链接

- **Lexis AU学术大全数据库：**
- http://origin-www.lexisnexis.com/ap/academic/?lang=cn

- **Lexis法律专业数据库：**
- http://origin-www.lexisnexis.com/ap/auth/

LexisNexis

LexisNexis

LexisNexis China

竭诚为您服务

Application Consultant & Trainer 产品应用顾问及培训师

Lasen 黎晓毅

E-mail:lasen.li@lexisnexis.com

培训目的

- 大致了解数据库都有哪些内容
- 基本掌握数据库的检索方法，快速找到所需要的资料
- 能够顺利通过CALIS组织的考试，取得好的成绩

内容安排&演讲方式

- 内容安排：
- **Lexis AU学术大全数据库**
- **Lexis法律专业数据库**
- 总结**LexisNexis**数据库的特点
- **Q&A** 提问环节
- **Lexis**其他产品
- 演讲方式：
- 数据库内容——数据库有什么资源
- 数据库结构——资源如何分布
- 检索方法——有效找到所需文献

LexisNexis

LexisNexis---Academic Universe

学术大全数据库

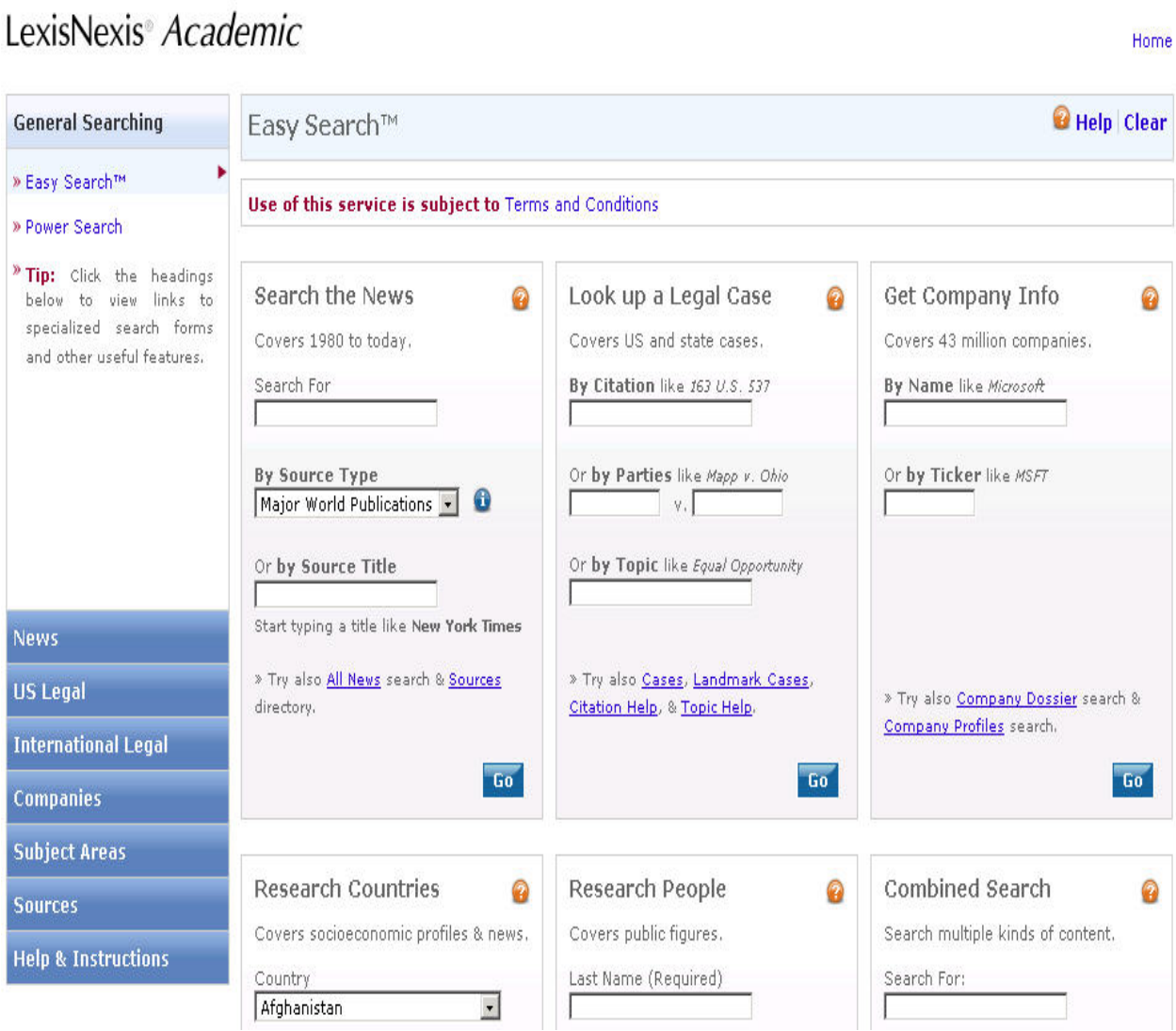
LexisNexis® 学术大全 全面改版

LexisNexis 学术大全被超过1,500所美国大学采用，使用者超过8百万（师生）。

信息来自超过 **9,000** 的新闻、商业及法律信息源

LexisNexis 提供全球超过3500万家公司的背景及财务信息。

同时提供著名的谢泼德印证服务，覆盖所有自**1789**年以来的所有联邦及各州法院的案例。



内容简介

Academic学术大全数据库拥有6000多种信息资源，主要以事实型数据为主，以期刊和评论为辅。LexisNexis（律商联讯） Academic学术大全包括四大研究领域：

- 新闻资讯 News；
- 商业资讯 Business；
- 法律研究 Legal；
- 人物传记 People。

LexisNexis

新闻News

- 来自美国和全球各地出版的600余种报纸、期刊、杂志，包含全世界七种语言的主流媒体和通讯社文稿，以及通过其他途径难以获取的电视台和广播电台的文字新闻稿，50多家新闻通讯社的服务等。包括《纽约时报》、《华尔街日报》、《泰晤士报》、《费加罗报》……；

商业Business /公司信息company

- 收录全球主要的商业新闻媒体信息，公司的财务信息以及广联公司信息，美国证交委档案和报告，会计资料等。包含了28个行业分析竞争情报，几十万家公司的文档、美国证监会文档……；

法律Legal

- 可以获取二次法律资料，诸如法学论文或法律评论中某个法律问题的背景情况，也能够查询诸如判例法、成文法和其他法规等原始法律资料，还收录《谢泼德美国最高法院判例摘引》、《耶鲁法律评论》、《哈佛法律评论》……；

人物People

- 包括各国政要，商业名人，文化名流等知名人物的传记，新闻，重大事件，生平等。

- 具体lexis AU有哪些资源，各位还可以通过对数据库的进一步使用来增进对其了解。

- Lexis AU和Lexis.com的区别：收录的内容有所区别，Lexis以法律为主，几乎收集了所有法律法规判例，以及大多数的法律期刊评论；Lexis AU是更综合的数据库，涵盖了更广泛的领域，尤其是其中的新闻和商业信息。

LexisNexis

资源sources

- 资源最小可以是一本期刊，最大可以是整个数据库的所有内容
- 资源实质上是一种分类方式

资源sources

- 浏览browse sources
- 查找资源find a source

浏览Browse sources

浏览Browse sources

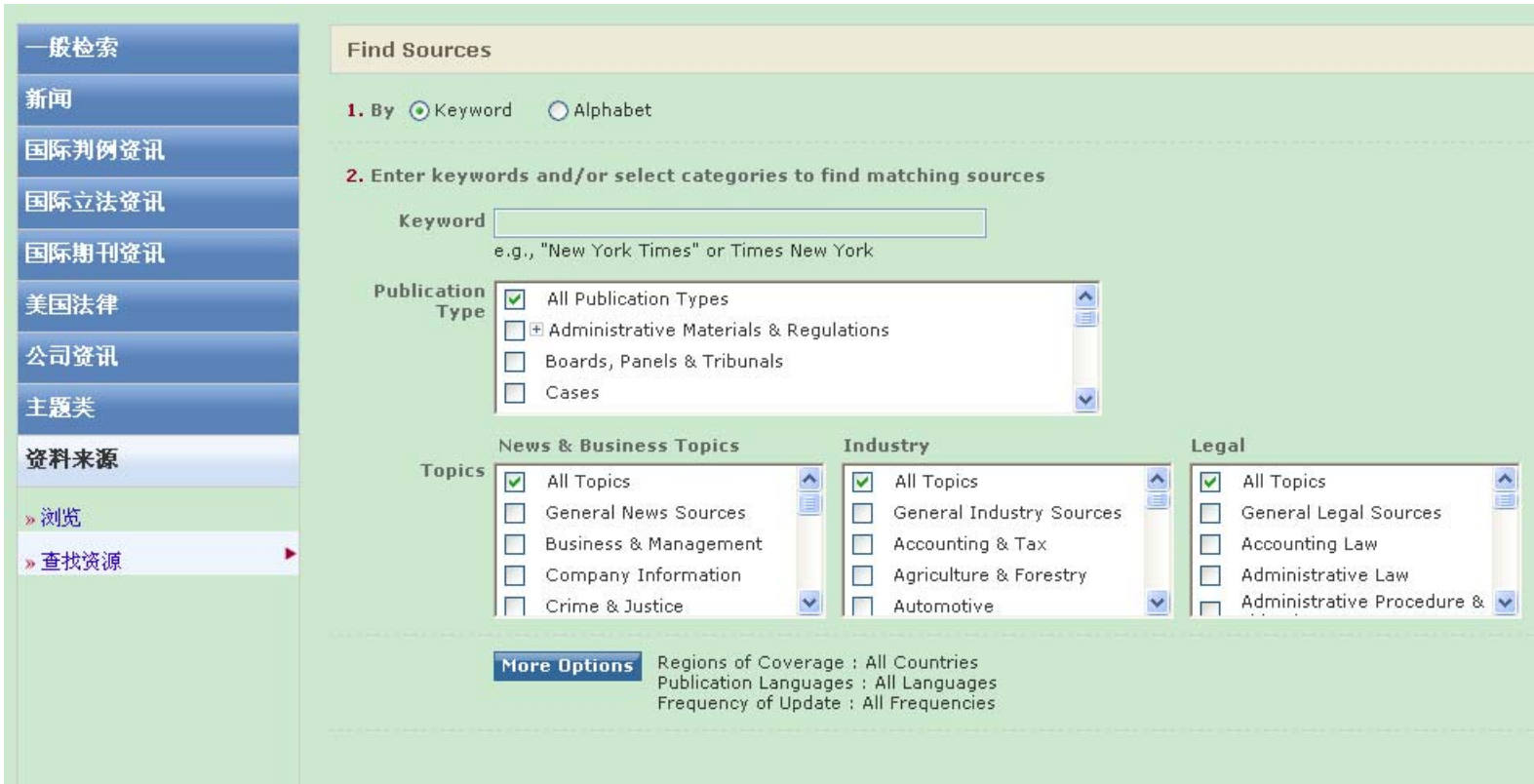
- By area of law，比如civil law(民法)

浏览Browse sources

- By industry 通过工业类型进行分类查找

查找资源Find a source

- 在查找中，可以按照关键词进行检索，也可以按照字母进行检索
- 查找资源使用关键词时，可以根据Publication Type,Topic,industry,legal的不同分类进行限定

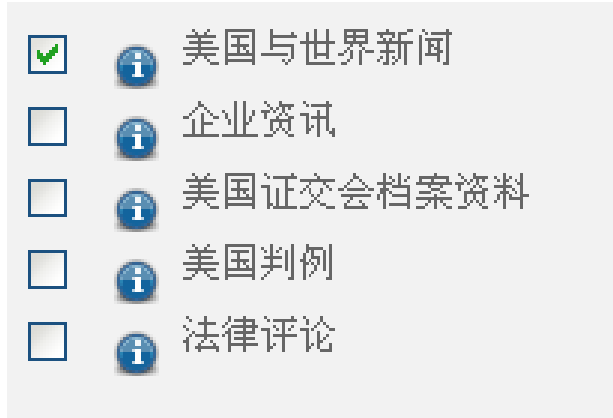


资源find a source

- 要查某个资源是否收录在Lexis AU中，可以在find a source中输入资源名字，比如The Economist，可以在数据库中找到，输入Harvard Politics Review，则无法显示，说明AU没有收录。
- 结合find a source和source information功能，还可以找到某一特定资源的有关信息。

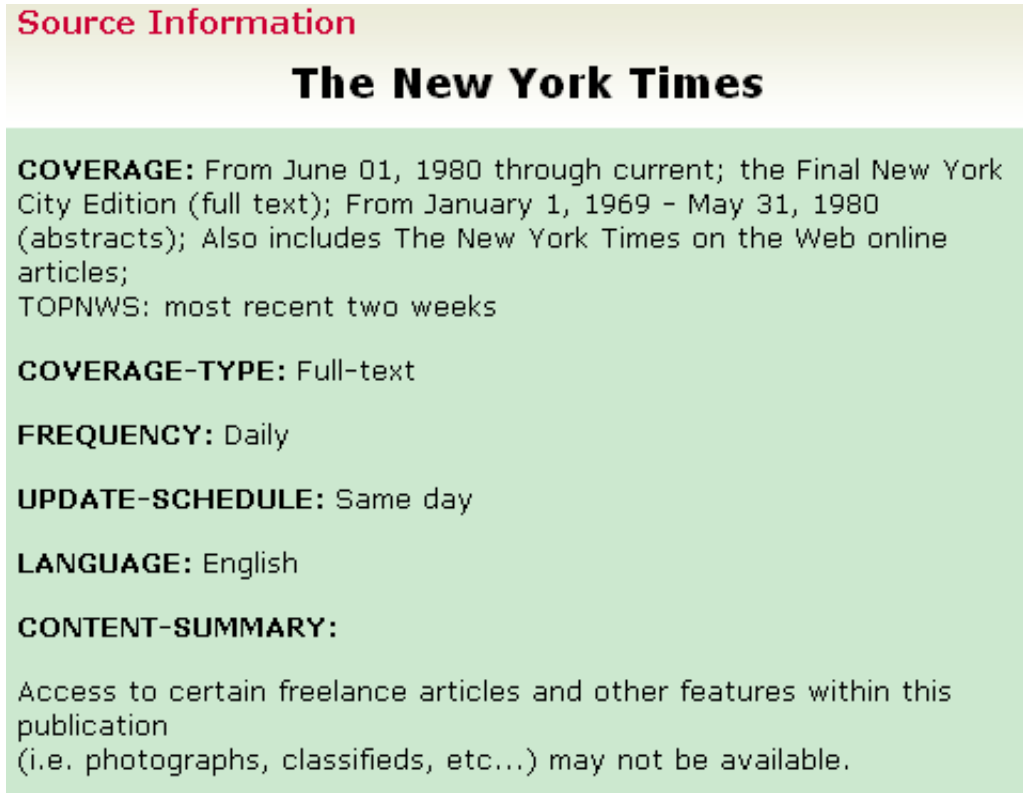
资源sources

- I或i, 表示information，可以通过其进一步了解资源的收录起始时间、更新频率、内容的格式等。



资源sources

- 比如，查The New York Times的更新频率，或者Washington Post最早追溯到哪一年，都可以先用find a source的方式直接定位资源，再点击其后面的小i进行查询
- Source information 的页面



Source Information

The New York Times

COVERAGE: From June 01, 1980 through current; the Final New York City Edition (full text); From January 1, 1969 - May 31, 1980 (abstracts); Also includes The New York Times on the Web online articles;
TOPNWS: most recent two weeks

COVERAGE-TYPE: Full-text

FREQUENCY: Daily

UPDATE-SCHEDULE: Same day

LANGUAGE: English

CONTENT-SUMMARY:

Access to certain freelance articles and other features within this publication
(i.e. photographs, classifieds, etc...) may not be available.

