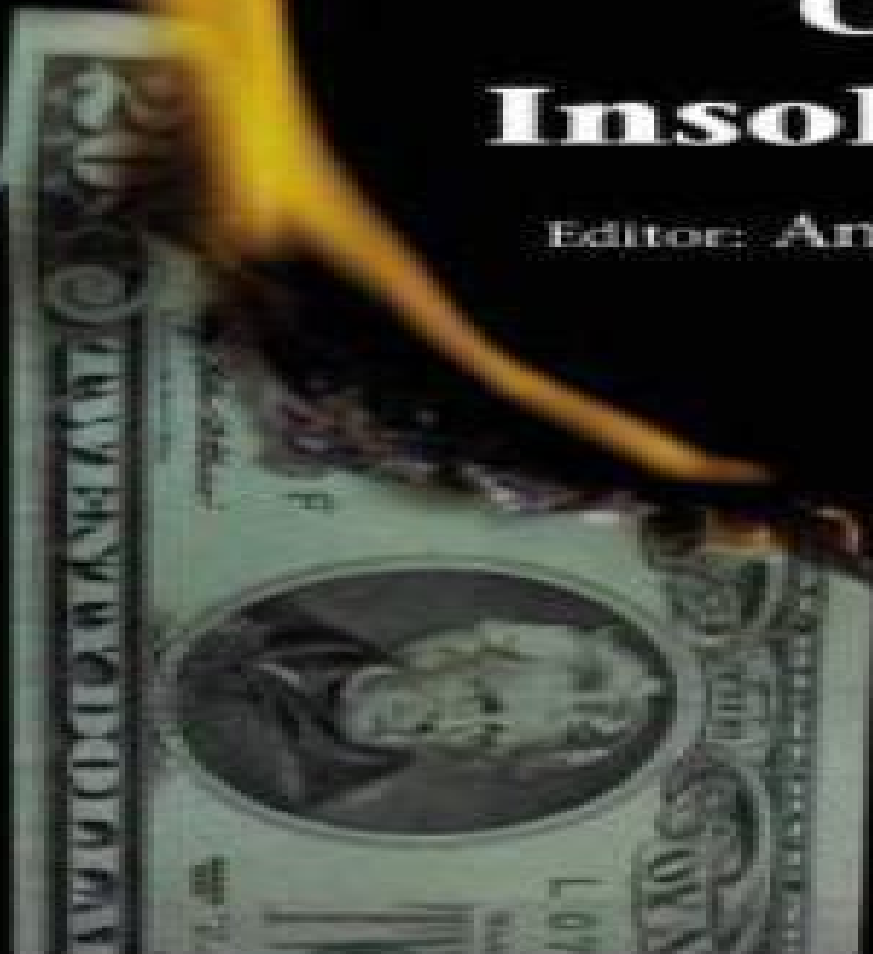


# **Directors' Liabilities in Case of Insolvency**

Editor: Anker Sørensen



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# Directors Liabilities In Case Of Insolvency

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## **Directors Liabilities In Case Of Insolvency:**

**Directors' Liabilities in Case of Insolvency** Anker Sorenson, 1999-03-05 The rise in the number of cross border transactions and large insolvencies in free market countries has brought director liability to the foreground most notably regarding positions that span multiple jurisdictions and do not involve an active role in management Directors must be aware of the rules applicable in the countries in which they hold positions especially where their companies face financial difficulties or insolvency Numerous differences in the law exist even between countries close in proximity and those which speak the same language and share the same legal history The cost of failure to conform to applicable laws may be dire Numerous factors hamper access to the applicable rules however the lack of a multi national treaty dealing in depth with insolvency corporate restructuring or directors liabilities the lack of unity in applicable sanctions the complex and numerous sources of jurisdictional rules the Insolvency Act the Corporations Act and the Criminal Code or some combination the lack of jurisdictional consistency in classifying a particular behaviour as illegal the significant role of a constantly evolving body of case law and the instructions imposed on public prosecutors by governmental bodies This book navigates these complexities making the rules accessible for the reader It sets out fact patterns which trigger liability in various jurisdictions and offers helpful real world recommendations in a lucid straightforward manner The chapters follow the same basic frame and guidelines for ease of comparison Lawyers and business people alike will appreciate this clear practical guidance in a particularly challenging area of the law

