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夏芙蓉 2019



presents this

Certificate of Appreciation

to

Wells China

For the Best International Partnership of HeinOnline

with the common goal of fulfilling China's online legal research
needs with service with integrity through the People's Republic of
China

Given this 12th day of December, 2016

William Shannon Hein
Vice President, Sales



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- 一. **HeinOnline数据库介绍**
- 二. **HeinOnline数据库收录的法学期刊介绍**
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- 四. **如何通过HeinOnline拓展检索信息**
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一、HeinOnline数据库介绍

全球领先的专业法学数据库
---法学研究者必备的研究工具



HeinOnline数据库介绍

- ✚ 全球最大、收录最全的基于PDF浏览格式的全文法学文献数据库
- ✚ 收录的文献包括：法律法规、学术期刊、学术专著、政府文件、判例等
- ✚ 收录的文献涵盖近100个国家和地区，主要包括：美国、英国、英联邦国家、欧洲、亚洲、北美洲、非洲等。



HeinOnline数据库介绍

- ✚ 2001年获得美国法律图书馆协会“最佳新产品奖”
- ✚ 2002年获得国际法律图书馆协会“最佳商业网站奖”
- ✚ 2007年被列入到2007 Econtent 100: “A list companies that matter most in digital content industry”
- ✚ 2009年“各州法律分类汇编子库”获得美国法律图书馆协会“最佳新产品奖”
- ✚ 2010年“世界宪法注解”子库获得《选择》杂志“杰出学术出版物”奖
- ✚ 2014年HeinOnline与Fastcase共同获得“最佳新产品奖”



HeinOnline数据库特点

- ✚ 2600余种全球核心法学期刊，绝大部分可以回溯到创刊号
- ✚ 全球排名前500的核心法学期刊，HeinOnline均收录，且都可以回溯到创刊号
- ✚ 期刊最早可以回溯到1788年，大部分期刊收录到当前期
- ✚ 法学各学科排名前20的核心期刊基本收录
- ✚ 收录SSCI可检索的法学期刊100余种，同行评审的期刊500多种
- ✚ 超过13000多部学术著作和书籍
- ✚ 收录美国及英联邦国家的几百万判例
- ✚ 以美国为主的多个国家的法律法规



HeinOnline数据库使用特点

- ✚ 一站式帮助学者找到法律法规、判例、学术期刊文章、学术专著，极大的节约了学者的时间；
- ✚ 检索界面友好，非常符合学者的研究习惯和研究路径，检索方式简单、方便学者使用；
- ✚ 对检索结果进行智能化分类和整理，帮助学者准确的找到需要的文献；
- ✚ 检索的结果为PDF格式呈现，非常符合学者的阅读习惯；



Full Text Citation Catalog Case Law

Search All Collections...



Advanced Search | Search Help | Search History

Browse Collections by Category

Periodicals - Law

Canada

Case Law

Foreign & International Law (See Also:
Canada, UK)

International Treaties and Agreements

Organizations

Special Collec

U.S. - Federal

U.S. - State

United Kingdom

Uncategorized

学校订购的
子库---按照
类别分

Browse Collections by Name

i Law Journal Library

i American Bar Association Journals

i Core U.S. Journals

i Criminal Justice Journals

i International & Non-U.S. Law Journals

i Most-Cited Law Journals

i ABA Law Library Collection Periodicals

Acts of the Parliament of Canada (Annual
Statutes)

i American Association of Law Libraries (AALL)

i American Indian Law Collection

i American Law Institute Library

i Inter

i International
(ICJ)

i International Law Ass

i Israel Law Reports

i Kluwer Law International Journal Library

i Law in Eastern Europe

i Legal Classics

i Manual of Patent Examining Procedure

i National Conference of Commissioners on
Uniform State Laws

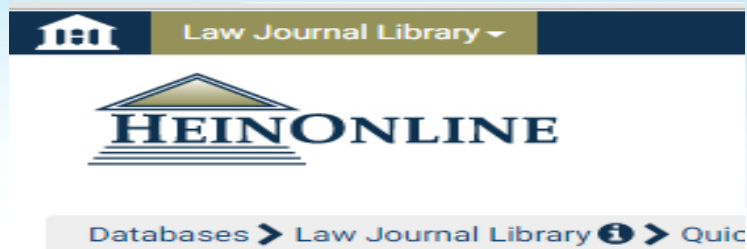
i National Moot Court Competition

New

学校订购的
子库---按照
子库名称分



二、HeinOnline收录的期刊介绍 Law Journal Library



Browse by: **All Titles** State (U.S.) Country Subject Edit Type Most-Cited Author Profiles

A B C D E F G H I J K L M N O P Q R S T U V W Y Z All



学术期刊的重要性

- ✦ 期刊是学者展示和交流学术研究和学术成果的重要平台；
- ✦ 同行评审 --- 学术文章水平的保证
- ✦ 学术文章的引用和被引用反映学科发展的历程；
- ✦ 反映学科发展的前沿和发展方向



法学期刊评价体系

一、影响因子 impact-factors

可测度近年期刊的学术影响力。该项指标用论文平均被引率反映了期刊近期在科学发展和文献交流中所起的作用。

定义：期刊前2年发表论文的被引次数占前2年论文总量的比例（相对数量指标）。

某刊前两年发表的论文在该年的被引用次数
影响因子= $\frac{\text{某刊前两年发表的论文在该年的被引用次数}}{\text{该刊前两年发表的论文的总数}}$



法学期刊评价体系

二、H指数（H-index）

H指数是一个混合量化指标，最初是由美国加利福尼亚大学圣地亚哥分校的物理学家乔治·赫希（Jorge Hirsch）在2005年的时候提出来的，其目的是量化科研人员作为独立个体的研究成果。

定义：一个人的H指数是指在一定期间内他发表的论文至少有h篇的被引频次不低于h次。赫希本人的h指数是49.