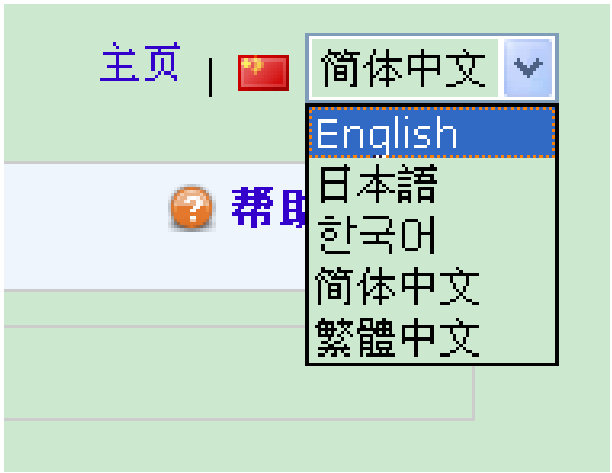
首页

- 首页默认为简易检索，默认语言可以根据链接选择

首页——多语言支持

- **新变化：**支持多种语言进行检索导航

- 语言包括：
- 简体中文、繁体中文、英文、日文、韩文



首页——简易检索easy search

- 首页简易检索中主要包括：新闻，美国判例，英国判例，公司信息，人物信息以及综合检索

检索

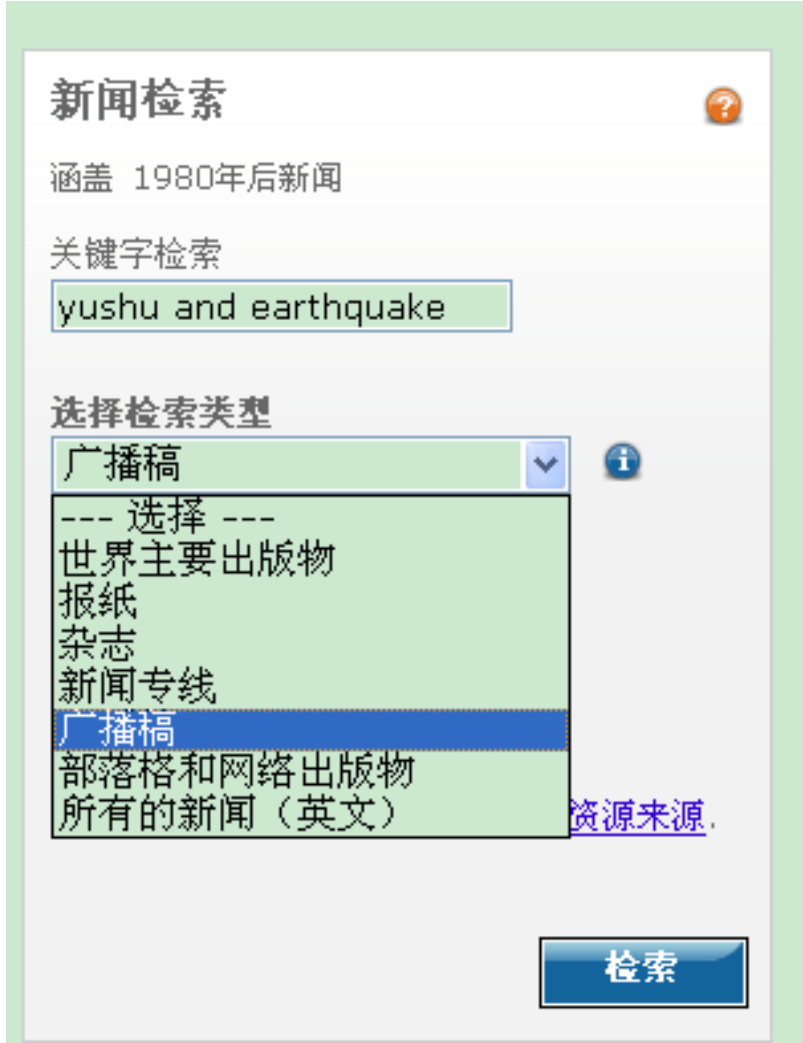
- AU数据库的“一般检索（General Search）”包括简易检索easy search和高级检索power search两种搜索模式（注意，没有advanced search）
- 其中Power Search包括“精确（Terms and Connectors）”和“模糊（Natural Language）”两种检索类型。

简易检索easy search

- 在简易检索中，不同的资源类型会有不同的限定条件，可以通过这些限定条件快速找到所需资料

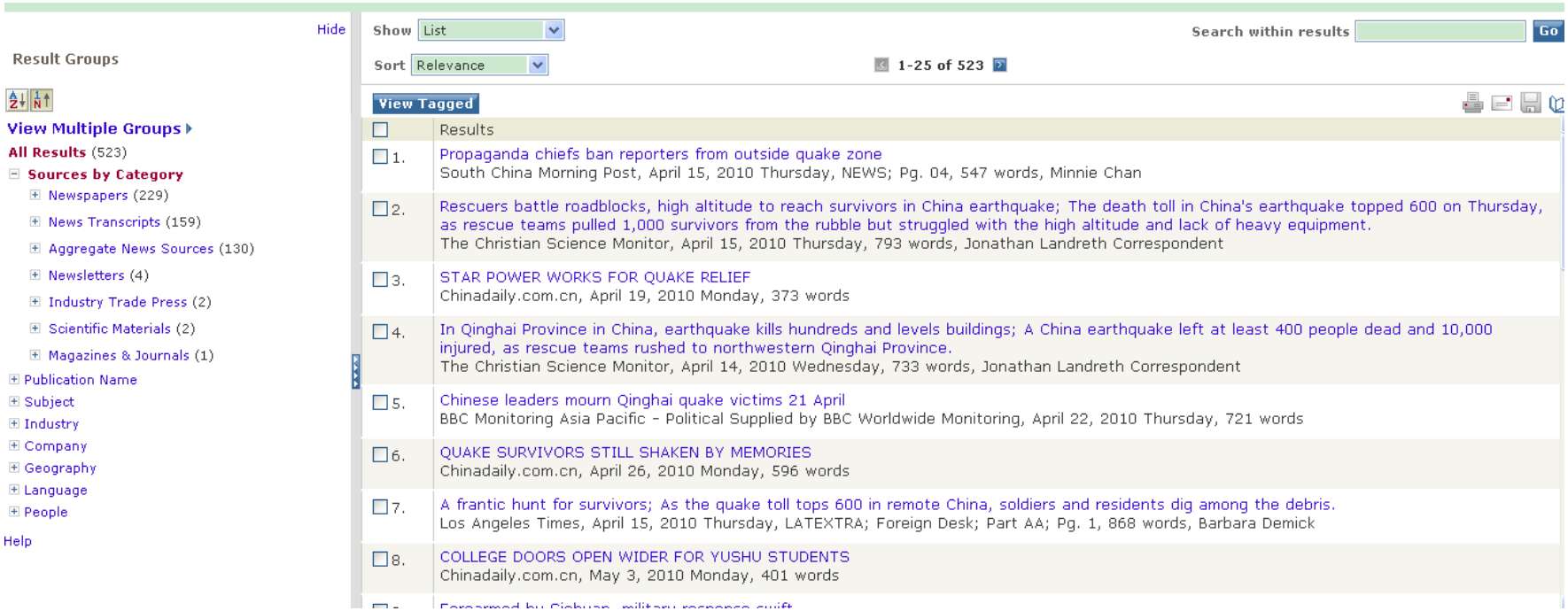
简易检索easy search——新闻

- 简易检索中的新闻检索部分可以按照关键词、检索类型或者具体媒体资源来进行检索



简易检索easy search——新闻

- 比如：搜索世界主要出版物中关于玉树地震的新闻报道，在检索框里输入：yushu and earthquake，选择“世界主要出版物”作为资源



简易检索easy search ——判例

- 可以通过判例引证号（citation），当事人姓名party name和主题subject迅速找到所需案例的摘要

- 注意，Lexis AU中的案例均为摘要，便于使用者更快地了解判例的主要内容

简易检索easy search——公司

- 公司信息
- 以华为技术有限公司为例：输入huawei--确定公司--查看

Company

Find a Company - Top 3 Results

Your search found **250** companies. Listed below are the **Top 3** companies. Click the View All Companies button to see the rest of your results.

View All Companies →

Company Name	Street Address	Company Type	Headquarters
1. H3C Technologies Co., Limited	310 Liuhe Rd., Zhijiang Science Park, Hangzhou, China	PRIVATE	✔
2. Huawei Technologies Co., Ltd.	Banxuegang Industrial Park, Bantian Longgang District, Shenzhen, China	PRIVATE - PARENT	✔
3. CHONGQING HUAWEI INDUSTRIAL GENERAL COMPANY	ZHUJIA TOWN, CHANGSHOU DISTRICT, CHONGQING, CHONGQING, CHINA PEOPLES REP	PRIVATE	✔

简易检索easy search——公司

- 公司信息
- 包括公司地址、电话、管理层人员等

Edit Search | New Search | Return to Results

Print | Download | E

Selected Document

Huawei Technologies Co., Ltd.

Snapshot

Huawei Technologies Co., Ltd.

Type: Private
Address: Banxuegang Industrial Park, Bantian Longgang District
Shenzhen 518129
China
Phone: +86-755-2878-0808
Fax: 75528560111
Ticker(s):
Exchange(s):
Email: hwtech@huawei.com
Internet: www.huawei.com
Employees: 87,502

Industry Classification

Primary SIC Code Communications equipment, nec (3669)
Primary NAICS Code Computer and Peripheral Equipment Manufacturing (33411)

All Classifications

Business Description

Yearly Financials

		Source
NET SALES	12,560,400,000	1

Download Table

1 from Hoover's Company Records - In-depth Records, May 6, 2010 Copyright 2010 Hoover's Inc., All Rights Reserved

Executives

Name	Title
Yafang Sun	Chairwoman
Ren Zhengfei	President and CEO
Matthew W. (Matt) Bross	CTO
Ding Shaohua	President, Global Sales and President, Middle East and North Africa
Kevin Tao	SVP
Hou Jinlong	VP Wireless Product Line
Zhang Sen	VP Service and Delivery, South-Asia Region
Samuel Chen	VP Network Product Line
Zhao Ming	VP; President, CDMA and WiMAX Product Line

简易检索easy search ——人物

- 通过输入所需检索的人物姓名，可以检索人物的相关信息

power search高级检索

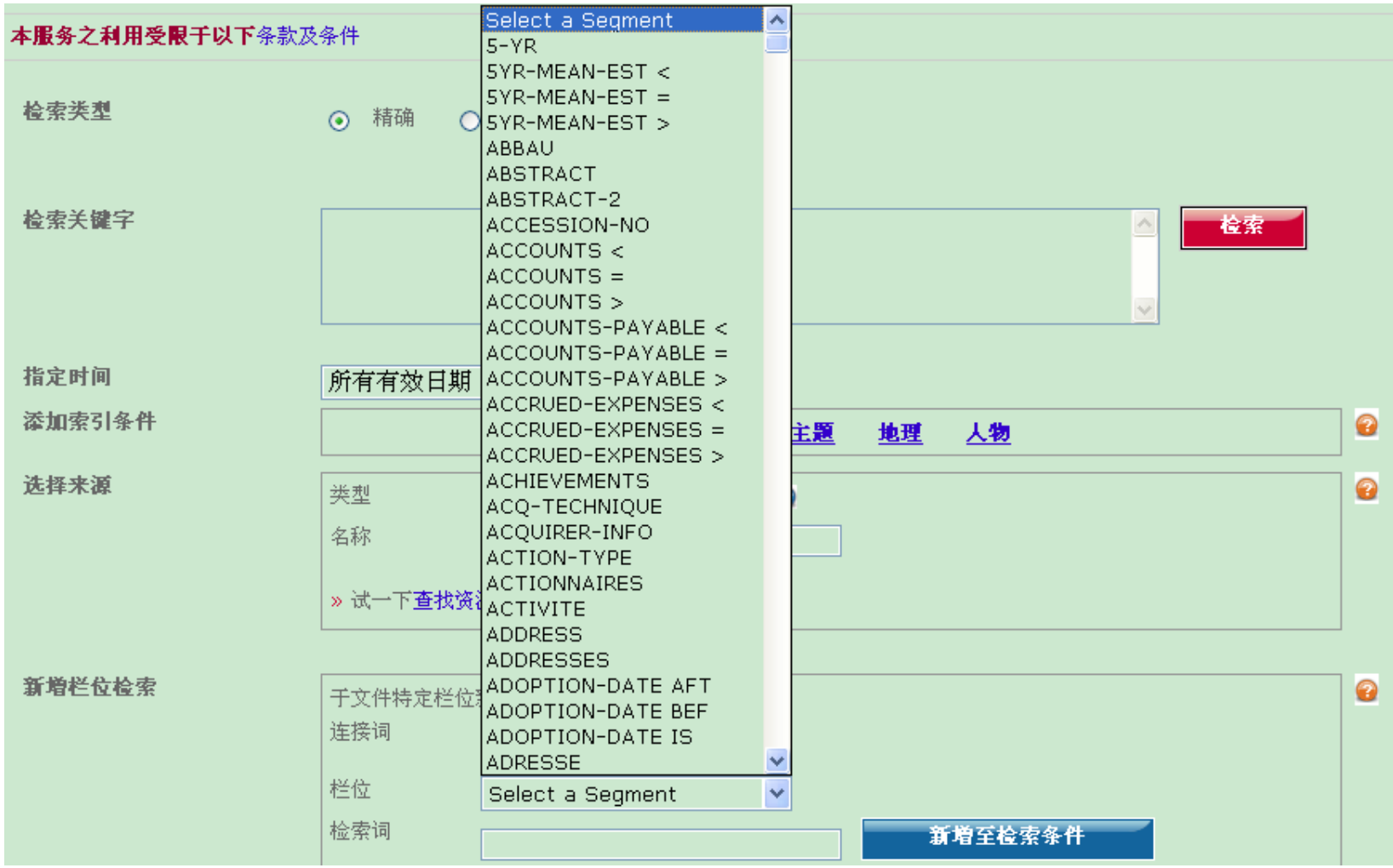
- 高级检索可以通过精确检索（terms and connectors）和模糊检索(natural language)两种检索类型进行检索

power search高级检索

- 对于不同的资料来源类型，有不同的限定条件，可以在select a segment中进行选择。对所有资源，都可以限定资料的时间。

power search高级检索

- 新增栏位检索



power search高级检索

- 索引条件：限定内容分类范围，可以选择不同的公司、工业、主题、地域、人物作为索引条件。

检索——连接符

- **OR**

  表示二者有其一即可。

例如： award or decision

- **AND**

  表示二者缺一不可。

例如：award and decision

- **W/N**

  限定两个关键字出现的距离不超过N个字，但不指定关键字的顺序。

例如：environment ***W/3 protection***

- **PRE/N**

  限定两个关键字同时出现在文件中，且第一个字的位置必须比第二个字超前N个字。

例如：***environment PRE/3 protection***

检索——连接符

- W/S 限定关键字要出现在同一个句子中。

例如，environment **W/S** legislation

- W/P 限定关键字要出现在同一个段落中。

例如，(third party) W/P (negligence)

