

Bibliography

- Adler, Matthew D., and Eric A. Posner. "Rethinking Cost Benefit Analysis." *Yale Law Journal* 109 (1999): 165.
- Armour, John, Henry Hansmann, and Reinier Kraakman. "Agency Problems and Legal Strategies." In *The Anatomy of Corporate Law: A Comparative and Functional Approach*, edited by Reinier Kraakman, John Armour, Paul Davies, Luca Enriques, Henry Hansmann, Gerard Hertig, Klaus Hopt, Hideki Kanda, Mariana Pargendler, Wolf-Georg Ringe, and Edward Rock, 29. Oxford: Oxford University Press, 3rd ed. 2017.
- Ayres, Ian. "Preliminary Thoughts on Optimal Tailoring of Contractual Rules." *Southern California Interdisciplinary Law Journal* 3 (1993): 1.
- . "Regulating Opt-Out: An Economic Theory of Altering Rules." *Yale Law Journal* 121 (2012): 2032.
- Ayres, Ian, and Robert Gertner. "Filling Gaps in Incomplete Contracts: An Economic Theory of Default Rules." *Yale Law Journal* 99 (1989): 87.
- . "Majoritarian vs. Minoritarian Default Rules." *Stanford Law Review* 51 (1999): 1591.
- Balzer, Claudia. "Metaphern und Geschichten als Brücke zum Mandanten." *Mitteilungen des Bayerischen Notarvereins, der Notarkasse und der Landesnotarkammer Bayern [MittBayNot]* 2023: 314.
- Bar-Gill, Oren. "Algorithmic Price Discrimination: When Demand Is a Function of Both Preferences and (Mis)perceptions." *University of Chicago Law Review* 86 (2019): 217.
- Bayerischer Verfassungsgerichtshof. "Verzeichnis der Richterinnen und Richter." Last visited April 11, 2024, https://www.bayern.verfassungsgerichtshof.de/bayverfgh/richterinnen-und-richter/verzeichnis_der_richterinnen_und_richter.php.
- Bayerisches Staatsministerium der Justiz. "Elektronischer Rechtsverkehr mit den Grundbuchämtern." Last visited April 11, 2024, <https://www.justiz.bayern.de/ejustice/eRV/grundbuchamt/>.
- Bender, Philip M. "Limits of Personalization of Default Rules." *European Review of Contract Law* 16 (2020): 366.
- . "Ambivalence of Obviousness: Remarks on the Decision of the Federal Constitutional Court of Germany of 5 May 202[0]." *European Public Law* 27 (2021): 285.
- . *Grenzen der Personalisierung des Rechts*. Tübingen: Mohr Siebeck, 2023.
- . "Comparative Norm Design: The U.S. Rules Model and the German Standards Model in Criminal Justice and Beyond." *UCLA Journal of International Law and Foreign Affairs* 27 (2024): 1.
- Ben-Shahar, Omri. "A Bargaining Power Theory of Default Rules." *Columbia Law Review* 109 (2009): 396.
- Ben-Shahar, Omri, and Ariel Porat. "Personalizing Mandatory Rules in Contract Law." *University of Chicago Law Review* 86 (2019): 255.
- . *Personalized Law: Different Rules for Different People*. Oxford: Oxford University Press, 2019.

- Bernoulli, Daniel. "Exposition of a New Theory on the Measurement of Risk," translated by Louise Sommer, *Econometrica* 22 (1954): 23.
- Bormann, Jens. "§ 34." In *Gesetz über Kosten der freiwilligen Gerichtsbarkeit für Gerichte und Notare: Kommentar*, edited by Jens Bormann, Thomas Diehn, and Klaus Sommerfeldt. München: C.H.Beck, 4th ed. 2021.
- Bracha, Anat, and Donald J. Brown. "Affective decision making: A theory of optimism bias." *Games and Economic Behavior* 75 (2012): 67.
- Brasilregistros. "Procuração Pública." Last visited April 11, 2024, <https://www.brasilregistros.ch/pt/consular/procuracao>.
