

## Publications and Presentations<sup>1</sup>

February 2022

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### Monography

- Liability and Couple Relationship – A contribution to legal obligations in family relationships and liability issues in internal and external relations, habilitation thesis, Mohr Siebeck (JusPriv 221), Tübingen 2017  
Summary of the author in AcP 218 (2018), 659–661  
Review by *Henrich*, FamRZ 2018, 1655  
Review by *Schack*, RabelsZ 2019 (83), 907–912  
Review by *Knetsch*, RTDCiv, 2020, 221-223 (French)
- Provision of Security through Bank Guarantees in German Civil Proceedings. A Contribution to the Reimbursability of the Costs of Enforcement and of the Counter- and Resistance Action, dissertation, Mohr Siebeck (VVerfR), Tübingen 2009

### Textbooks

- Textbook on FamFG (Family procedure code; together with Christian Seiler, Christoph Althammer, Martin Löhnig), C.H. Beck, Munich, 1<sup>st</sup> edition (in preparation)
- Exam Course BGB (together with Hans-Joachim Musielak, who wrote the first two editions on his own and the third edition together with Wolfgang Hau), C.H. Beck, Munich, 4<sup>th</sup> edition 2019
- Exam revision Course Family Law (on the basis of the prior editions written by Martin Lipp, last 4<sup>th</sup> edition), C.F. Müller, Heidelberg, 5<sup>th</sup> edition 2020

### Commentaries

- German Civil Code: §§ 226-231 [exercise of rights, self-defense, self-help] and §§ 232-240 German Civil Code [provision of security], published in: Soergel, Bürgerliches Gesetzbuch mit Einführungsgesetz und Nebengesetzen, Volume 2: General Part 2, §§ 104-240, 14<sup>th</sup> edition, Verlag W. Kohlhammer, Stuttgart et al. 2017 (forthcoming)

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<sup>1</sup> All publications and presentations are/were in German if not indicated otherwise.

- Regulation (EU) 2016/1103<sup>2</sup> and Regulation (EU) 2016/1104<sup>3</sup>: Art. 1–19, 36–70 [scope and definitions, jurisdiction, recognition, enforceability and enforcement of decisions, authentic instruments and court settlements, general and final provisions], published in: *Münchener Kommentar zum FamFG*, 3<sup>rd</sup> edition, C.H. Beck, Munich 2019
- Regulation (EU) 1259/2010<sup>4</sup>: Art. 5-7, 17-20 [choice of applicable law by the parties, other provisions], published in: *Althammer* (ed.), *Rom III – Brüssel IIa*, C.H. Beck, München 2014
- German Code of Civil Procedure: §§ 27-28, 305, 747-748, 778-785, published in: *Zimmermann* (ed.), *Praxiskommentar. Erbrechtliche Nebengesetze*, Zerb Verlag, Bonn 2012; 2<sup>nd</sup> edition 2017

### Articles and Contributions

- Autonomy and contract: wanted or fictitious?, published in: Röthel/Heiderhoff (ed.), *Autonomy within family – a passion?*, Wolfgang Metzner Verlag, Frankfurt 2022
- Descent as a legal attribution concept, *Blicke in die Wissenschaft* 2021, S. 33–38
- Descent in cases involving foreign relation, *NZFam* 2021, 525–529
- Procedural recognition of decisions, authentic instruments and agreements – especially with regard to divorces according to the new Brussels IIbis-Regulation, *StAZ* 2020, 193-201
- Claims for compensation in the event of breaches of the provisions of parental care and access rights, *FamRZ* 2019, 1969–1977
- Compensation claim of the legal father against the mother for maintenance payments to the illegitimate child – Annotation of Supreme Court of Justice of Austria (*Oberster Gerichtshof*), 27.11.2018 – 4Ob82/18i, *FamRZ* 2019, 1839–1846
- On the future of marriage certificate and exemption procedure - evaluation of a survey among registrars, *STAZ* 2019, 295–298 – published together with Anatol Dutta and Tobias Helms

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<sup>2</sup> Council Regulation (EU) 2016/1103 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes of 24 June 2016, OJ 2016 No L 183/1.

