

Antoine Masson  
Mary J. Shariff  
Editors



# Legal Strategies

How Corporations Use Law  
to Improve Performance



Springer

# Legal Strategies How Corporations Use Law To Improve Performance

**Antoine Masson, Mary J. Shariff**



## **Legal Strategies How Corporations Use Law To Improve Performance:**

**Legal Strategies** ,2010 *Legal Strategies* Antoine Masson,Mary J. Shariff,2014-11-21 Far from regarding the law as supreme corporations approach law as an element of executive thought and action aimed at optimizing competitiveness The objective of this book is to identify explore and define corporate legal strategies that seek advantage in the opportunities revealed when the Law is perceived as a resource to be mobilized and aligned with the firm s business and economic agendas

**Legal Strategies** Antoine Masson,Mary J. Shariff,2009-12-12 Far from regarding the law as supreme corporations approach law as an element of executive thought and action aimed at optimizing competitiveness The objective of this book is to identify explore and define corporate legal strategies that seek advantage in the opportunities revealed when the Law is perceived as a resource to be mobilized and aligned with the firm s business and economic agendas *The Oxford*

*Handbook of Corporate Law and Governance* Jeffrey N. Gordon,Wolf-Georg Ringe,2018-04-26 Corporate law and corporate governance have been at the forefront of regulatory activities across the world for several decades now and are subject to increasing public attention following the Global Financial Crisis of 2008 The Oxford Handbook of Corporate Law and Governance provides the global framework necessary to understand the aims and methods of legal research in this field Written by leading scholars from around the world the Handbook contains a rich variety of chapters that provide a comparative and functional overview of corporate governance It opens with the central theoretical approaches and methodologies in corporate law scholarship in Part I before examining core substantive topics in corporate law including shareholder rights takeovers and restructuring and minority rights in Part II Part III focuses on new challenges in the field including conflicts between Western and Asian corporate governance environments the rise of foreign ownership and emerging markets Enforcement issues are covered in Part IV and Part V takes a broader approach examining those areas of law and finance that are interwoven with corporate governance including insolvency taxation and securities law as well as financial regulation The Handbook is a comprehensive interdisciplinary resource placing corporate law and governance in its wider context and is essential reading for scholars practitioners and policymakers in the field *Mapping Legal Innovation* Antoine Masson,Gavin Robinson,2021-03-01 The legal sector is being hit by profound economic and technological changes digitalization open data blockchain artificial intelligence forcing law firms and legal departments to become ever more creative in order to demonstrate their added value To help lawyers meet this challenge this book draws on the perspectives of lawyers and creative specialists to analyze the concept and life cycle of legal innovations techniques and services whether related to legislation legal engineering legal services or legal strategies as well as the role of law as a source of creativity and interdisciplinary collaboration **Taming the Guerrilla in International Commercial Arbitration** Navin G.

Ahuja,2022-05-23 The book explores the definition and nature of guerrilla tactics in international commercial arbitration It analyses various such tactics deployed pre Covid and during Covid times and portrays them in a way that enables one to

