

Bibliography

ABA Committee on Multidisciplinary Practice, Report to the House of Delegates (1999). Available from: www.abanet.org/cpr/mdpreport.html (last visited: February 7, 2006)

Akerlof, George A., "The Market for 'Lemons': Quality Uncertainty and the Market Mechanism" (1970) 84(3) *The Quarterly Journal of Economics*, 488.

Alexander, Lawrence B., "Looking Out for the Watchdogs: A Legislative Proposal Limiting the Newsgathering Privilege to Journalists in the Greatest Need of Protection for Sources or Information" (2002) 20 *Yale Law & Policy Review*, 97.

Alexander, Vincent A., "The Corporate Attorney Client Privilege: A Study of the Participants" (1989) 63 *St. John's L. Rev.*, 191.

Alfes, Holger, **Das Anwaltsgeheimnis des Syndikusanwalts und des fest angestellten Unternehmensjuristen** (Diss., Verlag Recht und Wirtschaft, Heidelberg, 1998).

Allen, Ronald J. et al, "A Positive Theory of the Attorney-Client Privilege and the Work Product Doctrine" (1990) 19(2) *Jour. of Legal Studies*, 359.

Arlen, Jennifer, "The Potentially Perverse Effects of Corporate Criminal Liability" (1994) 23 *Jour. of Legal Studies*, 833.

Arlen, Jennifer and William J. Carney, "Vicarious Liability for Fraud on Securities Markets: Theory and Evidence" 1992 *U. of Illinois L. Rev.* 691.

Arlen, Jennifer and Renier Kraakman, "Controlling Corporate Misconduct: An Analysis of Corporate Liability regimes" (1997) 72 *New York University Law Review*, 687.

"Attorney Client Privilege: Perceptions and Implications in the Corporate Setting", A Survey of Personnel, Evidence Project, American University, April 1998.

Auburn, Jonathan, **Legal Professional Privilege – Law & Theory** (Hart Publishing, Oxford, 2000).

Baetzgen, Eberhard, **Das Berufsgeheimnis des Rechts- und Steuerberatenden sowie den Wirtschaftsprüfenden Berufe gegenüber den Steuerbehörden** (Köln, 1970).

Baker, Edwin, "The Media That Citizens Need" (1998) 147 *U. of Pennsylvania L. Rev.*, 317.

Bates, Stephen, "The Reporter's Privilege Then and Now" (2000) The Joan Shorenstein Center, Harvard University, *Research Paper R-23*.

Barton, Benjamin H., "Why Do We Regulate Lawyers?: An Economic Analysis of the Justifications for Entry and Conduct Regulation" (2001) 33 *Arizona State Law Journal*, 429.

Baum, Harald, "Change of Governance in Historic Perspective: The German Experience" (2005) ECGI Law Working Paper 28/2005, 4.

Baums, Theodor and Kenneth E. Scott, "Taking Shareholder Protection Seriously? Corporate Governance in the United States and Germany" (2003) Institut für Bankrecht, Johann Wolfgang Goethe University (Frankfurt am Main), working paper 119.

Becht Marco and Ekkehart Boehmer, "Voting Control in German Corporations" (2003) 23 *International Review of Law and Economics*, 1, 7.

Becker, Gary S., "A Theory of Competition among Pressure Groups for Political Influence" (1983) *The Quarterly Jour. of Economics*, 371.

Bell, Martin, **Anwaltshaftung gegenüber Dritten** (Deutscher Anwalt Verlag, Bonn, 1996),

Ben Basat, Caryl and Julian D. Nihill, "International Legal Developments in Review: Corporate Counsel" (1997), 31 *International Lawyer* 245.

Bentham, Jeremy, **A treatise on Judicial Evidence**, 1825 (Rothman & Co, 1981).

Berger, Linda, "Shielding the Unmedia: Using the Process of Journalism to Protect the Journalist's Privilege in an Infinite Universe of Publication" (2003) 39 *Houston L. Rev.*, 1371 (hereinafter – Berger (2003)).

Berger, Robert G., "The 'No Source' Presumption: The Harshest Remedy" (1987) 36 *American University Law Review*, 603, 613 (hereinafter – Berger (1987)).

Bezanson, Randall P., "The Developing Law of Editorial Judgement" (1999), 78 *Nebraska L. Rev.*, 754.

Bezanson Randall P. and Gilbert Cranberg, "Institutional Reckless Disregard for Truth in Public Defamation Actions Against the Press" (2005) 90 *Iowa Law Review*, 887.