- Bundesgerichtshof. "Senat für Notarsachen." Last visited April 11, 2024, <https://www.bundesgerichtshof.de/DE/DasGericht/Geschaeftsverteilung/BesetzungSenate/WeitereSenate/senatFuerNotarsachen.html>.
- Busch, Christoph. "Implementing Personalized Law: Personalized Disclosures in Consumer Law and Data Privacy Law." *University of Chicago Law Review* 86 (2019): 309.
- Calabresi, Guido. *The Costs of Accident: A Legal and Economic Analysis*. New Haven and London: Yale University Press, 1970.
- Calabresi, Guido, and Douglas Melamed. "Property Rules, Liability Rules, and Inalienability: One View of the Cathedral." *Harvard Law Review* 85 (1972): 1089.
- Caslav Pejovic, Caslav. "Civil Law and Common Law: Two Different Paths Leading to the Same Goal." *Victoria University of Wellington Law Review* 32 (2001): 817.
- Coase, Ronald H. "The Nature of the Firm." *Economica* 4 (1937): 4.
- . "The Problem of Social Cost." *Journal of Law & Economics* 3 (1960): 1.
- Colégio Notarial do Brasil. "Bem-vindo ao serviço notarial do século XXI." Last visited April 11, 2024, <https://www.e-notariado.org.br/>.
- Consejo General del Notariado. "History of the notary." Last visited April 11, 2024, <https://www.notariado.org/portal/en/history-of-the-notary>.
- Cruz, Alexandre. "Quais são os requisitos para se fazer o divórcio ou a separação extrajudicial?" JUSBRASIL, last visited April 11, 2024, <https://www.jusbrasil.com.br/artigos/quais-sao-os-requisitos-para-se-fazer-o-divorcio-ou-a-separacao-extrajudicial/267101518>.
- Danninger, Nadja. "Der Koalitionsvertrag aus notarieller Sicht." *BNotK Aktuell*, Febr. 2022: 3, https://www.bnotk.de/fileadmin/user_upload_bnotk/aufgaben_taehtigkeiten/bnotk_aktuell/2022/BNotK_Aktuell_01_2022_Web.pdf.
- Deathridge, John, Martin Geck, and Egon Voss. *Wagner-Werk-Verzeichnis (WWV): Verzeichnis der musikalischen Werke von Richard Wagner und ihrer Quellen*. Mainz, London, and New York: Schott Music International, 1986 (referred to as *Wagner-Werk-Verzeichnis [WWV]*).
- Delgado, Lahiz. "O novo CPC e o inventário extrajudicial." JUSBRASIL, last visited April 11, 2024, <https://www.jusbrasil.com.br/artigos/o-novo-cpc-e-o-inventario-extrajudicial/716019868>.
- Demsetz, Harold. "Toward a Theory of Property Rights." *American Economic Review* 57 (1967): 347.
- Deutscher Notarverein. "Schiedsgerichtshof – eine kurze Einführung." Last visited April 11, 2024, <https://www.dnotv.de/services/schiedsgerichtshof/863-2/#:-:text=Mit%20dem%20Schieds%2D%20und%20Schlichtungsgerichtshof,und%20notfalls%20der%20Streitentscheidung%20vertrauen>.
- Deutsches Notarinstitut. "Das Kompetenzzentrum des deutschen Notariats." Last visited April 11, 2024, <https://www.dnoti.de/>.
- Easterbrook, Frank H., and Daniel R. Fischel. *The Economic Structure of Corporate Law*. Cambridge, Massachusetts, and London, England: Harvard University Press, 1991.
- Ehrl, Max. "Digitale Transformation und ihre Herausforderungen." *BNotK Aktuell*, Juni 2023: 3, https://www.bnotk.de/fileadmin/user_upload_bnotk/aufgaben_taehtigkeiten/bnotk_aktuell/2023/BNotK_Aktuell_02_2023_Web.pdf.