visualise how and possibly why they might be deployed Attempts to codify ethical standards and rules regulating the behaviour of legal representatives in international arbitration are examined The book covers a range of culture clashes addresses several elephants in the room and looks at factors inherent in the arbitral process that create opportunities and increase temptations to misbehave It considers the remedies and sanctions available in international arbitration and compares them to those available to the courts in civil litigation In addition to recommendations for future research the book offers solutions to curb the problem in line with party autonomy and with a critical analysis This manuscript is an essential solutions based text that not only addresses a comprehensive range of modern day guerrilla tactics in international commercial arbitration but also offers thoughtful methods to deal with the shenanigans that parties may bring to the arbitral process Chiann Bao Independent Arbitrator Arbitration Chambers and Vice President of the International Chamber of Commerce Court of Arbitration Dr Ahuja s book is a thoughtful and highly practical contribution to the study of procedures in international commercial arbitration It is replete with scholarly analysis careful treatment of authority pragmatic insights and policy discussions Any practitioner or student of international arbitration would benefit from this volume Gary Born Author International Commercial Arbitration 3d ed 2021 A highly readable and informative book which identifies and analyses the numerous guerrilla tactics parties may attempt to deploy in international commercial arbitration the factors which may encourage such behaviour and practical mechanisms to keep the proceedings on track Both erudite and practical this book is a must read for parties counsel and arbitrators alike Prof Benjamin Hughes Independent Arbitrator The Arbitration Chambers Guerrilla tactics are a pertinent problem in arbitration Dr Ahuja s well written book not only describes the various tactics in a succinct way but provides extremely useful guidance on how to tackle them It will be a primary source of reference for every practitioner faced with such tactics Prof Dr Stefan Kr ll Chairman of the Board of Directors of the German Arbitration Institute DIS Taming the Guerrilla in International Commercial Arbitration offers a refreshingly candid and balanced discussion of sharp practices in international arbitration The book collects a wealth of information on guerrilla tactics previously only available in separate survey reports articles and guidelines on the topic It additionally includes a chapter addressing tactics deployed in virtual or remote arbitrations due to the Covid 19 pandemic The comprehensive research and analysis presented in this book make it a valuable resource to counsel parties arbitrators academics and those who deliver practical arbitration training A must read for those who want to better understand the practices that may lead some to disfavor arbitration and ways the arbitration community can respond to guerrilla tactics to improve the arbitration process for all participants Dana MacGrath Independent Arbitrator MacGrath Arbitration From an unreasoned fiat of a wise man who left both sides equally unhappy but resolved the disputes effectively arbitration has evolved into a full scale trial before a party chosen tribunal Its informality and expedition puts in peril the fundamental right of the recalcitrant to delay proceedings Dr Ahuja has assiduously articulated the measures aptly christened Guerrilla Tactics used to disrupt and derail

arbitrations An indispensable read for the practitioner and an insightful treatise for the policy maker Harish Salve SA QC  
 Blackstone Chambers This book shines a spotlight on arbitration's dark arts guerrilla tactics Dr Ahuja illuminates this  
 shadowy world with excellent and much needed scholarship that is practice based and useful for all stakeholders in  
 arbitration His examination of the root causes of this problem recommendations on how to control it comparisons with  
 litigation practice and suggestions for future research marvellously combine to make this a work that is required to be  
 consulted by all serious counsel arbitrators institutions and academics in the field of arbitration Romesh Weeramantry Head  
 International Dispute Resolution Centre for International Law National University of Singapore *Enforcing International  
 Humanitarian Law via Individual Rights* Vera Strobel, 2025-09-08 This book centres on the contribution of strategic litigation  
 to the enforcement of international humanitarian law IHL with regard to armed conflicts around the world It examines the  
 instrument of strategic litigation as a vehicle for access to justice and scrutinizes its possibilities and challenges for enforcing  
 compliance with IHL in Germany In particular the novel approach of connecting IHL duties set out to protect civilians with  
 individual rights claims and the increased presence of such arguments in strategic cases before domestic courts is analysed  
 The monograph first provides a general introduction to the term of strategic litigation its actors and approaches It then  
 explores the framework for access to justice in Germany and beyond as well as important past and current strategic cases  
 Further the crucial impacts as well as raised concerns and key potentials of such cases are discussed Two detailed case  
 studies are undertaken of the landmark proceedings before German courts in the Ramstein drone case with plaintiffs from  
 Yemen and in the case on the Kunduz Afghanistan air strike These case studies scrutinize the procedural avenues the legal  
 arguments the resulting court decisions the strategic litigation context and the important impact of the proceedings The  
 work contributes significant and novel findings to the literature on IHL human and fundamental rights and strategic litigation  
 Next to a primary research audience the book's findings are highly relevant for IHL practitioners individual and collective  
 actors in strategic litigation NGOs courts and governments Vera Strobel is a researcher at the Chair of Professor Dr Thilo  
 Marauhn in Public Law and International Law at the Justus Liebig University in Gießen Germany **TRIPS Agreement of  
 the WTO** Mohammad Towhidul Islam, 2014-07-24 This book examines the application of the World Trade Organization's WTO  
 Agreement on Trade Related Aspects of Intellectual Property Rights TRIPS in the fields of agriculture public health and  
 economic development in a Least Developed Country LDC such as Bangladesh In particular it evaluates the question whether  
 the TRIPS one size fits all approach compulsorily applicable for all countries irrespective of their development standing fulfils  
 the developmental needs of Bangladesh and other such LDCs in the fields of agriculture public health and economic  
 development The book shows that the TRIPS introduction of IPRs in the name of Plant Varieties Protection PVP and patents  
 not only secures private sector investment in agriculture but also brings traditional agricultural practices within the  
 spectrum of private monopoly increases the price of agricultural products and forces people into dependency on engineered