Black, Bernard S., "The Legal and Institutional Preconditions for Strong Securities Markets" (2001) 48 *UCLA Law Review*, 781.

Bok, Sisola, **Secrets – On the Ethics of Concealment and Revelation** (Vintage Books, NY, 1983).

Boudreaux, Donald, "Per Se Rules" in **The New Palgrave Dictionary of Economics and the Law**, Peter Newman, ed. (UK, 1998) Vol. III, 31.

Bovitz, Gregory L., James N. Druckman & Arthur Lupia, "When Can a News Organization Lead Public Opinion? Ideology versus Market Forces in Decisions to Make News" (2002) *Public Choice*, 113.

Bratton, William W., "Enron, Sarbanes-Oxley and Accounting: Rules versus Principles versus Rents" (2003) 48 *Villanova Law Review*, 1023.

Brodsky, David M. et al., "The Auditor's Need for the Client's Detailed Information vs. The Client's Need to Preserve the Attorney Client Privilege and Work Product Protection: The Debate, the Problems and Proposed Solutions" (2004) available from: www.abanet.org/buslaw/attorneyclient/publichearing20050211/testimony/brodsky2.pdf (last visited: February 20, 2006).

- Brown, George H., "Financial Institution Lawyers as Quasi-public Enforcers" (1994) 7 *Georgetown J. of Legal Ethics*, 637.
- Brown, J.P., "Toward an Economic Theory of Liability" (1973) 2 *Journal of Legal Studies*, 323.
- Browne, Desmond, "Libel and Publication in the Public Interest", *Law for Journalists Conference* (December 2005) available from: www.5rb.com (last visited: July 10, 2006).
- Bruns, Alexander, **Informationsansprüche gegen Medien** (Tübingen, 1997) (hereinafter – Bruns (German))
- Bruns, Alexander, "Access to Media Sources in Defamation Litigation in The United States and Germany" (2000) 10 *Duke Journal of International and Comparative Law*, 283.
- Buhart, Jacques, "Confidentiality of Advice Given by In-House Legal Counsel Practicing in the European Union", 2 (available from www.acca.com. Last viewed: 25.11.2005).
- Bundy, Stephan and Einer E. Elhauge, "Do Lawyers Improve the Adversary System? A General Theory of Litigation Advice and its Regulation" (1991) 79 *Cal. L. Rev.*, 313.
- Calvert, Clay, "The Reporter's Privilege v. The Corporate Interest Muzzle: Phillip Morris Cos Inc., v. ABC Inc." (1996) 22 *University of Dayton Law Review*, 1.
- Causey, Denzil and Frances McNair, "An Analysis of State Accountant-Client Privilege Statutes and Public Policy Implications for the Accountant-Client Relationship" (1990) 27 *American Business L. Jour.*, 535.
- Choi, Stephen, "Market Lessons for Gatekeepers" (1998) 92 *Northwestern U. L. Rev.*, 916.
- Clermont, Kevin M. and Emily Sherwin, "A Comparative View of Standards of Proof" (2002) 50 *American Journal of Comparative Law*, 243.
- Coase, Ronald H., "The Nature of the Firm" (1937) *Economica*, 392.
- Coase, Ronald H., "The Market for Goods and the Market for Ideas" (1974) 64 *The American Economic review*, 384.
- Coffee, John C., "What Caused Enron? A Capsule Social and Economic History of the 1990's" (2003) Columbia Law School, Working Paper 219.
- Cooter, Robert D. and Daniel L. Rubinfeld, "An Economic Model of Legal Discovery", (1994) 23 *Jour. Of Legal Studies*, 435.
- Cramton, Roger C., "Enron and the Corporate Lawyer: A Primer on Legal and Ethical Issues" (2002), 58 *Business Lawyer*, 143.
- Croson, Rachel and Robert H. Mnookin, "Does Disputing through Agents Enhance Cooperation? Experimental Evidence" (1997) 26 *Jour. Of Legal Studies*, 331.

