



商事案例 判解

▶ SHANGSHI ANLI PANJIE

▶ 主 编 丁寿兴

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主 编：丁寿兴

副主编：张忠野 汤黎明
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序

案例是指导人民法院审判工作的一种重要形式。由于成文法的局限很容易导致个案判决的冲突，而个案判决冲突将极大损害法律的非人格化权威。因此，商事案件的类型化研究必将维护和提升法院判决的权威性和效力。

浦东的开发和浦东经济的飞速发展对浦东的司法实践提出了严峻的挑战。浦东法院受理的商事案件数量大、类型广、案由新、案情复杂、涉外纠纷多，这些新案例、新问题及法律漏洞的存在和经验的缺乏增大了法官适法的难度，审理不当就不能为浦东经济的发展提供司法保障。挑战就是机遇！以民二庭为主的法官在十余年司法实践中，进行了大量有针对性的调研，与理论研究机构进行广泛的合作，对受理的商事案件进行了深入的类型化研究，总结出富有成效的司法实践经验。浦东新区法院《商事案例判解》第一辑的出版就是一个集中的反映。

本书共分证券与期货编、公司与破产编、票据保险外汇编、对外贸易代理编以及经营性合同编等五编，个案的写作采取内容提要、案件基本事实、法院裁判要旨及所涉法律问题分析体例。参与本书编写的同志绝大部分具有本科以上学历，还有部分同志具有博士、硕士学历，并且直接从事审判工作，掌握大量第一手素材，编者作者也力争从实践和理论相结合的角度阐明案例。但是，由于时间仓促以及编者和作者水平有限，书中难免存在错误，敬请读者指正。

上海浦东新区人民法院院长 丁寿兴

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