

# Westlaw 常见问题汇总

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1. 如何进入布莱克法律字典 ( Black's Law Dictionary ) ?

首页点击 “Secondary Sources” 或 “Cases” 后，在右侧的 “TOOLS & RESOURCES” 中有 Black's Law Dictionary 的链接，点击进入即可查询，很多其他子库右侧的 “TOOLS & RESOURCES” 中也有进入 Black's Law Dictionary 的链接。

## 2. 如何查找除美国外其他法域的内容？

首页的检索框默认的法域是美国，检索其他法域的内容有两种方式：

- A. 首页 - International Materials
- B. 首页搜索框中输入某个法域名称，如 “Canada”，下拉菜单 Looking for this 中可以直接点击该法域名称，即可进入该法域子库

## 3. 快速进入某一具体子库的方式

如知道某本具体期刊、书籍、报纸、杂志或其他子库的名称，在首页搜索框中直接输入该名称（如：European Competition Law Review），下拉菜单中会出现 Looking for this 的提示，直接点击进入。

The screenshot shows the Thomson Reuters Westlaw interface. At the top, there is a navigation bar with 'TRAINING', 'Folders', 'History', 'Favorites', and 'Alerts'. Below this is the 'THOMSON REUTERS WESTLAW' logo and a search bar containing 'European Competition Law Review'. A dropdown menu below the search bar shows 'Looking for this?' followed by 'European Competition Law Review'. The main content area is divided into sections: 'Browse' with a grid of categories like 'Cases', 'Forms', 'Dockets', etc.; 'News and Insight from REUTERS' featuring an article about salmon protection; and a promotional banner for Westlaw innovations.

#### 4. 如何查找“World Journals”？

有两种方式：

- 点击首页-International Materials -Journals 后，在页面右侧有一个 World Journals 的链接
- 首页搜索框中输入某个法域名称，如“World Journals”，下拉菜单 looking for this 中可以直接点击“World Journals”即可进入

#### 5. 搜索具体期刊、书籍的方式。

从首页-Secondary Sources 进入，右侧“TOOLS & RESOURCES”中，Secondary Sources Index 是在所有的二次资源的索引，Law Reviews & Journals Index 是法学期刊与评论的索引，均按字母顺序排列，点击进入后，页面上方的搜索框是在期刊与书籍的标题中搜索。

## 6. 查询子库中更多内容

进入某本期刊或某个法院后，默认均为显示 10 篇最新文件，如需查询更多，需要再页面上方查询框中输入关键词简单查询，或点击“advanced”进入高级查询页面查询。

## 7. 高级查询

在首页中点击“Advanced”即可进入高级查询页面，在各个子库中点击“Advanced”即可进入各个子库的高级查询页面。前 4 个字段在各个高级查询页面均相同，其他字段，根据各个子库的特点，有所不同。

首页进入：



Home

## Advanced Search

Use at least one field to create a Boolean Terms & Connectors query.

**Find documents that have**

All of these terms  [Term frequency](#)

Any of these terms  [Term frequency](#)

This exact phrase  [Term frequency](#)

**"Exclude documents" requires at least one additional field.**

These terms

**Document Fields (Boolean Terms & Connectors Only)**

Date

Citation

Name / Title

### Connectors and Expanders

&	AND
/s	In same sentence
or	OR
+s	Preceding within sentence
/p	In same paragraph
""	Phrase
+p	Preceding within paragraph
%	But not
/n	Within n terms of
!	Root expander
+n	Preceding within n terms of
*	Universal character
#	Prefix to turn off plurals and equivalents

子库进入：

Home > Cases

## Advanced Search: Cases

Use at least one field to create a Boolean Terms & Connectors query.

**Find documents that have**

All of these terms  Term frequency

Any of these terms  Term frequency

This exact phrase  Term frequency

---

**"Exclude documents" requires at least one additional field.**

These terms

---

**Document Fields (Boolean Terms & Connectors Only)**

Date

Party Name

Citation

Synopsis



### Connectors and Expanders

&	AND
/s	In same sentence
or	OR
+s	Preceding within sentence
/p	In same paragraph
""	Phrase
+p	Preceding within paragraph
%	But not
/n	Within n terms of
!	Root expander
+n	Preceding within n terms of
*	Universal character
#	Prefix to turn off plurals and equivalents

8. 高级查询的字段不清楚什么意思，应如何处理？

以 Cases 为例，Cases 高级查询各查询字段的意思，从首页-Cases 进入，一直点击到 U.S. Supreme Court Cases，点击 ，在“Searching and Fields”中有关于高级查询字段的解释。

Home > Cases

## U.S. Supreme Court Cases

Add to Favorites

Make this My Start Page

Coverage begins with 1790. Browse recent documents below or search all U.S. Supreme Court Cases above

## U.S. Supreme Court Cases Scope Information

### Content Highlights:

Access to all U.S. Supreme Court Cases, with coverage beginning in 1790.