<sup>3</sup> Council Regulation (EU) 2016/1104 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships of 24 June 2016, OJ 2016 No L 183/30.

<sup>4</sup> Council Regulation (EU) No 1259/2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation of 20 December 2010, OJ 2010 No L 343/10.

- Conditions, legal consequences and enforcement of the house rules in tenancy contracts, NZM 2018, 689–698 – published together with Florian Eichel and Fabian Klinck
- Divorce without court – European developments, StAZ 2018, 106–116
- Objectives and assessment of the effectiveness of the Maintenance Regulation from a scientific point of view – in particular for the amendment of foreign maintenance titles, published in: Pfeiffer/Wittmann/Escher, *Europäisches Familienrecht im Spiegel deutscher Wissenschaft und Praxis*, Baden-Baden 2018, S. 75–86
- Judicial development of enforcement law? Discussed by the example of the so called “Berliner eviction” (“Berliner Räumung”) before its overdue codification in § 885a German Code of Civil Procedure, in: *Effer-Uhe et al. (ed.), Judicial development of the law and codification of judge-made law, Yearbook of Young Civil Law Academics 2014, 2015*, S. 275–300
- The performance and defense component of an exemption claim, ZfPW 2015, 226–249
- Country report (Germany), in: *Grossi, The U.S. Supreme Court and the Modern Common Law Approach – Chapter 6: A Look Abroad: Is the Supreme Court’s Decision-Making Process Unique?*, Cambridge University Press, Cambridge 2015, p. 267–275 (*in English*)
- Forum non conveniens and its application in U.S. Federal Courts in the context of international treaty obligations, published in: *Krauskopf/Babey (ed.), International Commercial Law – Arbitration Procedure and Conduct of a case/International Trade Law/Competition Law and Regulation*, conference proceedings of the 14<sup>th</sup> meeting of graduates 2013 in Winterthur (Switzerland), 2014, 13–46 (*in English*)
- Ordre public and the recognition of legal parenthood in international surrogacy cases, *RabelsZ* 78 (2014), 551–591
- Dispute about back rent between divorced spouses: Jurisdiction of the “Grand Family Court” – relevance of defendant’s submissions for the court’s jurisdiction, NZM 2013, 607–610
- Adultery as a military offense?, JZ 2013, 350–354
- Handbook Patchwork Family, Chapter: Tenancy Law, published in: *Kappler/Kappler (ed.), Wolters Kluwer, Köln 2013*

### Annotations

- Annotation of Federal Court of Justice (*Bundesgerichtshof*), 28.10.2020 – XII ZB 187/20 (request for preliminary ruling of the ECJ on the recognition of a divorce executed by an Italian registrar under the Brussel IIbis Regulation), FamRZ 2021, 123–124
- Annotation of European Court of Justice, 17.9.2020 – C-540/19 (*WV ./. Landkreis Harburg*), tips for practice, JAmt 2020, 660–661
- Pitfalls of public service and jurisdiction agreement in international business contracts. Annotation of Higher Regional Court Hamburg (*Oberlandesgericht*), 25.5.2018 – 8 U 51/17, IPRax 2019, 496 – 501
- Claim authorization from savings books issued in the name of a child. Annotation of Higher Regional Court Düsseldorf (*Oberlandesgericht*), 29.8.2018 – 2 UF 66/18, FamRZ 2019, 461–462
- The applicability of the conflict rules of the Rome III Regulation to foreign contractual divorces. Annotation of European Court of Justice, 20.12.2017 – C-372/11 (*Sahyouni ./. Mamisch II*), FamRZ 2018, 171–172
- Bail’s liability as a nail test for the extension of the legal force to defenses. Annotation of German Federal Court of Justice (*BGH*), 14.6.2016 – XI ZR 242/15, JZ 2017, 317–320
- Independent competence of the courts in the executing Member State to prove the grounds of non-recognition. Annotation of German Federal Court of Justice (*BGH*), 20.10.2016 – IX ZB 11/16, LMK 2016, 384751
- Judicial determination of paternity with regard to embryos: characterization, private international law, substantive law. Annotation of Higher Regional Court Düsseldorf (*Oberlandesgericht*), 31.7.2015 – II-1 UF 83/14, IPRax 2016, 432–436
- Ancillary matrimonial property regime and conflict of laws – characterization of claims arising from an undisclosed partnership between spouses. Annotation of German Federal Court of Justice (*BGH*), 10.6.2015 – IV ZR 69/14, IPRax 2016, 353–355
- Concentration of venue in cross-border maintenance cases. Annotation of ECJ, 18.12.2014 – C-400/13 (*Sanders ./. Verhaegen*), FamRZ 2015, 641–642
- Procedural recognition of a foreign decision on legal parentage in favor of registered partners in surrogacy cases. Annotation of Federal Court of Justice (*Bundesgerichtshof*), 10.12.2014 – XII ZB 463/13 (civil status proceedings), StAZ 2015, 33–40