HeinOnline收录的期刊信息

学科	中文	总收录期刊数	排名前五期刊收录数	排名前十期刊收录数	排名前二十期刊收录数
Administrative	行政	28	5	7	
Africa law	非洲法	23	5	9	16
Agriculture Law	农业法	2	2		
Air and Space law	空间法	6	2		
Animal Law	动物法	3	3		
Art, Entertainment and sport	艺术、娱乐和运动法	29	5	10	16
Asia law	亚洲法	24	3	7	11
Bank and Finance	银行和金融	11	4		
Bankruptcy	破产	8	5		
Civil litigation and dispute resolution	民事诉讼和纠纷解决	27	5	10	16
Civil right	民事权利	16	5	9	
Commerical Law	商法	90	4	9	17
Communication law, Media	电信法、媒体	14	5	9	
Comparative law	比较法	27	5	10	17
Constitutional Law	宪法	24	5	9	16
Coporate and association	公司和组织	17	4	8	
Criminal law	刑法	45	5	10	19
Criminology	犯罪学	18	3	4	

HeinOnline收录的期刊信息

学科	中文	总收录期刊数	排名前五期刊收录数	排名前十期刊收录数	排名前二十期刊收录数
Economic	经济法	29	5	10	17
Education law	教育法	9	5		
Elder law	老年法	2	1		
Employment law	雇佣法	18	4	5	
Energy law	能源法	8	3		
Environment, Natural Resource and land use	环境、自然资源和土地利用	79	5	9	19
Estate and trust	地产和信托	7	2	4	
Ethics	法律伦理	11	5	7	
European law	欧盟法	17	2		
Evidence	证据法	1	1		
Family Law	家庭法	24	5	9	16
Gender, women and sexuality	性别、女性和性征	38	5	10	20
Governmental Law	政府法	9	2		
Health, medicine and psychology	健康、医学和心理学	43	4	9	15
Human right	人权	37	5	8	13
Insurance	保险	7	4		
Intellecture property	知识产权	59	5	10	20
International law	国际法	249	5	10	20

HeinOnline收录的期刊信息

学科	中文	总收录期刊数	排名前五期刊收录数	排名前十期刊收录数	排名前二十期刊收录数
International trade	国际贸易	12	4	5	
Jurisprudence and legal theory	法理和法律理论	48	5	8	12
Legal history	法制史	23	4	7	10
Legal professional and legal education	法律专业和教育	82	5	9	13
legislation	立法	8	2		
Maritime law	海商法	14	5	7	
Minority, race and ethnic issues	少数民族、种族和文化问题	29	5	9	15
Property law	不动产	6	2		
Public policy, political and law	公共政策、政治和法律	118	5	10	19
Religion	宗教	9	4	6	
Religious legal system	宗教法律系统	6	3	5	
Research, writing and librarian	研究、写作和图书馆员	13	3		
Science, technology and computing	科学、技术和计算机	38	5	10	19
Social science	社会科学	34	4	8	12
Taxation	税	25	4	8	
Tort	民事侵权	5	1		

HeinOnline收录的部分综合法学期刊

排名	ISSN	期刊名称
1	0017-811X	Harvard Law Review
2	0044-0094	Yale Law Journal
3	0010-1958	Columbia Law Review
4	0038-9765	Stanford Law Review
5	0028-7881	New York University Law Review
6	0008-1221	California Law Review
7	0041-9907	University of Pennsylvania Law Review
8	0016-8092	Georgetown Law Journal
9	0042-6601	Virginia Law Review
10	0010-8847	Cornell Law Review
11	0040-4411	Texas Law Review
11	0041-9494	University of Chicago Law Review
13	0041-5650	UCLA Law Review
14	0026-2234	Michigan Law Review
15	0029-3571	Northwestern University Law Review
16	0026-5535	Minnesota Law Review
17	0015-704X	Fordham Law Review
18	0010-2500	Yale Law Journal

HeinOnline收录的部分国际法期刊

排名	ISSN	期刊名称
1	0002-9300	American Journal of International Law
2	0017-8063	Harvard International Law Journal
3	0042-6571	Virginia Journal of International Law
4	0041-3992	Tulane Law Review
5	1529-0816	Chicago Journal of International Law
6	0010-1931	Columbia Journal of Transnational Law
7	0889-7743	Yale Journal of International Law
8	1052-2867	Michigan Journal of International Law
9	1085-5718	Berkeley Journal of International Law
9	0090-2594	Vanderbilt Journal of Transnational Law
11	1520-460X	American University International Law Review
12	1543-9977	George Washington International Law Review
13	0010-8812	Cornell International Law Journal
14	0747-9395	Fordham International Law Journal
15	0938-5428	European Journal of International Law
15	0163-7479	Texas International Law Journal
17	1553-3158	Journal of National Security Law & Policy
18	0277-5778	Boston College International and Comparative Law Review
18	1086-7872	University of Pennsylvania Journal of International Law

HeinOnline收录的部分比较法期刊

排名	ISSN	期刊名称
1	0002-919X	American Journal of Comparative Law
1		American Journal of Comparative Law Supplement
2	0277-5778	Boston College International and Comparative Law Review
3	1053-6736	Duke Journal of Comparative and International Law
4	0149-9246	Hastings International and Comparative Law Review
5	1068-7955	Cardozo Journal of International and Comparative Law
6	1069-4455	Tulane Journal of International and Comparative Law
7	0743-6963	Arizona Journal of International and Comparative Law
7	0020-5893	International and Comparative Law Quarterly
9	0046-578X	Georgia Journal of International and Comparative Law
10	1073-192X	Tulsa Journal of Comparative & International Law
11	0889-1915	Temple International & Comparative Law Journal
12	1061-4982	Indiana International & Comparative Law Review
13	1533-5860	Loyola of Los Angeles International and Comparative Law Review
14	1082-944X	ILSA Journal of International and Comparative Law
15		Annual Survey of International & Comparative Law
16	1551-3289	University of Miami International and Comparative Law Review
17	1095-6654	Comparative Labor Law and Policy Journal

