

SECURITIES LAW: OVERVIEW AND CONTEMPORARY ISSUES

Neal F. Newman* & Lawrence J. Trautman**

Abstract

This is not your grandfather's SEC anymore. Rapid technological change has resulted in novel regulatory issues and challenges, as law and policy struggles to keep pace. The U.S. Securities and Exchange Commission (SEC) reports that "the U.S. capital markets are the deepest, most dynamic, and most liquid in the world. They also have evolved to become increasingly fast and extraordinarily complex. It is our job to be responsive and innovative in the face of significant market developments and trends." With global markets increasingly interdependent and interconnected and, "as technological advancements and commercial developments have changed how our securities markets operate, our ability to remain an effective regulator requires us to continuously monitor the market environment and, as appropriate, adjust and modernize our expertise, rules, regulations, and oversight tools and activities." The success or failure of our society, jobs of a global workplace, and the ability of families everywhere to feed, clothe, and house themselves depends on the success of the SEC in providing fair and open access to capital through efficient markets.

Our paper proceeds in eight parts. First, we explain the genesis and role of the Securities and Exchange Commission (SEC). Second, the definition of and what exactly constitutes a "security" is provided. Third, the securities issuance process is discussed. Fourth, we focus our discussion on The Division of Enforcement. Fifth, we discuss corporate governance and the SEC. Sixth, we explore the difficult task of governing during times of rapid technological change. Seventh, we examine contemporary issues that face the Commission. And last, we conclude.

Keywords: blockchain, board of directors, corporate governance, corporation finance, cybersecurity, D&O insurance, economic and risk analysis, enforcement, environmental, social, and governance (ESG), examinations, financial markets, FCPA, GameStop, Howey, innovation, investment management, Koskot, registration, regulation, Robinhood, trading and markets, United Housing, virtual currencies.

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Contemporary Issues In Securities Regulation

Zhu Sanzhu



Contemporary Issues In Securities Regulation:

Contemporary Issues in Securities Regulation ,1993 Contemporary Issues in Securities Regulation Marc I. Steinberg,1988 This work examines issues of importance and interest to corporate practitioners and academicians It includes discussion of the most controversial issues in securities regulation today broker dealer regulation insider trading blue sky laws and the attorney client and related privileges **Contemporary Problems in Securities' Regulation** ,1959

Contemporary Issues in International Political Economy Fu-Lai Tony Yu,Diana S. Kwan,2019-05-22 This book is the product of a team teaching course entitled Issues in Economic Development offered to the final year students of Department of Economics and Finance at Hong Kong Shue Yan University In this volume the authors comprehensively survey world s most controversial issues in economic and political affairs Topics in this volume cover Christianity Islam confrontation ISIS and anti terrorism North Korea and Taiwan Strait Crises China s rise as a global power Brexit Artificial Intelligence Bitcoin same sex marriage global warming happiness and well being This book can be used as a reader or textbook in courses such as International Political Economy and International Development or as a reference for scholars and policy makers The Oxford Handbook of Financial Regulation Niamh Moloney,Eilís Ferran,Jennifer Payne,2015-08-27 The financial system and its regulation have undergone exponential growth and dramatic reform over the last thirty years This period has witnessed major developments in the nature and intensity of financial markets as well as repeated cycles of regulatory reform and development often linked to crisis conditions The recent financial crisis has led to unparalleled interest in financial regulation from policymakers economists legal practitioners and the academic community and has prompted large scale regulatory reform The Oxford Handbook of Financial Regulation is the first comprehensive authoritative and state of the art account of the nature of financial regulation Written by an international team of leading scholars in the field it takes a contextual and comparative approach to examine scholarly policy and regulatory developments in the past three decades The first three parts of the Handbook address the underpinning horizontal themes which arise in financial regulation financial systems and regulation the organization of financial system regulation including regional examples from the EU and the US and the delivery of outcomes and regulatory techniques The final three Parts address the perennial objectives of financial regulation widely regarded as the anchors of financial regulation internationally financial stability market efficiency integrity and transparency and consumer protection The Oxford Handbook of Financial Regulation is an invaluable resource for scholars and students of financial regulation economists policy makers and regulators *Law and Contemporary Problems* ,1949

Contemporary Problems in Securities Regulation Louis Loss,1959 *International Contracts and National Economic Regulation:Dispute Resolution Through International Commercial Arbitration* Mahmood Bagheri,2000-12-06 The growth of national economic regulation and the process of globalisation increasingly expose international transactions to an array of regulations from different jurisdictions These developments often contribute to widespread international contractual

failures when parties claim the incompatibility of their contractual obligations with regulatory laws The author challenges conventional means of dispute resolution and argues for an interdisciplinary approach whereby disciplines such as international economic law conflict of laws contract law and economic regulations are functionally united to resolve international and multifaceted regulatory disputes He identifies the normative foundation of contract law as an important determinant in this process contending that contract law is essentially neutral and underpinned by the concept of corrective justice while economic regulations are mainly prompted by distributive justice Applying this corrective distributive justice dichotomy to international contracts the author critically assesses major conflict of laws approaches such as proper law the Rome Convention and governmental interest analysis which could disregard either public interest or private rights The author taking these theories into account proposes an alternative two dimensional interest analysis approach He tests the viability of this approach with reference to arbitral awards and court decisions in various jurisdictions and concludes that it uniquely fits into the structure of international commercial arbitration In adopting this approach arbitrators would take into account both corrective and distributive justice and to the extent that corrective justice prevails would be able to avert a total failure of the contract

Securities Regulation in China Zhu Sanzhu, 2021-10-01 A co publication with Simmonds and Hill In this important study Dr Zhu Sanzhu offers a thorough account of the tortuous passage of China from an experimental securities market subject to regional and local or ministerial regulation to a full fledged national securities law China has conducted its securities experiments within a limited private and quasi private sector not linking them as has been true in Central and Eastern Europe to the rapid privatisation of the instruments and means of production The capital markets in China are for certain actors in the economy a test of economic performance economic efficiency and public confidence Dr Zhu also provides a translation of the Securities Law of the People s Republic of China along with a glossary of Chinese terms This volume is an essential resource for all those engaging in business with China or studying the integration of the Chinese economy into the world community Published under the Transnational Publishers imprint

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political policy has been a recurring issue in China's WTO trade disputes Annual Institute on Securities Regulation ,2010

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Regulation Iris H.-Y. Chiu,2008-01-01 Offers a new approach to the legal issues raised by the drive for convergence in securities regulation The author offers an informed and insightful examination of the implications for regulatory and policy design if regulatory convergence were to be rigorously implemented West's Advanced Topics and Contemporary Issues Frank B. Cross,Roger LeRoy Miller,1995 Explicitly addresses the AACSB's legal environment curriculum requirements regarding ethical global political economic social environmental technological cultural and demographic issues Integrated throughout each chapter are both fully edited and summarized cases that illustrate specific points of law A unique mix of featuresQincluding exhibits profiles quotations changing perspectives in business and landmarks in the legal and regulatory environmentQillustrate for students how the legal and regulatory environment touches and is touched by every aspect of life

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