



**WELLS®**



# HeinOnline Training

Wells公司  
张斌 2021



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- 一. **HeinOnline**数据库使用特点及收录内容介绍
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- 六. **HeinOnline**与**Wells**联合推出的“文化走出去”活动详情







# 一、HeinOnline数据库使用特点及 收录内容介绍

全球领先的专业的法学数据库  
---法学研究者必备的研究工具



## 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；



## HeinOnline数据库收录内容介绍

- ✚ 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数据库收录内容特点

尽管HeinOnline文库的总部位于美国，但它也一直不遗余力地为用户提供来自世界其他国家和地区的非英语文献。在HeinOnline的3000余种期刊中，有40%是在美国境外出版的，而且她们已经对非英语的期刊进行了编译。

- ✚ 3000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17000多部学术著作和书籍，最早收录到16世纪
- ✚ 收录美国及英联邦国家的十几万判例
- ✚ 以美国为主的多个国家的法律法规



# HeinOnline不仅仅是一个法律数据库

我们通常都称HeinOnline为法律数据库，但它所了解的可不仅局限于法律。

之所以称它为法律文库，只是因为我们一开始发布的内容是法律期刊。但随着文库的发展，我们已经添加了数百万页涉及其他学科的内容。如今的“法律”期刊文库实际上已经包含了学术和商业等多学科的文献。这**3000**多种期刊涵盖各种主题或学科，包括：刑法司法体系、政治、科技、商科、公共卫生、移民政策、经济学、对外政策、宗教信仰、世界历史、心理学，以及医药学。



# HeinOnline还收录了大量高质量商业文献

我们的文库不仅包含学术期刊，还包含一些商业文献。以下是与我们合作的一些出版社：

- o Brill Publishers
- o Cambridge University Press
- o Clarus Press
- o De Gruyter
- o Edward Elgar Publishing
- o Hart Publishing
- o Oxford University Press
- o SAGE Publishing
- o Taylor & Francis
- o Vathek Publishing
- o Wolters Kluwer



# 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 assosciation	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	0010-2522	Yenching University Law Review

# 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



CAMBRIDGE, MASS.  
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NEW HAVEN, CONN.:  
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1924

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*Editor-in-Chief:*  
HAROLD E. YNTEMA

VOLUME 1  
1952

American Association for the  
COMPARATIVE STUDY OF LAW, INC.  
1952

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ARTICLES

A Will-Timed Criminal Enterprise:  
Tax Evasion  
Jon C. Rine

Taxing Justice: How Poverty Affects Taxpayers' Economic  
Power: Comments by the Authors  
Douglas T. Kenkel & Jason C. Rinaldi

A Real Account Competition: Tax Unconformity of  
Armstrong's Rule for Out-of-State Losses  
Michael J. Pashinski

THE STATE OF TEXAS: A COMMENTARY  
ON THE RECENT DEVELOPMENTS IN  
THE STATE OF TEXAS  
David S. Haines

**Legal Studies**

**Abstract:** The purpose of this study was to determine the effect of a 12-week, low-intensity, low-impact aerobically demanding exercise program on the cardiovascular fitness of sedentary, middle-aged women. The study was a randomized, controlled trial. The subjects were 20 sedentary, middle-aged women who were randomly assigned to either an exercise group or a control group. The exercise group performed a 12-week, low-intensity, low-impact aerobically demanding exercise program. The control group did not exercise. The results of the study showed that the exercise group had a significant improvement in cardiovascular fitness compared to the control group. The exercise group had a significant increase in heart rate, stroke volume, and cardiac output. The control group had no significant change in these variables. The results of this study suggest that a 12-week, low-intensity, low-impact aerobically demanding exercise program can improve cardiovascular fitness in sedentary, middle-aged women.