- Ehrlich, Isaac, and Richard A. Posner. "An Economic Analysis of Legal Rule-making." *Journal of Legal Studies* 3 (1974): 257.
- Eidenmüller, Horst. *Effizienz als Rechtsprinzip: Möglichkeiten und Grenzen der ökonomischen Analyse des Rechts*. Tübingen: Mohr Siebeck, 4th ed. 2015.
- European Commission. "European Judicial Network in civil and commercial matters." May 30, 2023, https://e-justice.europa.eu/431/EN/about_the_network.
- European Council & Council of the European Union, EU sanctions against Russia explained (27 March 2024), <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/sanctions-against-russia-explained/>.
- European Parliament. "New EU measures against money laundering and terrorist financing." March 28, 2023, <https://www.europarl.europa.eu/news/en/press-room/20230327IPR78511/new-eu-measures-against-money-laundering-and-terrorist-financing>.
- Fernández del Castillo, Bernardo Pérez, "Orígenes historia del notariado en México." In *500 años del notariado en territorio nacional: Pasado, presente y futuro: Estudios conmemorativos*, edited by Bernardo Pérez Fernández del Castillo, Pascual A. Orozco Garibay, and Gerardo Aparicio Razo, 69. Mexico City: Colegio Nacional del Notariado Mexicano, 2019.
- Financial Intelligence Unit. "Jahresbericht 2022." https://www.zoll.de/DE/FIU/Fachliche-Informationen/Jahresberichte/jahresberichte_node.html.
- Food and Agriculture Organization of the United Nations (FAO) and International Union of Notaries (IUNL). "Responsible governance of tenure and preventive justice. A guide for notaries and other practitioners in the preventive administration of justice." *Governance of Tenure Technical Guide No. 13*. Rome, 2nd ed. 2022, <https://www.fao.org/publications/card/en/c/CC0168EN>.
- Food and Agriculture Organization of the United Nations (FAO) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. "Guidelines on strengthening gender equality in notarial practices

- South-East Europe.” Rome, 2019, <https://www.fao.org/documents/card/en/c/CA2953EN/>.
- Frenz, Norbert, Christian Hertel, and Peter Limmer, eds. *Würzburger Notarhandbuch*. Köln: Carl Heymanns, 6th ed. 2021.
- Friedrich-Alexander-Universität Erlangen-Nürnberg. “Forschungsprojekte.” Last visited April 11, 2024, https://www.str2.rw.fau.de/honorarprofessor/forschungsprojekte/#collapse_3.
- German Federal Bar Association. “Statistiken.” Last visited April 11, 2024, https://www.brak.de/fileadmin/04_fuer_journalisten/statistiken/2022/2022_brak-mg_statistik.pdf.
- German Federal Chamber of Notaries. “Das Elektronische Urkundenarchiv.” Last visited April 11, 2024, <https://www.elektronisches-urkundenarchiv.de/>.
- . “Notarstatistik.” Last visited April 11, 2024, <https://www.notar.de/der-notar/statistik>.
- Grüneberg, Christian, Jürgen Ellenberger, Isabell Götz, Sebastian Herrler, Renata von Pückler, Björn Retzlaff, Walther Siede, Hartwig Sprau, Karsten Thorn, Walter Weidenkaff, Dietmar Weidlich, and Hartmut Wicke. *Grüneberg: Bürgerliches Gesetzbuch mit Nebengesetzen*. München: C.H.Beck, 83th ed. 2024.
- Hacker, Philipp. *Verhaltensökonomik und Normativität: Die Grenzen des Informationsmodells im Privatrecht und seine Alternativen*. Tübingen: Mohr Siebeck, 2017.
- . “Personalizing EU Private Law: From Disclosure to Nudges and Mandates.” *European Review of Private Law* 25 (2017): 651.
- Heinemann, Jörn, ed. *Kölner Formularhandbuch Grundstücksrecht*. Köln: Carl Heymanns, 3rd ed. 2021.