- **AND NOT** 用以排除关键字。请在搜寻指令的最后部分使用此连接词。

例如：（michael W/2 jordan）AND NOT basketball OR bulls OR sports

- **!万用字元惊叹号**

取代同一个字根后无限的字母。

例如：legis!＝legislate, legislator, legislation

- ***通用字符**

用于取代某个字母

例如：wom*n＝women,woman

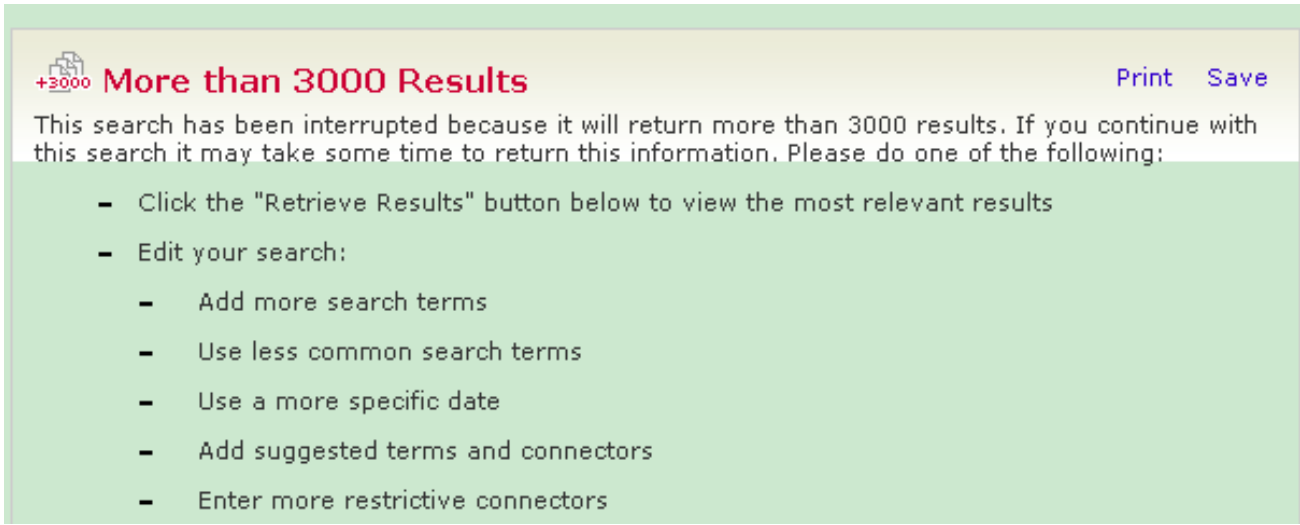
- **AtleastN（ ）**

表示括号中的词在文中至少出现N次。

例如：atleast3(accident) 表示accident这个词至少出现3次。

结果

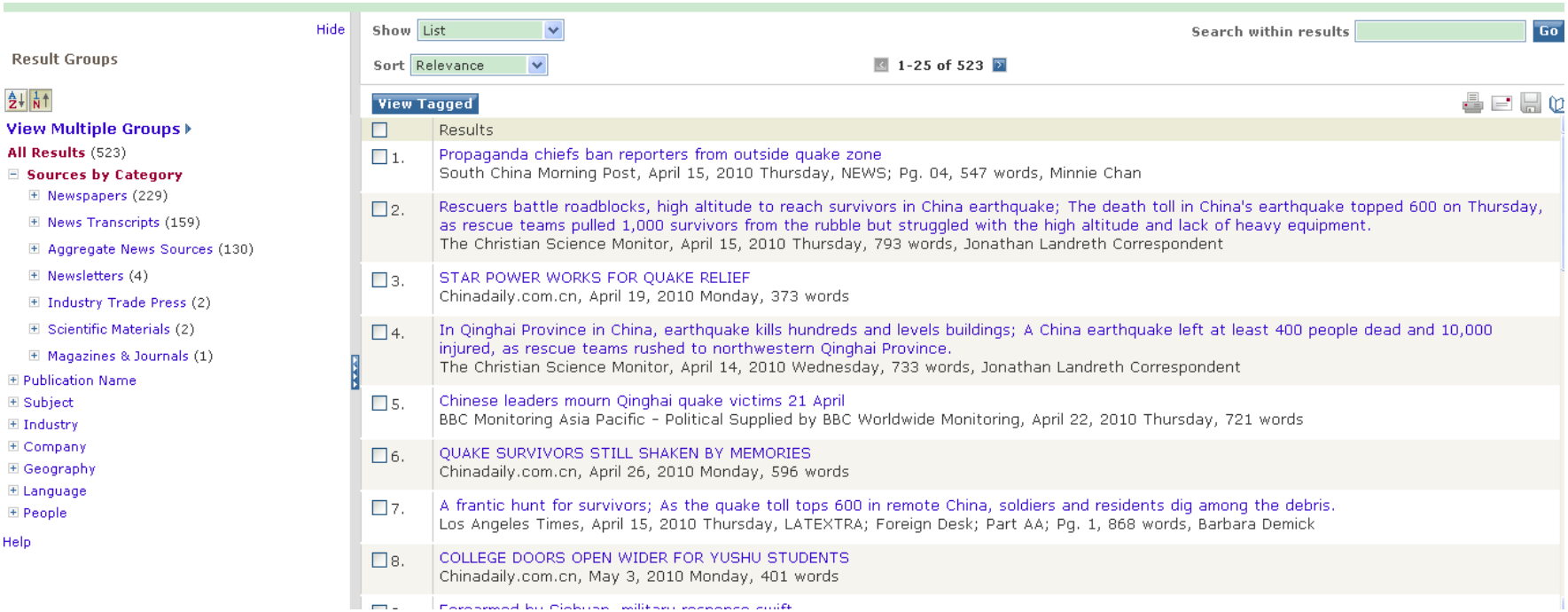
- AU的搜索结果超过3000个（记住数字）将无法显示



- Search within result指的是focus，即二次检索

结果

结果显示

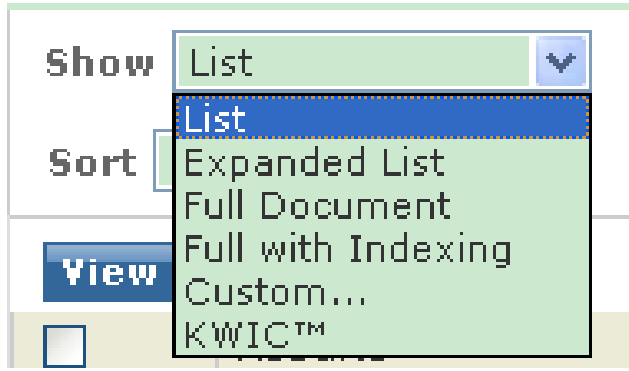

Hide
Result Groups
View Multiple Groups
All Results (523)
Sources by Category
Newspapers (229)
News Transcripts (159)
Aggregate News Sources (130)
Newsletters (4)
Industry Trade Press (2)
Scientific Materials (2)
Magazines & Journals (1)
Publication Name
Subject
Industry
Company
Geography
Language
People
Help
Show List
Search within results
Go
Sort Relevance
1-25 of 523
View Tagged
Results
1. Propaganda chiefs ban reporters from outside quake zone
South China Morning Post, April 15, 2010 Thursday, NEWS; Pg. 04, 547 words, Minnie Chan
2. Rescuers battle roadblocks, high altitude to reach survivors in China earthquake; The death toll in China's earthquake topped 600 on Thursday, as rescue teams pulled 1,000 survivors from the rubble but struggled with the high altitude and lack of heavy equipment.
The Christian Science Monitor, April 15, 2010 Thursday, 793 words, Jonathan Landreth Correspondent
3. STAR POWER WORKS FOR QUAKE RELIEF
Chinadaily.com.cn, April 19, 2010 Monday, 373 words
4. In Qinghai Province in China, earthquake kills hundreds and levels buildings; A China earthquake left at least 400 people dead and 10,000 injured, as rescue teams rushed to northwestern Qinghai Province.
The Christian Science Monitor, April 14, 2010 Wednesday, 733 words, Jonathan Landreth Correspondent
5. Chinese leaders mourn Qinghai quake victims 21 April
BBC Monitoring Asia Pacific - Political Supplied by BBC Worldwide Monitoring, April 22, 2010 Thursday, 721 words
6. QUAKE SURVIVORS STILL SHAKEN BY MEMORIES
Chinadaily.com.cn, April 26, 2010 Monday, 596 words
7. A frantic hunt for survivors; As the quake toll tops 600 in remote China, soldiers and residents dig among the debris.
Los Angeles Times, April 15, 2010 Thursday, LATEXTRA; Foreign Desk; Part AA; Pg. 1, 868 words, Barbara Demick
8. COLLEGE DOORS OPEN WIDER FOR YUSHU STUDENTS
Chinadaily.com.cn, May 3, 2010 Monday, 401 words

结果——分类及其排列

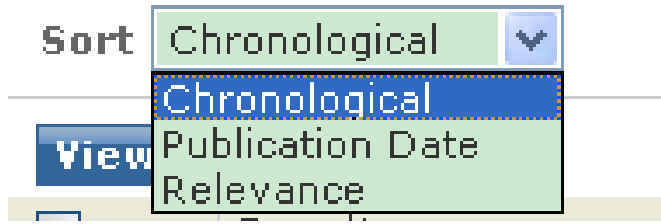
- 结果的分类（左边）：
  类别category（默认），
  publication name, subject, industry, company, geography, language, people
- 结果群的排列方式：每个资源类型所含document的数量排列，字母顺序

结果——显示方式

- 结果的显示页面show，分为：Expanded List,Full Document,Full with Indexing,Custom…,KWIC
- 通过Custom可以个性化定制

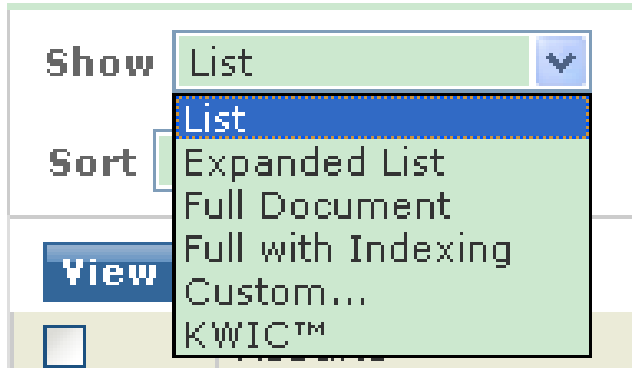


- 结果的排列方式sort：相关度，出版日期（chronological从最早的开始,publicaton date从最近的开始）



结果——显示方式

List的显示方式



Hide

Result Groups

View Multiple Groups

All Results (523)

Sources by Category

- Newspapers (229)
- News Transcripts (159)
- Aggregate News Sources (130)
- Newsletters (4)
- Industry Trade Press (2)
- Scientific Materials (2)
- Magazines & Journals (1)

Publication Name
Subject
Industry
Company
Geography
Language
People

Help

Show List | Search within results | Go

Sort Relevance | 1-25 of 523

View Tagged

	Results
1.	Propaganda chiefs ban reporters from outside quake zone South China Morning Post, April 15, 2010 Thursday, NEWS; Pg. 04, 547 words, Minnie Chan
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8.	COLLEGE DOORS OPEN WIDER FOR YUSHU STUDENTS Chinadaily.com.cn, May 3, 2010 Monday, 401 words

结果——显示方式

Full全文显示

Show Full with Indexing

Search

12 of 30

Quake Hits Remote Area in Western Chi...

The New York Times

April 15, 2010 Thursday
Late Edition - Final

Quake Hits Remote Area in Western China, Killing 589

BYLINE: By ANDREW JACOBS; Michael Wines contributed reporting. Xiyun Yang, Li Bibo and Zhang Jing contributed research.

SECTION: Section A; Column 0; Foreign Desk; Pg. 12

LENGTH: 834 words

BEIJING -- The death toll from the powerful earthquake that struck western China Wednesday rose to at least 617 people on Thursday, with 10,000 more injure
Chinese state media reported.

The **quake**, which struck at 7:49 a.m. in Qinghai Province, bordering Tibet, had a magnitude of 7.1, according to China's earthquake agency. At least 18 aftersh
throughout the day, government officials said, according to Xinhua.

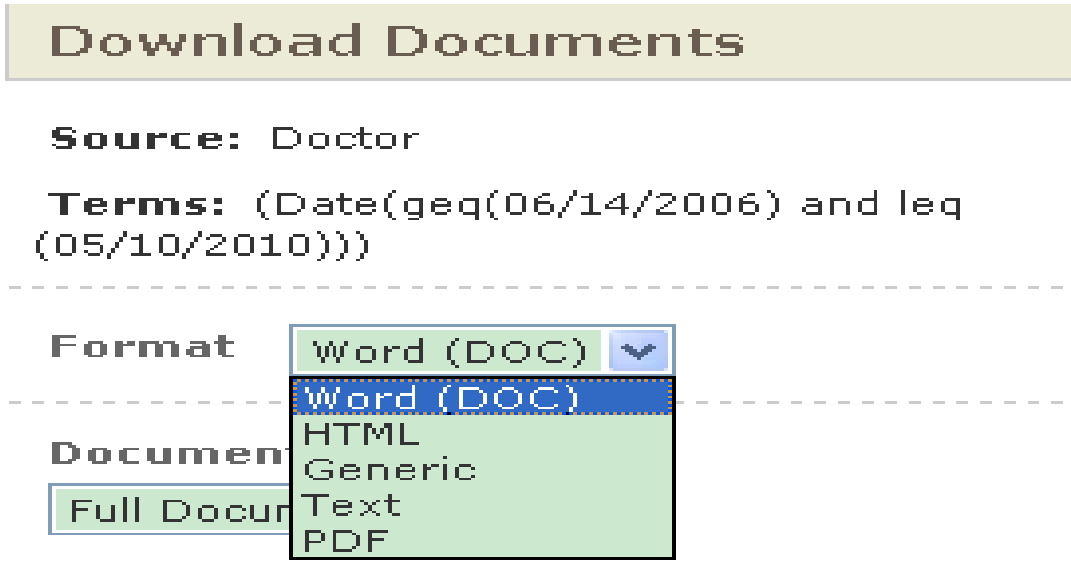
China's earthquake agency said the **quake** centered on **Yushu** County, a remote and mountainous area sparsely populated by farmers and herdsmen, most of th
with copper, tin and coal mines, is also rich in natural gas.

结果

- 右上角的图标分别表示：
- 打印，发送邮件，下载保存，以及下载reference(比如refworks)

结果——下载

- 下载支持word,html,generic,text,pdf格式（Format）



目录检索

- 在检索导航页的左边有帮助检索的分类目录，包括：新闻，国际判例、立法、期刊，美国法律，公司咨询和专题

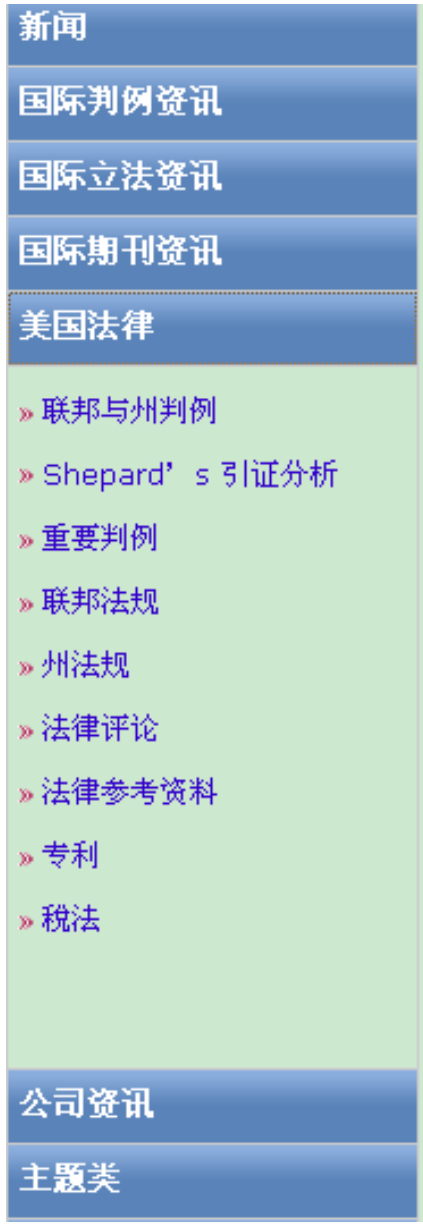
- 不同的目录下检索的关键词限定的选择都有所不同，数据库为使用者提供最常用、最方便的检索限定条件

目录检索——新闻

- 在检索新闻中，可以限定关键字，包括：全文、作者、标题、主题索引词、至少出现五次

目录检索

- 美国法律（US Legal）下，包括：判例、法律法规、法律评论、参考资料、专利和税法两个专题的资料
- 特别注意，lexisnexis为使用者提供了shepard’s引证分析，有利于使用者更好地利用判例。专利和税法在美国法律下。



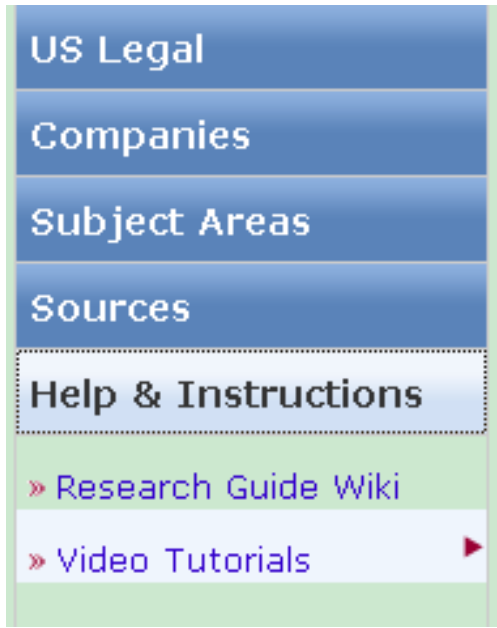
目录检索

- 公司资讯

- 主题类：
- 会计、环境研究、健康与医疗、政府与政治

帮助与指引Help & Instruction

- 帮助说明，可以通过这里了解数据库的使用，点击Video Tutorials可以获得flash视频指南



End of Lexis AU

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Lexis法律数据库介绍

Lexis.com法律库

Lexis.com 是专为法律专业人士开发的网上信息产品，是世界最大的全文数据库之一，包括各类法律、案例、专题论文、新闻、相关评论以及各种文献资料。该法律专业数据库拥有近**16000**个信息来源，**50**亿个可查文件，是面向法律专业人员设计的大型综合法律资料数据库。

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内容

原始法律文献

二次法律文献

法律新闻

参考文献

LexisNexis

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原始法律文献

（1）判例

《联邦和各州判例法合集》、《联邦法院判例集》、《各州法院判例集》、《美国最高法院判例（律师版）》、《美国最高法院摘要》

（2） 成文法

联邦法律 、《美国法典服务—第1篇到第50篇》、《美国法典服务——联邦条例注释》、《联邦行政法典——联邦公报 》、《联邦行政部门法令集》、各州成文法和法规

（3） 美国和英国的立法与政治

美国部分 包括各州法律与判例、立法情况，美国国会报告、会议记录、政治人物传记和年表、美国行政部门非法律的信息等。

英国部分 包括1997年至今所有英联邦公务员名录、下议院议员和预期议会候选人、贵族和上议院议员个人情况、政坛评论、霍尔兹伯里英国法案每月评论以及欧洲议会中的英国议员等内容。

Lexis法律数据库内容

二次法律文献

- 800多种法律评论与学刊
- 全球法律新闻
- 专家著述：LexisNexis拥有的出版物:**Butterworth, MatthewBender, Mealy‘s, Les Editions du Jurisclasseur**等
- 法律报告：美国法律报告、判例报告等
- 法律重述（Restatement）
- 文书（Forms）提供法院或商业交易中标准文本。

