YEARBOOK
2004/2005

Institute for Law and Finance
Johann Wolfgang Goethe-Universität Frankfurt
Dear Students, Members and Friends,

Another successful year has passed. The academic year 2004/2005 has been extremely active and eventful in more ways than one. Most importantly, we are honored by the fact that Mr. Jean-Claude Trichet, President of the European Central Bank, has accepted the Chair of the ILF Academic Advisory Board. This reflects the pan-European importance of the ILF. Our continuous efforts to increase the international prestige of the ILF were also happily rewarded with the official signing of a cooperation agreement between the ILF and Columbia Law School this year. This new and exciting partnership consists of an exchange program for top students of both institutions and forges a close link between the ILF and one of the world’s leading universities.

On a similar international note, the ILF was pleased to welcome a great number of leading academics and corporate experts from all over the world. They contributed to life at the ILF in many ways, either as visiting professors or faculty members, or guest lecturers and speakers at the annual ILF conferences. Their contributions at these ILF lectures and special activities have definitely enriched the minds and experiences of the faculty and students alike. The ILF is grateful for the time they have taken to be with us as well as their genial input at these events.

It goes without saying that one great source of internationality and inspiration has been the Class of 2005 itself, as well as the increasing size of our alumni worldwide. It is particularly gratifying for us to learn about the exciting and successful careers of our alumni members. We are sure that the Class of 2005 will be following brilliant career paths, and we would be delighted to hear from them as they move on to the next phases of their lives.

As we look back to the past three years of achievements, we also reflect on the three years of close partnership and cooperation with our valued sponsors and lecturers. Without you, our sponsors and lecturers, we could not have achieved so much. We thank our dedicated lecturers and staff, our generous sponsors, and last but not least our committed students, for the completion of a very successful academic year 2004/2005.

We will see to it that the ILF continues to strengthen its presence within both the German and the international arenas as the ILF enters its fourth academic year.

We thank you all!

Prof. Dr. Andreas Cahn
ILF Director
ILF Executive Board

Prof. Dr. Manfred Wandt
ILF Executive Board

Prof. Dr. Theodor Baums
ILF Executive Board
The ILF Student Internships

Experience in the student recruitment process has shown that the two-month internships with our cooperation partners from the financial, regulatory, central banking, international law and accounting areas remain one of the main attractions of the program. The ILF internship program adds a practical component to the students’ academic studies. In 2004/2005, our students benefited from experiences gained in the following areas of work, to name only a few:

● One student completed his internship at the international law firm Linklaters Oppenhoff & Radler. His assignments included the drafting of legal opinions on the accession of German companies as borrowers and guarantors to a cross-border acquisition finance facility as well as share pledge agreements pursuant to German law, which served as a security to a loan facility agreement under English law. Further, he had to review contractual clauses in standard loan facility agreements drafted for the German subsidiary of a U.S. bank and prepare internal memoranda on various legal issues which required him to conduct cross-border research.

● Another student acquired valuable experience in the Department of Banking Supervision at the German Bundesbank. She conducted a research study on the topic “The German bonds market in the European context”. This required her to consider the effects on German financial institutions of the amendments to the law relating to bonds, which came into existence with the participation of the German Bundesbank. This research study would serve as a very good basis for future investigations into this subject.

● A student who interned in the Department of Audit Financial Services (AFS) of KPMG gained a useful understanding of the workings of the AFS department. With the supervision of a certified accountant, he observed the annual auditing of securities at a client’s office and was involved in the checking of the nature of contracts, statements of account, summaries of property, distribution accounts as well as tax details. He was also acquainted with the verification of the permissible level of accounting of financial instruments.

● While doing his internship at the legal department of Dresdner Kleinwort Wasserstein, a student obtained a detailed overview of the business operations of the bank and its legal department. She was introduced to different types of derivative transactions as well as other financial and legal services provided by the bank. She also had the interesting opportunity to discuss current issues with the representatives of the Front Office, Treasury, Credit Risk Management, Swaps & Credit Derivative Operations, and FX Operations, etc. The student was also required to write two analytical memoranda on the recent regulations on credit institutions and securitization in Russia, and an update on the 2004 Russian currency regulations.

● Another student was assigned to the Financial Law Division of the Directorate General Legal Services in the European Central Bank. She was entrusted with numerous legal matters, such as drafting comments on the Draft Institutional Agreement on the operational framework for European regulatory agencies, conducting research on the securities regulator model and regulatory agencies, compiling existing documentation on Continuous Linked Settlement for a database, preparing a comparative table on community regulatory agencies and their application to the financial sector, etc.