**RESEARCH ON THE EFFECTS OF THE 2008 FINANCIAL CRISIS**


VOLUME 1  
1976

**中国  
国际法  
论刊**

**Chinese Journal of  
International Law**

Volume 10 Number 1 | September 2012

<http://chinalaw.chinesejournals.org>

 Taylor & Francis Group



# 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）。

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



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

# 法学期刊排名网站



[Alumni and Giving](#) [Faculty/Staff](#) [Students](#)

[About](#) [Academics](#) [Admissions](#) [Career Strategy](#) [Faculty](#) [Law Library](#) [News and Events](#) [W&L Home](#)

WASHINGTON AND LEE SC

[Home](#) [Contact](#) [About](#) [Methodology](#) [Combined Score](#) [Impact-Factor](#) [Currency-Factor](#) [Log In](#)

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
- ☐ ABA Journal
- ☐ ABA Journal of Labor & Employment Law
- ☐ Aberdeen Student Law Review
- ☐ Accord, A Legal Journal for Practioners [online]
- ☐ Accounting, Economics, and Law: A Convivium [online]
- ☐ Acta Juridica
- ☐ Acta Juridica Hungarica
- ☐ 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 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
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



# 2020年国际法期刊排名

Rank	Journal	Combined 14-18	Impact 14-18	Journals 14-18	Currency 14-18	Cases 14-18
1	<input type="checkbox"/> Harvard National Security Journal	16.3	1.2	161	2.92307692307692	1
2	<input type="checkbox"/> Virginia Journal of International Law	13.4	0.774193548387097	185	1.38	0
3	<input type="checkbox"/> University of Pennsylvania Journal of International Law	12.5	0.661290322580645	189	0.790322580645161	1
4	<input type="checkbox"/> Texas International Law Journal	11.5	0.648148148148148	163	1.11111111111111	1
5	<input type="checkbox"/> Vanderbilt Journal of Transnational Law	11.1	0.448979591836735	204	0.653061224489796	0
6	<input type="checkbox"/> Columbia Journal of Transnational Law	11.0	0.569620253164557	171	0.933333333333333	0
7	<input type="checkbox"/> Michigan Journal of International Law	10.6	0.625	145	0.979166666666667	0
8	<input type="checkbox"/> Fordham International Law Journal	10.5	0.345794392523364	213	0.605042016806723	2
9	<input type="checkbox"/> Yale Journal of International Law	10.3	0.563636363636364	151	0.8	0
10	<input type="checkbox"/> Chicago Journal of International Law	10.1	0.51063829787234	159	0.872340425531915	2





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 Collections

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

 Law Journal Library

 American Bar Association Journals

 Core U.S. Journals

 Criminal Justice Journals

 International & Non-U.S. Law Journals

 Most-Cited Law Journals

 ABA Law Library Collection Periodicals

Acts of the Parliament of Canada (Annual  
Statutes)

 American Association of Law Libraries (AALL)

 American Indian Law Collection

 American Law Institute Library

 International

 International  
(ICJ)

 International Law Assn

 Israel Law Reports

 Kluwer Law International Journal Library

 Law in Eastern Europe

 Legal Classics

 Manual of Patent Examining Procedure

 National Conference of Commissioners on  
Uniform State Laws

 National Moot Court Competition

New

学校订购的  
子库---按照  
子库名称分



# **WELLS**<sup>®</sup>二、HeinOnline数据库检索方式详解及 案例演示



Full Text

Citation

Catalog

Case Law

## 全文检索

- 1、您可以通过输入作者名找到某作者发表的所有文章；
- 2、您可以通过输入关键词找到和关键词相关联的某一类文章

## 引证号检索

您可以输入某一确定的引证号精确的找到某一篇文章

## 期刊目录检索

您可以输入您感兴趣的期刊进行检索，可以找到所收录的这本期刊的所有卷次，您可以不间断的阅读期刊的每一期或有选择性的阅读

# 检索路径

以最常使用的Law Journal Library（法学期刊文库）为例。  
步骤一：点击Law Journal Library后，进入到Law Journal Library检索界面