seeds and other agricultural inputs To guard against such trade rules this book recommends that Bangladesh should incorporate the TRIPS flexibilities in the form of redefining patentable invention choosing between patents and PVP and providing for compulsory licensing This book also reveals that the TRIPS patenting in pharmaceuticals encourages innovations by ensuring royalty collections and protects public health by raising standards of living However patenting offers exclusivity to pharmaceutical companies extending the duration of the patent term and establishing their control over production supply and distribution Such control results in exclusivity over drug pricing The flexibilities of the compliance deadline compulsory licensing and parallel importation built into the TRIPS are set to tackle untenable situations arising from patenting exclusivity However patent laws in most LDCs are out dated in terms of dealing with such flexibilities Given this the research recommends that Bangladesh should invoke the TRIPS flexibilities The author of this book further establishes that the TRIPS standard setting in agriculture and pharmaceuticals does not help the country to fulfil subsistence needs or promote economic development through innovation However the appropriation of agricultural and pharmaceutical goods during the use of the TRIPS flexibilities has the potential to feed the people protect public health interests and increase economic development with the supply of food and drugs at home and abroad To this end the research asks Bangladesh to reform its existing IPRs provisions by redefining patentable inventions and simplifying compulsory licensing and other differential treatments to appropriate foreign technologies

#### **Lawyers in 21st-Century Societies**

Richard L. Abel, Ole Hammerslev, Hilary Sommerlad, Ulrike Schultz, 2020-04-02 The world's legal professions have undergone dramatic changes in the 30 years since publication of the landmark three volume *Lawyers in Society* which launched comparative sociological studies of lawyers This is the first of two volumes in which scholars from a wide range of disciplines countries and cultures document and analyse those changes The present volume presents reports on 46 countries with broad coverage of North America Western Europe Latin America Asia Australia North Africa and the Middle East sub Saharan Africa and former communist countries These national reports address the impact of globalisation and neoliberalism on national legal professions the relationship of lawyers and their professional associations to the state and tensions between state and citizenship changes in lawyer demography rapidly growing numbers and the profession's efforts to retain control the entry of women and obstacles to full gender equality ethnic diversity legal education the proliferation of institutions and pedagogic innovation the regulation of lawyers structures of production especially the growth of large firms and the impact of technology and paraprofessionals the distribution of lawyers across roles and access to justice state funded legal aid and pro bono services The juxtaposition of the reports reveals the dramatic transformations of professional rationales labour markets and working practices and the multiple contingencies of the role of lawyers in societies experiencing increasing juridification within a new geopolitical order

#### **Stratégies d'instrumentalisation juridique et concurrence**

Hugues Bouthinon-Dumas, Viviane de Beaufort, Frédéric Jenny, Antoine Masson, 2013-10-17 Les entreprises ne subissent pas

seulement les normes juridiques elles peuvent aussi en jouer pour prendre l'avantage sur les autres entreprises. Cela est particulièrement vrai du droit de la concurrence qui joue un rôle central dans la vie contemporaine des affaires. Cet ouvrage analyse dans la perspective de l'approche Law Management les usages stratégiques qui peuvent être faits du droit de la concurrence. D'une part les entreprises peuvent exploiter les options voire les failles offertes par le droit de la concurrence pour desserrer son emprise. Il est en effet possible de tirer parti de certains mécanismes tels que les demandes de clôture ou les engagements pour limiter les risques juridiques découlant du droit de la concurrence. D'autre part les entreprises peuvent tenter de tirer profit du flou entourant des concepts comme ceux de facilités essentielles de prix prédateurs ou de concurrence déloyale afin d'accuser leurs concurrents de pratiques contraires à la concurrence. Le droit de la concurrence peut ainsi être utilisé par les entreprises pour faire pression sur leurs concurrents, les déstabiliser, parasiter leurs infrastructures, accroître leurs coûts ou encore obtenir une contrepartie financière ou économique de leur part. La connaissance de ces pratiques et de ces stratégies interressera les avocats spécialisés en droit de la concurrence et en droit des affaires, les cadres et les dirigeants d'entreprises, les directions juridiques ainsi que les professeurs, les chercheurs et les étudiants.

