Philipp Schlüter

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ACADEMIC POSITIONS & PROFESSIONAL EXPERIENCE

Elisabeth Haub School of Law at Pace University — Since 2026
Assistant Professor of Law — White Plains (NY)
Courses: Commercial Law (Sales), Contracts, Civil Procedure, Remedies

University of Freiburg — 2023-2026
Institute for German and Comparative Civil Procedure, Department 1 — Freiburg, Germany
Senior Research Fellow *(Akademischer Rat a.Z.*)
Courses: Contracts, Property, Torts (Survey), U.S. Contract Law
Awards: Quinn Emanuel Urhart & Sullivan Faculty Teaching Prize

Max Planck Institute for Comparative and International Private Law — 2020-2022
Research Associate (*Wissenschaftlicher Assistent*) — Hamburg, Germany

Higher Regional Court — 2020-2022
Legal Trainee (*Rechtsreferendar*) — Hamburg, Germany
Positions i.a. at UNIDROIT (Rome, Italy), the German Federal Chancellery (Berlin, Germany) and Latham & Watkins LLP (Hamburg, Germany)

University of Freiburg — 2017-2020
Institute for German and Comparative Civil Procedure, Department 1 — Freiburg, Germany
Research Associate (*Wissenschaftlicher Mitarbeiter*)
Courses: Contracts, Extracontractual Liability

EDUCATION

Doctor of the Science of Law (J.S.D.), Yale Law School, New Haven (CT), September 2026

Master of Laws (LL.M.), Yale Law School, New Haven (CT), May 2023

Bar Exam (Second State Exam), Higher Regional Court, Hamburg (Germany), May 2022

Ph.D. in law (*Dr. jur*), University of Freiburg, Freiburg (Germany), 2020, awarded with a Verwertungsgesellschaft Wort Competitive Book Publication Grant (full funding)

First State Exam, LJPA Baden Württemberg & University of Freiburg, Freiburg (Germany), June 2017, internships i.a. at Hengeler Mueller mbB and Debevoise & Plimpton LLP, both Frankfurt (Germany)

PUBLICATIONS

Wirklichkeitsstörungen zwischen Vertrag und Gesetz – Zur Abgrenzung von Mangelbegriff, Unmöglichkeit und Geschäftsgrundlage, 226 ARCHIV FÜR DIE CIVILISTISCHE PRAXIS 367 (2026), Topic: Contractual risk allocation and statutory excuse for changed circumstances (impracticability/frustration of purpose).

Typenzwang, Überbau und Auswirkungen einer gescheiterten dinglichen Rechtseinräumung auf den Schuldvertrag (Anmerkung zu BGH v. 19.12.2025 – V ZR 15/24), 81 Juristenzeitung 460 (2026), Topic: What happens to the underlying contract when a conveyed property right fails the numerus clausus test?

Book Review of Eray Gündüz, Abstraktionsprinzip als Eigentumstheorie (=Abstraction Principle as a Theory of Property) (Tübingen, 2025), 226 ARCHIV FÜR DIE CIVILISTISCHE PRAXIS 129 (2026).

§ 816 BGB, BECK'SCHER ONLINE-GROßKOMMENTAR, C.H. BECK, MÜNCHEN (Beate Gsell, Wolfgang Krüger, Stephan Lorenz & Christoph Reymann, eds.) (2025; 82 pages), Topic: Comprehensive examination of profit disgorgement remedies based on unjust enrichment principles under the German Civil Code (BGB).

Prozessuale und materiell-rechtliche Dogmatik am Beispiel der Vollstreckungsabwehrklage, 137 ZEITSCHRIFT FÜR DEN ZIVILPROZESS 455 (2024), Topic: Public and private interests in enforcement proceedings in civil procedure.

Externe Insolvenzsicherung und Gewährleistungsrecht, KTS ZEITSCHRIFT FÜR INSOLVENZRECHT 506 (2024), Topic: To which extent are contractual remedies covered by third-party security agreements in bankruptcy?

Zivilprozessuales Beweisverwertungsverbot materiell-rechtswidrig erlangter Beweismittel? 79 JURISTENZEITUNG 888 (2024), Topic: Is there a fruit of the poisonous tree doctrine in German Civil Procedure?

Best Practices for Effective Enforcement: Principle of Formalisation and Debtor Protection, ELGAR COMPANION TO UNIDROIT 426 (Rishi Gulati, Ben Köhler & Thomas John, eds.)(2024).

Obligatorische Gefahrentlastung zwischen funktionalem Deliktsrecht und „formalem" Sachenrecht, ZEITSCHRIFT FÜR DIE GESAMTE PRIVATRECHTSWISSENSCHAFT 44 (2024), Topic: Transferred Loss between tort law functionalism and property law formalism.

Rückabwicklung und Selbstbestimmung (Failed performance and Self-determination), Mohr Siebeck Publishing 2021, 464 pages; Topic: The unwinding of contracts in German law (click the link for an English description).

Der Bereicherungsanspruch bei Persönlichkeitsrechtsverletzungen, 65 ZEITSCHRIFT FÜR URHEBER- UND MEDIENRECHT 416 (2021), Topic: Unjust enrichment claims in cases of privacy right infringements.

PRESENTATIONS

Duty, Economic Loss, and the Structure of Negligence, Junior Scholars Conference, University of Michigan Law School, Ann Arbor (MI), April 2026; W.I.P.S. Symposium, Yale Law School, New Haven (CT), April 2026.

On Pure Economic Loss in Negligence Law, Doctoral Colloquium, Yale Law School, October 2025; J.S.D. Symposium, Washington University, St. Louis (MO), October 2025.

"Reine" Vermögensschäden im deutschen und US-amerikanischen Recht, Conflicts Club, May 2025 and Aktuelle Stunde, June 2025, Max Planck Institute for Comparative and International Private Law, Hamburg, Germany, Topic: Pure Economic loss in German and US tort law.

Treu und Glauben im deutschen und US-amerikanischen Vertragsrecht, University of Freiburg, Freiburg, Germany, June 2023, Topic: Good faith in German and US contract law.

Separation and Inequality in the Enforcement of Private Claims, Law & Society Association Annual Meeting, San Juan, Puerto Rico, June 2023.

Eigentumstheorie und Geld, International Private Law Workshop, Max Planck Institute for Comparative and International Private Law, Hamburg, Germany, January 2022, Topic: Property law theory and money.

Kooperation und Koordination im IPR, Private International Law Workshop, Max Planck Institute for Comparative and International Private Law, Hamburg, Germany, May 2022, Topic: Savigny's "Rechtsverhältnis" and the merits of thinking in substantive subjective rights in private international law.

Dinglicher Vertrag und Abstraktionsprinzip, Aktuelle Stunde, Max Planck Institute for Comparative and International Private Law, Hamburg, Germany, April 2022, Topic: Real contracts and the rule of abstraction.

Die obligatorische Gefahrentlastung, Zivilrechtsrunde, University of Freiburg, Freiburg, Germany, January 2019, Topic: Transferred loss and the claim of third-party damages in contract law.

Die Nichtigkeit von Verträgen, PhD Colloquium, University of Freiburg, Freiburg, Germany, November 2018, Topic: Void contracts.