HeinOnline收录的部分经济法期刊

排名	ISSN	期刊名称
1	0047-2530	Journal of Legal Studies
2	0736-9921	Supreme Court Economic Review
3	0003-6056	Antitrust Law Journal
4	0276-3583	Boston College Third World Law Journal
5	0897-6546	Law & Social Inquiry
6	1548-7067	Berkeley Business Law Journal
6	0023-9216	Law & Society Review
8	1080-0727	Indiana Journal of Global Legal Studies
8	1369-3034	Journal of International Economic Law
10	8756-6222	Journal of Law, Economics, and Organization
11	0022-2186	Journal of Law & Economics
12		Yale Human Rights and Development Law Journal
14	1553-4367	Journal of Law, Economics & Policy
15	1744-6414	Journal of Competition Law and Economics
18	0021-8642	Journal of Air Law and Commerce
19	0003-603X	Antitrust Bulletin
20	1467-9930	Law & Policy

HeinOnline收录的部分知识产权期刊

排名	ISSN	期刊名称
1	0897-3393	Harvard Journal of Law & Technology
2	1086-3818	Berkeley Technology Law Journal
3	1528-8625	Michigan Telecommunications and Technology Law Review
4	1098-4267	Stanford Technology Law Review
5		Columbia Science and Technology Law Review
6	1079-9699	Fordham Intellectual Property, Media & Entertainment Law Journal
7	1544-4848	Columbia Journal of Law & the Arts
8	1059-4280	Albany Law Journal of Science & Technology
9	0736-7694	Cardozo Arts & Entertainment Law Journal
10	1088-0178	Boston University Journal of Science & Technology Law
11	0882-3383	Santa Clara Computer and High Technology Law Journal
12		Duke Law & Technology Review
12	1522-1687	Virginia Journal of Law and Technology
14	0019-1272	IDEA: The Intellectual Property Law Review
14	1092-5899	Marquette Intellectual Property Law Review

HeinOnline收录的部分环境法期刊

排名	ISSN	期刊名称
1	0147-8257	Harvard Environmental Law Review
2	0741-9457	Yale Journal on Regulation
3	0892-7138	Stanford Environmental Law Journal
4	0098-4582	Columbia Journal of Environmental Law
5	1061-8651	New York University Environmental Law Journal
6	0046-1121	Ecology Law Quarterly
7	0046-2276	Environmental Law
9	1045-5183	Virginia Environmental Law Journal
10	1077-0615	Boston University Public Interest Law Journal
11	1552-9533	Minnesota Journal of Law, Science & Technology
11	0733-401X	UCLA Journal of Environmental Law and Policy
13	1064-3958	Duke Environmental Law & Policy Forum
14	0190-7034	Boston College Environmental Affairs Law Review
15	1042-1858	Georgetown International Environmental Law Review
15	1091-9724	William & Mary Environmental Law and Policy Review
17	0892-4880	Journal of Land Use & Environmental Law
18	0738-6206	Pace Environmental Law Review
19	1047-6857	Tulane Environmental Law Journal
20	1546-3435	Penn State International Law Review



著名期刊介绍



HARVARD
LAW REVIEW

Vol. 1
1887-88

CAMBRIDGE, MASS.
PUBLISHED BY THE HARVARD LAW REVIEW PUBLISHING ASSOCIATION

YALE
LAW JOURNAL

VOLUME 1
OCTOBER, 1891 — JUNE, 1892

NEW HAVEN, CONN.:
PUBLISHED BY THE YALE LAW JOURNAL COMPANY
1892

THE
AMERICAN JOURNAL
OF
INTERNATIONAL LAW



VOLUME I. PART I.
JANUARY AND APRIL, 1907.

PUBLISHED FOR
THE AMERICAN SOCIETY OF INTERNATIONAL LAW
BY
BAKER, VOORHIS & COMPANY,
NEW YORK, U. S. A.

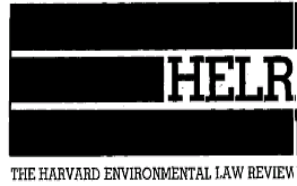
*The American Journal of
COMPARATIVE LAW*

A QUARTERLY

Editor in Chief:
HIDEO E. YOSHIWA

VOLUME 1
1952

American Association for the
COMPARATIVE STUDY OF LAW, INC.
1951



THE HARVARD ENVIRONMENTAL LAW REVIEW

VOLUME 1
1976

THE GEORGETOWN JOURNAL OF
LEGAL ETHICS

ARTICLES

A Will, I've Got Control / *Thomas P. O'Connell*

Trustee Duties: How Private Justice Then Changed
Public Consciousness in the Americas
Angela T. Knudell & Jason C. Blomster

What About Computers: The Unconscionability of
Arbitration Agreements for Out-of-State Lawyers
Andrew D. Pearson

THE JOURNAL OF
Legal Studies

Volume 1, Number 1, Winter 1972
Editor: [Name]
Editorial Board: [List]
Editorial Office: [Address]
Subscription Information: [Text]

THE FOUNDATION OF [Name]
NEW YORK, N.Y.