### Contents

### Citation Formats

### Searching and Fields

Searching with plain language is available in the search box located at the top of the category page - simply type descriptive terms and click search. Advanced searching is available by using Terms and Connectors directly in the search box, or by clicking on the Advanced link to see the Advance Search Template containing the additional search fields and connectors available for this content.


Atlantic	Vol. 1 - 200
Atlantic 2d	Vol. 1 - 999
Atlantic 3d	Vol. 1 - current
Bankruptcy Reporter (West)	Vol. 1 - current
Federal	Vol. 1 - 300
Federal 2d	Vol. 1 - 999
Federal 3d	Vol. 1 - current
Federal Claims Reporter	Vol. 1 - current
Federal Rules of Decisions	Vol. 1 - current

Close

## 9. Westlaw Answers

首页搜索框输入相关的法律问题的关键词，相关问题会在下拉菜单中提示

- A. 对某些常见类型的法律问题的具体答案
- B. 包括与权威法院判决的链接
- C. 提示问题会出现在检索提示的上方
- D. 回答会出现在检索结果的上方



Massachusetts
Advanced

**Browse**

All Content Federal Mat

Cases

Key Numbers

Trial Court Orders

Statutes & Court Rules

Regulations

Administrative Decisions  
Guidance

Secondary Sources

Forms

**Westlaw Answers**

What are the **elements of fraudulent** misrepresentation?  
Massachusetts

What are the **elements of fraudulent** inducement?  
Massachusetts

What are the **elements of fraud**? Massachusetts

**Statutes & Court Rules**

Uji 14-4302. **Fraudulent Practices; Sale Of Securities; Essential Elements** NM R CR Uji 14-4302 | 12/31/2006

S 13a-8-140. **Elements Of Offense Of Theft By Fraudulent Leasing Or Rental.** AL ST s 13A-8-140 | 1/1/1999

Uji 14-1683. **Fraudulent Transfer Of A Credit Card; Essential Elements** NM R CR Uji 14-1683 | 12/31/2006

**Secondary Sources**

155. --elements **Of Fraud** In General ALRDG 186K155 | 10/3/2009

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**Favorites**

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**Custom Pages**

**News and Insight from REUTERS**



**Lead objector to \$4.5 bln JPMorgan mortgage settlement withdraws**

1/26/2016 | REUTERS LEGAL

Bond insurer Ambac Assurance Corporation on Tuesday withdrew its objections to JPMorgan Chase & Co's proposed \$4.5 billion settlement with investors in soured residential mortgage backed securities, paving the way for court approval of the deal.



THOMSON REUTERS  
**WESTLAW** All Content Enter terms, citations, databases, anything ... Massachusetts Advanced

## What are the elements of fraud? Massachusetts

The elements of fraud are: (1) a false representation, (2) of a matter of material fact, (3) with knowledge of its falsity, (4) for the purpose of inducing action thereon.

**Ward v. Costello**  
Superior Court of Massachusetts. | December 17, 2002 | Not Reported in N.E.2d | 15 Mass.L.Rptr. 644 | 984871J

The elements of fraud in the inducement are "(1) that the statement was knowingly false; (2) that [the Defendants] made the false statement with the intent to deceive; (3) that the statement was material to the plaintiffs' decision to sign the contract; (4) that the plaintiffs reasonably relied on the statement; and (5) that the plaintiffs were injured as a result of their reliance."

**Branch Ave Capital, LLC v. U.S. Bank Nat. Ass'n**  
United States District Court, D. Massachusetts. | September 16, 2013 | Slip Copy | 2013 WL 5242121 | CIV.A. 12-40140-TSH

The elements of common law fraud are 1) a false representation of a material fact, 2) with knowledge of its falsity, 3) for the purpose of inducing plaintiffs to act thereon, and 4) that plaintiffs relied upon the representation as true and acted upon it to their detriment.

## 10. 如何查找某篇文件的 Citation 引称号

Citation 每篇文件在 Westlaw 中的单独编号，类似案号、学号、身份证，输入引称号后，可以得到唯一的结果，例如：381 F. 3d 1178 ; 6 U.S.C.A. § 104 ; 2018 WL 1384564

在打开某一子库（某本期刊、某个法院），如 Harvard law review，点击 ⓘ，在 Citation Formats 中可以看到 Citation 的格式

### Harvard Law Review Scope Information

**Summary**

**Coverage:**  
Full coverage begins with 1887 (vol. 1)

**Content Highlights:**  
Full-text articles from Harvard Law Review  
PUBLISHER: Harvard Law Review Association

**Contents** +

**Citation Formats** -

Documents in this publication are retrievable by using either the short or long citation formats: 131 Harv. L. Rev. 685 or 131 HVLR 685.