- Inappropriate differentiations in international surrogacy cases. Annotation of Administrative Court Berlin (*Verwaltungsgericht*), 5.9.2012 – 23 L 283.12, Higher Regional Court Düsseldorf (*Oberlandesgericht*), 26.4.2013 – 3 Wx 211/12 and Higher Regional Court Berlin (*Kammergericht*), 1.8.2013 – 1 W 413/12, IPRax 2014, 57–62
- International jurisdiction in an action concerning spousal maintenance during separation after amendment of action from a quantified action for performance to a multistage action. Annotation of Higher Regional Court Frankfurt (*Oberlandesgericht*), 23.2.2012 – 1 UF 365/10, FamRZ 2012, 1507–1508
- Unfair terms in consumer contracts. Annotation of ECJ, 4.6.2009 – C-243/08 (*Pannon GSM Zrt ./ Erzsébet Sustikné Györfi*), GPR 2009, 220–223

#### **Book reviews**

- *Hepting/Dutta* (ed.), Family and Personal Status – a manual on the German Private Law and Private International Law, 2<sup>nd</sup> edition, Verlag für Standesamtswesen, Frankfurt a.M./Berlin, StAZ 2015, 285–286
- *Hüfstege/Mansel* (ed.), Commentary on the German Civil Code, Volume 6: Rom-Regulations on International Private Law, 1<sup>st</sup> edition, Nomos Verlag, Baden-Baden 2014, FamRZ 2014, 906
- *Hausmann* (ed.), Commentary on International and European Divorce Law, C.H. Beck, München 2013, FamRZ 2013, 1473–1474
- *Heidel/Hüfstege/Mansel/Noack* (ed.), Commentary on the German Civil Code, Volume 1: General Part/Introductory Act to the Civil Code, 2<sup>nd</sup> edition, Nomos Verlag, Baden-Baden 2012, FamRZ 2013, 359

#### **Contributions**

- Conference Report on 12th Symposium for European Family Law – Assisted Reproduction and European Family Law, 2-4 October, Regensburg, ZEuP 2015, 661–664

#### **Presentations / Conference contributions**

- Autonomy and contract: wanted or fictitious?, 12<sup>th</sup> march 2021, Conference on Family Law on 12<sup>th</sup> march 2021, Hamburg
- “Decisions capable of procedural recognition”, 22 November 2019, Munich Dialog on Judicial Cooperation in Civil and Criminal Matters, 22 to 23 November 2019, Munich

