

Simone Janson (ed.)

# MANAGING CRISES - WHEN LIFE SUDDENLY CHANGES

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Understand & overcome fears, challenges & crisis-  
management, crisis as a chance for a new start,  
strategies of crisis prevention

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# **Managing Crises - when Life Suddenly Changes**

Understand & overcome fears, challenges & crisis-management, crisis as a chance for a new start, strategies of crisis prevention

*Simone Janson (ed.)*

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# Table of Contents

## Imprint

Introduction: Information, Experiences of Success, Inspiration - you'll find all that in this Book

Achieve Goals Interactively: Awards, Press Reviews, Customer Feedback  
Your Benefit in concrete Terms: Content, Organization and Structure of the Book

Information as desired with Membership Discounts, eCourses, Workbooks,  
and custom, individual eBooks

Successfully use the AI Extension to the Book for your Goals and to make Money

Experience Success and Inspiration: Discover your Way and support Sustainability

Better fail: bankruptcy and mistakes as an opportunity // By Simone Janson

The financial crisis as a tsunami: what can we do specifically? // By Martin Theyer

TALK | Career expert Sascha Schmidt on career crises and ways out: “Become a decision-maker on your own behalf” // By Simone Janson

Perfectionism and fear of failure: all or no change // By Tom Diesbrock

BIO | In the crisis from a small to a high-end company: successful with downsizing // By Simone Janson

TALK | Reinhold Messner on goals and failure: “I have always followed my passion” // By Simone Janson

Error culture in companies: advantages for companies // By Dr. Gabriele Cerwinka, Gabriele Schranz

Reorientation in the crisis: New ways if the old one is no longer correct // By Guido Ernst Hannig

Change perspective and rethink your mind: headstand with foot slippers // By Dr. Cornelia Topf

Sense is IN: career collapse? When work makes no sense ... // By Stefan Dudas

Selfishness and Greed in Business: Successfully Leaving the Spiral // By Dirk-Oliver Lange

Proper failure: 5 tips what managers can learn from politicians // By Claudia Hupprich

Professional and Personal Crisis: 2 X 5 Instant Help Tips // By Isabel Nitzsche

Failure and get up again: make mistakes instead of perfection // By Simone Janson

Success in the job: is a career planable? // By Marco Ebeling

Crises and upheavals as an opportunity: Transitional rituals - learning from the crisis // By Birgitt E. Morrien

Conclusion: How to expand your Knowledge and Experience with interactive AI and discounted Add-on offers for free.

## Authors Overview

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[Marco Ebeling](#)

[Birgitt E. Morrien](#)

[Simone Janson](#)

[Profound Expert Knowledge, Quality Assurance and AI: The Concept of Publisher  
of the Year Best of HR - Berufebilder.de®](#)

[Appendix: Tips and Prompts for using the AI Extensions](#)

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# **Introduction: Information, Experiences of Success, Inspiration - you'll find all that in this Book**

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# **Better fail: bankruptcy and mistakes as an opportunity**

*// By Simone Janson*

There were 13.354 corporate insolvencies in Germany until May 2009, and the trend is rising. But even if the fear of bankruptcy is great: "Failure is also an opportunity - if you learn from the mistakes" - says someone who has gone through all stages of bankruptcy and is still successful today.

## **First error**

1992 had started well in Krefeld: Joachim Niering had noticed that there was a need for porcelain repairs, but hardly any companies that offered this service, let alone an appropriate training. The qualified pedagogue therefore provided founders with the commercial and technical know-how to repair porcelain, thus enabling them to set up their own business - as a franchisor. He brought the technical understanding from his time as a game device developer, the necessary capital came from his private assets.

Today the fifty-two-year-old says that this was probably his first mistake. "I had been warned that 500.000 marks was not enough capital. But I thought my idea was so good that I laughed at it." Now he knows: "Even the best ideas need a lead time before the brand is established - and that costs a lot of money!"

## **Trust is good, control is better**

His company also flourished for a few years: Niering gave his knowledge, the franchisees their license fees monthly. Then what happened to franchise systems without a strong brand often happened: the licensees made themselves independent. "They simply lacked a sense of the network concept," says Niering and admits himself today, "Trust is good, control is better!"

They were followed by judicial battles, and suddenly the fee was lost. Niering filed an insolvency petition for the first time and reorganized the company with the help of an insolvency plan. This was expensive and meant to save money, continue the company, and also take in personal loans and bring them into the company.

## **First rescue, then sinking**

After a four-year dry spell, the rescue plan was fulfilled - that was 200The entrepreneur believed that he could rebuild the successful franchise system and failed again: "I held on to an idea that previously worked, instead of daring to try

something new and only that Repeats mistakes, ”says Niering self-critically. The company went bankrupt and the entrepreneur fell ill.

But Niering seems almost relieved at the end: "At some point you have to realistically admit that you can no longer do it." Even self-laceration has no meaning for him: The cardinal error that many desperately seek in this situation does not exist for Niering, rather there are various causes. However, he considers it essential to look for an external consultant as an entrepreneur: “For example, I would have needed someone to show me my weaknesses in personnel management in good time. You don't always see something like that yourself. ”

### **In the end, private insolvency**

Because of the liabilities still arising from the restructuring, the ex-entrepreneur finally had to register for private bankruptcy: he had nothing left, temporarily lived in a student apartment. But Niering didn't give up. “You have to make it clear that bankruptcy is an economic, but not a human breakdown and must not affect your whole life. The important thing is to start over, ”he says - and has done it: Niering passes on his experience as a consultant for companies and private individuals:“ All of the clients I look after are still successful on the market today and are leading a normal life again, ”he reports proud.

### **Why insolvency is not the end**

Hildegard Allemand, specialist lawyer for insolvency law in Cologne, also confirms that bankruptcy cannot be the end, but a new beginning: "Enforcement measures by creditors are then no longer possible and, under certain circumstances, an operation can be continued without being burdened by the old liabilities." However, there must be enough assets left to open insolvency proceedings to at least cover the costs of the proceedings.

In the case of sole proprietors, the procedure can also be initiated by deferring the procedural costs. The insolvency procedure is followed by the residual debt relief procedure, which brings about the deleveraging. "This is a relief," explains the lawyer, "because the warnings and calls from the creditors, the debt collection agencies and the visits of the bailiff are finally ending. However, those affected have to pay their attachable income for six years; there is always an obligation to work and provide information. After six years, the residual debt relief is then granted by court order.

### **GmbH managing director in duty**

In the case of insolvency or over-indebtedness, a GmbH is obliged to file for bankruptcy. For GmbH managers, this often means their own debt if they have personally guaranteed the liabilities of the GmbH. "Knowing these consequences, some then try to save the company at any cost, but delay the bankruptcy of the GmbH, which is punishable," reports everyone from their day-to-day advice. There