**Searching and Fields** +

**Related Research** +

**Legal Notices**

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[Close](#)

## 11. 布尔连接符的使用技巧

Westlaw 支持使用 Boolean 术语与连接符的检索方式。您可以就相关的问题，输入问题中的术语，并采用连接符表达术语之间的特定关联。比如，您可以要求两个术语出现在同一句话或者同一段内容中。

### 自动检查

每当您输入的问题中包含有表示字段限定、连接、扩展的符号（+，%，！），Westlaw 就会自动认为您在使用 Boolean 术语与连接符搜索方式。

### 连接符与扩展符

## Connectors and Expanders

&	AND
/s	In same sentence
or	OR
+s	* Preceding within sentence
/p	In same paragraph
""	Phrase
+p	Preceding within paragraph
%	But not
/n	Within n terms of
!	Root expander
+n	Preceding within n terms of
*	Universal character
#	Prefix to turn off plurals and equivalents

符号写法	作用	示例
&	两个词须在同一个文件中	merger & acquisition
/s	两个词须在同一个句子中	breach /s fundamentally
or	其中一个词在文件中出现	landlord or landowner
+s	两个词在同一个句子中，且第一个词出现在第二个之前	disclos! +s interest
/p	两个词须在同一段中	china /p anti-dump
""	引号中的词被作为词组处理，不可分	"comparative negligence"
+p	两个词在同一段中，且第一个词出现在第二个之前	violate +p regulation
%	文件中不包括该符号后面的词，如有其它连接符，须在检索指令的最后使用该符号，以免排除掉相关文件	conspiracy % crim!
/n	两个词之前最多出入不超过 n 个词，n 的个数值（1 到 255）	physical /3 injury
!	用在检索词尾部，检索不同结尾的词	negligen!，可以检索出 negligence、negligent、negligently
+n	两个词之间做多插入不超过 n 个词，且第一个词先出现	freedom +2 speech

*	用在检索词的中间或尾部，代替单个字母	wom*n,可以检索出 woman、women
#	用在单数形式的检索词前，使检索结果限制为单数，不包括复数	#damage,只检索 damage,不包括 damages

例子：

- hazard! /s waste/s dispos!
- burden +s proof prov!
- past /p consideration
- wrongful! /5 terminat!