- Henrich, Dieter, Anatol Dutta, and Hans-Georg Ebert, eds. *Internationales Ehe- und Kindschaftsrecht mit Staatsangehörigkeitsrecht*. Frankfurt a.M. and Berlin: Verlag für Ständesamtswesen, 7th ed. 2023.
- Hessenlink, Martijn W. “Non-Mandatory Rules in European Contract Law.” *European Review of Contract Law* 1 (2005): 44.
- Hironaka, Giselda F. N., and José F Simão. “Direito das Sucessões: um recorte pretérito, um recorte excepcional e um recorte do futuro.” *Revista do Advogado* 151 (2021): 45.
- Huber, Stefan. “§ 167.” In *Beck-Online. Großkommentar: BGB*, edited by Beate Gsell, Wolfgang Krüger, Stephan Lorenz, and Christoph Reymann. München: C.H.Beck, February 1, 2022.
- International Union of Notaries. “News.” Last visited April 11, 2024, https://www.uinl.org/en_GB/home.
- Jensen, Michael C., and William H. Meckling. “Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure.” *Journal of Financial Economics* 3 (1976): 305.
- Johnson, Eric J., and Daniel G. Goldstein. “Decisions by Default.” In *The Behavioral Foundations of Public Policy*, edited by Eldar Shafir, 417. Princeton: Princeton University Press, 2013.
- Jolls, Christine, Cass R. Sunstein, and Richard H. Thaler. “A Behavioral Approach to Law and Economics.” *Stanford Law Review* 50 (1998): 1471.
- Jordan, M. I., and T. M. Mitchell. “Machine learning: Trends, perspectives, and prospects.” *Science* 349 (2015): 255.
- Kahneman, Daniel. *Thinking, Fast and Slow*. New York: Farrar, Straus and Giroux, 2011.
- Kaplow, Louis. “Rules versus Standards: An Economic Analysis.” *Duke Law Journal* 42 (1992): 557.
- . “A Model of the Optimal Complexity of Legal Rules.” *Journal of Law, Economics, and Organization* 11 (1995): 150.
- Knieper, Rolf. *An Economic Analysis of the Notarial Law and Practice*, translated by Stoke-Borchert. München: C.H.Beck, 2010.
- Krafka, Alexander, and Bernhard Seeger. “Vertragsgestaltung im Immobilienrecht.” In *Kölner Formularhandbuch Grundstücksrecht*, edited by Jörn Heinemann, 1. Köln: Carl Heymanns, 3rd ed. 2021.
- Laibson, David. “Golden Eggs and Hyperbolic Discounting.” *Quarterly Journal of Economics* 112 (1997): 443.
- Lerner, Max. “Tocqueville’s Democracy in America: Politics, Law, and the Elites.” *Antioch Review* 25 (1965/1966): 543.
- Levy, Gregory. “Competency of a Witness to a Will.” *Connecticut Probate Law Journal* 5 (1989): 369.
- Lurger, Brigitta, and Karl Stöger, eds. *Justice Without Litigation. Non-contentious proceedings by notaries in the European Union*. Wien: Manz, 2022.
- Meier, Stephan, and Charles Sprenger. “Present-Bias Preferences and Credit Card Borrowing.” *American Economic Journal: Applied Economics* 2 (2010): 193.
- Meyer, Robert, and Howard Kunreuther. *The Ostrich Paradox: Why We Underprepare for Disasters*. Philadelphia: Wharton School Press, 2017.
- Morgenstern, Oskar. “Some Reflections on Utility.” In *Expected Utility Hypotheses and the Allais Paradox*, edited by Maurice Allais and Ole Hagen, 175. Dordrecht: Springer Science+Business Media, 1979.
- Murray, Peter L., and Rolf Stürmer. *The Civil Law Notary – Neutral Lawyer for the Situation: A Comparative Study on Preventative Justice in Modern Societies*. München: C.H.Beck, 2010.
- . *German Notaries in Real Estate and Corporate Law Matters*. München: C.H.Beck, 2020.