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法律新闻

收录300多种美国以及其它国家的法律报纸、杂志和新闻简报的法律新闻。有多种不同的查询路径：

按地域辖区范围，刊登美国各州当地媒体的法律新闻；

按刊载对象所涉及的法律实务分类，刊载各部门法的新闻；

……

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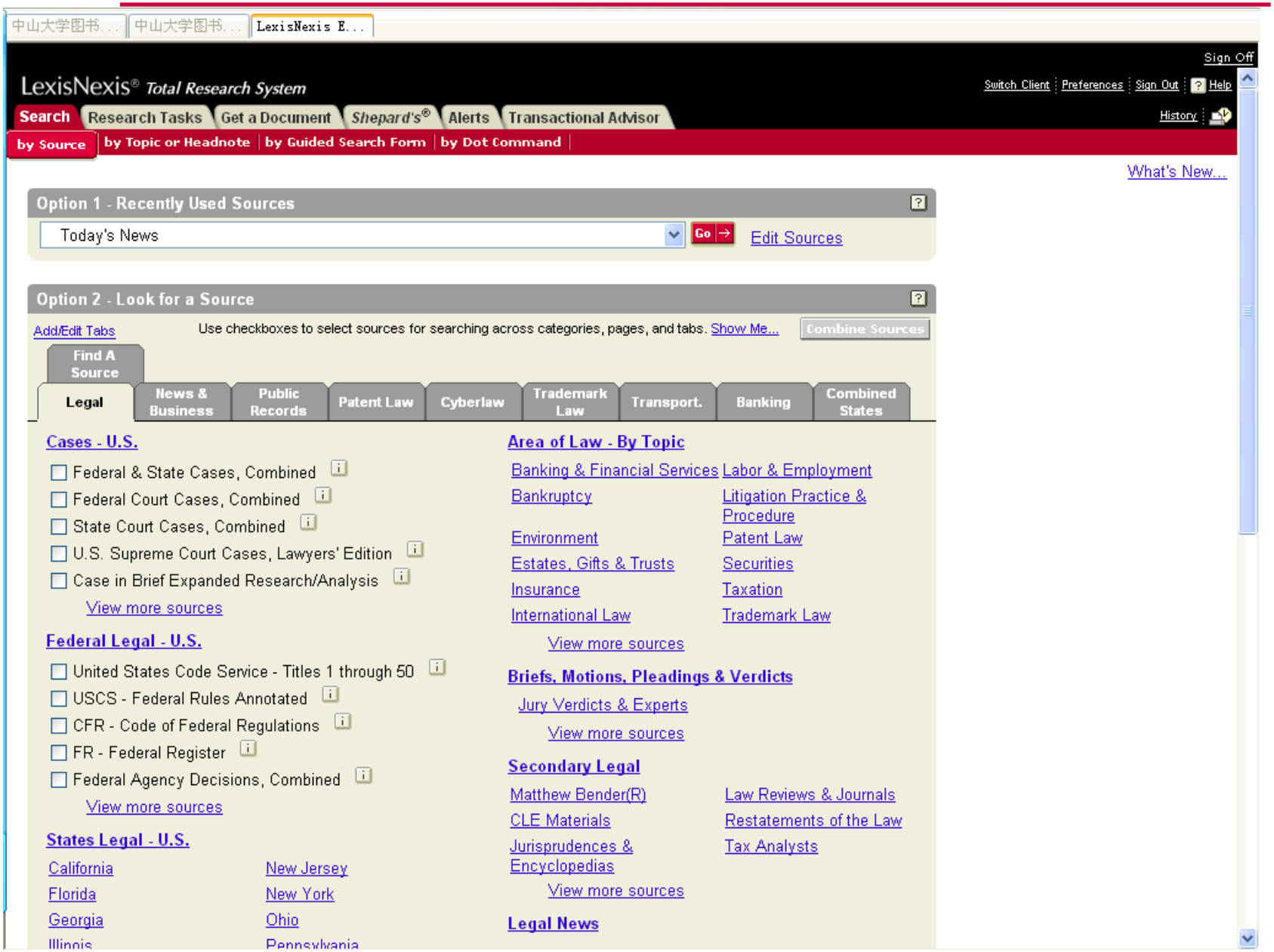
参考资料(Reference)

包括Martindale-Hubbell出版的目录以及商业、医学、培训、连续法学教育（CLE）、统计数字等方面的信息资料。其中，Martindale-Hubbell数据库包括专门为律师提供服务的160个国家的《律师事务所名录》、《辩论裁决目录》、《专家与服务机构目录》以及《法学院名录》等内容，但不包括Martindale-Hubbell出版的《法律摘要》和《统一法令》数据库。

Lexis.com China律商中国网

针对用户的需求，**Lexis.com特别推出了中文检索页面**

Lexis的首页（默认Legal）



Lexis的主页面

Recently Used Sources将记录最近使用的20个资源

原始资源和二次资源

原始资源(Primary Law Sources)

- 美国联邦及各州法院判例 cases-u.s
- 美国联邦行政法规 Federal Legal-u.s
- 美国各州法律 states legal-u.s
- 美国及英国立法和政策 Legislation & politics-u.s & u.n

第二资源（Secondary Sources）

- 超过 700 种法律评论与学刊（Law Reviews and Journals）
- 法律新闻（Legal News）
- 法律百科（Legal Encyclopedias），如美国法律大全（American jurisprudence 2d）
- 法律释义（Annotations）如 American Law Report Annotations
- 法律专著（Treatises）
- 法律重述（Restatement）
- 文书（Forms）提供法院或商业交易中标准文本。

主页中的分区

Cases - U.S. 美国案例
Federal & State Cases, Combined
Federal Court Cases, Combined
State Court Cases, Combined
U.S. Supreme Court Cases, Lawyers' Edition
View more sources
Federal Legal - U.S. 联邦法例及案例
United States Code Service - Titles 1 through 50
USCS - Federal Rules Annotated
CFR - Code of Federal Regulations
FR - Federal Register
Federal Agency Decisions, Combined
View more sources
States Legal - U.S. 州法例
California
Florida
Georgia
Illinois
Massachusetts
Michigan
New Jersey
New York
Ohio
Pennsylvania
Texas
Virginia
View more sources
Legislation & Politics - U.S. & U.K. 立法及政治
State Codes, Constitutions, Court Rules & ALS, Combined
State Administrative Codes & Registers, Combined
State Net Bill Tracking - Current Session
Area of Law - By Topic 法律主题
Banking & Financial Services
Bankruptcy
Environment
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法律主题 Area of Law-By Topic

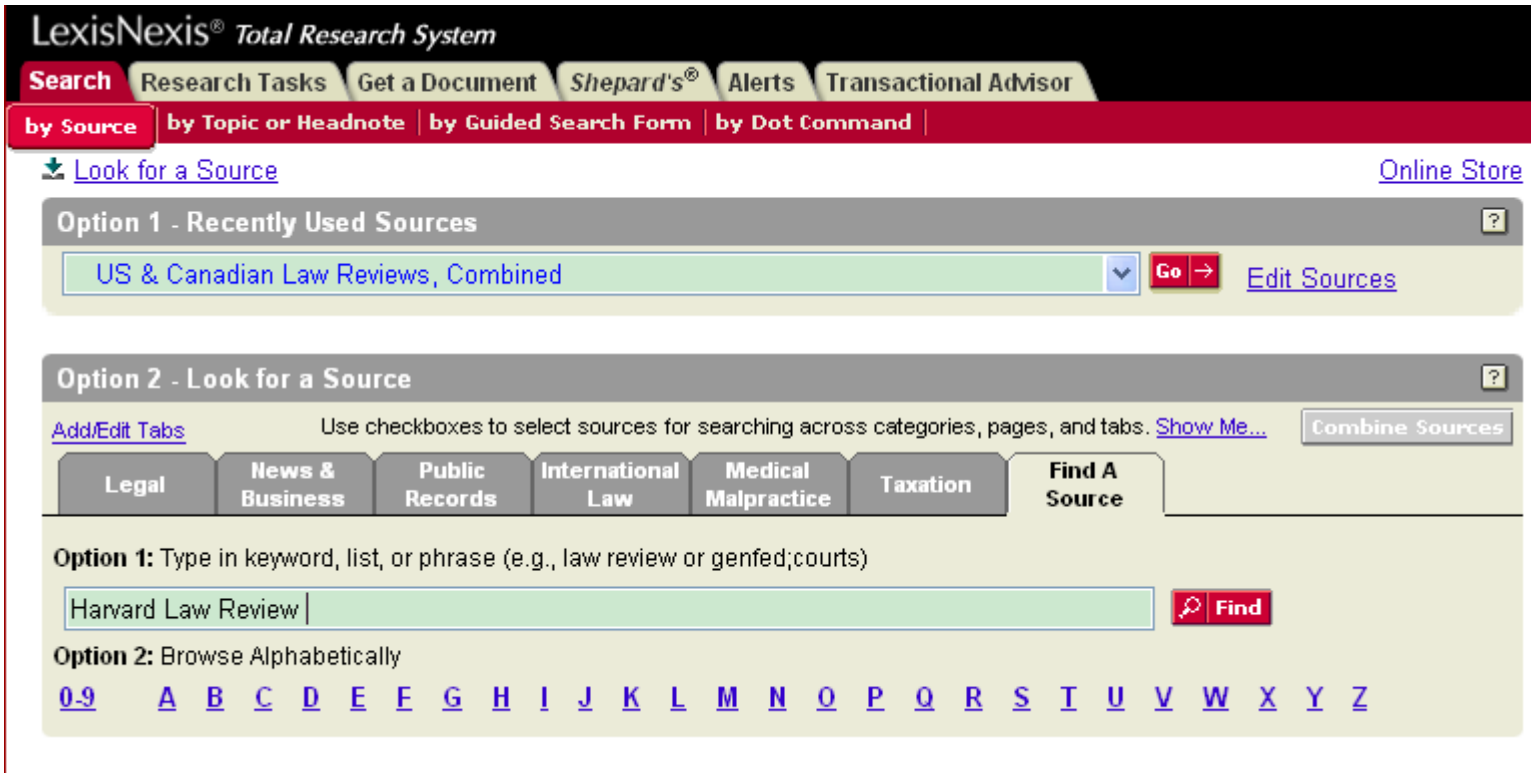
Lexis将所有的法律内容按照不同的主题分为61个法学学科领域，方便某个特定专业的研究人员和从业人员进行查询

国家地区 Find Laws by Country or Region

Lexis收录了26个国家和地区的法律资料

Find A Source

- 与AU一样，Lexis法律库也有查找某个特定资源的功能



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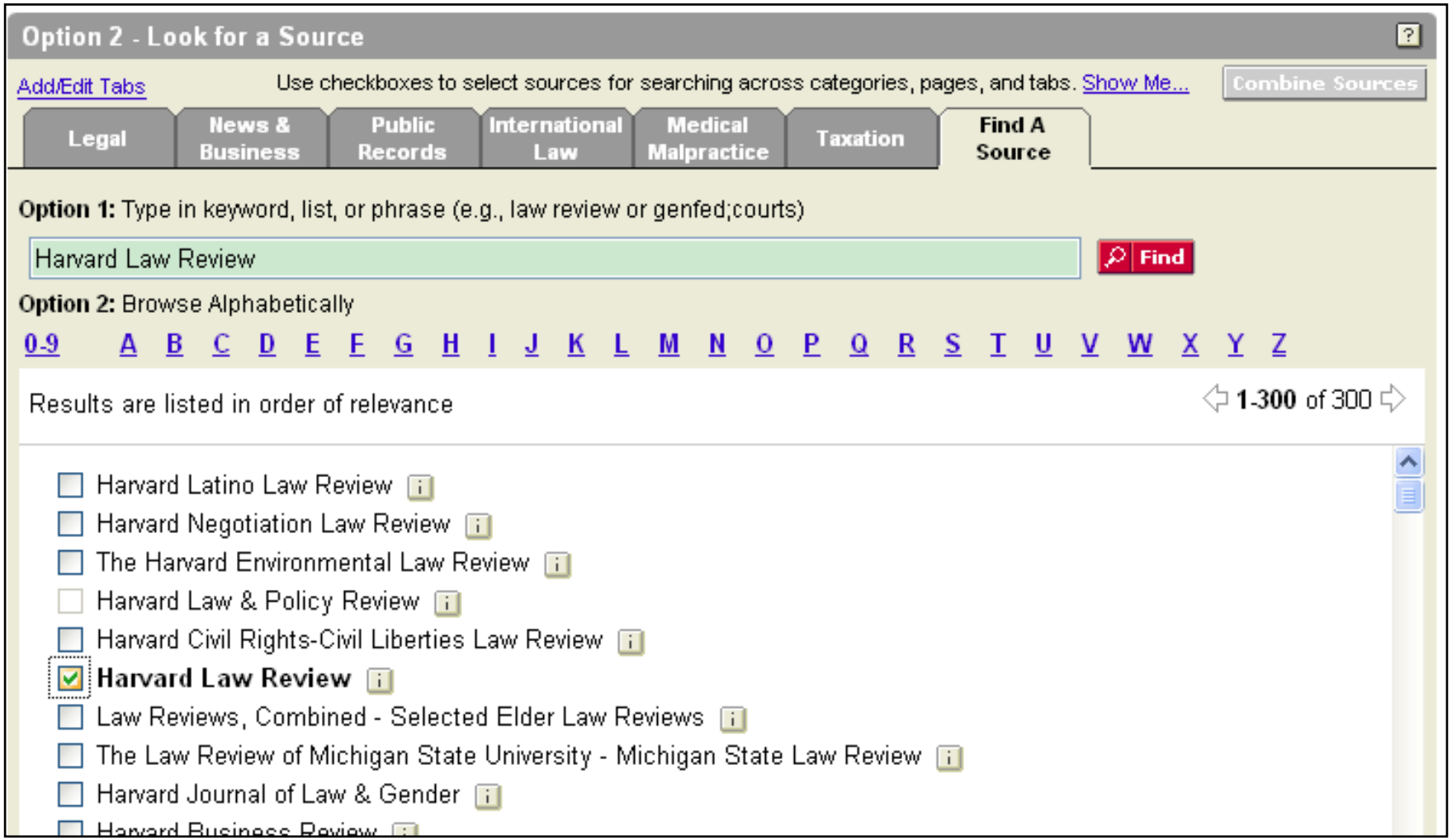

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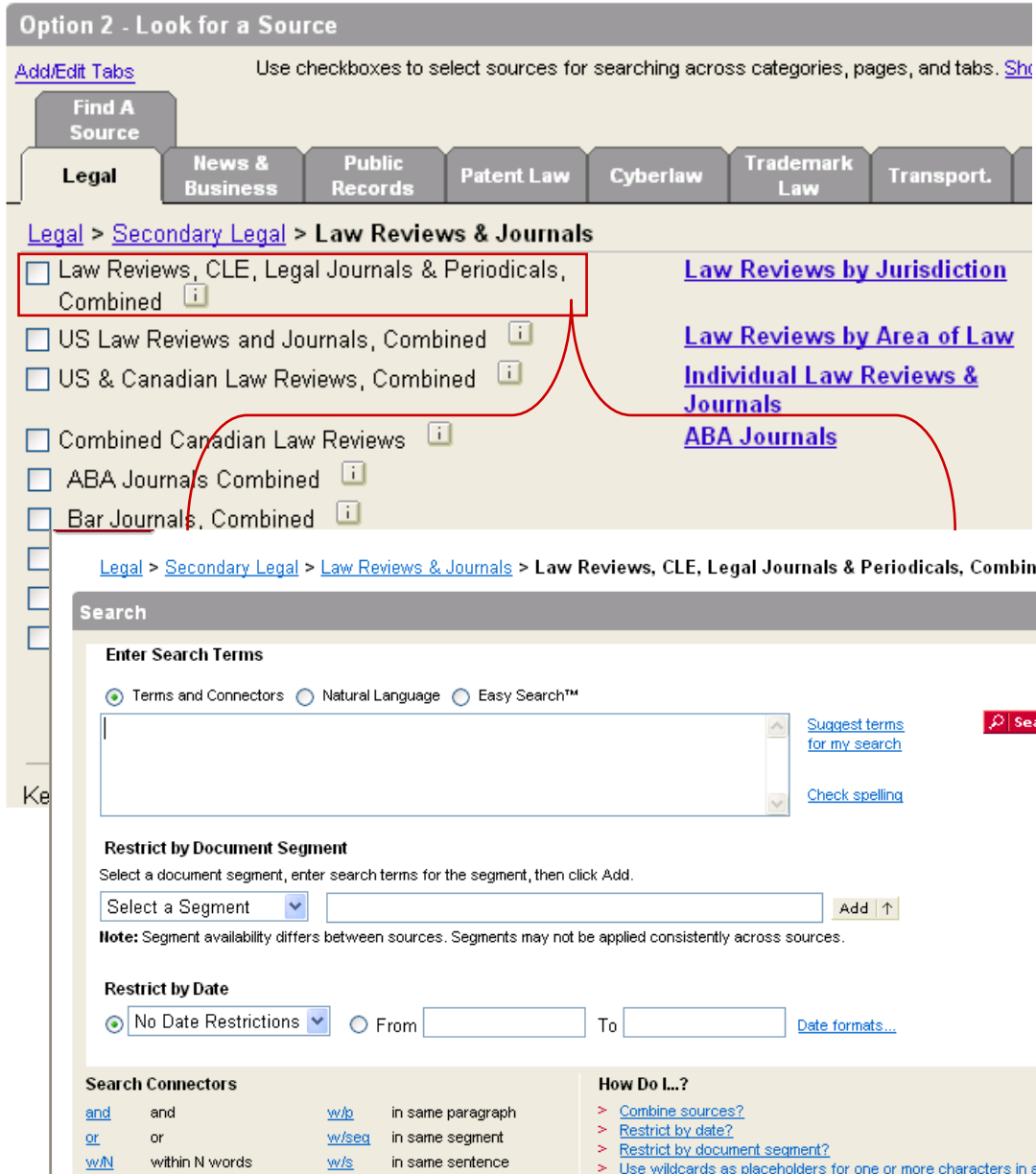