法中
论国
刊国
中国
中国
国际
法论
国际

Chinese Journal of
International Law

Volume 1, Number 1, September 2002
<http://www.cjil.org/>



引申推荐: <https://managementtools4.wlu.edu/LawJournals/Default.aspx>

法学期刊排名网站



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Law Journals

Anonymous

1. Choose Journal Criteria

Subject:

Country:

Search Journal Name:

Language: English, or Non-English

Subject Type: General, or Specialized

Edit Type: Student-edited, or Peer-Edited Refereed

Format: Print, or Online-only

Show:

2. Choose Ranking Criteria

Year	Combined Score	Impact Factor	Journal Cites	Currency Factor	Case Cites	Cites/Cost
2016	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Access prior surveys

3. Toggle Journal Names to view Editorial Information (10 journals)

- | Journal |
|---|
| <input type="checkbox"/> ABA Journal |
| <input type="checkbox"/> ABA Journal of Labor & Employment Law |
| <input type="checkbox"/> Aberdeen Student Law Review |
| <input type="checkbox"/> Accord, A Legal Journal for Practitioners [online] |
| <input type="checkbox"/> Accounting, Economics, and Law: A Convivium [online] |
| <input type="checkbox"/> Acta Juridica |
| <input type="checkbox"/> Acta Juridica Hungarica |
| <input type="checkbox"/> ACTEC Law Journal |



1. Choose Journal Criteria

Subject: International Law (194) ▼
 Country: - All Countries - ▼
 Search Journal Name:
 Language: English, or Non-English
 Subject Type: General, or Specialized
 Edit Type: Student-edited, or Peer-Edited Refereed
 Format: Print, or Online-only
 Show: Top 10 ▼

2. Choose Ranking Criteria

Year	Combined Score	Impact Factor	Journal Cites	Currency Factor	Case Cites	Cites/Cost
2016	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Access prior surveys

3. Toggle Journal Names to view Editorial Information (10 journals)

Rank	Journal	Combined Impact Journals Currency Cases Cites/					Cites/ \$Cost
		09-16	09-16	09-16	09-16	09-16	
1	<input type="checkbox"/> Virginia Journal of International Law	35.1	1.81	1216	2.84	6	2.51
2	<input type="checkbox"/> Yale Journal of International Law	22.9	1.16	803	-1	3	2.87
3	<input type="checkbox"/> Chicago Journal of International Law	19.3	0.94	707	1.93	3	2.49
4	<input type="checkbox"/> Vanderbilt Journal of Transnational Law	18.6	0.68	851	1.26	5	2.91
5	<input type="checkbox"/> Berkeley Journal of International Law	18.0	0.95	603	1.95	7	1.14
6	<input type="checkbox"/> Michigan Journal of International Law	17.6	0.85	655	1.65	0	1.8
7	<input type="checkbox"/> Harvard National Security Journal	17.5	1.24	352	1.17	2	
8	<input type="checkbox"/> Fordham International Law Journal	16.0	0.53	770	1.01	8	1.31
9	<input type="checkbox"/> University of Pennsylvania Journal of International Law	15.6	0.69	622	1.28	6	1.11
10	<input type="checkbox"/> Brooklyn Journal of International Law	13.8	0.55	595	1.12	2	2.62

选择某本期刊，并点击



3. Toggle Journal Names to view Editorial Information (10 journals)

Rank	Journal	Combined 09-16	Impact 09-16	Journals 09-16	Currency 09-16	Cases 09-16	Cites/ \$Cost
1	<input type="checkbox"/> Virginia Journal of International Law	35.1	1.81	1216	2.84	6	2.51
2	<input type="checkbox"/> Yale Journal of International Law	22.9	1.16	803	-1	3	2.87
	<p>Homepage</p> <p>ISSN: 0889-7743</p> <p>Price to U.S. Academic institutions: \$30</p> <p>The Yale Journal of International Law Yale Law School P.O. Box 208215 New Haven, CT 06511</p> <p>Submit by e-mail. Only electronic submissions are accepted. Paper copies are not accepted. Articles above 35,000 words are strongly discouraged. See submissions policy submissions email: yjil.submissions@yale.edu general email: yjil.submissions@yale.edu phone: null</p>						
3	<input type="checkbox"/> Chicago Journal of International Law	19.3	0.94	707	1.93	3	2.49
4	<input type="checkbox"/> Vanderbilt Journal of Transnational Law	18.6	0.68	851	1.26	5	2.91
5	<input type="checkbox"/> Berkeley Journal of International Law	18.0	0.95	603	1.95	7	1.14
6	<input type="checkbox"/> Michigan Journal of International Law	17.6	0.85	655	1.65	0	1.8
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10	<input type="checkbox"/> Brooklyn Journal of International Law	13.8	0.55	595	1.12	2	2.62



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[Homepage](#)

ISSN: 0889-7743

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The Yale Journal of International Law

Yale Law School

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New Haven, CT 06511

Submit by e-mail.

Only electronic submissions are accepted. Paper copies are not accepted. Articles above 35,000 words are strongly discouraged.