- Niort, Jean-François. “Droit, idéologie et politique dans le code civil français de 1804.” *Revue interdisciplinaire d’études juridiques [R.I.E.J.]* 29 (1992): 85.
- North, Douglass. *Institutionen, institutioneller Wandel und Wirtschaftsleistung*, translated by Monika Streissler. Tübingen: Mohr Siebeck, 1992.
- Notaries of Europe. “European Notarial Network: A Notarial Network for Legal Practice.” Last visited April 11, 2024, <https://www.enn-rne.eu/>.
- . “Providing Legal Certainty.” Last visited April 11, 2024, <https://www.notariesofeurope.eu/en/>.
- NotarNet. “eNoVA.” Last visited April 11, 2024, <https://onlinehilfe.bnotk.de/einrichtungen/notarnet/xnotar/modul-enova.html>.
- Nucalis, Eme. “TJ-PI autoriza processos extrajudiciais envolvendo menores

- ou incapazes." MUNDO NOTARIAL, Sept. 25, 2023, <http://mundonotarial.org/blog/?p=7047>.
- Oechsler, Jürgen. "Vorbemerkung Artikel 1 SE-VO." In *Münchener Kommentar zum Aktienrecht: Europäisches Aktienrecht*, Vol. 7, edited by Wulf Goette, Mathias Habersack, and Susanne Kalss. München: C.H.Beck, 5th ed. 2021.
- Osterley, Ferdinand. *Das Deutsche Notariat: nach den Bestimmungen des gemeinen Rechts und mit besonderer Berücksichtigung der in den deutschen Bundesstaaten geltenden particularrechtlichen Vorschriften, geschichtlich und dogmatisch: Geschichte des Notariats*, Vol. 1, Hannover: Hahn, 1842.
- Porat, Ariel, and Lior J. Strahilevitz. "Personalizing Default Rules and Disclosure with Big Data." *Michigan Law Review* 112 (2014): 1417.
- Posner, Richard A. *Economic Analysis of Law*. New York: Aspen Casebook, 9th ed. 2014.
- Post, Robert. "The Social Foundations of Privacy: Community and Self in the Common Law Tort." *California Law Review* 77 (1989): 957.
- . "The Constitutional Concept of Public Discourse: Outrageous Opinion, Democratic Deliberation, and *Hustler Magazine v. Falwell*." *Harvard Law Review* 103 (1990): 601.
- Raban, Ofer. "The Fallacy of Legal Certainty: Why Vague Legal Standards May Be Better for Capitalism and Liberalism." 19 *Boston University Public Interest Law Journal* 19 (2010): 175.
- Regler, Rainer. "§ 10." In *Beck'scher Online-Kommentar: BNotO*, edited by Claudius Eschwey. München: C.H.Beck, 9th ed. 2024.
- Restall, Matthew. *The Maya World. Yucatec Culture and Society, 1550–1850*. Stanford: Stanford University Press, 1997.
- Samuelson, William, and Richard Zeckhauser. "Status Quo Bias in Decision Making." *Journal of Risk and Uncertainty* 1 (1988): 7.
- Schauer, Frederick. "Rules and the Rule of Law." *Harvard Journal of Law and Public Policy* 14 (1991): 645.
- . *Playing by the Rules: A Philosophical Examination of Rule-based Decision-making in Law and in Life*. Oxford: Oxford University Press, 1991.
- Schwartz, Alan. "Proposals for Products Liability Reform: A Theoretical Synthesis." *Yale Law Journal* 97 (1988): 353.
- Schwartz, Alan, and Robert E. Scott. "The Common Law of Contracts and the Default Rule Project." *University of Virginia Law Review* 102 (2016): 1523.
- Scott, James, Margaret Stumpp, and Peter Xu. "Overconfidence Bias in International Stock Prices." *Journal of Portfolio Management* 29 (2003): 80.
- Sharot, Tali, Alison M. Riccardi, Candace M. Raio, and Elizabeth A. Phelps. "Neutral mechanisms mediating optimism bias." *Nature* 450 (2008): 102.