● One student completed his internship in the department of capital markets and stock corporations of the international law firm Baker & McKenzie LLP. During the course of his internship, he dealt with legal documentation relating to an inter-company agreement which was subject to shareholders’ approval following a takeover, a tender offer document as well as various prospectuses in connection with high yield bond offerings and an IPO. Further, he did extensive research regarding the public international law background of carbon credits, in particular, those generated by development measures implemented in Third World countries.

● The internship which a student did in the Public Finance Department in Eurohypo AG gave her very helpful insight into several areas of public finance business, in particular, portfolio management and loan origination. After undergoing an introductory phase of learning the nature and specifics of the business, she carried out tasks such as the research and preparation of country reports, assistance in legal matters arising in finance origination and research on covered bond–style products in Europe.

We would like to thank all participating law firms, companies and institutions for their great enthusiasm and support of our students!
The series of lectures conducted by officials of Germany’s Ministry of Finance was continued with great response.

Dr. Manuel Lorenz, LL.M., Partner, Baker & McKenzie: Law of Investment Banking
Dr. Rainer Magold, Partner, Milbank, Towell, Hadley &McCly LLP: Law of Project and Acquisition Finance
Prof. Dr. Raimond Mauer, Professor of Economics, Johann Wolfgang Goethe University: Fundamentals of Finance I
Prof. jur. Wolf Merkel, Partner, Salger Rechtsanwälte: Drafting of Contracts
Dr. Marcis Miečis, LL.M., Tax Adviser, Partner, Fliege Godec: Principles of International Taxation/Principles of Business Taxation I
Prof. Geoffrey Miller, New York University School of Law: Banking Law
Ms. Anke Müllig, Research Associate, Johann Wolfgang Goethe University, Sorbonne: Prof. Dr. Erwin Nierop, Deputy General Council & Head of Financial Law Division, European Central Bank: Law of Central Banks
Ms. Stefan Niessner, Deputy Division Head Banking Supervision Law and International Banking Supervision Division, Deutsche Bundesbank: European Regulation of Financial Markets and Institutions
Prof. Dr. Katharina Pistor, Associate Professor of Law, Columbia Law School: International and National Company Law I
Prof. Dr. Hans-Christian Salger, LL.M., Partner, Salger Rechtsanwälte: Drafting of Contracts
Dr. Dr. Reinhard J. Schmidt, Wilhem Merton Professor of International Banking, Johann Wolfgang Goethe University: Fundamentals of Finance II
Dr. Prof. Dr. Stefan Kadelbach, Bundesbank: Monetary Policy and Financial Regulation
Ms. Michael Stanton, Research Associate, Johann Wolfgang Goethe University: Basics of Mathematical Economics
Dr. Peter Stenz, Partner, Allen & Overy: Law of Project and Acquisition Finance II
Mr. Pedro Gustavo Tavares, Principal, Directorate Financial Stability and Supervision, European Central Bank: European Regulation of Financial Markets and Institutions
Mr. Matthias Vogel, Tax Adviser, Associate, Loyens & Leef: Principles of International Taxation
Prof. Dr. Mark Wahlhaben, Professor of Business Banking, Johann Wolfgang Goethe University: Fundamentals of Finance I
Mr. Heiko Lohsare, Associate, Loyens & Leef: Principles of Business Taxation I
Ms. Kerstin Lopatta, Research Associate, Johann Wolfgang Goethe University: Accounting

During the past year, the ILF was pleased to welcome two visiting professors from the United States, Professor Katharina Pistor from Columbia Law School and Professor Geoffrey Miller from New York University. The ILF also hosted numerous guest lectures given by prominent legal scholars and leading practitioners. The series of lectures conducted by officials of Germany’s Ministry of Finance was continued with great response.

Commerzbank Stiftung Visiting Professors

The Commerzbank Stiftung Visiting Professor for the 2004/2005 winter semester was Professor Katharina Pistor, who taught a course in “National and International Company Law”. She has been an Associate Professor of Law at Columbia Law School, New York, since July 2001 and teaches courses on corporate law, European and comparative private law as well as law and development. Prior to joining the faculty of Columbia Law School, Professor Pistor also taught at the Kennedy School of Government at Harvard University as well as at Harvard Law School.