- Cross On Evidence – Eighth New Zealand Edition**, (Wellington, Lexisnexis NZ Limited, 2005).
- Cunningham, Lawrence A., "Sharing Accounting's Burden: Business Lawyers in Enron's Dark Shadows" (2002) 57 *Business Lawyer*, 1421.
- Curran, Christopher, "Regulation of the Professions" in **The New Palgrave Dictionary of Economics and the Law**, Peter Newman, ed. (UK, 1998) Vol. III, 247.
- Daly, Mary C., "The Cultural, Ethical and Legal Challenges in Lawyering for a Global Organization: The Role of the General Counsel" (1997) 46 *Emory Law Journal*, 1057 (Hereinafter - Daly (1997)).
- Daly, Mary C., "Monopolist, Aristocrat, or Entrepreneur?: A Comparative Perspective on the Future of Multidisciplinary Partnerships in the United States, France, Germany, and the England after the Disintegration of Andersen Legal" (2002) 80 *Washington University Law Quarterly*, 589.
- Daly, Mary C., "The Dichotomy between Standards and Rules: A New Way of Understanding the Differences in Perceptions of Lawyer Codes of Conduct by U.S. and Foreign Lawyers" (1999) 32 *Vanderbilt Journal of Transnational Law*, 1117 (hereinafter - Daly (1999)).
- Damaska, Mirjan, "The Uncertain Fate of Evidentiary Transplants: Anglo-American and Continental Experiments" (1997) 45 *American Journal of Comparative Law*, 839.
- Day, Robert G., "Administrative Watchdogs or Zealous Advocates? Implications for Legal Ethics in the Fact of Expanded Attorney Liability" (1993) 45 *Stanford L. Rev.*, 645.
- Deckenbrock, Christian, Interessenkonflikte bei Wirtschaftsprüfern und Rechtsanwälten unter dem besonderen Aspekt der beruflichen Verschwiegenheitspflicht, BB 2002, 2453.
- DeMott, Deborah A., "The Discrete Roles of General Counsel" (2005) 74 *Fordham Law Review*, 955.
- Demougin, Dominique and Claude Fluet, "Preponderance of Evidence" (May 2002). CESifo Working Paper Series No. 725. Available at SSRN: <http://ssrn.com/abstract=316767>
- Dewatripont, Mathias and Jean Tirole, "Advocacy" (1999) 107(1) *The Journal of Political Economy*, 1.
- Dienes, C. Thomas, Lee Levine & Robert C. Lind, **Newsgathering and the Law**, (2nd Ed., Lexis Law Publishing, 1999).
- Docherty, Bonnie, "Defamation Law: Positive Jurisprudence" (2000) 13 *Harvard Human Rights Journal*, 263.
- Dyck, Alexander, Adair Morse and Luigi Zingales, "Who Blows the Whistle on Corporate Fraud?" (2007) University of Chicago Working Papers. The paper can be obtained from: www.ssrn.com/abstract=959410.

- Dyck, Alexander and Luigi Zingales, "The Corporate Governance Role of the Media" (2002) *NBER Working Paper 9309*, available from: www.nber.org/papers/w9309.
- Easterbrook, Frank, "Insider Trading, Secret Agents, Evidentiary Privileges, and the Production of Information" (1981) *Supreme Court Review*, 309.
- Ede, Roger, "Study of the Laws of Evidence in Criminal Proceedings Throughout the European Union" (Oct. 2004) The Law Society of England & Wales.
- Fechner, Frank, **Medienrecht** (6. Auf., Mohr Siebek, 2005):
- Fischel, Daniel R., "Lawyers and Confidentiality" (1998) 65 *U. Chicago L. Rev.*, 1.
- Flower, John, **European Financial Reporting – Adapting to a Changing World** (New York, Palgrave MacMillan, 2004)
- Fox, Loren, **Enron – The Rise and Fall** (New Jersey, 2003).
- Franklin, Marc A. and Daniel J. Bussel, "The Plaintiff's Burden in Defamation: Awareness and Falsity" (1984) 25 *William and Mary Law Review*, 825.
- Franks, Julian and Colin Mayer, "Ownership and Control in Europe" in **The New Palgrave Dictionary of Economics and the Law**, Peter Newman, ed. (UK, 1998) Vol. II, 722.
- Franks, Julian and Colin Mayer, "Ownership and Control of German Corporations" (2001) 14(4) *The Review of Financial Studies*, 943 (hereinafter – franks & Mayer, (2001)).
- Freckmann, Anke and Thomas Wegerich, **The German Legal System** (Sweet & Maxwell, London, 1999).
- Furman, Joshua, "Cybersmear or CyberSlapp: Analysing Defamation Suits against Online John Does as Strategic Law Suits against Public Participation" (2001) 25 *Seattle University Law Review*, 213.
- Furse, Mark, **Competition Law of the UK and the EC**, (3rd Ed., Oxford University Press, New York, 2002).
- Furubotn, Eirik E. and Rudolf Richter, **Institutional and Economic Theory** (The University of Michigan Press, Ann Arbor, 1998).
- Garfield, Alan E., "Promises of Silence: Contract Law and Freedom of Speech" (1998) 83 *Cornell Law Review*, 261.
- Gateley on Libel and Slander**, (10th Ed., Milmo et al, ed.)(Sweet & Maxwell, London, 2004).
- Gergacz, John W., **Attorney Corporate Client Privilege**, (2nd Ed., Garland Law Publishing, NY, 1990).
- Gibbons, Robert, **A Primer in Game Theory** (Prentice Hall, 1992)