**Directors' Liability: A Worldwide Review** Alexander Loos, 2016-09-01 This acclaimed reference book for international business lawyers first appeared in 2006 with a second edition in 2010 Now in its third edition and once again published in conjunction with the International Bar Association this comparative study of a crucial issue in corporate law gives practitioners a powerful and decisive tool for ascertaining and comparing the law affecting directors liability in today s globalizing economies Covering nearly fifty jurisdictions worldwide including eight not previously covered the third edition affords senior lawyers in major firms the opportunity to provide concise detailed and easy to understand summaries on his or her home law on directors liability Authors whose research appeared in earlier editions have updated their chapters and the case law summarized and analysed now reflects published cases through the end of March 2016 The contributions describe the relevant law in force in each particular jurisdiction along with an insightful discussion of trends and future prospects For each of the different jurisdictions the authors detail and explain such factors as the following national legal theories of director liabilities recent cases dealing with directors liability corporate governance and indemnification and insurance Where applicable coverage also includes the legal implications of jurisdictional variations in such matters as judicial review lawyer directorship directors reliance on outside professionals and the effect of the European Action Plan References have been thoroughly updated throughout and include many new online sources This publication will be of enormous value to legal practitioners whether in private practice or in the legal department of a

globally active company as a comprehensive and easy means of access to the law of foreign jurisdictions on directors liability

Directors' Personal Liability for Corporate Fault Helen Anderson, 2008-01-01 This collection of essays describes and analyzes the legal regimes governing directors liability for corporate fault and default across eleven important trading jurisdictions

*Directors' Duties and Liabilities* Paul J. Omar, 2018-10-24 This title was first published in 2000 The law relating to directors duties has fundamental implications across the business environment and yet few areas of business law have received so little detailed examination This text provides fresh and incisive insights to the rules applying in ten major economic jurisdictions within Europe with respect to directors legal obligations and liabilities Written by the foremost figures in the field each contribution outlines the statutory provisions that affect the work of company directors in each jurisdiction including general legislation and specific laws covering the status of incorporated bodies Fully illustrated with case law examples the book provides a guide to the range of measures which national courts may provide for participants in corporate life seeking remedies for unsatisfactory governance of companies It also features guidance on the specific bases for criminal and civil liabilities and examples of the range of penalties to which directors might be subject The result is a work of unprecedented detail which will be welcomed by practitioners in the corporate sector academics and researchers alike

**Directors & Officers (D & O) Liability** Simon Deakin, Helmut Koziol, Olaf Riss, 2018-02-19 In recent years several cases concerning the liability of directors and officers have courted controversy Arguments raised in such discussions oscillate between two extremes on the one hand the need for governing bodies to give a space to entrepreneurial discretion and on the other hand to ensure the protection of investors in and creditors of a company from the consequences of disadvantageous decisions by those bodies In light of the geographical dispersal of the above stakeholders the study offers a comparative insight into the liability of directors and officers in 10 key European jurisdictions in particular Austria Czech Republic Germany Italy the Netherlands Norway Poland Spain and Switzerland and 4 non European jurisdictions namely Brazil Israel Turkey and the United States Amongst other things it investigates existing company law principles on the topic and examines their interaction with tort law and other fields with a view to suggesting principles for better stakeholder protection National reports are complemented by an economic analysis and insurance conflict of laws and comparative reports The study also

benefits from case study analyses

Deferred Prosecution Agreements and Directors' Liability Natalie Turney, 2024-07-15 This book provides in depth analysis of deferred prosecution agreements DPAs a tool first introduced in the United States and since implemented in the United Kingdom and other jurisdictions The central focus of the book is the impact of DPAs on company directors DPAs were first introduced in the US for individuals but are now used predominantly for corporate defendants In the UK DPAs have only ever been available for companies The consideration of individuals in the introductory stage in the UK is explored in depth as well as the consideration and targeting of individuals in cases that have followed Company directors are exposed to liability because of this negotiated deal between the company and prosecutors and this