[See submissions policy](#)

submissions email: yjil.submissions@yale.edu

general email: yjil.submissions@yale.edu

2016年国际法期刊排名



Rank	Journal	Combined	Impact	Journals	Currency	Cases	Cites/
		09-16	09-16	09-16	09-16	09-16	\$Cost
1	<input type="checkbox"/> Virginia Journal of International Law	35.1	1.81	1216	2.84	6	2.51
2	<input type="checkbox"/> Yale Journal of International Law	22.9	1.16	803	-1	3	2.87
3	<input type="checkbox"/> Chicago Journal of International Law	19.3	0.94	707	1.93	3	2.49
4	<input type="checkbox"/> Vanderbilt Journal of Transnational Law	18.6	0.68	851	1.26	5	2.91
5	<input type="checkbox"/> Berkeley Journal of International Law	18.0	0.95	603	1.95	7	1.14
6	<input type="checkbox"/> Michigan Journal of International Law	17.6	0.85	655	1.65	0	1.8
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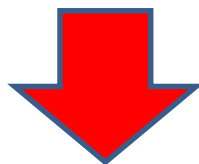
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HARVARD LAW REVIEW

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nedy made a fine text-based case, but for a statement of law that no party in the case had asked the Court to adopt in the certiorari papers.²³⁵

In dissent, Justice Stevens wrote for the same four Justices who responded to Justice Thomas in *Holder*.²³⁶ Like the parties in *Central Bank*, Justice Stevens thought that a stable equilibrium had formed on this issue. In hundreds of cases, the SEC and every federal court of appeals to consider the issue had concluded that aiders and abettors are subject to liability under section 10(b), based upon statutory policy and general principles of tort law.²³⁷ Congress was specifically aware of those decisions, and the relevant committees had signalled approval of them.²³⁸ Justice Stevens worked from the precept, long established in the Court's precedents, that a "settled construction of an important federal statute should not be disturbed unless and until Congress so decides."²³⁹

We do not read *Central Bank* simply as an opinion in which text



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We do not read *Central Bank* simply as an opinion in which text trumps practice, for Justice Kennedy also relied on substantive reasons for reading aiding and abetting out of section 10(b).²⁴⁰ A broad view of section 10(b) would create legal exposure for banks, attorneys, and accountants assisting in securities offerings.²⁴¹ This would, he surmised from a single law review article, have vast distributive conse-

²³⁵ Certiorari was sought and granted on the narrower issue of what standards should be applicable to aider and abettor liability under the cause of action courts had implied from § 10(b). See *id.* at 1457 (Stevens, J., dissenting).

²³⁶ See *id.* at 1455. Justices Blackmun, Souter, and Ginsburg joined in Justice Stevens's opinion.

²³⁷ See *id.* at 1456.

²³⁸ See *id.* at 1458-59 & n.8 (relying on the 1988 amendments and committee reports to the 1983 amendments to the Securities Act). The 1983 report approvingly noted "judicial application of the concept of aiding and abetting liability to achieve the remedial purposes of the securities laws." H.R. REP. NO. 355, 98th Cong., 1st Sess. 10 (1983), quoted in *Central Bank*, 114 S. Ct. at 1458 n.8.

²³⁹ *Central Bank*, 114 S. Ct. at 1458 (quoting *Reves v. Ernst & Young*, 494 U.S. 56, 74 (1990) (Stevens, J., concurring)). Justice Kennedy conceded that "our cases have not been consistent in rejecting arguments such as these," *id.* at 1453, and the Court has regularly followed Justice Stevens's precept in securities cases. See *SEC v. Jerry T. O'Brien, Inc.*, 467 U.S. 735, 745-47 (1984); *Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723, 732-33 (1975); *Blau v. Lehman*, 368 U.S. 403, 412-13 (1962); see also *Commodity Futures Trading Comm'n v. Schor*, 478 U.S. 833, 845-46

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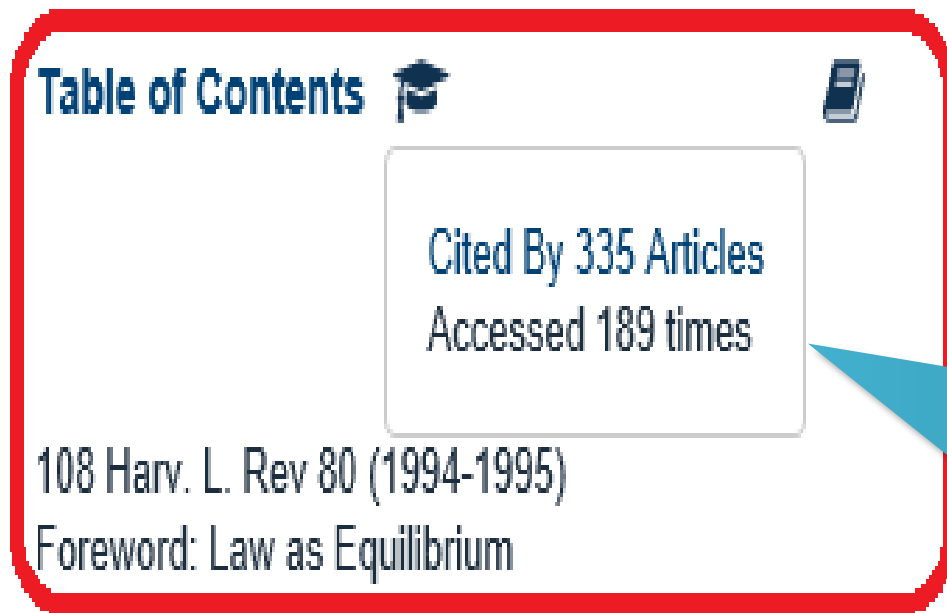
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²³⁸ See *id.* at 1458–59 & n.8 (relying on the 1988 amendments and committee reports to the 1983 amendments to the Securities Act). The 1983 report approvingly noted “judicial application of the concept of aiding and abetting liability to achieve the remedial purposes of the securities laws.” H.R. REP. NO. 355, 98th Cong., 1st Sess. 10 (1983), quoted in *Central Bank*, 114 S. Ct. at 1458 n.8.

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²⁴⁰ See *Central Bank*, 114 S. Ct. at 1453–54 (Kennedy, J.). Another plausible substantive reason was the current Court’s concern for the ramifications of the implied cause of action created by lower courts under § 10(b). *Central Bank* may have been a compromise: rather than abolishing the longstanding implied cause of action, the Court would abolish the not-quite-as-longstanding aiding and abetting liability.