- Gilles, Susan M., "Taking First Amendment Procedures seriously: An Analysis of Process in Libel Litigation" (1998) 58 *Ohio State Law Journal*, 1753.
- Gillet, Phillip w., "The Federal Tax-Practitioner Client Privilege (I.R.C. section 7525): A Shield to Cloak Confidential Communication or a Dagger for both the Practitioner and the Client?" (2000) 44 *UMKC*, 33.
- Gilson, Ronald J., "The Devolution of the Legal Profession: A Demand Side Perspective" (1990) 49 *Maryland L. Rev.*, 769.
- Goergen, Marc and Luc Renneboog, "Why Are the level of Control (So) Different in German and UK Companies? Evidence From Initial Public Offering" (2003) *ECGI Finance Working Paper* 07/2003 (hereinafter – Goergen & Renneboog).
- Goergen, Marc et al., "Recent Developments in German Corporate Governance" (2004) *ECGI Finance Working Paper* 41/2004, 1.
- Gordon, Jeffrey N., "Pathways to Corporate Convergence? Two Steps on the Road to Shareholder Capitalism in Germany: Deutsche Telekom and DaimlerChrysler" (2000) *Columbia Law School, The Center for Law & Economics Studies*, Working Paper 161.
- Handman, Laura R., "Protection of Confidential Sources: A Moral, Legal and Civic Duty" (2005) 19 *Notre Dame Journal of Legal Ethics and Public Policy*, 573.
- Hawkins, Rees M., "Not 'If' but 'When' and 'How': A Look at Existing De Facto Multidisciplinary Practices and What They Can Teach Us About the Ongoing Debate" (2005) 83 *N. Carolina Law Review*, 481.
- Heinicke, Petra, "Multidisciplinary Partnerships" in: **Ethics of Lawyers**, Council of Europe (2000).
- Henssler, Martin, Das Anwaltliche Berufsgeheimnis, NJW 1994, 1817.
- Hesse, Karina, "The Right of Reply under German Press Law" in Holznel, Bernd & Catja Möller (Eds.) **Media Law in Europe - Conference Proceedings** (Hamburg, Baden-Baden, 1994).
- Himmelsbach, Gero, **Der Schutz des Medieninformanten im Zivilprozess** (Diss. München, 1998).
- Hirst, D. Eric, "Auditors' Sensitivity to Source Reliability" (1994) 32(1) *Jour. Of Accounting Reserch*, 113.
- Hopt, Klaus J., "Takeovers, Secrecy and Conflicts of Interest: Problems for Boards and Banks" (2002) *ECGI Law Working Paper* 03/2002, www.ssrn.com/abstract_id=343520.
- Hopt, Klaus J. and Patrick C. Leyens, "Board Models in Europe: Recent Developments of Internal Corporate Governance Structures in Germany, The United Kingdom, France and Italy" (2004) *ECGI Law Working Paper* 18/2004.

Jackson, D. Mark, "The Corporate Defamation Plaintiff in the Era of SLAPP: Revisiting *New York Times v. Sullivan*" (2001) 9 *William & Mary Bill of Rights Journal*, 491.

Jensen, Michael C. and William H. Meckling, "Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure" (1976), 3(4) *Journal of Financial Economics*.

Johnson, Martin, "Rationalizing Betrayal: Incentives, Institutions and the Willingness of Journalists to Burn their Sources" (2003) 7 available from: faculty.ucr.edu/~martinj/research/RationalizingBetrayal.pdf (last visited: 22.12.2005).

Johnson, Simon, Rafael La Porta, Florencio Lopez de Silanes, and Andrei Schleifer, "Tunneling" (2000) 90 *American Economic Review*, 22.

Kaplan et al., "Phases of German Civil Procedure" (1958) 71 *Harvard Law Review* 1193.

Kaplow, Louis, "The Value of Accuracy in Adjudication: An Economic Analysis" (1994) 23 *Journal of Legal Studies*, 307.