She also held research fellowships at well-known institutions such as the Max Planck Institute for Comparative and International Private Law in Hamburg and the Harvard Institute for International Development. She has presented numerous papers at conferences, seminars and workshops and is the author of countless publications in the area of law and economics.

Professor Geoffrey Miller, Stayveven P. and William T. III Comfort Professor of Law at New York University School of Law, taught “Banking Law” at the ILF in the summer semester 2005. The ILF was very happy to welcome him to Frankfurt as the Commerzbank Stiftung Visiting Professor for a second time after his first visit in 2004. Professor Miller is one of America’s leading experts on banking law. Before joining the NYU faculty, he taught at the University of Chicago Law School for over ten years, and has lectured as a visiting professor at many leading universities around the world. Professor Miller was Editor-in-Chief of the Columbia Law Review and clerked for U.S. Supreme Court Justice Byron R. White, as well as holding research and advisory positions at the Bank of Japan and the Federal Reserve Bank of Chicago.

Professor Miller’s popularity with the students is clearly indicated by the fact that they voted him as the Lecturer of the Year 2005.

The BMF Series

The ILF wishes to thank the German Ministry of Finance (Bundesministerium der Finanzen – BMF) for their continued support. We are grateful that their key regulatory officials provided us with the benefit of their expertise as guest lecturers.

In November 2004, Dr. Werner Kerkloh, Government Director, Head of Department of Stock Exchange and Securities Matters, German Ministry of Finance, and his co-speaker, Dr. Peter Hemeling, Head of the Legal Department of Allianz AG, gave a lecture on “External Liability of Bodies for Wrong Capital Markets Information” pursuant to the draft Capital Markets Information and Liability Act (KapImA). The BMF lectures are held according to the Chatham House Rules, and are broadcast via the Internet.

The series of lectures conducted by officials of Germany’s Ministry of Finance was continued with great response.

Our lecturers are the ILF’s greatest asset. In sharing their expertise with our students, they have given us their program its academic depth and professional edge.
The ILF as a Forum for Ideas

In the academic year 2004/2005, several important conferences and lectures took place to promote the discussion of important banking and capital markets issues.


On 2 November 2004, the DIJV teamed up with the ILF to hold a panel discussion on “Responsible Managers – An Interdisciplinary View”. The discussion was chaired by a leading journalist from the Frankfurter Allgemeine Zeitung, Dr. Joachim John. The members of the panel were:

Prof. Dr. Alexander Bassen, University of Hamburg
Prof. Dr. Dr. h.c. Theodor Baums, Johann Wolfgang Goethe University
Dr. Martin Peltzer, Rechtsanwälte CMS Hasche Sigle

The prominent members of the panel, who came from various professional backgrounds, had a lively discussion on corporate governance in today’s business world from legal, ethical and economic perspectives.

S T A R T  O F  T H E  I L F  A L U M N I  L E C T U R E  S E R I E S

The academic year 2004/2005 saw the inauguration of a lecture series organized by the ILF Alumni Association. The first lecture entitled “Why is Securitization of Increasing Importance for Germany as a Financial Center?” was delivered by Dr. Dieter Glüder, Head of Debt Securitization of KfW Bankengruppe. The lecture took place at the ILF villa and was extremely well attended.

P U B L I C A T I O N S

The second volume of the ILF Series “Die Reform des Schuldverschreibungsrechts” was published by de Gruyter Recht in Winter 2004. The papers presented at the ILF conference “Die Reform des Schuldverschreibungsrechts vor dem Hintergrund des Diskussionsentwurfs der Bundesministeriums des Justiz” held on 5 February 2004, are compiled in this volume. The conference was held to discuss the plans of the German federal legislative body to fundamentally amend the law regarding bonds.

It is intended that the papers would contribute to the process of law reform and provide suggestions for the drafting of future legislation from the perspective of German practice as well as the most significant foreign jurisdictions in the area of bonds.