book addresses the key areas of exposure and how various parties should address these risk areas in accordance with the law. The book is an increasingly necessary contribution to the topical discussion of the fallout of unsuccessful prosecutions of individuals implicated in the wrongdoing constituting the basis of DPAs calling into question not only treatment of those individuals but also the integrity of the DPA tool itself. It also considers the impact of DPAs and arising exposures on directors and officers D O liability insurance therefore covering potential risk areas and the ability of directors to access a defence in protecting themselves from liability. The book covers the impact on all areas of a D O policy considering D O policy wording and insurance law in doing so providing a rounded account of issues arising in relation to company directors and how interested parties can act in the best interests of all whilst in accordance with law and policy. The primary audience for this book will be lawyers and practitioners in the corporate crime and or insurance law space including general counsels solicitors barristers consultants prosecuting authorities legal academics and so forth. It will also be of interest to company directors and to students of financial crime corporate criminal crime and insurance law and will have great international appeal. Organisations likely to use the book will include prosecuting authorities law firms working on corporate criminal liability or D O insurance cases and companies looking to protect themselves where there is alleged wrongdoing.

*Tort Law in Poland, Germany and Europe* Bettina Heiderhoff, Grzegorz Żmij, 2009. This book represents the outcome of a conference which was attended by Polish and German scholars and discusses miscellaneous topics relating to current problems in tort law that prove crucial in the light of current European practice. P 4 of cover.

*Reports of Cases Decided in the Court of Appeals of the State of New York* New York (State). Court of Appeals, 1902.

**Directors' Duties and Responsibilities in the European Community** Alex Roney, 1992.

*Pennsylvania State Reports Containing Cases Decided by the Supreme Court of Pennsylvania* Pennsylvania. Supreme Court, 1871.

**The Statutes of the State of Indiana** Indiana, 1870.

Reports of Cases Decided in the Court of Appeals of the State of Georgia at the ... Georgia. Court of Appeals, 1924.

**Digest of the Banking, Trust Company, and Building and Loan Association Laws of the Commonwealth of Pennsylvania** Pennsylvania, 1907.

**American and English Corporation Cases** Lawrence Lewis (Jr.), John Houston Merrill, Adelbert Hamilton, William Mark McKinney, James Manford Kerr, John Crawford Thomson, 1890.

Reports of Cases Decided in the Appellate Courts of the State of Illinois Illinois. Appellate Court, Edwin Burritt Smith, Martin L. Newell, 1893.

*The Railway and Corporation Law Journal* , 1889.

**The Southwestern Reporter** , 1916.

**The South Western Reporter** , 1900. Includes the decisions of the Supreme Courts of Missouri Arkansas Tennessee and Texas and Court of Appeals of Kentucky Aug Dec 1886 May Aug 1892 Court of Appeals of Texas Aug 1892 Feb 1893 Jan Feb 1928 Courts of Civil and Criminal Appeals of Texas Apr June 1896 Aug Nov 1907 Court of Appeals of Indian Territory May June 1927 Jan Feb 1928 Courts of Appeals of Missouri and Commission of Appeals of Texas.

**Cases and Materials on Company Law** Andrew Hicks, S.H. Goo, 2008-01-17. Cases and Materials on Company Law guides students through the complexities of

company law with a broad selection of source materials that are placed in context through clear commentary It covers all the principal areas of company law including the issue of securities and insolvency The book concentrates on how the law facilitates and regulates the operation of companies both large and small reflecting the realities of current practice To help students understand the significance of the material presented each section is preceded by a concise introduction Similarly each case is preceded by a statement of its legal significance and a summary of the main facts The book has been fully revised to incorporate the groundbreaking changes to domestic company law as a result of the Companies Act 2006 The new edition has been made easier to navigate as a result of a new two colour text design that clearly differentiates extracted material from the authors commentary

**Reports of Cases Decided in the Supreme Court of the State of North Dakota** North Dakota. Supreme Court, Hiram A. Libby, Robert Milligan Carothers, Robert Dimon Hoskins, Edgar Whittlesey Camp, John McDowell Cochrane, Ames Francis Wilbur, Joseph Coghlan, Edwin James Taylor, 1906

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