²⁴¹ See *id.* at 1448.

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OCTOBER TERM, 1989

Syllabus

494 U. S.

REVES ET AL. *v.* ERNST & YOUNG

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No. 88-1480. Argued November 27, 1989—Decided February 21, 1990

In order to raise money to support its general business operations, the Farmers Cooperative of Arkansas and Oklahoma (Co-Op) sold uncollateralized and uninsured promissory notes payable on demand by the holder. Offered to both Co-Op members and nonmembers and marketed as an “Investment Program,” the notes paid a variable interest rate higher than that of local financial institutions. After the Co-Op filed for bankruptcy, petitioners, holders of the notes, filed suit in the District Court against the Co-Op’s auditor, respondent’s predecessor, alleging, *inter alia*, that it had violated the antifraud provisions of the Securities Exchange Act of 1934—which regulates certain specified instruments, including “any note[s]”—and Arkansas’ securities laws by intentionally failing to follow generally accepted accounting principles that would have made the Co-Op’s insolvency apparent to potential note purchasers. Petitioners prevailed at trial, but the Court of Appeals reversed. Applying the test created in *SEC v. W. J. Howey Co.*, 328 U. S. 293, to determine whether an instrument is an “investment contract” to the determination whether the Co-Op’s instruments were “notes,” the court held that the notes were not securities under the 1934 Act or Arkansas law, and that the statutes’ antifraud provisions therefore did not apply.

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110 S.Ct. 945

108 L.Ed.2d 47

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v.

ERNST & YOUNG.

No. 88-1480.

Argued Nov. 27, 1989.

Decided Feb. 21, 1990.

Rehearing Denied April 16, 1990.

See 494 U.S. 1092, 110 S.Ct. 1840.

Syllabus

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We do not read *Central Bank* simply as an opinion in which text trumps practice, for Justice Kennedy also relied on substantive reasons

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Frickey, Philip P. (Edit Author Profile)



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University/Affiliation	University of California, Berkeley School of Law
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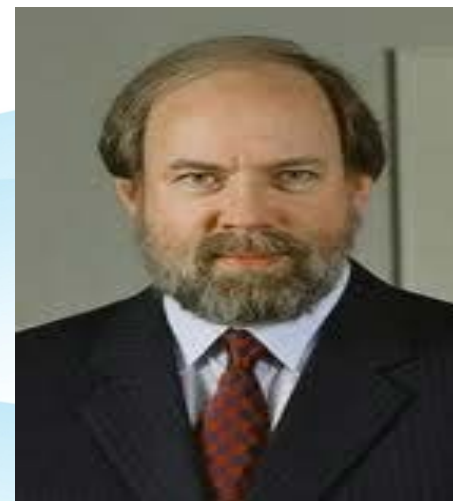
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1. **Toward a Theory of Effective Supranational Adjudication [article]**
Yale Law Journal, Vol. 107, Issue 2 (November 1997), pp. 273-392
Helfer, Laurence R. (Cited 1427 times); Slaughter, Anne-Marie (Cited 1904 times)
107 *Yale L.J.* 273 (November 1997)

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investment-related and **antidumping** disputes with foreign national governments and administrative agencies

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2. **Pretrial Rush to Judgment: Are the Litigation Explosion, Liability Crisis, and Efficiency Cliches Eroding Our Day in Court and Jury Trial Commitments, The [article]**
New York University Law Review, Vol. 78, Issue 3 (June 2003), pp. 982-1134
Miller, Arthur R. (Cited 1905 times)
78 *N.Y.U. L. Rev.* 982 (2003)

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. *Indus. Co.*, 478 F. Supp. 889, 942 (E.D. Pa. 1979) (denying that complexity of antitrust and **antidumping**)

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3. **Legitimacy Crisis in Investment Treaty Arbitration: Privatizing Public International Law through Inconsistent Decisions, The [article]**
Fordham Law Review, Vol. 73, Issue 4 (March 2005), pp. 1521-1626
Franck, Susan D. (Cited 487 times)
73 *Fordham L. Rev.* 1521 (2004-2005)

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1. [Toward a Theory of Effective Supranational Adjudication \[article\]](#)
Yale Law Journal, Vol. 107, Issue 2 (November 1997), pp. 273-392
Helfer, Laurence R. (Cited 1427 times); Slaughter, Anne-Marie (Cited 1904 times)
107 *Yale L.J.* 273 (November 1997)

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& Jane Conners, The Adoption of a Petition Procedure Under the Convention on the Elimination of All Forms of Discrimination Against Women, 21 *BROOK. J. INT'L L.* 679 (1996). Under Chapters 11 and 19 of the North American Free Trade Agreement (NAFTA), private parties may seek review from supranational panels to resolve investment-related and **antidumping** disputes with foreign national governments and administrative agencies. See David Lopez, Dispute Resolution Under NAFTA: Lessons from the Early Experience, 32 *TEX. INT'L L.J.* 163, 173-84 (1997); Alexandra Maravel, Constructing Democracy in the North

Laurence R. Helfer 发表的文章

Results 1-35 of 35 items searching for (creator_facet:"Helfer, Laurence R.") in Law Journal Library. , sorted by "Number of Articles"

1. [Toward a Theory of the Firm](#)
Yale Law Journal
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107 (1997)

2. [Regulation and the Law](#)
Yale Law Journal
Helfer, Laurence R.
29 (1997)

3. [Overcoming the Backlash](#)
Columbia Law Review
Helfer, Laurence R.
102 (1997)

4. [Why ...](#)
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Helfer, Laurence R. (Cited 1427 times); Slaughter, Anne-Marie (Cited 1904 times)
93 Cal. L. Rev. 899 (May 2005)

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Laurence R. Helfer

Harry R. Chadwick, Sr. Professor of Law



Laurence R. Helfer is an expert in international law whose scholarly interests include interdisciplinary analysis of international law and institutions, human rights, and international intellectual property law and policy. He is co-director of Duke Law School's [Center for International and](#)

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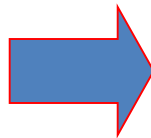
1980 to 1989 (628)

1970 to 1979 (203)

1960 to 1969 (46)

1950 to 1959 (12)

1900 to 1949 (1)



1.