- “Claims for compensation in the event of breaches of the provisions of parental care and access rights”, 11 October 2019, Austrian Annual Meeting on Family Law 2019, 11 to 12 October 2019, Waidhofen/Ybbs
- “Claims for compensation in the event of breaches of the provisions of parental care and access rights”, 22 June 2019, annual meeting of the scientific association of Family Law, 20 to 22 June 2019, Munich (Germany)
- “Regulation for the introduction of a European Enforcement Order for uncontested claims (EuVTVO) and European Evidence Regulation (EuBVO)”, 14 November 2018, German Judicial Academy Wustrau
- “Foreign divorces and their relevance in Germany – a case for Rome III?”, 15 December 2017, vocation speech at the Law School of the University of Regensburg (Germany)
- „Divorce without court – European developments“, 10 November 2017; 4<sup>th</sup> German Day of Registrars, 10 to 11 November 2017, Rostock-Warnemünde (Germany)
- „Migration and cross-border surrogacy – genetic link as decisive criteria in surrogacy cases“, 20 September 2017, 8<sup>th</sup> German-Japanese Law Symposium, 18 to 21 September 2017 in Tokyo (Japan)
- “The reasonableness of bringing an action as an «overriding requirement for the commencement of the statute of limitations»”, 17 May 2017, habilitation speech at the Law School of the University of Passau (Germany)
- “Marriage involving refugees”, 9 May 2017, Conference of the Association of Hessian Registrars, 9 to 10 May 2017, Bad Hersfeld (Germany)
- “Guaranty as crucial test for the extension of legal force on the arguments in defence”, 17 January 2017, vocation speech at the Law School of the Eberhard Karls University of Tübingen (Germany)
- “Implementing the European Account Preservation Order and gathering of information”, 28 October 2016, weekend seminar for lawyers concerning European Civil Procedure, funded by the Justice Programme of the European Union in the context of the project “European Civil Procedure for Lawyers – Promoting Training to Improve the Effectiveness of Transnational Justice”, 28 to 29 October 2016, Munich (Germany)
- “Objectives and assessment of the effectivity of the EU Maintenance Regulation from an academic point of view”, 16 September 2016, conference in the context of the EU-project “Planning the future of cross-border families: a path through coordination – EUFam’s”, 15 to 16 September 2016, Heidelberg (Germany)

- “Lis alibi pendens and choice of court agreements”, 11 June 2016, weekend seminar for lawyers concerning European Civil Procedure, funded by the Justice Programme of the European Union in the context of the project “European Civil Procedure for Lawyers – Promoting Training to Improve the Effectiveness of Transnational Justice”, 10 to 11 June 2016, Munich (Germany)
- “Surrogacy – legal comparison in Europe and the decision of the Federal Court”, 22 October 2015, Conference of the cantonal surveillance authority in civil status matters, 22 to 23 October 2015, Brunnen (Switzerland)
- “Surrogacy in Europe and the consequences of the decisions of the European Court of Human Rights”, 11 May 2015, 15<sup>th</sup> Congress of the European Association of Registrars, 11 to 12 May 2015, Kassel (Germany)
- “The decision of the German Federal Court of Justice of 10 December 2014 concerning surrogacy”, 28 April 2015, Conference of the Association of Bavarian Registrars, 27 to 29 April 2015, Amberg (Germany)
- “Supreme Court Update with regard to surrogacy – The decision of the German Federal Court of Justice”, 15 November 2014, Conference of the Federal Association of Registrars, 13 to 15 November 2014, Bad Salzschlirf (Germany)
- “Deficient flat”, 30 September 2014, Autumn Academy for young jurists of the German Mietgerichtstag, 28 September to 1. October 2014, Berlin (Germany)
- “Judicial development of disclosure law? – Demonstrated with the example of the so called „Berliner Räumung“ before its overdue codification in § 885a German Code of Civil Procedure”, 12 September 2014, 25. Annual Meeting of the Association of Young Academics specializing in Civil Law, 10 to 13. September 2014, Cologne (Germany)
- “International Surrogacy – An urgent need for legal action”, 25 October 2013, staff lecture at the University of Dundee (Scotland) (*in English*)
- “Forum non conveniens and its application by U.S. federal courts in the context of international treaty obligations”, 7 June 2013, 14. Graduates’ meeting on International Business Law, 7 to 8 June 2013, Winterthur (Switzerland)
- Workshop Moderation (*in English*) “Country Reports – African Perspective” at the International Conference on the “Recovery of Maintenance in the EU and Worldwide”, 5 to 8 March 2013, Heidelberg (Germany)