Kaplow, Lewis and Steven Shavell, "Legal Advice About Information to Present in Litigation: Its Effects and Social Desirability" (1989) 102 *Harvard L. Rev.*, 565 (hereinafter - Kaplow & Shavell (1989)).

Kaplow, Lewis and Steven Shavell, "Legal Advice About Acts Already Committed" (1990) 10 *Intl. Rev. of Law and Econ.*, 149 (hereinafter - Kaplow & Shavell (1990)).

Kaplow, Lewis and Steven Shavell, "The Private Versus Socially Optimal Provision of Ex-Ante Legal Advice" (1992) 8(2) *The Jour. Of Law Econ. & Org.*, 306 (hereinafter Kaplow & Shavell (1992)).

Kase, Kathryn M., "When a Promise Is not a Promise: The Legal Consequences for Journalists Who Break Promises of Confidentiality to Sources" (1990) 12 *Hastings Communications & Entertainment Law Journal*, 565.

Kirtley, Jane E., "Vanity and Vexation: Shifting the Focus to Media Conduct" (1996) 4 *William & Mary Bill of Rights Journal* 1069.

Kleine-Cosack, Michael, *Neuordnung des anwaltlichen Berufsrechts*, NJW 1994, 2249.

Kornhauser, Lewis A., "An Economic Analysis of the Choice between Enterprise and Personal Liability for Accidents" (1982) 70 *California Law Review*, 1345.

Korthals Altes, Willem F., "The Journalistic Privilege: A Dutch Proposal for Legislation", (1992) *Public Law* 73.

Kostant, Peter C., "Paradigm Regained: How Competition from Accounting Firms May Help Corporate Attorneys to Recapture the Ethical High Ground" (1999) 20 *Pace L. Rev.* 43.

Kostant, Peter C., "Breeding Better Watchdogs: Multidisciplinary Partnerships in Corporate Legal Practice" (2001) 84 *Minnesota Law Review*, 1213.

- Kötz, Hein, "Civil Justice Systems in Europe and the United States" (2000) 13 *Duke Law Journal of Comparative and International Law* 62.
- Kraakman, Renier, "Gatekeepers: The Anatomy of a Third-Party Enforcement Strategy" (1986) 2 *Jour. Of Law, Econ. & Org.* 53.
- Kübler, Friedrich, "Ehrenschutz, Selbstbestimmung und Demokratie" (1999) *NJW* 1999, 1281.
- La Porta, Rafael et al., "Law and Finance" (1998) 106(6) *The Journal of Political Economy*, 1113.
- La Porta, Rafael, et al., "Ownership Around the World" (1999) 54 *Journal of Finance*, 471.
- Langevoort, Donald C., "Where Were the Lawyers? A Behavioral Inquiry into Lawyers' Responsibility for Clients' Fraud" (1993) 46 *Vanderbilt L. Rev.*, 75.
- Langevoort, Donald C., "Ego, Human Behavior, and Law" (1995) 81 *Virginia L. Rev.*, 853.
- Langevoort, Donald C. and Robert K. Rasmusen, "Skewing the Results: The Role of Lawyers in Transmitting Legal Rules" (1997) 5 *Sou. Cal. Interdisciplinary L. Jour.*, 375.
- Langevoort, Donald C., "Organized Illusions: A Behavioral Theory of Why Corporations Mislead Stock Market Investors and Cause Other Social Harms" (1997) 146 *U. of Pennsylvania L. Rev.*, 141.
- Larsen, Kara A., "The Demise of the First Amendment Based Reporter's Privilege: Why This Current Trend Should Not Surprise the Media" (2005) 37 *Conn. Law Rev.*, 1235.
- Levinson, Sanford, "Testimonial Privileges and the Preferences of Friendship" (1984) *Duke L. Jour.*, 631.
- Louis, Henock et al., "Managers' and Investors' Responses to Media Exposure of Board Ineffectiveness" (University of Southern California, 2004).
- Lex Mundi, "In House Counsel and the Attorney Client Privilege – A Multi Jurisdictional Survey" (September 2005), 33. Available from www.LexMundi.com (last viewed: 22.12.2005). (Hereinafter - "Lex Mundi Survey").
- Lichtner, Rolf, **Die Verschwiegenheitspflicht des Wirtschaftsprüfers im Vergleich mit dem sonstigen Rechts und Steuerberatenden Berufen** (Osnabrück, 1999).
- Lidsky, Lyrissa Barnett, "Silencing John Doe: Defamation & Discourse in Cyberspace" (2000) 49 *Duke Law Journal*, 855.
- Lindenberg, Frank, **Wahrheitspflicht und Dritthaftung des Rechtsanwalts im Zivilverfahren** (Deutscher Anwalt Verlag, Diss. Köln, 2001).
- Lindberg, Marian E., "Source Protection in Libel Suits After Herbert v Lando" (1981) 81 *Columbia Law Review*, 338.