## Browse Collections by Name

- 
- Law Journal Library**
  - American Bar Association Journals
  - Core U.S. Journals
  - Criminal Justice Journals
  - International & Non-U.S. Law Journals
  - Most-Cited Law Journals
  - New** ABA Law Library Collection Periodicals
  - American Association of Law Libraries (AALL)
  - Index to Foreign Legal Periodicals (IFLP)
  - Intellectual Property Law Collection
  - International Law Association Reports
  - Israel Law Reports
  - Kluwer Law International Journal Library
  - New** Law in Eastern Europe
  - Legal Classics
  - Manual of Patent Examining Procedure

# 检索路径

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Updated ⓘ ABA Journal Vols. 1-24#3 (1991-2016)

Updated ⓘ ABA Journal of Affordable Housing & Community Development Law  
See: Journal of Affordable Housing and Community Development Law Vols. 1-31 (1985-2016)

Updated ⓘ ABA Journal of Labor and Employment Law Vols. 1-35#9 (1982-2016)

Updated ⓘ ABA Juvenile & Child Welfare Law Reporter  
See: Child Law Practice



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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.<sup>235</sup>

In dissent, Justice Stevens wrote for the same four Justices who responded to Justice Thomas in *Holder*.<sup>236</sup> 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.<sup>237</sup> Congress was specifically aware of those decisions, and the relevant committees had signalled approval of them.<sup>238</sup> 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."<sup>239</sup>

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



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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.<sup>235</sup>

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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).<sup>240</sup> A broad view of section 10(b) would create legal exposure for banks, attorneys, and accountants assisting in securities offerings.<sup>241</sup> This would, he surmised from a single law review article, have vast distributive conse-

<sup>235</sup> 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).

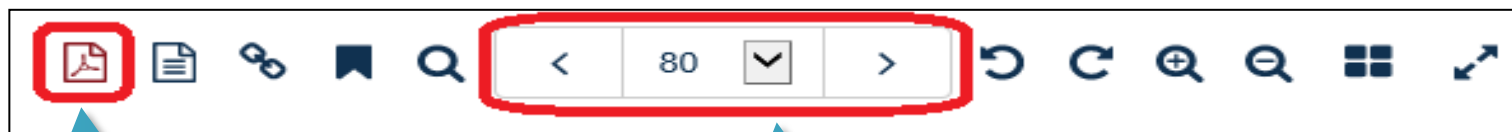
<sup>236</sup> See *id.* at 1455. Justices Blackmun, Souter, and Ginsburg joined in Justice Stevens's opinion.

<sup>237</sup> See *id.* at 1456.

<sup>238</sup> 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.

<sup>239</sup> *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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<sup>238</sup> 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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<sup>240</sup> 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.

<sup>241</sup> See *id.* at 1448.

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# 文章所引用的判例的全文 (494 U. S. 56)

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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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494 U.S. 56

110 S.Ct. 945

108 L.Ed.2d 47

Bob REVES, et al., Petitioners

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

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. Howe Co.*, 328 U.S. 293, 66 S.Ct. 1100, 90 L.Ed. 1244, to determine whether an instrument is an "investment contract" to the determination whether the Co-Op's instruments

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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

# 作者的学术影响力及发表的所有文章

## Frickey, Philip P. (Edit Author Profile)



Full Name	Frickey, Philip P.
Birth Year	1953
University/Affiliation	University of California, Berkeley School of Law
Cited by Cases	82 (Rank 340)
Cited by Articles	4133 (Rank 63)
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355 U.S. 20

78 S.Ct. 1

2 L.Ed.2d 3

Pasquale PALERMO, Petitioner,

v.

LUCKENBACH STEAMSHIP COMPANY, Inc.

No. 350.

Decided Oct. 21, 1957.

Rehearing Denied Nov. 25, 1957.

See 355 U.S. 886 , 78 S.Ct. 147 .

See 355 U.S. 910 , 78 S.Ct. 337 .

Mr. Philip F. Di Costanzo, Brooklyn, N.Y. (Mr. Robert Klonsky on the brief), for petitioner.