Communication juridique et judiciaire de l'entreprise Hugues Bouthinon-Dumas, Nathalie Cheynel, Charlotte Karila-Vaillant, Antoine Masson, 2016-02-10. Tous les juristes savent que le droit n'est pas seulement une affaire de savoir et de savoir faire mais aussi de faire savoir. La communication est omniprésente dans l'activité quotidienne des juristes qu'ils soient avocats, juristes d'entreprises ou magistrats. Ils sont ainsi de plus en plus souvent amenés à travailler avec des experts en communication et à cotoyer les médias. Encore faut-il savoir bien communiquer. Il y a des choses à ne pas dire et il y a des moments où il vaut mieux se taire. Quand on prend la parole, il faut connaître les bons médias et avoir une idée claire du message que l'on veut faire passer au service de sa stratégie. Il faut trouver les bons mots et parfois cacher les mots pour les remplacer par des supports visuels. En bref, il faut maîtriser l'art de la communication juridique et judiciaire. Au sein des entreprises, la mise en place d'outils de communication adaptés permet de faire circuler efficacement l'information entre les équipes juridiques et les opérationnels. La communication juridique interne apparaît comme un élément clé de la performance de la fonction juridique. En externe, certaines décisions juridiques relatives notamment aux politiques de responsabilité sociale ou de corporate governance menées par l'entreprise peuvent être utilisées comme des instruments de communication à l'égard des tiers. Le droit peut ainsi devenir un élément majeur de la communication institutionnelle et des stratégies marketing des entreprises. Cet aspect des procès constituent des événements minemment stratégiques. L'choix médiatique qui leur est donné peut être recherché et lorsque les justiciables subissent un procès, il est toujours possible d'en minimiser les effets à travers une communication judicieuse voire de transformer une défaite judiciaire en opportunité médiatique. Reunissant les contributions de juristes, d'experts en communication, de journalistes et de sociologues, cet ouvrage décrit et analyse donc le rôle de la communication dans l'activité juridique et judiciaire.

Economic Reason and Political Reason Jean Mercier Ythier, 2023-01-12. The public

space of democracies is constructed in a context that is marked by the digital transformation of the economy and society This construction is carried out primarily through deliberation Deliberation informs and guides both individual and collective action To shed light on the concept of deliberation it is important to consider the rationality of choice but what type of rationality is this References to economic reason are at once widespread crucial and controversial This book therefore deals with arguments used by individuals based on the notions of preferential choice and rational behavior and also criticizes them These arguments are examined in the context of the major themes of public debate that help to construct the contemporary public space populism social insurance social responsibility and environmental issues Economic Reason and Political Reason underlines the importance of the pragmatist shift of the 2000s and revisits through the lens of this new approach the great utilitarian and Rawlsian normative constructs that dominated normative political economics at the end of the 20th century Alternative approaches based on the concept of deliberative democracy are proposed and discussed **Current**