- Shavell, Steven. "Damage Measures for Breach of Contract." *Bell Journal of Economics* 11 (1980): 446.
- Sher, Byron D. "The 'Cooling-Off' Period in Door-to-Door Sales." *UCLA Law Review* 15 (1967): 717.
- Sikora, Markus. *Der Notar im sozialen Rechtsstaat*. Hamburg: Dr. Kovač, 2007.
- Sikora, Markus, and Bernadette Kell. *Kautelarjuristische Klausuren im Zivilrecht*. München: Franz Vahlen, 6th ed. 2022.
- Smith, Adam. *An Inquiry into the Nature and Causes of the Wealth of Nations*, edited by Adam Black, Charles Black, and William Tait. London: Longman & Co., 1846 [1776].
- SPD, Bündnis 90, Die Grünen, and FDP. "Mehr Fortschritt wagen: Bündnis für Freiheit, Gleichheit und Nachhaltigkeit." *Koalitionsvertrag 2021–2025*, https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf.
- Stigler, George J. *The Theory of Price*. New York: Macmillan, 3rd ed. 1966.
- Sudhir, K., Subroto Roy, and Mathew Cheria. "Do Sympathy Biases Induce Charitable Giving? The Effects of Advertising Content." *Marketing Science* 35 (2016): 831.
- Sunstein, Cass R. "Deciding by Default." *University of Pennsylvania Law Review* 162 (2013): 1.
- . "Cost-Benefit Analysis and the Knowledge Problem." *Harvard DASH*, Oct. 12, 2014, https://dash.harvard.edu/bitstream/handle/1/16152306/hayekdemocracy10_10.pdf?sequence=1&isAllowed=y.
- . "On the Expressive Function of Law." *University of Pennsylvania Law Review* 144 (1996): 2021.
- Thaler, Richard H., "Doing Economics Without Homo Economicus." In *Foundations of Research in Economics: How do Economists do Economics*, edited by Steven G. Medema, and Warren J. Samuels, 227. Cheltenham: Edward Elgar, 1996.
- Thibierge, C. A. "Le statut de la société étrangère." In *Le Statut de l'Étranger et le Marché Commun: 57ème Congrès des Notaires de France, Tours*, Vol. 1, edited by notaires de France, 270. Paris: Librairies Techniques, 1959.
- Tocqueville, Alexis de. *Democracy in America*, vol. 1, edited by Eduardo Nolla, translated by James T. Schleifer. Indianapolis: Liberty Fund, 2012 [1835].
- Tussman, Joseph, and Jacobus tenBroek. "The Equal Protection of the Laws." *California Law Review* 37 (1949): 341.
- Varian, Hal R. *Grundzüge der Mikroökonomik*, translated by Reiner Buchegger and Johannes Kepler. Oldenbourg: De Gruyter, 9th ed. 2016.
- Villasenor, John, and Virginia Foggo. "Artificial Intelligence, Due Process and Criminal Sentencing." *Michigan State Law Review* 295 (2020): 300.
- von Neumann, John, and Oskar Morgenstern. *Theory of Games and Economic Behavior: Sixtieth-Anniversary Edition with an introduction by Harold W. Kuhn and an afterword by Ariel Rubinstein*. Princeton: Princeton University Press, 4th ed., 2007 [1944].
- Wolfsteiner, Hans. *Die Vollstreckbare Urkunde*. München: C.H.Beck, 4th ed. 2019.
- Wosgien, Maximilian. "Notarielle Amtstätigkeit und das Verbot von Rechtsberatungsdienstleistungen." 2023 *Europäische Zeitschrift für Wirtschaftsrecht [EuZW]* 2023: 937.
- Zimmermann, Reinhard. "The German Civil Code and the Development of Private Law in Germany." *Oxford University Comparative Law Forum* 2006:1, <https://ouclf.law.ox.ac.uk/the-german-civil-code-and-the-development-of-private-law-in-germany/>.