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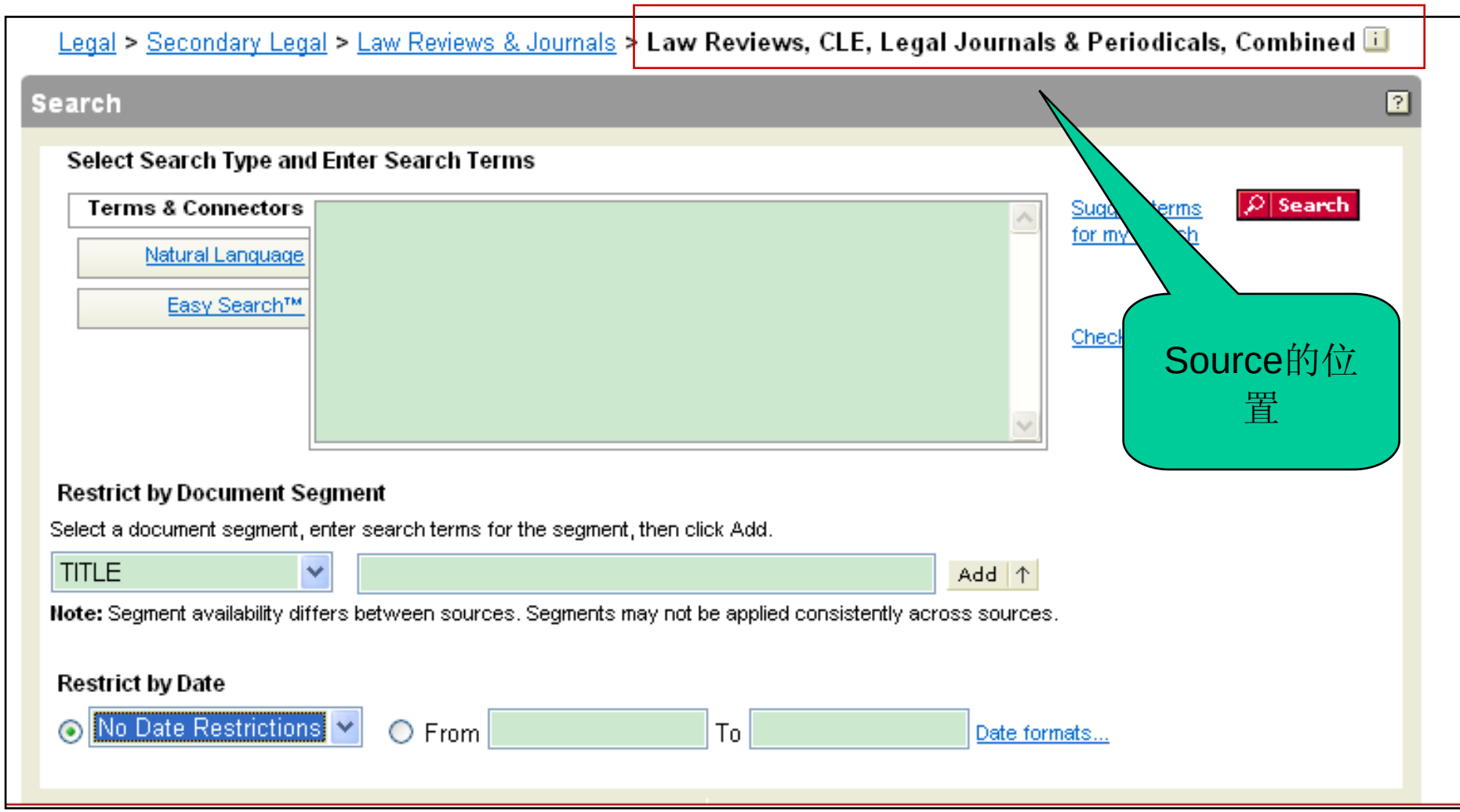
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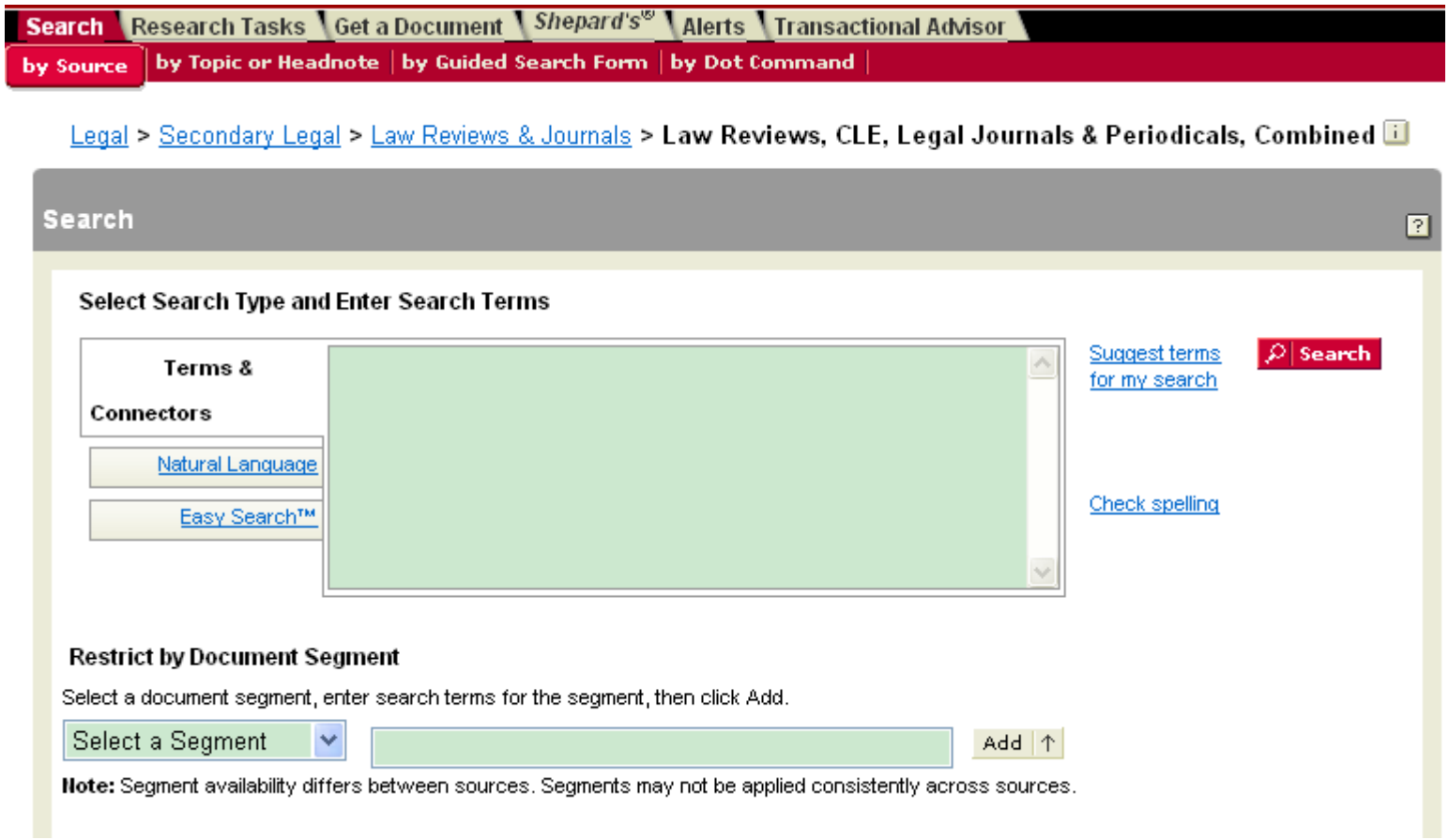
认识检索区



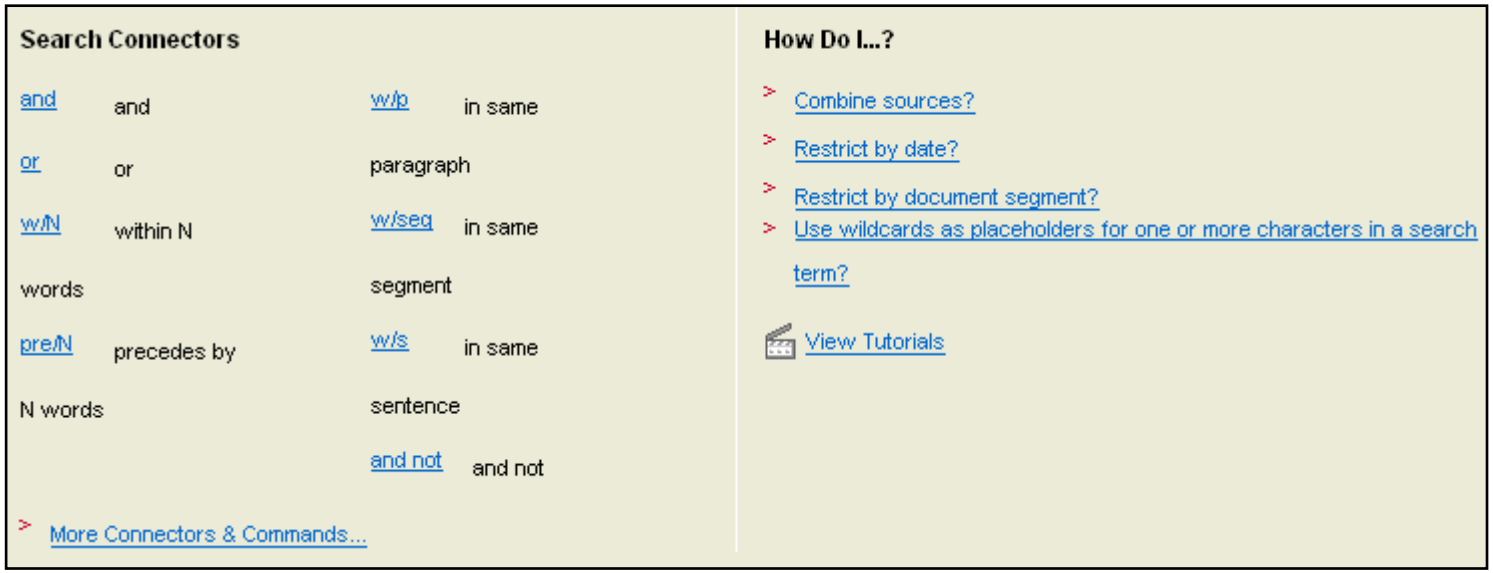
检索方式：**Terms & Connectors, Natural Language, Easy Search**

认识检索区——术语与连接符

Terms and Connectors 术语与连接符

Lexis 系统按照布林逻辑设计了连接符来定义术语之间的逻辑关系。您可以通过检索框旁的 Search Connector 来确定其含义。

- 在检索区下面，可以查看常用的几个连接词的简单介绍



检索——连接符

- **OR**

  表示二者有其一即可。

例如： award or decision

- **AND**

  表示二者缺一不可。

例如：award and decision

- **W/N**

  限定两个关键字出现的距离不超过N个字，但不指定关键字的顺序。

例如：environment ***W/3 protection***

- **PRE/N**

  限定两个关键字同时出现在文件中，且第一个字的位置必须比第二个字超前N个字。

例如：***environment PRE/3 protection***

- **W/S** 限定关键字要出现在同一个句子中。

例如，environment **W/S** legislation

检索——连接符

- W/P 限定关键字要出现在同一个段落中。

例如，(third party) W/P (negligence)

- **AND NOT** 用以排除关键字。请在搜寻指令的最后部分使用此连接词。

例如：（michael W/2 jordan）AND NOT basketball OR bulls OR sports

- **!**万用字元惊叹号

取代同一个字根后无限的字母。

例如：legis!＝legislate, legislator, legislation

- ***通用字符**

用于取代某个单个字母

例如：wom*n＝women,woman

- **AtleastN（ ）**

表示括号中的词在文中至少出现N次。

例如：atleast3(accident) 表示accident这个词至少出现3次。

注意：连接符之间优先排序中，连词号“-”是最优先进行的

检索——segment功能

注意：不同的子库有不同的segment类型连接词

Terms and Connectors

通过Terms and Connectors，可以大大提高检索的准确性。

比如，在法律库中查一篇关于“碳排放”的文章，如果仅仅输入“carbon emission”，则会出现所有包含carbon和emission的文章，无从下手。

为了使检索结果满足需要，可以通过在检索框内输入以下的语句来增加检索结果的相关性：

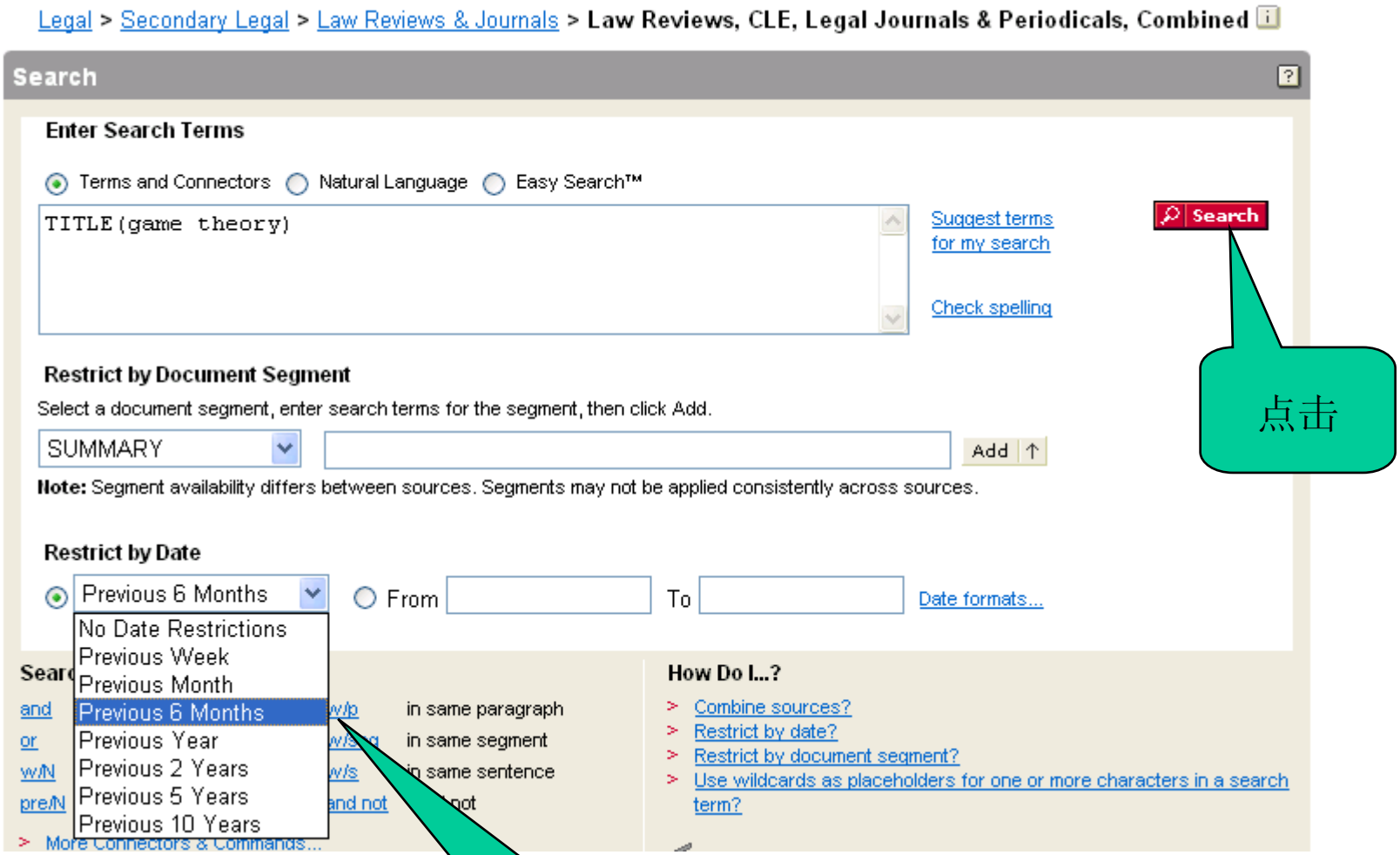
title(carbon emission)

carbon w/5 emission

atleast20(carbon emission)

summary(carbon emission)