**Publications in Legal and Related Fields** ,2009 *Alberta Law Review* ,2010 *AI and Machine Learning Impacts in Intelligent Supply Chain* Pandey, Binay Kumar,Kanike, Uday Kumar,George, A. Shaji,Pandey, Digvijay,2024-01-29 Businesses are facing an unprecedented challenge the urgent need to adapt and thrive in a world where intelligent factories and supply chains are the new norm The digital transformation of supply chains is essential for staying competitive but it is a complex journey fraught with uncertainties How can organizations harness the power of emerging technologies like Artificial Intelligence AI and Machine Learning ML to increase profitability cut supply chain costs elevate customer service and optimize their networks The answers to these questions are crucial for business survival and success AI and Machine Learning Impacts in Intelligent Supply Chain is a groundbreaking book that offers a comprehensive solution to the challenges posed by the Industry 4 0 revolution This book is your indispensable guide to navigating the intricate world of supply chain digital transformation using innovative technologies It provides real world examples and insights that illustrate how AI and ML are the keys to solving complex supply chain problems from inventory management to route optimization and beyond Whether you are an academic scholar seeking to delve into the impact of AI and ML on supply chain management or a business leader striving to gain a competitive edge this book is tailored to meet your needs **Legal Regulation of Corporate Social Responsibility** Mia Mahmudur Rahim,2013-11-27 Even though Corporate Social Responsibility CSR has become a widely accepted concept promoted by different stakeholders business corporations internal strategies known as corporate self regulation in most of the weak economies respond poorly to this responsibility Major laws relating to corporate regulation and responsibilities of these economies do not possess adequate ongoing influence to insist on corporate self regulation to create a socially responsible corporate culture This book describes how the laws relating to CSR could contribute to the inclusion of CSR principles at the core of the corporate self regulation of these economies in general without being intrusive in normal business practice It formulates a meta regulation approach to law particularly by



converging patterns of private ordering and state control in contemporary corporate law from the perspective of a weak economy. It proposes that this approach is suitable for alleviating regulators' limited access to information and expertise inherent limitations of prescriptive rules ensuring corporate commitment and enhance the self-regulatory capacity of companies. This book describes various meta-regulation strategies for laws to link social values to economic incentives and disincentives and to indirectly influence companies to incorporate CSR principles at the core of their self-regulation strategies. It investigates this phenomenon using Bangladesh as a case study. *Business in Ethical Focus: An Anthology - Second Edition* Fritz Allhoff, Alexander Sager, Anand J. Vaidya, 2016-12-20. *Business in Ethical Focus* is a compilation of classical and contemporary essays and case studies in business ethics. Readers will become acquainted with seminal ideas on corporate social responsibility and the place of business in a just society. Other topics include diversity in the workplace, sexual harassment, workplace rights, environmental responsibility and sustainability, global business, intellectual property, bribery and ethical issues in advertising and marketing. This second edition adds a dozen original case studies as well as new sections on global perspectives with articles on Islamic, Confucian and Buddhist business ethics, entrepreneurship and the non-profit sector. Background material on ethical theory and the nature of business ethics is included to orient readers new to this field. *The Anatomy of Corporate Law: A Comparative and Functional Approach* Reinier Kraakman, 2009-07-23. This is the second edition of this highly regarded comparative overview of corporate law. It argues that the main function of corporate law is to address conflicts of interests and that despite economic and social diversity, legal strategies employed across jurisdictions are surprisingly similar. **Business Sustainability, Corporate Governance, and Organizational Ethics** Zabihollah Rezaee, 2019-11-06. A comprehensive framework for understanding the most important issues in global business. This is the e-book version of *Business Sustainability: Corporate Governance and Organizational Ethics*. In today's business environment, multinational corporations are under pressure from investors, lawmakers and regulators to improve their corporate governance, business sustainability and corporate culture. Business sustainability, corporate governance and organizational ethics are taking center stage in the global business environment. This long-awaited text covers each of these three important areas in detail, guiding readers to a robust understanding with features including chapter summaries, essential terms, discussion questions and cases for each topic covered. **Corporate Law Essentials: Principles and Practices for Businesses** Prof. Amit Kumar Kashyap, 2021-09-15. Understand the key principles and practices of corporate law with this essential guide. Covering topics from governance to compliance, this book is designed for legal professionals and business leaders navigating the complex landscape of corporate law.

The Top Books of the Year Legal Strategies How Corporations Use Law To Improve Performance The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels captivating the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the fascinating narratives that have charmed audiences this year. Legal Strategies How Corporations Use Law To Improve Performance : Colleen Hoover's "It Ends with Us" This heartfelt tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Uncover the Best : Taylor Jenkins Reid's "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reid's captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens' "Where the Crawdads Sing" This mesmerizing coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These top-selling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a masterful and suspenseful novel that will keep you guessing until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

<https://staging.conocer.cide.edu/public/book-search/default.aspx/federal%20dispute%20resolution%20using%20adr%20with%20the%20united%20states%20government.pdf>

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