Messrs. Eugene Underwood, William M. Kimball, New York City, for respondent.

PER CURIAM.

The petition for certiorari is granted, and the judgment of the Court of Appeals is reversed and the case is remanded. \* We hold that the trial court did not commit reversible error in refusing to charge respondent's request





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27 I.L.M. 281 (1988)

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**Comments:** 评注类文章，不经过同行评审

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- ☐ Comments (743)

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- ☐ Journal of World Trade (354)
- ☐ Georgetown Journal of International Law (140)
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**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

All Matching Text Pages

**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**)

All Matching Text Pages

**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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# 如何判断找到的文章是否为我所需

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意思是：将文章中出现“关键词（Antidumping）”的段落显示出来，关键词周围的30个左右的单词会出现，读者可以判断这篇文章是否为我所需。

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 Connors, 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

## ②按照日期查找文章

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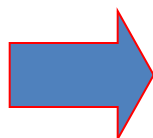
1980 to 1989 (628)

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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73 Fordham L. Rev. 1521 (2004-2005)

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, unexplained demands during an antidumping verification, 287 the tribunal explained that Canada's "imperious

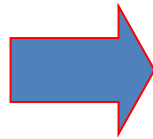
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Helfer, Laurence R. (Cited 1427 times)  
29 Yale J. Int'l L. 1 (2004)

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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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and Countervailing Duties, **Antidumping** Measures, and Inspections and Customs Procedures as well as the



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[美] R. P. 费曼 著

张郁才 译

湖南科学技术出版社



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- 1、如果只有一个特定的关键词，建议可以在文章的题名（**Article Title**）中间找；
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- 4、熟能生巧；
- 5、做研究最重要的是思路，检索只是纯技术问题

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Or	China <b><u>or</u></b> American	表示检索结果至少包含China 和American这两个单词中的一个
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- ☐ 1. [Trips and International Intellectual Property Protection in an Age of Advancing Technology \[article\]](#)  
*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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INTELLECTUAL PROPERTY PROTECTION Clearly, this area will continue to be a major area of dispute... purposes a protected layout-design, an integrated circuit in which a protected layout- design is

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### 三、如何利用数据库进行学术研究，获取写作思路

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- ✚ 帮助您了解研究领域内的最新动向
- ✚ 了解研究领域内全球的高影响力学者的研究方向和成果
- ✚ 通过文章的引用和被引用帮助您了解研究领域的发展历程
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# 利用HeinOnline获取思路，激发研究思想

在不了解关键词或者难于限定关键词的时候，以学术领域内一篇重要文章、一个重要的学者来进行引用和被引用文献的检索。从而了解学术领域内学术研究发展的全貌。

- ✚ 某一理论最初是谁提出来的；
- ✚ 该理论有没有得到进一步的证实，哪些学者对理论的研究做过相关的贡献？该理论是否已经应用到了新的领域？
- ✚ 该理论研究的最新进展极其延伸？
- ✚ 该理论的研究方法是否得到改进？
- ✚ 如何了解某篇论文、某个学者被引用情况，揭示其影响力。



## 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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# 寻找Herbert Wechsler发表的所有文章

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- ☐ Columbia Law Review (12)

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25 Results

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- ☐ 1. **Toward Neutral Principles of Constitutional Law [article]**  
*Harvard Law Review* , Vol. 73, Issue 1 (November 1959), pp. 1-35  
Wechsler, Herbert (Cited 5587 times)  
73 Harv. L. Rev. 1 (1959-1960)

Cited by 2479 Articles  
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Accessed 324 Times

- ☐ 2. **Political Safeguards of Federalism: The Role of the State in the National Government, The [article]**  
*Columbia Law Review*, Vol. 54, Issue 4 (April 1954), pp. 543-598  
Wechsler, Herbert (Cited 5587 times)  
54 Colum. L. Rev. 543 (April 1954)

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- ☐ Notes (242)
- ☐ Reviews (144)

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- ☐ Civil Rights (127)
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- ☐ Columbia Law Review (80)
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Law Review, Vol. 39, Issue 2 (January 1987), pp. 317-388  
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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  
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<sup>17</sup> 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 1 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).