Löffler, Martin, **PresseRecht**, (4. Auf., Beck, 1997).

Löffler, Martin and Reinhardt Ricker, **Handbuch des Presserecht** (4. Auf., Beck, 2000).

Loudenslager, Michael W., "Cover Me: The Effects of Attorney Accountant Multidisciplinary Practices on the Protection of the Attorney-Client Privilege" (2001) 53 *Baylor Law Review*, 33.

Lucci, John P., "New York Revises Ethics Rules to Permit Limited MDPS: A Critical Analysis of the New York Approach, the Future of the MDP Debate after Enron and Recommendations for other Jurisdictions" (2003) 8 *Fordham Journal of Corporate and Financial Law*, 151.

Loveland, Ian, "The Ongoing Evolution of Reynolds Privilege in Domestic Libel Law" (2003) *Entertainment Law Review*, 14(7), 178.

Mattei, Ugo and Alberto Monti, "Comparative Law and Economics: Borrowing and Resistance" (2001) 1(2) *Global Jurist Frontiers*, Article 5, 1.

Matthews, Paul and Hodge M. Malek, **Disclosure** (2nd Ed., Sweet & Maxwell, London, 2000).

Media Diversity in Europe, Report prepared by the Advisory Panel on Media Diversity (APMD) on media concentrations, pluralism and diversity questions, Strasbourg, Dec. 2002.

Mensching, Michael, **Das Zeugnisverweigerungsrecht der Medien** (Bonn, 2000).

Michalski, Lutz und Volker Römermann, Interprofessionelle Zusammenarbeit von Rechtsanwälten, NJW 1996, 3233.

Milgrom, Paul and John Roberts, "Relying on the Information of Interested Parties" (1986) 17 *The RAND Journal of Economics*, 18.

Miller, Gregory S., "The Press as a Watchdog for Accounting Fraud" (2003) *Harvard Business School Working Paper*.

Möllers, Thomas M. J., "The Progress of German Information Disclosure Requirements: A Comparative Law Prospective in Light of Recent Developments in European Capital Markets Law" (2005) 30 *N.C. Journal of Int'l Law & Com*, 279.

Monk, Carl C., "Evidentiary Privilege for Journalists' Sources: Theory and Statutory Protection" (1986) 51 *Missouri L. Rev.*, 1.

Münchener Kommentar zum BGB, (Heermann, 5. Auf., 2005)

Nestler, Jeffrey S., "The Underprivileged Profession: The Case for Supreme Court Recognition of the Journalist's Privilege" (2005) 154 *University of Pennsylvania Law Review*, 201.

Newman, Joel S., "Tax Practice and Privilege: A Tale of Two Countries" (2003) *Wake Forest University School of Law, Public Law and Legal Theory*, Research Paper 03-04.

Nnona, George C., "Multidisciplinary Practice in the International Context: Realigning the Perspective on the European Union's Regulatory Regime" (2004) 37 *Cornell International Law Journal*, 115.

O'Connor, Sean M., "Be Careful What You Wish For: How Accountants and Congress Created the Problem of Auditor Independence" (2004) 45 *Boston College Law Review*, 741.

Oliva, Robert R., "The CPA Client Privilege under I.R.C. §7525: Does it Protect Client Confidentiality?" (2003) at p. 4. (available at www.cba.uri.edu).

Ourednick, Karel, "Multidisciplinary Practice and Professional Responsibility after Enron" (2003) 4 *Florida Coastal Law Journal*, 167.

Painter, Richard W., "Toward a Market for Lawyer Disclosure Services: In Search of Optimal Whistle-blowing Rules" (1995) 63 *George Washington L. Rev.*, 221.

Painter, Richard W., "Lawyers' Rules, Auditors' Rules and the Psychology of Concealment" (2000) 84 *Minnesota L. Rev.*, 1399.

Painter, Richard W., "Convergence and Competition in Rules Governing Lawyers and Auditors" (2004) University of Illinois College of Law, *Law and Economics Working Paper* 5, available from www.bepress.com.