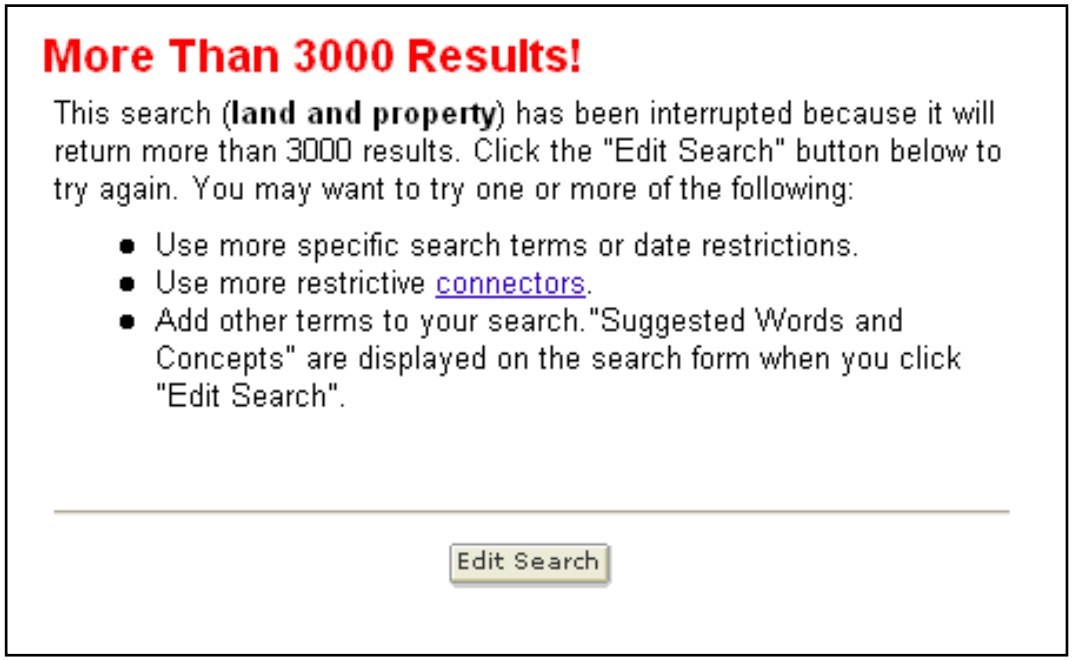
认识检索区——restrict by date功能



检索结果页面—Cite（默认）

检索结果页面

- 如果检索结果超过3000个，则无法显示结果。这时候就需要进一步改变检索词或者改变检索条件以减少结果数量。



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NAME: CHRIS J. KATOPIS *
BIO:
* 1994, J.D., Temple University School of Law; 1990, B.S., University of Pennsylvania. The Author has worked on patent law and policy in all three branches of the federal government: law clerk to the Hon. Pauline Newman, U.S. Court of Appeals for the Federal Circuit; Director of Congressional Relations for the U.S. Patent and Trademark Office; and, counsel, House Judiciary Subcommittee for the Courts, the Internet, and Intellectual Property. Special thanks to Judge Newman, U.S. Congressman Howard Coble, Bradford R. Huther, and John M. Whealan for their generous help and insights.
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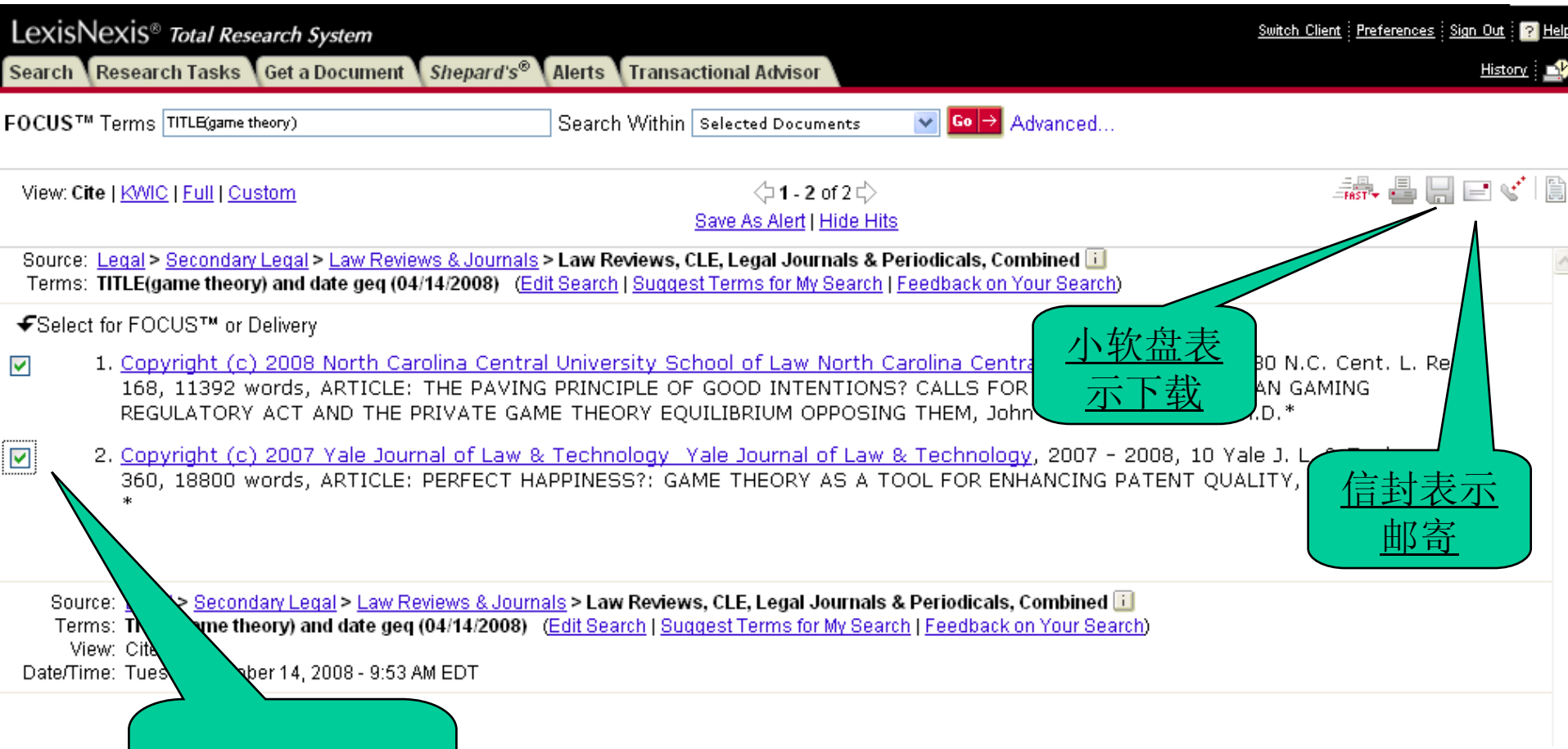

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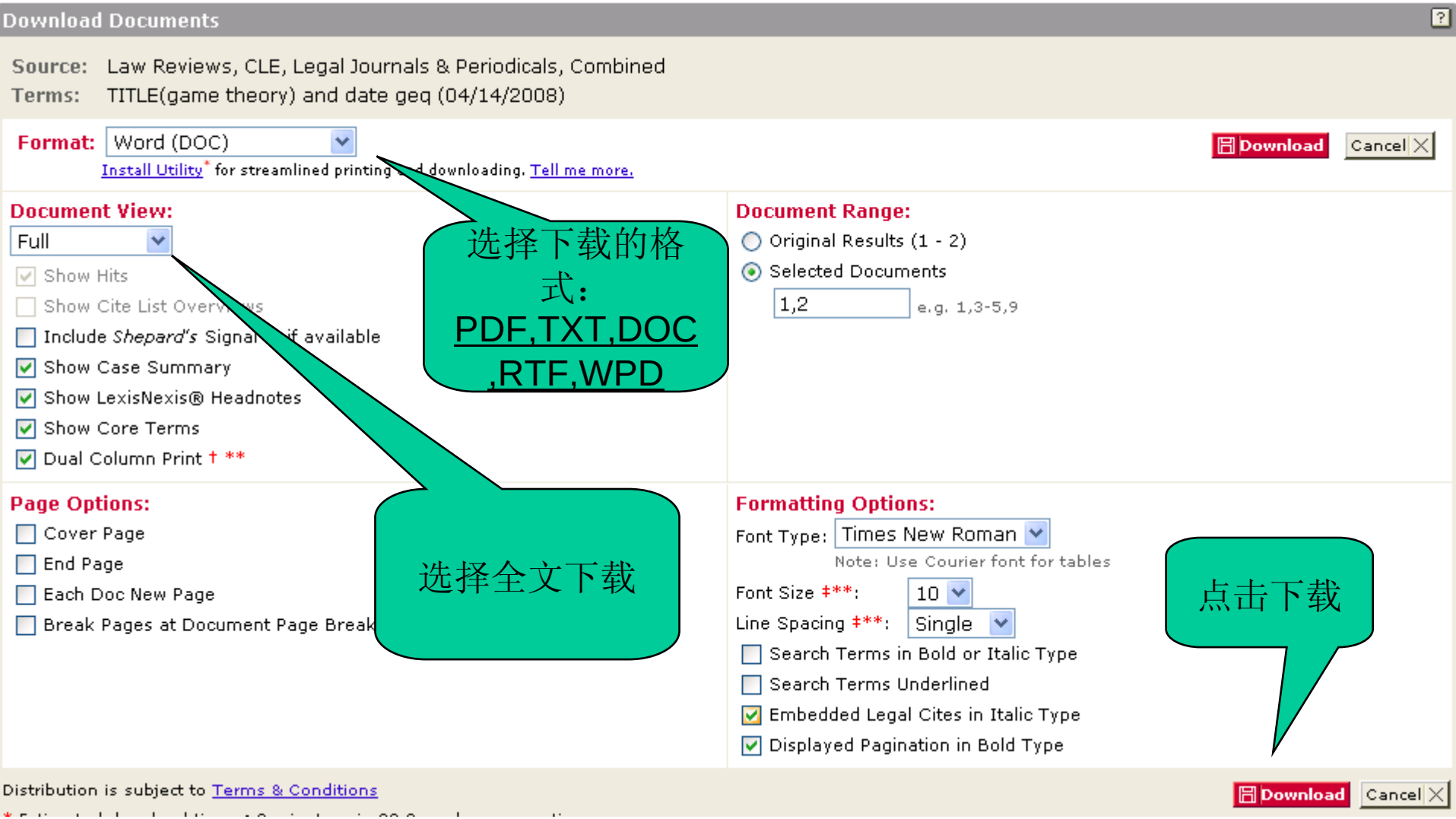

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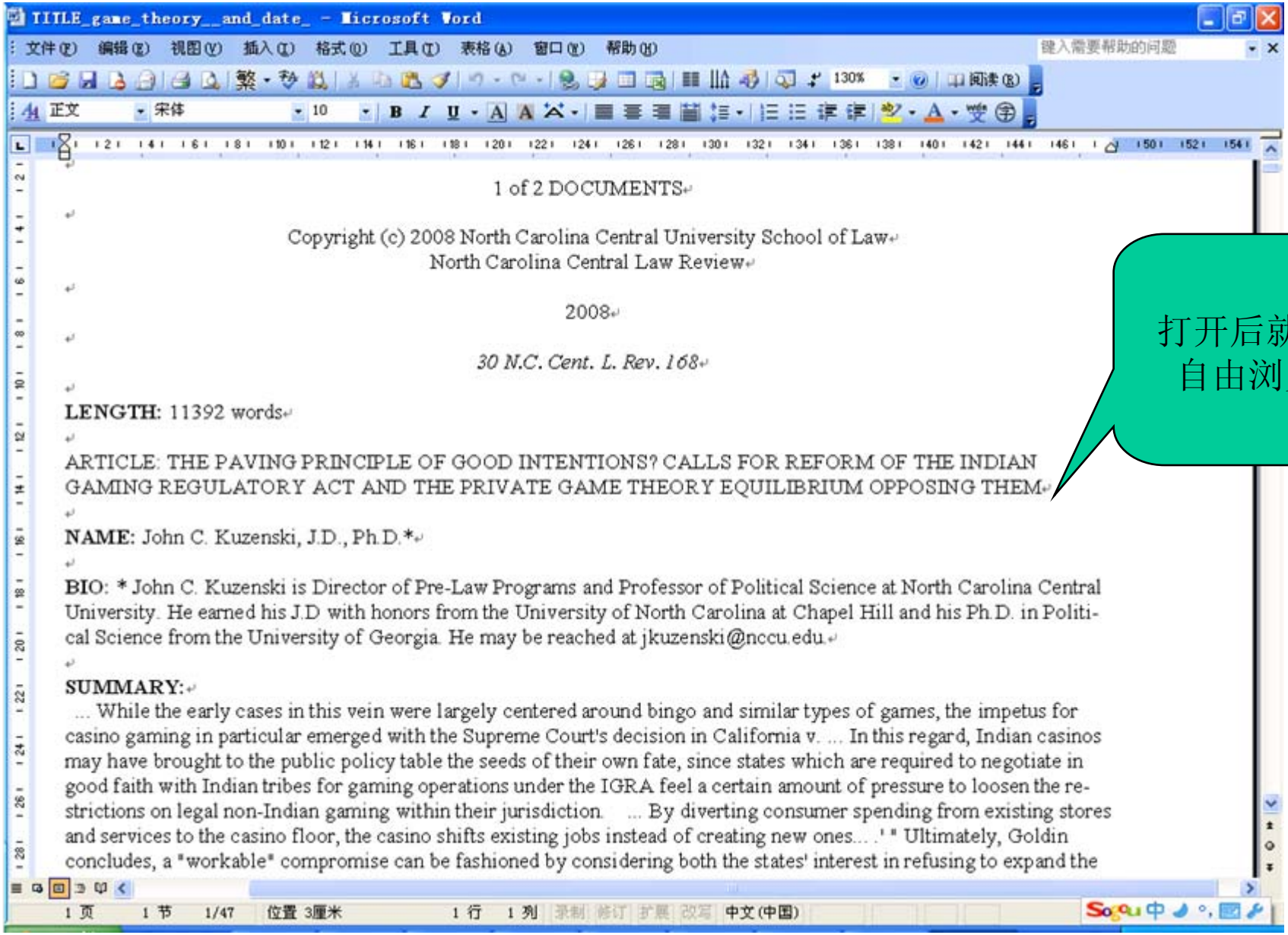

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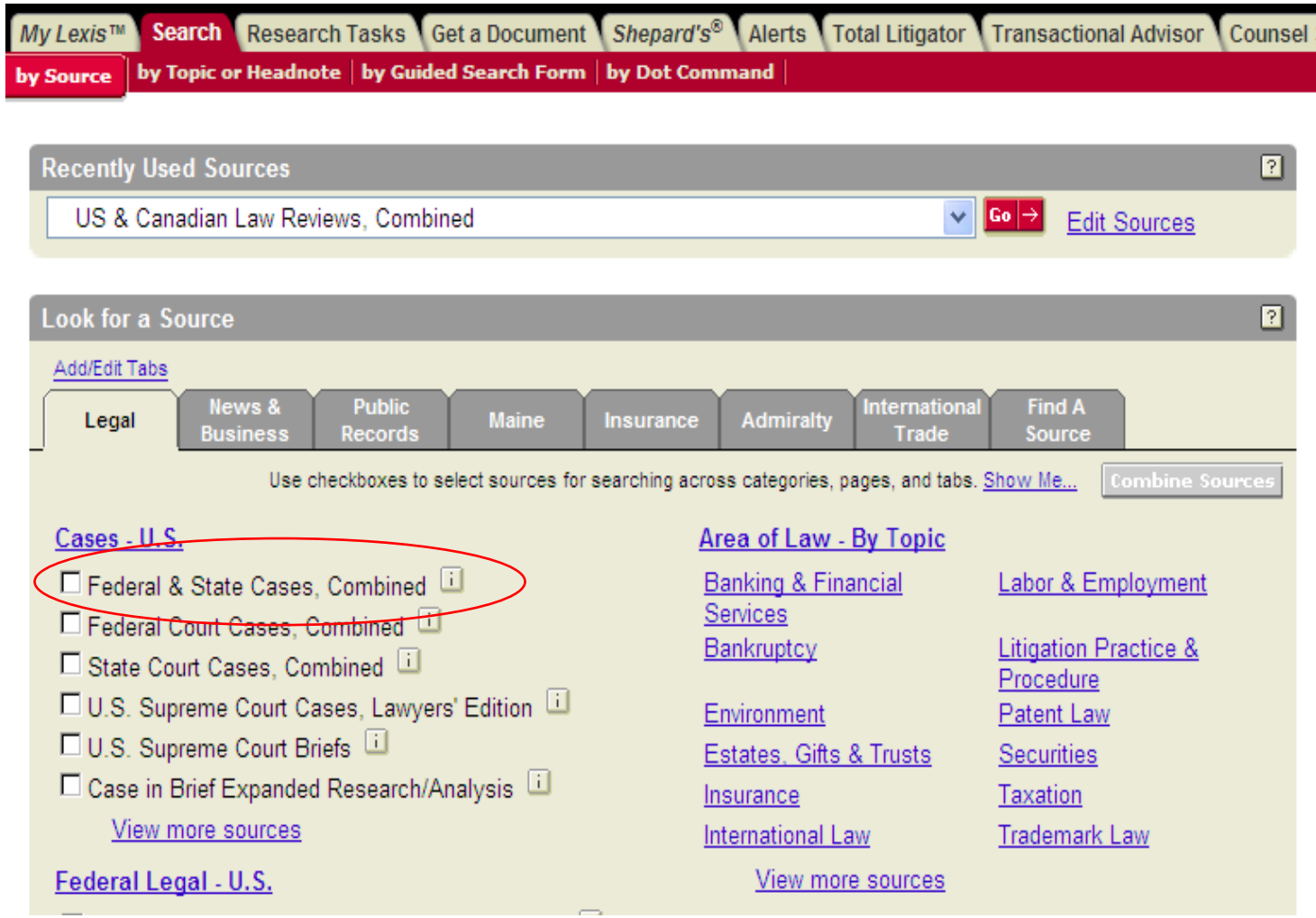
判例查询