R E S E A R C H  A T  T H E  I L F

W o r k i n g  P a p e r s

In the past year, the ILF conducted research and published works on relevant issues in law and finance. We continued to produce the ILF Working Papers. The following is a list of all ILF Working Papers published during the academic year 2004/2005:

Working Paper No. 33: Dr. Michael Senger Kapitalmarktmodernisierung im Bankkonzern
Working Paper No. 34: Prof. Dr. Andreas Cahn Das neue Insiderrecht
Working Paper No. 35: Mr. Helmut Siekmann Die Unabhängigkeit von EZB und Bundesbank nach geltendem recht und dem vertrag über eine Verfassung für Europa
Working Paper No. 37: Prof. Dr. Andreas Cahn Gesellschaftsfremdfinanzierung und Eigenkapitalersatz
Working Paper No. 38: Mr. Helmut Siekmann Die Verwendung des Gewinns der Europäischen Zentralbank und der Bundesbank
Working Paper No. 40: Dr. David C. Donald Shareholder Voice and its Opponents

I L F  P U B L I C  R E L A T I O N S

I L F  i n  t h e  M e d i a

The ILF has continued to be present on many national and international internet platforms. Feedback received from applicants has shown that this is a major driving factor in international student recruitment.

Thanks to the support of many people and institutions, we were able to continue the wonderful tradition of publicly announcing our graduating Class of 2004 in the Frankfurter Allgemeine Zeitung. The one-page advertisement in the FAZ business section on 6 December 2004 featured a picture of each student as well as the logos of the participating sponsors.

C h i n e s e  D e l e g a t i o n  v i s i t s  t h e  I L F

In November 2004, the Information and Law Research Association of the Chinese Law Commission visited the ILF with a delegation of 18 members in order to get to know the German legal institutions and legal training, as well as the ILF.

They arrived with an interpreter and met with the Managing Director Dr. Ruma Dapous, Research Associate Mr. Sebastian de Schmidt, as well as students Ms. Lei-Fan Wang from the People’s Republic of China and Mr. Cheng-Hsien Yang from Taiwan. Mr. de Schmidt elaborated on the structure of German legal education, and we all strove to satisfy our visitors’ curiosity on a great number of matters.

T h e  I L F  a t  t h e  J u r a C o n  F a i r

In order to inform potential future students about our LL.M. Finance program and the professional opportunities at the ILF, we once again participated in the JuraCon Fair in Frankfurt.

This major event, which brings together leading law firms, top students and dedicated educational providers, also gave us a great opportunity to launch the ILF Summer School, which was held in September 2005.
The Social Program:

TRIP TO HEIDELBERG

In December 2004, a group of ILF students and members of staff visited the historical university town of Heidelberg. This Christmas trip was great fun and a good opportunity for students and staff to get to know each other. We particularly enjoyed our guided tour around the beautiful sights of Heidelberg, thanks to our very spirited guide who gave us a vivid impression of student life at Heidelberg. After the tour, we all relaxed over mulled wine at Heidelberg’s time-honoured Christmas Market before enjoying a traditional German Christmas dinner of roast duck, red cabbage and dumplings.

Fun & Festivities

THE DRAGON BOAT RACE

Dragon Boat racing is a dynamic team sport that has its roots in ancient Asian history. At the Frankfurt International Dragon Boat Festival, many international corporate teams compete with exotically decorated boats in a colourful setting on the River Main. Up to 18 rowers are kept in rhythm by a drummer, whilst a helmsman steers the 12-meter boat. The ILF team consisted of students, staff and supporters. We were, all together, 18 committed rowers plus an equally enthusiastic drummer, Dr. Rima Dapous.

We were told that synchronization and technique are the most important factors – we sure did our best to achieve them in arduous training sessions, but probably they don’t tell you everything: our technique was certainly supreme and we persevered to the finishing line, but alas, we were not the first ones there!

For the first time, the ILF, in close cooperation with JUVE and ILF sponsors, conducted a two-week Summer School on the “Law of Banking and Capital Markets” for lawyers who have obtained very good academic results from top universities in German-speaking countries.

The Summer School, held from 5 to 16 September 2005, signifies ILF’s commitment to the continuing education of those young and aspiring lawyers by having a program specially organized for them.

ILF Summer School in Banking and Capital Markets Law

A select group of 35 participants from Germany, Austria and Switzerland took part in the intensive and diverse Summer School program, which provided plenty of educational and professional opportunities for the law graduates. The participants acquired in-depth knowledge and a practice-oriented insight into current major topics on banking and capital markets law from reputed experts:

- Introduction to Credit Financing
- Overview of Specialized Financing
- Issuance of Debentures
- Banking Supervisory Law
- Derivatives
- Issuance of Stocks, Public Issuance
- Trading on the Stock Exchange
- Law on Takeovers, Squeeze-Outs and Going Private
- The Role of Third Parties, in particular, Legal Advisors
- International Integration of German Banking and Capital Markets Law
- Drafting of Legal Documents

In addition, the participants benefited from a tour of the Deutsche Börse and Clearstream Banking. The Summer School ended with a festive dinner for all lecturers and participants.