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

<sup>19</sup> 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).

<sup>20</sup> HAND, *op. cit. supra* note 3, at 15.

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

# 前人的成果

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Origins of Judicial Control of Federal Executive Action

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## THE GEORGETOWN LAW JOURNAL

VOLUME 36

MARCH, 1948

NUMBER 3

### 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*<sup>1</sup> 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



# 作者简介

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## Richard A. Posner(波斯纳教授)



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## Richard A. Posner

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* (1992); *Law and Reason* (1992); *Overcoming Law* (1995); *The Federal Courts*



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# Richard A. Posner(波斯纳教授)—维基百科

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## Richard Posner

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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.<sup>[1]</sup>

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.<sup>[2]</sup>

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Special Focus on Domestic Violence

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Fenton, Zanita E. (Cited 157 times)

8 Colum. J. Gender & L. 1 (1998-1999)

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### Panel Presentation on Cultural Battery Speaker: Kimberle Williams Crenshaw [comments]

Transcripts

*University of Toledo Law Review*, Vol. 25, Issue 4 (1994), pp. 891-902

25 U. Tol. L. Rev. 891 (1994)

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97 Ky. L.J. 79 (2008-2009)

**Topics:** Economics, Intellectual Property Law, International Law: History, Developing Countries, Intellectual Property Law, Money

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CREATIVE DEVELOPMENT to pressure poor countries to acknowledge and protect the rights of foreign **intellectual property** owners. ...The reforms this paper suggests would help countries to take the essential next step beyond stronger **intellectual property** laws to building institutions that competently employ **intellectual property** rights to foster local creativity and innovation. ...POPULAR MUSIC AS A GRASS-ROOTS ECONOMIC DEVELOPMENT STRATEGY The city of Nashville is nicknamed "Music City U.S.A." with good reason.<sup>9</sup> The United States is blessed with several locales where popular **music** thrives both creatively and financially, but nowhere else is **music** so central to the local economy and identity.<sup>6\*</sup> A recent study estimates that been disappointed by the fact that the Doha Round has faltered, and with it the hopes of developing countries for liberalization of agricultural trade with developed nations. 58 National treatment provisions in TRIPS and other international **intellectual property** agreements will, of course, obligate developing nations to provide the same treatment to foreign



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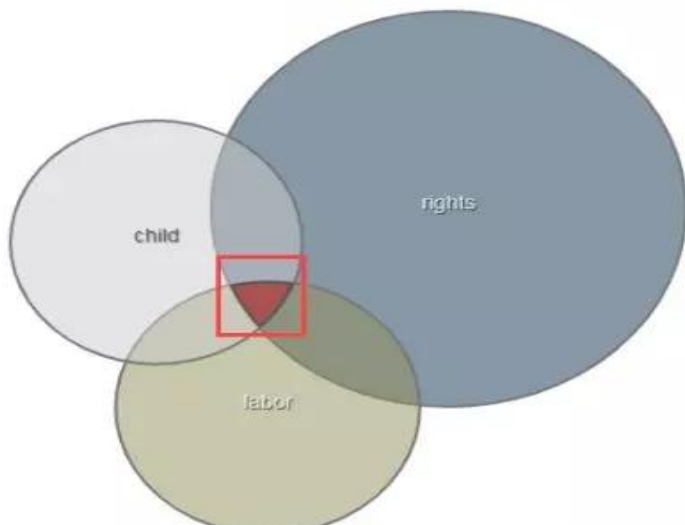
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Symposium: The Protection of Children's Rights under International Law: The Economic Exploitation of Children

*Saint Louis University Public Law Review*, Vol. 22, Issue 2 (2003), pp. 359-[ii]