关键在于知道找哪一个层级法院的判例

另外需要注意的是，不管是**Lexis**还是**Lexis AU**，所收录的案例都是有专业人员比整理的案例摘要，有利于法律人更快速的了解案例的最主要内容



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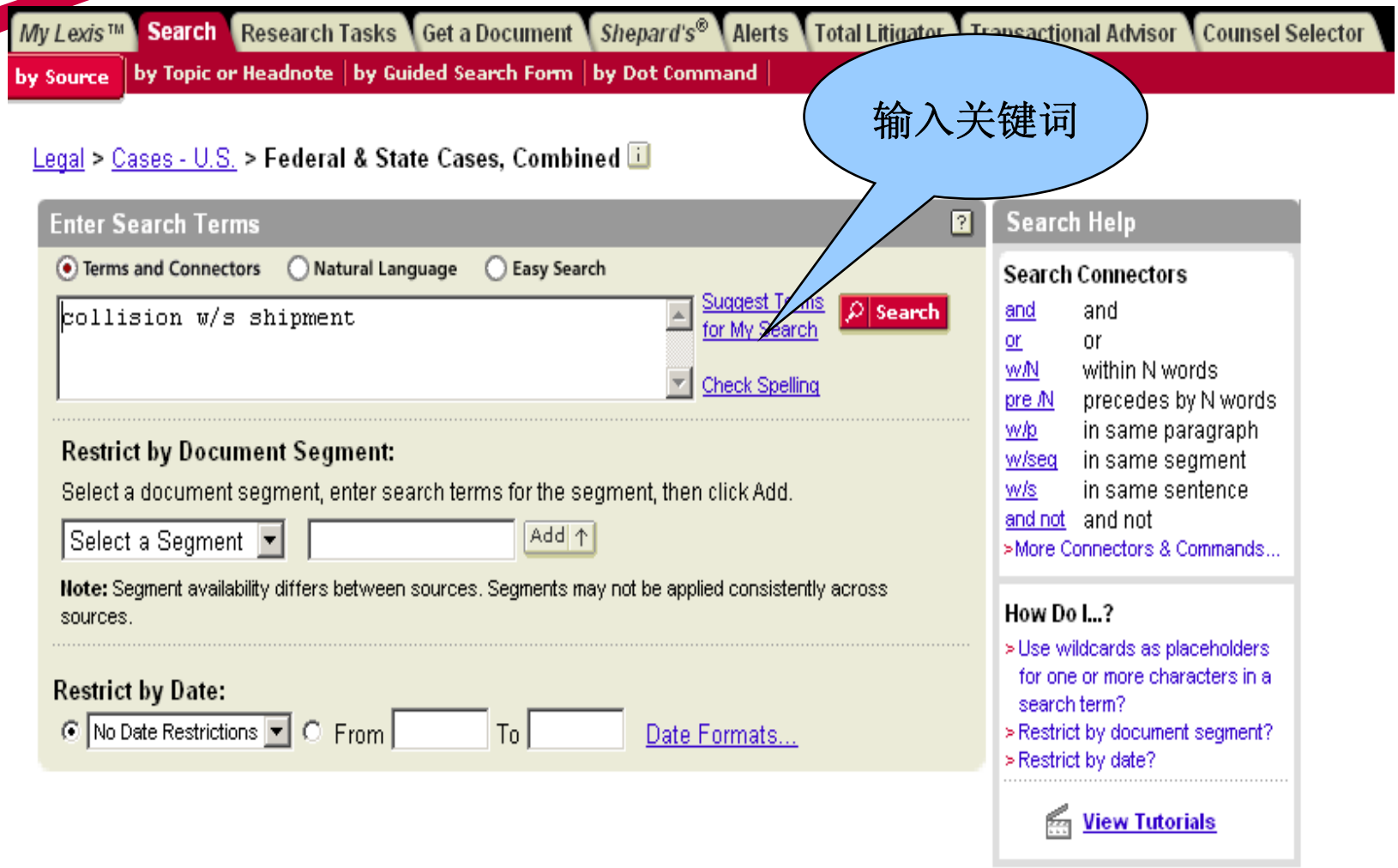
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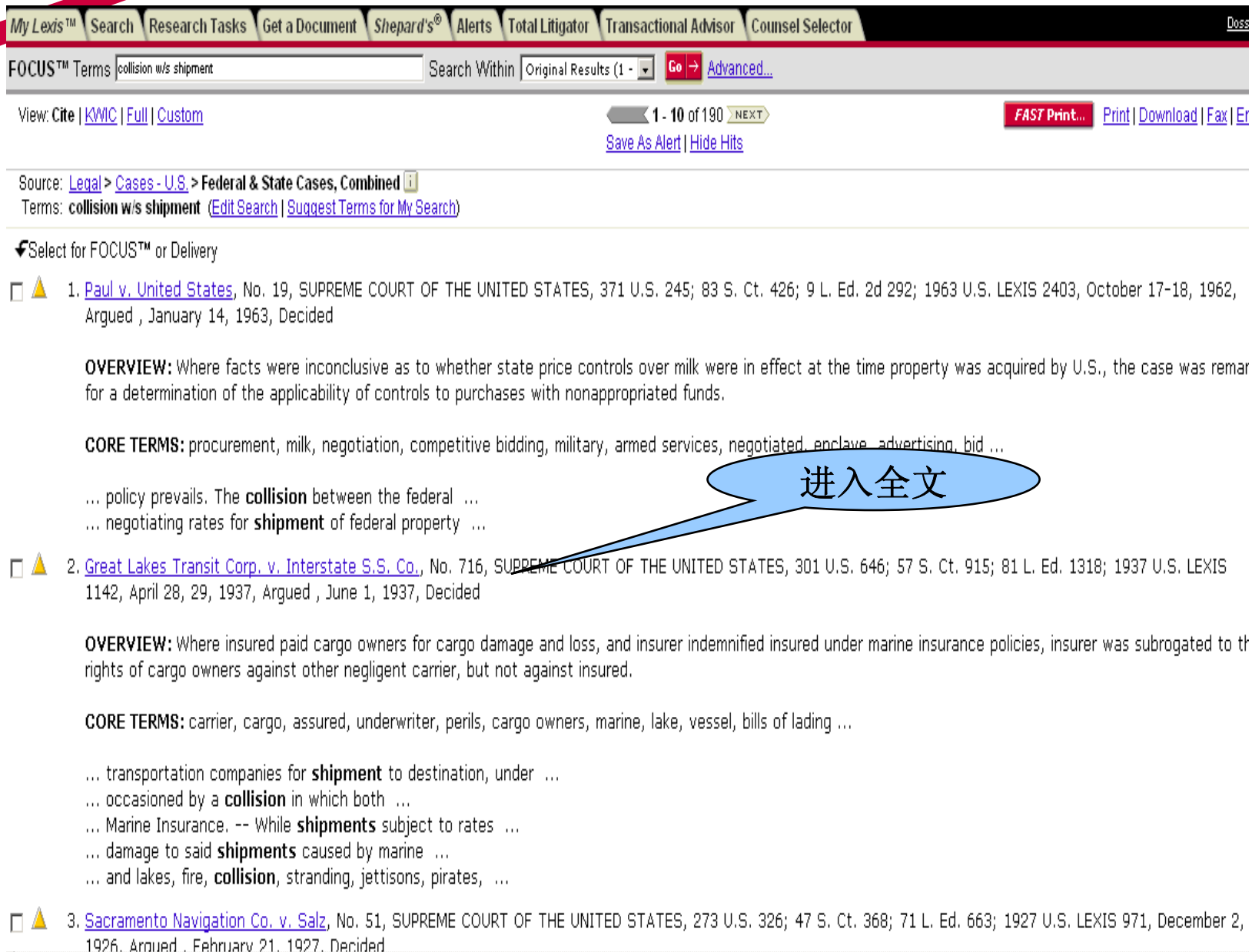

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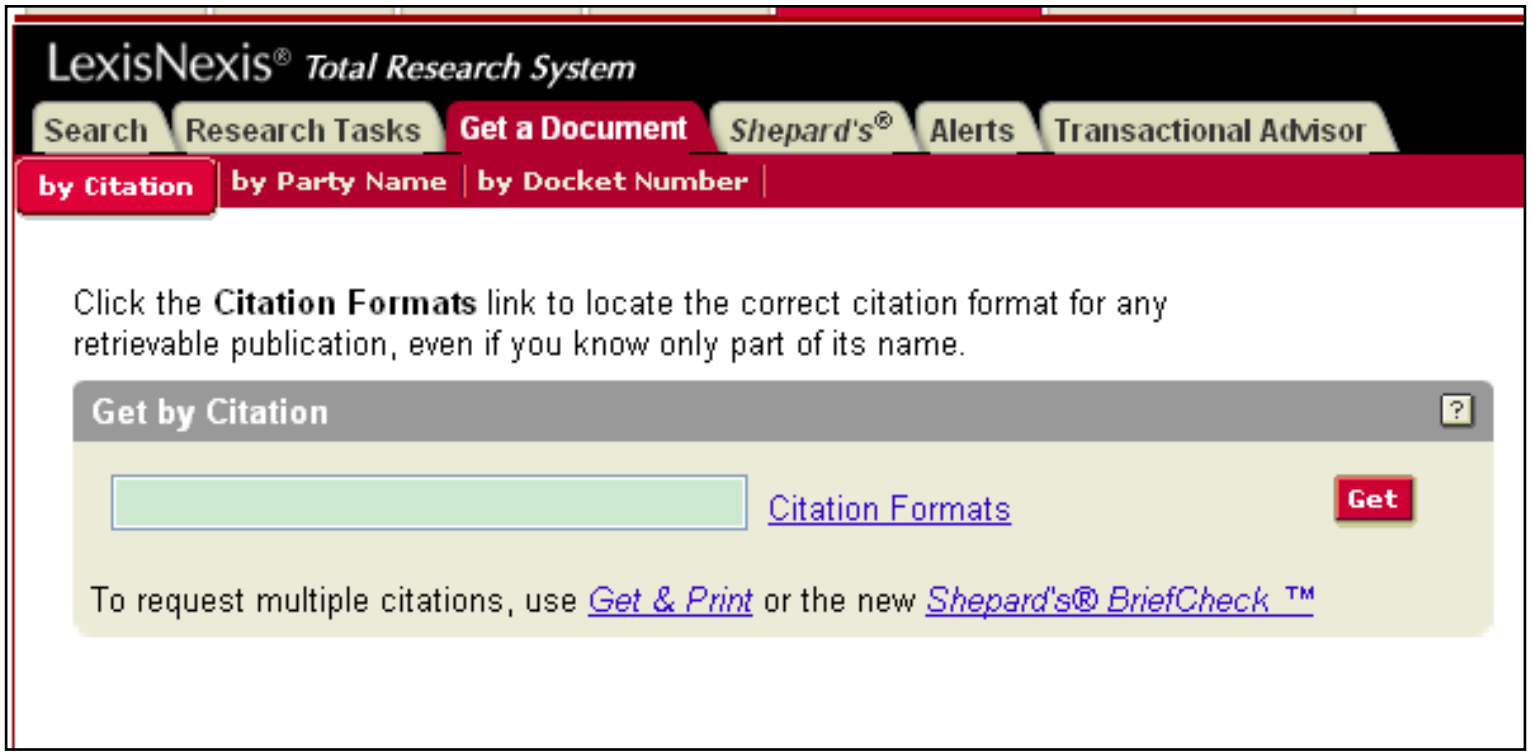

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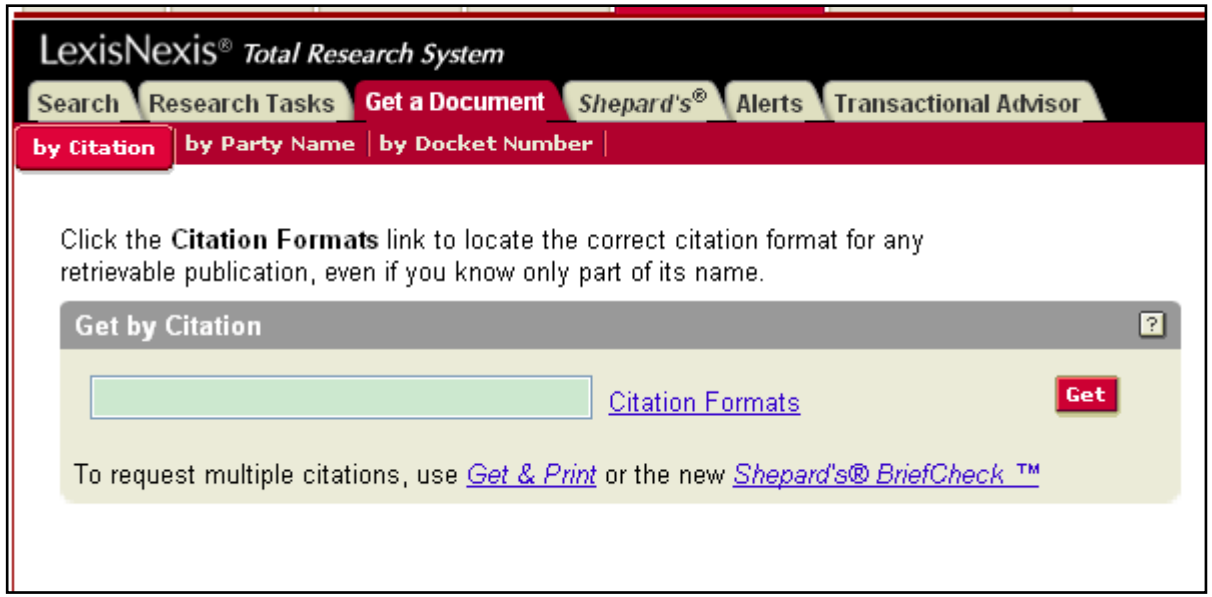

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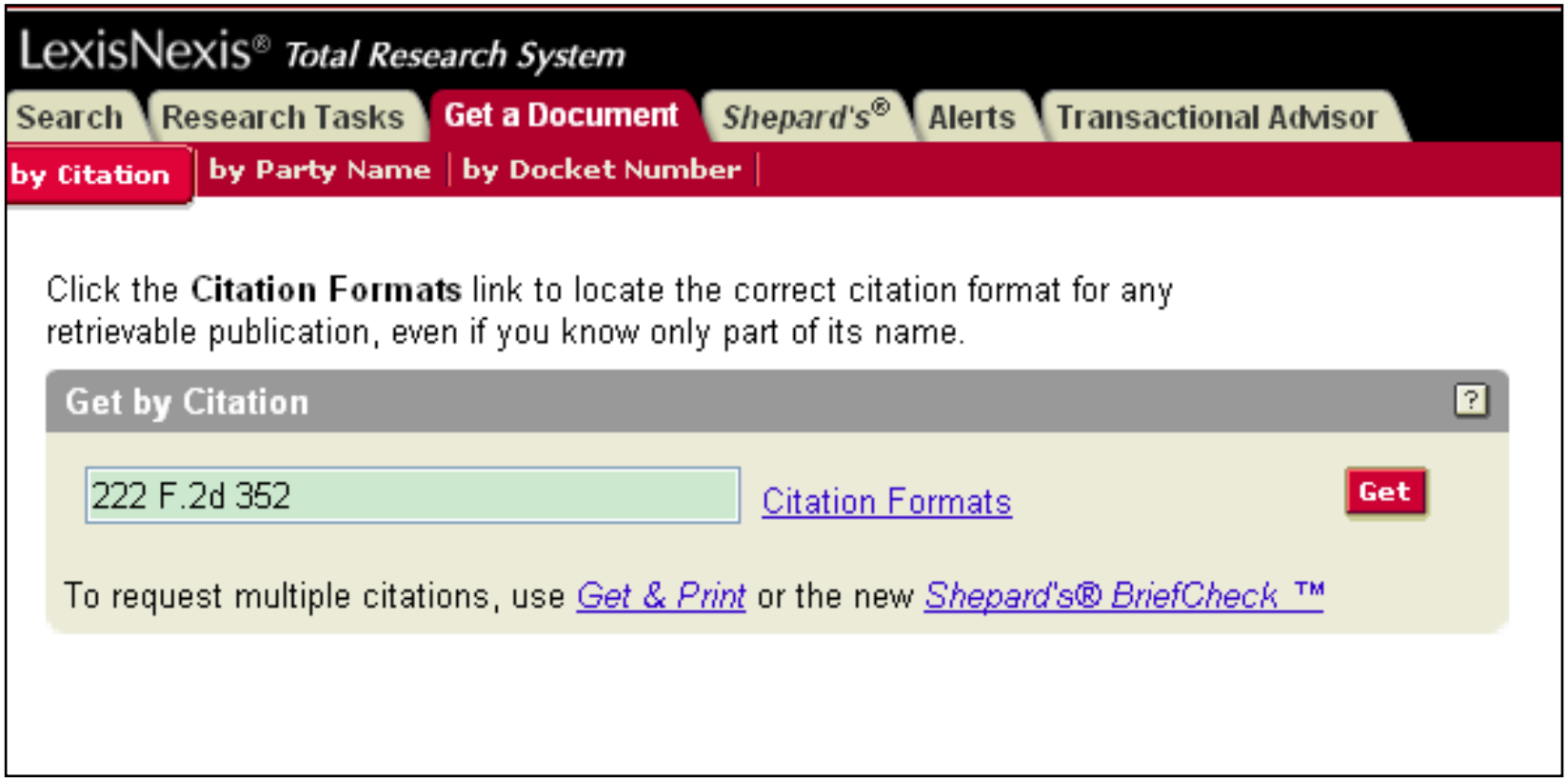

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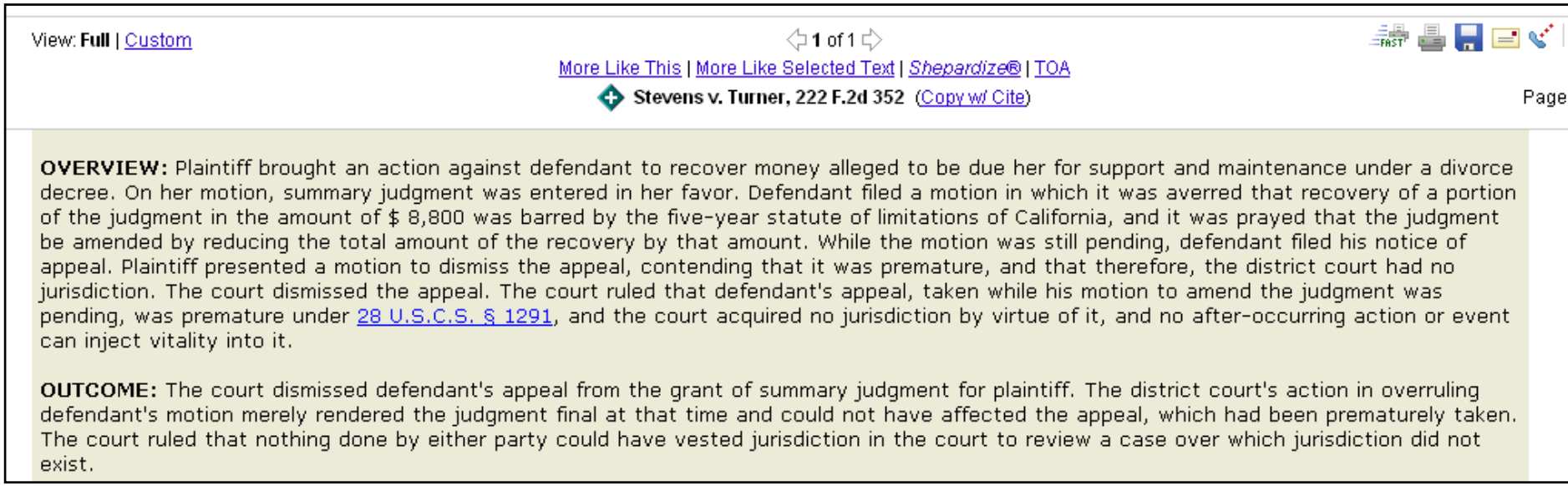
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Stevens v. Turner, 222 F.2d 352 (Copy w/ Cite)

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OVERVIEW: Plaintiff brought an action against defendant to recover money alleged to be due her for support and maintenance under a divorce decree. On her motion, summary judgment was entered in her favor. Defendant filed a motion in which it was averred that recovery of a portion of the judgment in the amount of $ 8,800 was barred by the five-year statute of limitations of California, and it was prayed that the judgment be amended by reducing the total amount of the recovery by that amount. While the motion was still pending, defendant filed his notice of appeal. Plaintiff presented a motion to dismiss the appeal, contending that it was premature, and that therefore, the district court had no jurisdiction. The court dismissed the appeal. The court ruled that defendant's appeal, taken while his motion to amend the judgment was pending, was premature under 28 U.S.C.S. § 1291, and the court acquired no jurisdiction by virtue of it, and no after-occurring action or event can inject vitality into it.