We are proud of the great success of the Summer School and would like to thank JUVE, the participating law firms and partners of those law firms for their strong support:

ALLEN & OVERY

Allen & Overy: Dr. Neil Weind, Mr. Wolfgang Melzer
Ashurst: Dr. Andreas Zahn
Baker & McKenzie: Dr. Manuel Lorenz, Dr. Andreas Lohner
Clifford Chance: Dr. Thomas Gasteyer, Dr. Michael Weller
Dechert: Dr. Hendrik Haag, Dr. Thomas Cron, Dr. Andreas Lohner
Hennelath: Dr. Philipp von Randow, Mr. Rudolf Haas
Hengeler Mueller: Dr. Hendrik Haag, Dr. Thomas Cron, Dr. Johannes Tieves
Juve: Dr. Neil Weiand, Mr. Wolfgang Melzer
Latham & Watkins: Dr. Philipp von Randow, Mr. Rudolf Haas
Linklaters: Oppenhoff & Radtke: Dr. Berthold Kusserow, Mr. Andreas Steck

The 2004/2005 academic year was extremely busy, but never without time to enjoy the pleasures of life as part of the international student community. During the first weekend of Advent, students and staff went on the traditional trip to Heidelberg. During the summer semester, we braved the waters of the River Main in the Dragon Boat Festival. The summer semester ended on a festive note with exotically decorated boats in a colourful setting on the River Main. Up to 18 rowers are kept in rhythm by a drummer, whilst a helmsman steers the 12-meter boat. The ILF team consisted of students, staff and supporters. We were, all together, 18 committed rowers plus an equally enthusiastic drummer, Dr. Rima Dapous.

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### End-of-Year Dinner

On 18 July 2005, ILF students, faculty, staff, and alumni from abroad came together for the traditional annual celebration of the completion of classes. The dinner was held near Frankfurt’s “Palmengarten” in the beautiful surroundings of the University Guest House.

Dr. Herbert Walter, Chairman of the Board of Managing Directors, Dresdner Bank AG and of the ILF Board of Trustees, gave the welcoming address. Dr. Walter spoke about the ILF as a community and its role in the training of the next generation of young professionals. He expressed his hope that the students would continue to see themselves as part of a greater network which they had experienced during the past ILF academic year. After Dr. Walter’s welcoming words, Professor Andreas Cahn addressed the students and recapitulated the past year and its highlights. The student body president, Mr. Russell Mutingwende, then gave a speech describing the ILF experience from the students’ point of view and thanked the ILF sponsors, lecturers and staff for making the time spent at the ILF a very memorable one for the students.
The Class of 2005

We are proud to present the ILF Class of 2005:
We thank our sponsors and friends for their generous support of the Institute for Law and Finance:

ALLEN & OVERY
Ashurst
Baker & McKenzie
BHF-Bank AG
Bundesanstalt für Finanzdienstleistungsaufsicht
Bundesministerium der Finanzen
Bundesverband Deutscher Banken
BVI Bundesverband Investment und Asset Management e.V.
Citigroup
Clery Gottlieb Steen & Hamilton LLP
Clifford Chance
Commerzbank AG
Debevoise & Plimpton LLP
DekaBank Deutsche Girozentrale
DEPPA Deutsche Pfandbriefbank AG
Deutsche Bank AG
Deutsche Börse AG
Deutsche Bundesbank
Deutsche Postbank AG
Deutscher Sparkassen- und Giroverband
Dresdner Bank AG
Eurohypo Stiftung
European Central Bank
Fresenius Bruckhaus Deringer
Gemeinnützige Hertie-Stiftung
Gleiss Lutz Rechtsanwälte
Haarmann Hemmele
Hengeler Mueller
Land Hessen
Industrie- und Handelskammer Frankfurt am Main
JP Morgan AG
Johann Wolfgang Goethe-Universität Frankfurt am Main
Jones Day
KFW Bankengruppe
KPMG
Landesbank Hessen-Thüringen Girozentrale
Latham & Watkins LLP
Linklaters Oppenhoff & Rädler
McKinsey & Company
National-Bank AG
PricewaterhouseCoopers AG
SEB AG
Stadt Frankfurt am Main
Verlag Dr. Otto Schmidt KG
White & Case
Willkie Farr & Gallagher LLP

Our Sponsors

Many sponsors from the public and private sectors have made a variety of generous contributions during the 2004/2005 academic year to enable the ILF to continue and broaden its teaching and research activities. We thank all our sponsors, old and new, for their commitment and generosity!