Three Phases of Mead, The [article]

Fordham Law Review, Vol. 83, Issue 2 (November 2014), pp. 527-554
Hickman, Kristin E. (Cited 833 times)
83 *Fordham L. Rev.* 527 (2014-2015)

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). Although the Department of Commerce **antidumping** adjudication in Eurodif seems not to have followed the... the **Antidumping** and Countervailing Duty Laws, 12 *FED. CIR. B.J.* 223, 234-37 (2002) (justifying Chevron

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2.

Expanding the Geography of Policy Options to Reduce Greenhouse Gas Emissions: A Commentary on Hari Osofsky's *The Geography of Solving Global Environmental Problems* [article]
New York Law School Law Review, Vol. 58, Issue 4 (2013-2014), pp. 859-874
Ascher, William (Cited 3 times)
58 *N.Y. L. Sch. L. Rev.* 859 (2013-2014)

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Fordham Law Review, Vol. 73, Issue 4 (March 2005), pp. 1521-1626
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, unexplained demands during an **antidumping** verification, 287 the tribunal explained that Canada's "imperious

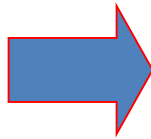
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Helfer, Laurence R. (Cited 1427 times)
29 *Yale J. Int'l L.* 1 (2004)

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1. [TRIPS and Its Discontents \[article\]](#)
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Yu, Peter K. (Cited 1400 times)
10 Marq. Intell. Prop. L. Rev. 369 (2006)

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safeguards; poultry **antidumping** duties); Mexico (**antidumping** duties on transformers); Peru (countervailing... duties on buses); and Turkey (**antidumping** duties on pipe fittings)."93 Most recently, the tiny Caribbean

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2. [World Patent System Circa 20XX, A.D. \[article\]](#)
IDEA: The Journal of Law and Technology, Vol. 38, Issue 4 (1998), pp. 529-568
Mossinghoff, Gerald J. (Cited 433 times); Kuo, Vivian S. (Cited 89 times)
38 IDEA 529 (1997-1998)

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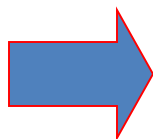
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1. Americanization of Mexican Law: Non-Trade Issues in the North American Free Trade Agreement, The [article]

Law and Policy in International Business, Vol. 24, Issue 2 (1993), pp. 391-460

Zamora, Stephen

24 *Law & Pol'y Int'l Bus.* 391 (1992-1993)

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2. Antidumping Law of the United States: A Legal and Economic Analysis, The [article]

Law and Policy in International Business, Vol. 5, Issue 1 (1973), pp. 85-154

Fisher, Bart S.

5 *Law & Pol'y Int'l Bus.* 85 (1973)

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3. Negotiation of a Code on Subsidies and Countervailing Measures: Bridging Fundamental Policy Differences, The [article]

Law and Policy in International Business, Vol. 11, Issue 4 (1979), pp. 1447-1496

Rivers, Richard R.; Greenwald, John D.

11 *Law & Pol'y Int'l Bus.* 1447 (1979)

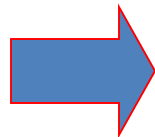
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1. Virtues, the Chinese Yuan, and the American Trade Empire [article]
Hong Kong Law Journal, Vol. 38, Issue 1 (2008), pp. 183-254
Bhala, Raj
38 *Hong Kong L.J.* 183 (2008)
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2. Procedural Issues in the Anti-Dumping Regulations of China: A Critical Review under the WTO Rules [comments]
Chinese Journal of International Law, Vol. 5, Issue 3 (November 2006), pp. 663-682
Choi, Won-Mog; Gao, Henry S.
5 *Chinese J. Int'l L.* 663 (2006)
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3. Promoting a New Bilateral Legal Framework for China-EU Economic Relations [article]
Chinese Journal of International Law, Vol. 3, Issue 1 (2004), pp. 189-226
Huaqun, Zeng
3 *Chinese J. Int'l L.* 189 (2004)
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4. Tenth Anniversary of the WTO, The [comments]

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American University Journal of International Law and Policy, Vol. 9, Issue 2 (Winter 1994), pp. 465-498
Doane, Michael L. (Cited 69 times)
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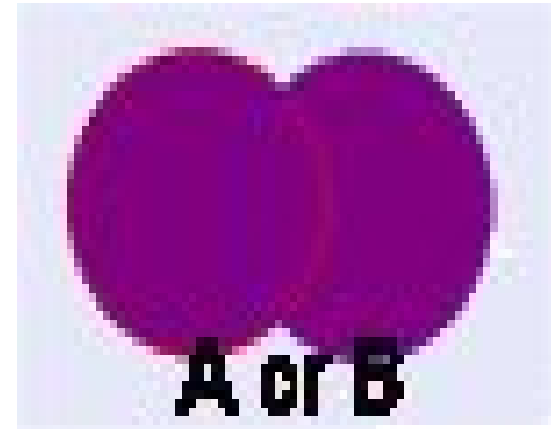
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著名宪法学者： Herbert . Wechsler



Herbert Wechsler (December 4, 1909 – April 26, 2000) was a legal scholar and former director of the [American Law Institute](#) (ALI). He is most widely known for his [constitutional law](#) scholarship and for the creation of the [Model Penal Code](#). [The Journal of Legal Studies](#) has identified Wechsler as one of the most cited legal scholar of the 20th century.