OUTCOME: The court dismissed defendant's appeal from the grant of summary judgment for plaintiff. The district court's action in overruling defendant's motion merely rendered the judgment final at that time and could not have affected the appeal, which had been prematurely taken. The court ruled that nothing done by either party could have vested jurisdiction in the court to review a case over which jurisdiction did not exist.

Stevens v. Turner一案结果：驳回被告要求简易判决的动议

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Great Lakes Transit Corp. v. Interstate S.S. Co., 301 U.S. 646 (Copy w/ Cite)

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301 U.S. 646; 57 S. Ct. 915; 81 L. Ed. 1318; 1937 U.S. LEXIS 1142

April 28, 29, 1937, Argued
June 1, 1937, Decided

PRIOR HISTORY: CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT.

CERTIORARI, 300 U.S. 650, to review the affirmance of a decree in admiralty adjudging two vessels at fault and adjudging that intervening underwriters recover, from each of the vessels and their respective owners, a moiety of payments made under policies insuring one of the carriers against liability to cargo.

DISPOSITION: 86 F.2d 740, reversed.

CASE SUMMARY

PROCEDURAL POSTURE: Certiorari was granted to review a judgment from the Circuit Court of Appeals for the Sixth Circuit, which allowed respondent insurer to recover from petitioner and respondent carrier a moiety of payments made under marine insurance policies, which insured petitioner against liability to cargo.

OVERVIEW: Petitioner insured's vessel and respondent carrier's vessel collided. Petitioner paid the cargo owners the amount of cargo damage and loss, and, under the marine insurance policies, respondent insurer paid that amount to petitioner. Petitioner and respondent carrier filed libels in admiralty against each other, and respondent insurer intervened, seeking recovery from respondent carrier. The district court determined that both vessels were at fault and held that respondent insurer could recover from both petitioner and respondent carrier a moiety of the amounts paid under the policies. The appellate court affirmed, but the court reversed the judgment. Through its tariffs, petitioner became an insurer of the cargo against marine perils, and petitioner's insurance policies with respondent insurer expressly agreed to indemnify petitioner for that liability. While respondent insurer could be subrogated to the rights of the cargo owners against respondent carrier, the equity of subrogation did not allow respondent insurer to recover against petitioner.

OUTCOME: Judgment allowing respondent insurer to recover from petitioner and respondent carrier a moiety of payments made under marine insurance policies was reversed and remanded, because the policies expressly provided coverage for petitioner's liability, and the equity of subrogation allowed recovery only against respondent carrier.

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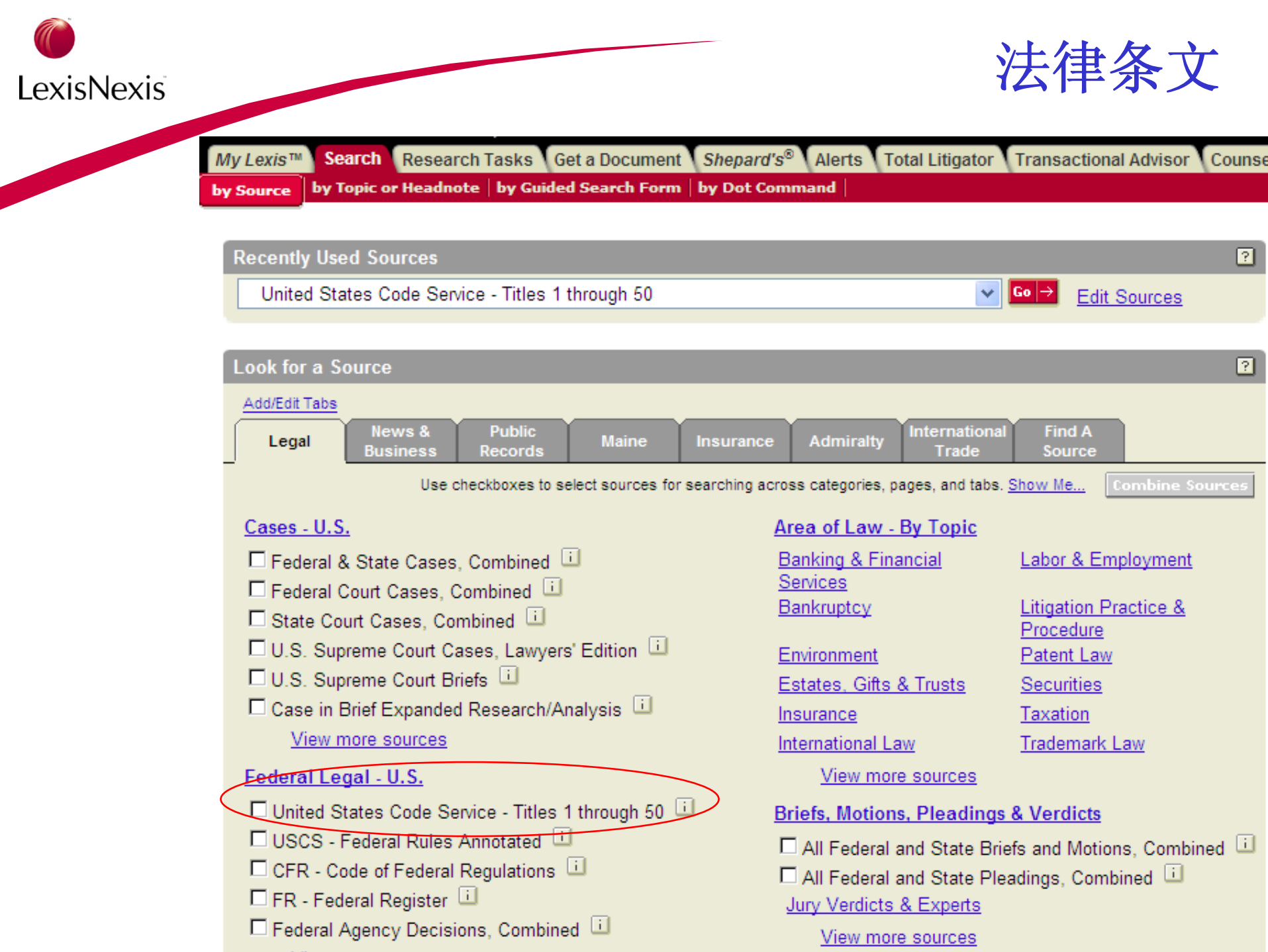
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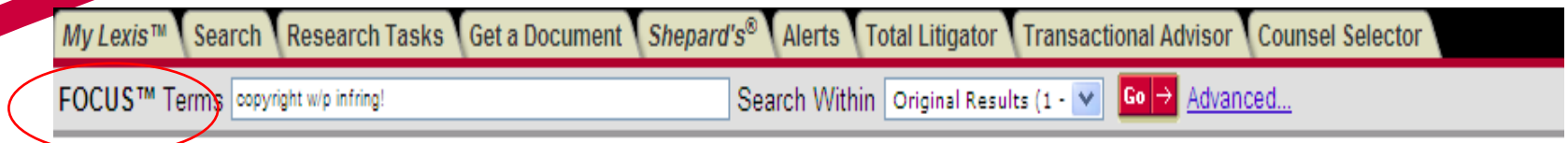

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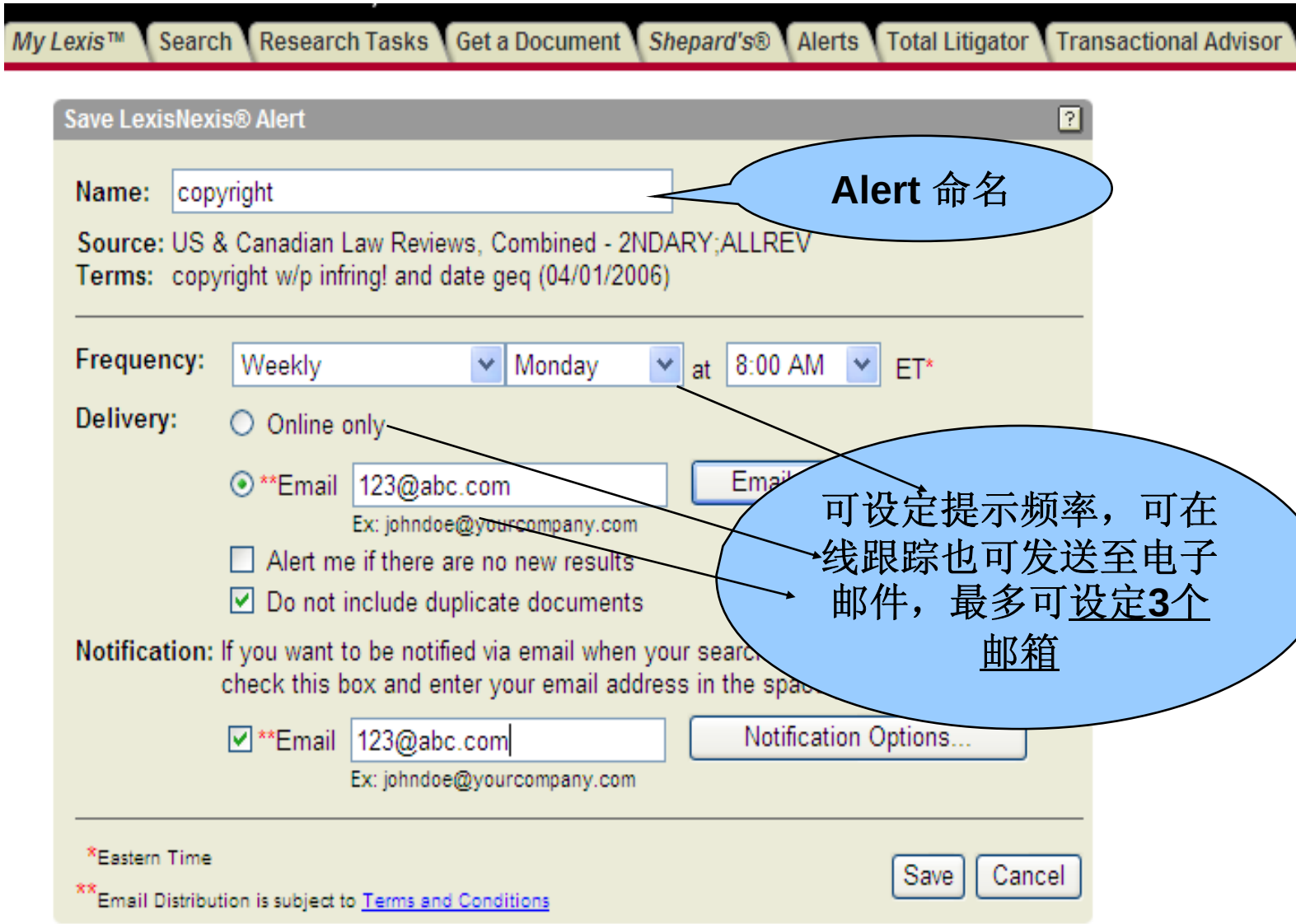

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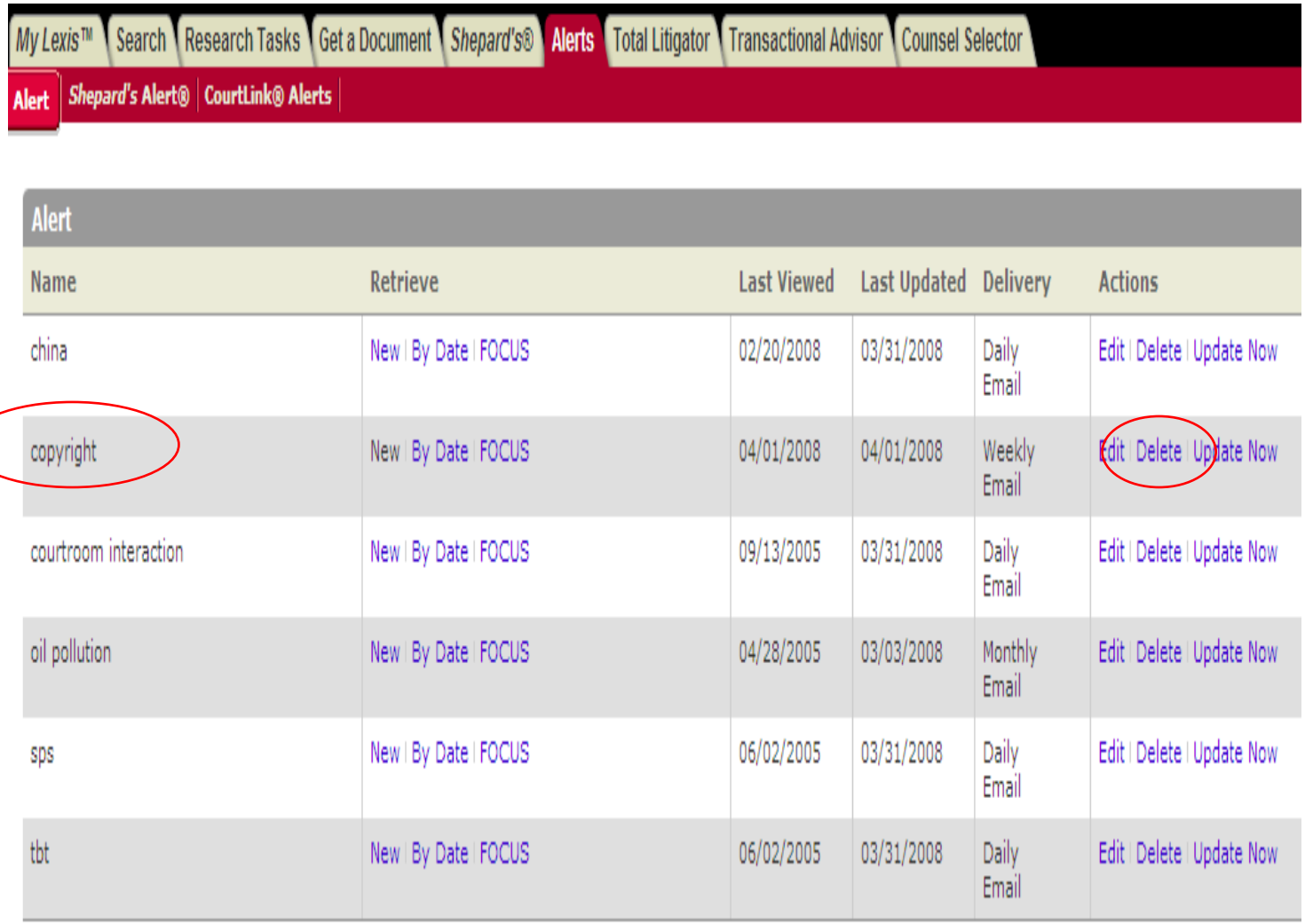

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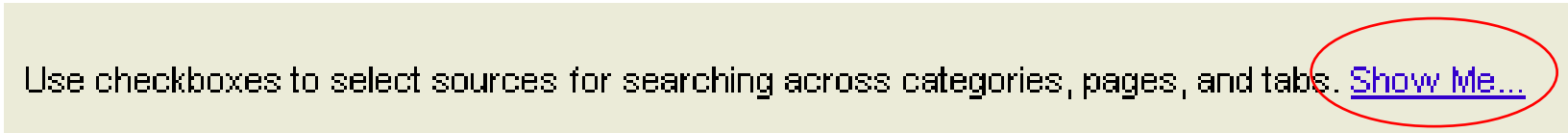

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