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ENDING CHILD LABOR „27 going to school. Furthermore, the Children's **Rights** Division at Human **Rights** Watch has focused its efforts largely on forced and bonded **child labor**, stating: The human **rights** abuses in these practices are clear and acute. Our objectives in tackling these aspects of the complex and troubling **child labor** issue include drawing attention to the plight of bonded and forced **child laborers**, helping to end these appalling practices, and contributing to the debate on the **rights** dimension of the larger issue of children and work.<sup>28</sup> This language, by unnecessarily equivocating on definitional issues that are, in fact, well-resolved by human **rights**



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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.<sup>235</sup>

In dissent, Justice Stevens wrote for the same four Justices who responded to Justice Thomas in *Holder*.<sup>236</sup> 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.<sup>237</sup> Congress was specifically aware of those decisions, and the relevant committees had signalled approval of them.<sup>238</sup> 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."<sup>239</sup>



# HeinOnline数据库新搜索界面介绍

在HeinOnline，为每一位用户提供更智能、更优秀、更快捷的服务是我们毕生追求的目标。我们一直致力于确保我们的产品简单易用。基于此目的，HeinOnline

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新的搜索功能通过更直观的单框搜索完成所有搜索需求，而此前的搜索方法需要通过一个个选项卡来查找数据。当然，如果您是习惯了原来的搜索界面而不想改变的HeinOnline老用户，请放心，以前的搜索功能也并没有被删除。本文原文出自HeinOnline Blog，可长按识别二维码跳转阅读原文。



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# HeinOnline Knowledge Base

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- Will HeinOnline work with proxy servers?
- View all

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- Getting Started in HeinOnline
- Searching 101
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(25 Articles)

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- Logging Into HeinOnline
- Using MyHein
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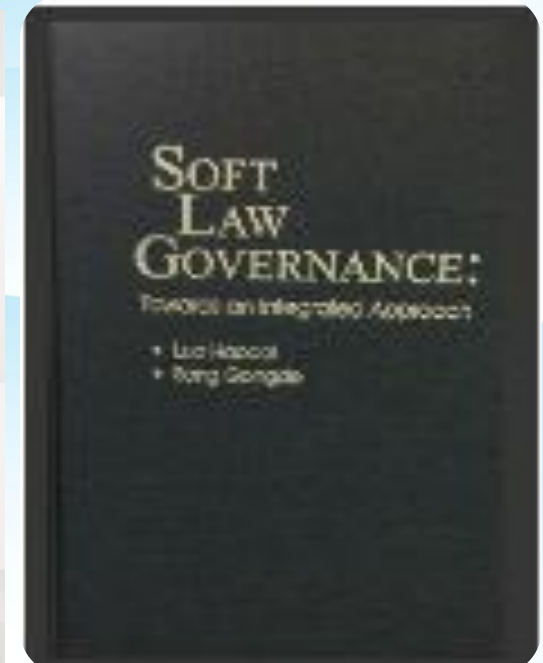
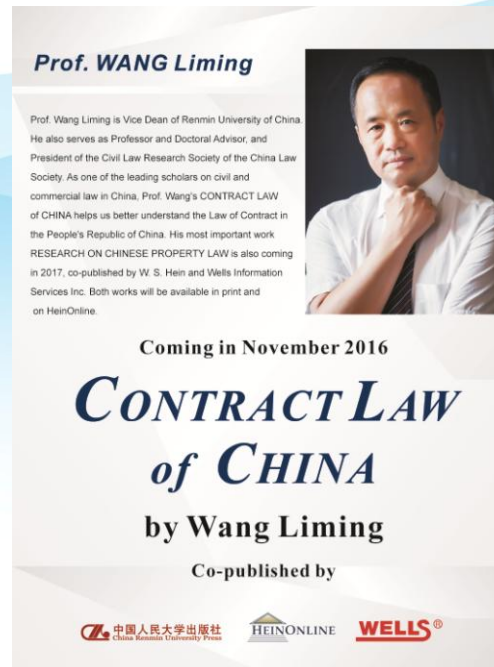
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