In the academic year 2004/2005, we saw additional support from two new sponsors. It is with great pleasure that we welcome Citigroup Global Markets Germany as a new member of the ILF Board of Trustees. We thank Citigroup for their generous donation and look forward to an active partnership in the years to come. Mr. Fred Irwin, Managing Director and Member of the Board of Citigroup Global Markets Germany, represents his company on the ILF Board of Trustees.

In addition, the prominent law firm of Hengeler Mueller joined the ILF Donors’ Committee. Hengeler Mueller has been a long-standing cooperation partner and has generously assisted the ILF in our internship program. It is great news that Hengeler Mueller, represented by Dr. Hendrik Haag, Partner, is now part of the ILF Donors’ Committee.

In the academic year 2004/2005, the Hertie Foundation (Gemeinnützige Hertie-Stiftung) in Frankfurt renewed its commitment to the ILF by once again granting three scholarships, each covering a full year’s tuition cost of 15,000 Euro for the academic year 2005/2006. The prestigious scholarships are aimed at business or law school graduates from Central and Eastern Europe. The Foundation cultivates close links with its scholars during the course of their studies, and upon the graduation of the recipients, they will be welcomed into the Hertie Foundation’s alumni network.

We believe that our sponsors and friends have made an immeasurable contribution to work and life at the ILF. While attending the numerous activities at the ILF, one is sure to meet our valued sponsors. Many of our faculty members, who devote their time and expertise to pass on the tools of the trade to our students, come from the various sponsor institutions, law firms and companies. In addition, our students get the chance to meet the individual sponsors during their internships. Guest lecturers also provide countless opportunities to get to know many of our sponsors. Over and above all these occasions for personal contact between students and the sponsors, the highlights of last year were when our sponsors graciously invited the students, faculty and members of the Boards to events which they especially organized for the ILF.

The European Central Bank hosts ILF Welcome Reception

At the beginning of the academic year, the European Central Bank invited the incoming Class of 2005 and all sponsors and lecturers to a meeting of the Boards. Mr. Klaus Rosenfeld, Member of the Board of Managing Directors, Dresdner Bank AG, personally extended his welcome to everyone at the ILF at a special event in May 2005. He invited students, faculty, sponsors and staff to the Dresdner Bank Headquarters, where the famous Dresdner Bank Art Collection is housed. The curator of the Art Collection provided fascinating insights into the splendid collection.

McKinsey & Company invites ILF Students for an Informal Dinner

As many of our students had expressed their interest in a career in international management consultancy, we were particularly pleased when McKinsey & Company wanted to meet and get to know our students. In January 2005, they kindly organized an informal session to discuss the profile of a McKinsey consultant, the specific areas of activity and the required qualifications over a dinner on the bank of the River Main. On this occasion, three representatives of McKinsey & Company met 15 ILF students and members of staff for an informative and memorable evening.

We thank all our sponsors, old and new, for their commitment and generosity!
Contact

Institute for Law and Finance
Georg-Vogel-Straße 4
60325 Frankfurt am Main
Germany

MAILING ADDRESS:
Institute for Law and Finance
Johann Wolfgang Goethe-Universität
Senckenberganlage 31
60325 Frankfurt am Main
Germany

Phone: +49 (69) 798-28719
Fax: +49 (69) 798-29018
E-Mail: info@ilf.uni-frankfurt.de
Internet: www.ilf-frankfurt.de

ILF DIRECTOR:
Prof. Dr. Andreas Cahn

MANAGING DIRECTOR:
Dr. Rima Dapous

ADMISSIONS AND MARKETING MANAGER:
Shen Dee Kobbele, LL.M.

ASSISTANT TO THE DIRECTOR:
Claudia Alin Yapici, M.A.

ASSISTANT TO THE MANAGING DIRECTOR:
Christina Hagenbring

RESEARCH ASSOCIATES:
Sebastian de Schmidt
Dr. David C. Donald
Lara Maurice

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