Parker, Richard, "Journalism and Economics: The Tangled Webs of Profession, Narrative, and Responsibility in a Modern Democracy" (1997) *Discussion paper D-25*, The Joan Shorenstein center on press, politics and public policy.

Palandt Kommentar zum BGB (Auflage 63, 2004) Buch 2 Ab. 8.

Phillips, Richard M., "Client Fraud and the Securities Lawyer's Duty of Confidentiality" (1992) 49 *Washington & Lee L. Rev.*, 823.

Pietsch, Christa, **Berufliche Privilegien und Zeugnisverweigerungsrechte im Englischen und Deutschen Zivilprozess** (Diss. Göttingen 1974).

Pluskat, Sorika, Chancen für eine Interprofessionelle GmbH von Rechtsanwälten, Steuerberatern und Wirtschaftsprüfern mit gleichberechtigten Gesellschaftern - Diskussionsanstoß und Reformvorschlag, DStR 2004, 58.

Posner, Eric, "The Regulation of Groups: The Influence of Legal and Non-Legal Sanctions on Collective Action" (1996) 63 *University of Chicago Law Review*, 133.

Posner, Richard A., "Free Speech in an Economic Perspective" (1986) 20 *Suffolk University Law Review*, 1.

Posner, Richard A., "Privacy" in **The New Palgrave Dictionary of Economics and the Law**, Peter Newman, ed. (UK, 1998) Vol. III, 103.

Prentice, Robert A., "The Case of the Irrational Auditor: A Behavioral Insight into Securities Fraud Litigation" (2000) 95 *Northwestern U. L. Rev.*, 133.

- Prinz, Matthias, Geldentschädigung bei Persönlichkeitsrechtsverletzungen durch Medien, NJW 1996, 953 (hereinafter – Prinz (1996)).
- Prinz, Matthias und Butz Peters, **Medienrecht** (Beck, München, 1999) (hereinafter – Prinz).
- "The Professional Secret, Confidentiality and Legal Professional secret in Europe" (The Edward's Report Update 2003) CCBE Council of the Bars and Law Societies of the European Union. Available from: www.ccbe.org/doc/En/update_edwards_report_en.pdf (last visited 14.7.2005).
- Reitz, John C., "Why We Probably Cannot Adopt the German Advantage in Civil Procedure" (1990) 75 *Iowa Law Review*, 987, 990.
- Roe, Marc J., "Chaos and Evolution in Law and Economics" (1996) 109 *Harvard Law Review*, 641.
- Rhode, Deborah L., "Ethical Perspectives on Legal Practice" (1985) 37 *Stanford L. Rev.*, 589.
- Rotunda, Ronald D., "The Notice of Withdrawal and the New Model Rules of Professional Conduct: Blowing the Whistle and Waiving the Red Flag" (1984) 63 *Oregon Law Review* 455 (hereinafter – Rotunda (1984)).
- Rotunda, Ronald D., **Professional Responsibility** (6th ed., West Group, 2002).
- Rühl, Giesela, "Preparing Germany for the 21st Century: The Reform of the Code of Civil Procedure" (2005) 6(6) *German Law Journal*, 909.
- Ryan, Patrick S., "Understanding Director & Officer Liability in Germany for Dissemination of False Information: Perspectives from an Outsider" (2003) 4(5) *German Law Journal*, 439.
- Savage, Joseph and J. Luster, "Getting the Help You Need: Privileges Protecting Non-legal Professionals", *White Collar Crime Reporter* (May 2005).
- Schäfer, Hans-Bernd and Andreas Schoenenberger, "Strict Liability versus Negligence" (1999) in Bouckaert, Boudewijn and De Geest, Gerrit (eds.), **Encyclopedia of Law and Economics, Volume I. The History and Methodology of Law and Economics**, (Cheltenham, Edward Elgar), 597.
- Schäfer, Hans-Bernd and Claus Ott, "Begründung und Bemessung des Schadensersatzes wegen entgangener Sachnutzung" (1986) 7 *Zeitschrift fuer Wirtschaftsrecht*, 613.
- Schmidt, Matthias, "'Whistle-blowing' Regulation and Accounting Standards Enforcement in Germany and Europe – an Economic Perspective" (2004) (manuscript to be published in the *Intl. Rev. of Law and Econ.*)
- Schramm, Wibke, Interessenkonflikte bei Wirtschaftsprüfern, Steuerberatern und Rechtsanwälten unter dem besonderen Aspekt der beruflichen Verschwiegenheit, *DStR* 2003, 1316.