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Law Review, Vol. 39, Issue 2 (January 1987), pp. 317-388
Lawrence, Charles R. III (Cited 3272 times)
39 *Stan. L. Rev.* 317 (1986-1987)

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297. See Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 *HARV. L. REV.* 1, 25 (1959). 298

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2. **Form and Substance in Private Law Adjudication** [article]
Harvard Law Review, Vol. 89, Issue 8 (June 1976), pp. 1685-1778
Kennedy, Duncan (Cited 5881 times)
89 *Harv. L. Rev.* 1685 (June 1976)

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¹⁷ It will be remembered that the Jeffersonian objections to the issuance of a mandamus to the Secretary rested on constitutional submissions with respect to the separation of judicial and executive authority. See I WARREN, *THE SUPREME COURT IN UNITED STATES HISTORY* 232 (1937); *Kendall v. United States*, 37 U.S. (12 Pet.) 524, 610 (1838); Lee, *The Origins of Judicial Control of Federal Executive Action*, 36 *GEO. L.J.* 287 (1948).

¹⁸ See, e.g., *Developments in the Law—Remedies Against the United States and Its Officials*, 70 *HARV. L. REV.* 827 (1957).

¹⁹ Decisions that entail such growth do not always confront the underlying problem. See, e.g., *Harmon v. Brucker*, 355 U.S. 579 (1958). Compare the opinion of Judge Prettyman below, 243 F.2d 613 (D.C. Cir. 1957).

²⁰ HAND, *op. cit. supra* note 3, at 15.

²¹ Frankfurter, *John Marshall and the Judicial Function*, 69 *HARV. L. REV.* 217, 227-28 (1955), in *GOVERNMENT UNDER LAW* 6, 19 (Sutherland ed. 1956).

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THE ORIGINS OF JUDICIAL CONTROL OF FEDERAL EXECUTIVE ACTION

FREDERIC P. LEE*

THE contest between the judicial and executive branches over the power of the courts to subject to judicial review administrative action legislative or judicial in character has been waged for over a century. In *Marbury v. Madison*¹ the Supreme Court tentatively asserted its right to invalidate acts of the executive, as well as those of Congress, that were contrary to law. During the Jacksonian period the Court for the first time decided that it had the right to call the executive to account. But despite the firm position early taken by the Court, only when Congress has actively intervened on the Court's side has the judiciary made real gains against the executive. In consequence the effective weapons of the Court have been largely statutory review proceedings rather than common law writs.

Several factors long served to delay a decisive conclusion on any



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Following his graduation from Harvard Law School, Judge Posner clerked for Justice William J. Brennan, Jr. From 1963 to 1965, he was assistant to Commissioner Philip Elman of the Federal Trade Commission. For the next two years, he was assistant to the solicitor general of the United States. Prior to going to Stanford Law School in 1968 as Associate Professor, Judge Posner served as general counsel of the President's Task Force on Communications Policy. He first came to the University of Chicago Law School in 1969, and was Lee and Brena Freeman Professor of Law prior to his appointment in 1981 as a judge of the U.S. Court of Appeals for the Seventh Circuit. He was the chief judge of the court from 1993 to 2000.

Judge Posner has written a number of books, including *Economic Analysis of Law* (8th ed., 2011); *The Economics of Justice* (1981); *Law and Literature* (3rd ed. 2009); *The Problems of Jurisprudence* (1990); *Cardozo: A Study in Reputation* (1990); *The Essential Holmes* (1999); *Law and Reason* (1999); *Overcoming Law* (1995); *The Federal Courts*



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Richard Allen Posner (/ˈpoʊznər/; born January 11, 1939) is an American [jurist](#), legal theorist, and [economist](#). He is currently a judge on the [United States Court of Appeals for the Seventh Circuit](#) in [Chicago](#) and a Senior Lecturer at the [University of Chicago Law School](#). He is a leading figure in the field of [law and economics](#), and was identified by *The Journal of Legal Studies* as the [most cited](#) legal scholar of the 20th century.^[1]

Posner is the author of nearly 40 books on jurisprudence, economics, and several other topics, including *Economic Analysis of Law*, *The Economics of Justice*, *The Problems of Jurisprudence*, *Sex and Reason*, *Law, Pragmatism and Democracy*, and *The Crisis of Capitalist Democracy*. Posner has generally been identified as being politically conservative; however, in recent years he has distanced himself from the positions of the Republican party.^[2]

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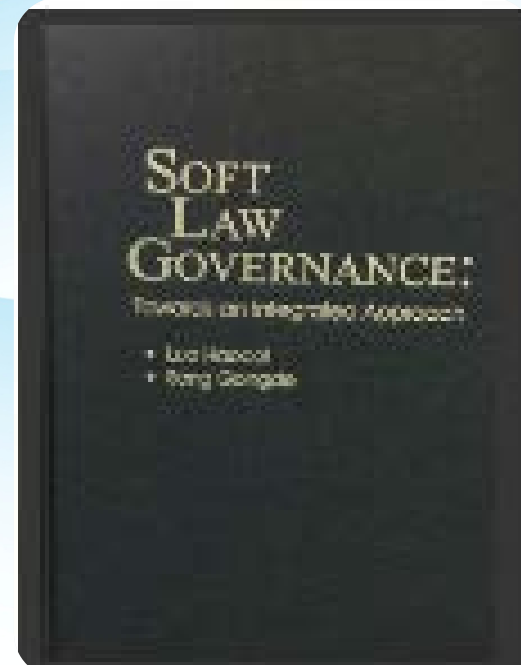
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