are strengthening their business environment the most Doing Business illustrates how reforms in business regulations are being used to analyze economic outcomes for domestic entrepreneurs and for the wider economy It is a flagship product produced in partnership by the World Bank and IFC that garners worldwide attention on regulatory barriers to entrepreneurship More than 60 economies have used the Doing Business indicators to shape reform agendas and monitor improvements on the ground In addition the Doing Business data has generated over 2 000 articles in peer reviewed academic journals since its inception **Ohio State Journal on Dispute Resolution** ,2010

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