Shavell, Steven, "Legal Advice About Contemplated Acts: The Decision to Obtain Advice, Its Social Desirability, and Protection of Confidentiality" (1988) 17 *Jour. of Legal Studies*, 123, 130 (hereinafter Shavell (1988)).

Shavell, Steven, "Legal Advice" in **The New Palgrave Dictionary of Economics and the Law**, Peter Newman, ed. (UK, 1998) Vol. II, 516.

Simon, Todd F., "Libel as Malpractice: News Media Ethics and the Standard of Care" (1984) 53 *Fordham Law Review*, 449.

Simpson, Brian A.W., "English Common Law" in **The New Palgrave Dictionary of Economics and the Law**, Peter Newman, ed. (UK, 1998).

Skeel, David A., "Shaming in Corporate Law" (2001) 149 *University of Pennsylvania Law Review*, 1843.

Skinner, Douglas J., "Why Firms Voluntarily Disclose Bad News" (1994) 32(1) *Jour. Of Accounting research*, 38.

Soehring, Jörg, Die neuere Rechtsprechung zum Presserecht, NJW 1994, 16.

Spindler, **Bamberger/Roth Kommentar zum BGB** (2004).

Steele, Robert and Jay Black, "Media Ethics Codes and Beyond" (April 2001) *Global Issues Media & Ethics*. The paper is available from the US Department of State website at usinfo.state.gov/journals/itgic/0401/ijge/ijge0401.htm.

Stein, Alex and Daniel J. Seidmann, "The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege" (2000) 114 *Harvard Law Rev.*, 430.

Strong, J.W. et al. (Eds.), **McCormick on Evidence** (4th ed., St. Paul, Minn., 1992).

Subin, Harry I., "The Lawyer as Superego: Disclosure of Client Confidences to Prevent Harm" (1985) 70 *Iowa L. Rev.*, 1091.

Taupitz, Jochen, **Die Standesordnungen der Freien Berufe** (Walter de Gruyter, Berlin, 1991).

Teeter, Dwight L. and Bill Loving, **Law of Mass Communications** (11th Ed., Foundation Press, New York, 2004).

Terry, Laurel S., "German MDPs: Lessons to Learn" (2000) 84 *Minnesota Law Review*, 1547.

Terry, Laurel S., "MDPs, 'Spinning' and *Wouters v NOVA*" (2002) 52 *Case Western Reserve Law Review*, 867.

Thornburg, Elizabeth G., "Sanctifying Secrecy: The Mythology of the Corporate Attorney Client Privilege" (1993) 69 *Notre Dame L. Rev.*, 157.

Tullock, Gordon, **Trials on Trial** (Columbia University Press, NY, 1980).

Voorhoof, Dirk, "The Protection of Journalistic Sources Under Fire" (March 2005) available from: www.ifj-europe.org/docs/POS-Voorhoof2005.doc (last visited: 11.8.2005).

Weaver, Russel L. and David F. Partlett, "Defamation, The Media and Free Speech: Australia's Experiment with Expanded Qualified Privilege" (2004) 36 *George Washington International Law Review* 377.

Weinberg, Steve, "ABC, Phillip Morris and the Infamous Apology" (Nov.-Dec. 1995) *Columbia Journalism Review*.

Wenzel, Karl Egbert, **Das Recht der Wort und Bild Berichtstattung: Handbuch des Äußerungsrecht** (4 Auf. Köln 1994).

Wichmann, Herman, **Das Berufsgeheimnis als Grenze des Zeugenbeweises** (Peter Lang Verlag, Frankfurt 2000).

Wigmore J.H. and J.T. McNaughton, **Evidence in Trials at Common Law** (Boston, 1961).

Williams, Alan, Chapter on England and Wales, in Campbell, Christian (ed.) **International Media Liability** (Wiley & Sons, 1997).

Yannucci, Thomas D., "Debunking 'The Big Chill' – Why Defamation Suits by Corporations Are Consistent with the First Amendment" (1995) 39 *St. Louis U. Law Journal*, 1187.

Zacharias, Fred C., "Rethinking Confidentiality" (1989) 74 *Iowa L. Rev.*, 351.

Zampa, Julie M., "Journalist's Privilege: When Deprivation is a Benefit" (1999) 108 *Yale Law Journal*, 1449.

Zöller, Richard, **Zivilprozessordnung Kommentar** (25. Auf., Köln, 2005).