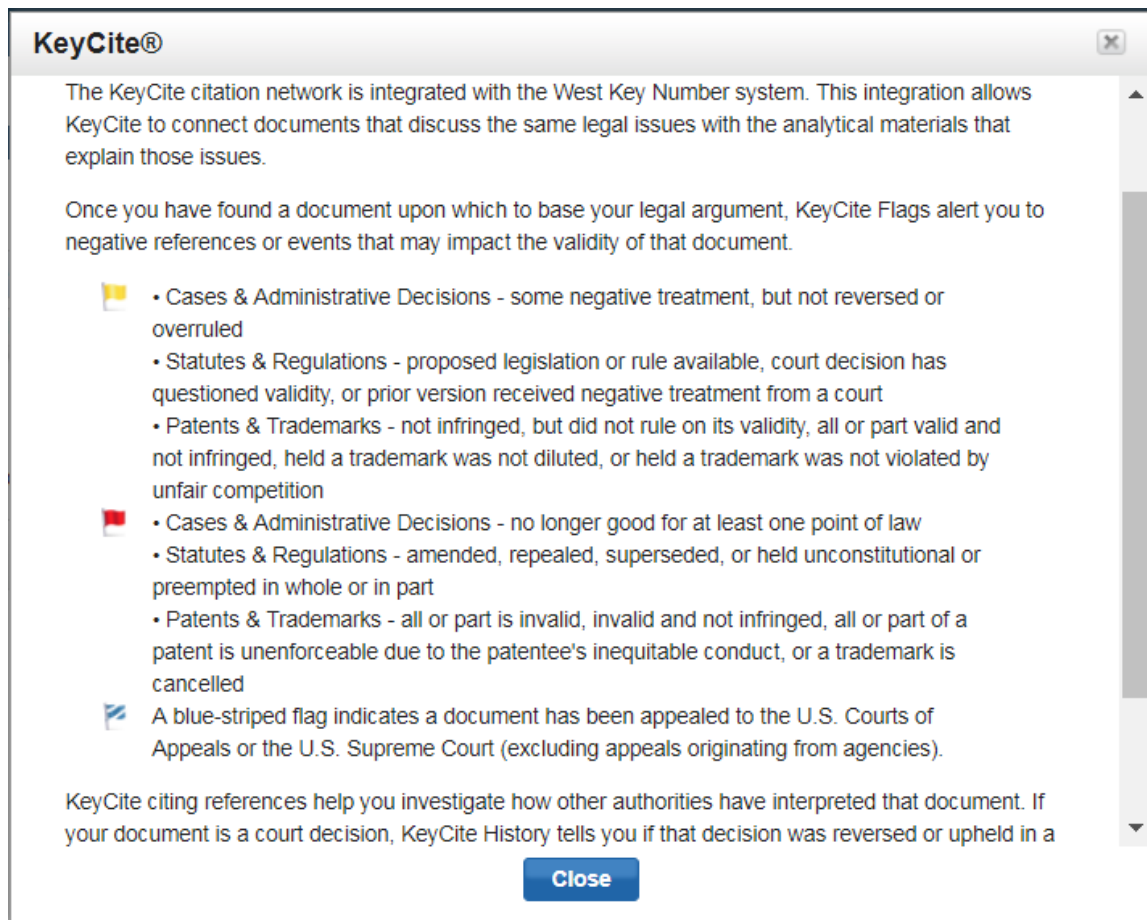
提示：

- 为了使搜索结果更为精确，建议在输入搜索问题之前先选择司法辖区或者进入相关内容板块。
- 当没有与其他连接符和字段一同使用时，引号、连接号（&）、空格都视为是描述性术语的一部分。如果希望针对某一特定语句进行搜索，请使用高级检索(Advanced Search)功能，或者仅使用 AND 或者 OR 连接词（无其他连接符、扩展符或文件字段）。

## 12. Keycite

目前业界最完整最准确最及时更新的引用服务。使用它可以立即核查一个案例、法律法规或者行政裁决是否有效，也可以查找对于该案例的案例价值有影响的其他案件来支持您的法律观点。

- A. 黄色旗帜：表示该判决或裁决出现过消极的判决历史记录，但未被驳回或推翻/表示有足以影响该法现行效力的草案存在
- B. 红色旗帜：表示该判例或行政裁决中至少有一个法律见解已经不是目前被接受的见解/表示该法被修正或废止
- C. 蓝白条纹旗帜：表示该判决已经被上诉，提示之后会有新的判决产生



### 13. West Key Number System — 钥匙码系统

最令人推崇的美国法律分类系统，其将某一案例与美国所有法律中的相关内容相连接，是将法律概念或者法律要点与具体案例相连接，您可以快速定位到关注的法律要点以及与之最相关的判例。



Browse

- All Content
- Federal Materials
- State Materials
- Practice Areas
- Tools

- Cases
  - Key Numbers**
  - Trial Court Orders
  - Statutes & Court Rules
  - Regulations
  - Administrative Decisions & Guidance
  - Secondary Sources
- Forms
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  - Jury Verdicts & Settlements
  - Proposed & Enacted Legislation
  - Proposed & Adopted Regulations
  - Arbitration Materials
- Dockets
  - News
  - Business Law Center
  - Company Investigator
  - Sample Agreements
  - Legislative History
  - Trial Transcripts & Oral Arguments
  - Intellectual Property
  - International Materials
  - Directories

Favorites

Search input field with Search button

Select All

My Favorites

- Frequently Used Items
  - Secondary Sources
  - International Materials
  - News
  - Statutes & Court Rules
  - West Key Number System

Custom Pages

News and Insight from REUTERS



SCOTUS says car service advisers OT exempt in case's second trip to high court

4/2/2018 | REUTERS LEGAL

(Reuters) - The U.S. Supreme Court on Monday said workers at car dealerships known as "service advisers" who sell parts and services are exempt from mandatory overtime pay, in a case against a California Mercedes-Benz dealer that was at the court for the second time.



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Home

**West Key Number System** [Add to Favorites](#)

Search for Key Numbers relevant to your issue [?](#)

Enter terms e.g., landlord duty of care to trespassers

Search

Jurisdiction selected: All State & Federal [Change Jurisdiction](#)

Specify Content to Search

Select all content | No items selected | [Clear Selection](#)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> 1 ABANDONED AND LOST PROPERTY | <input type="checkbox"/> 141E EDUCATION            | <input type="checkbox"/> 288 PARTITION           |
| <input type="checkbox"/> 2 ABATEMENT AND REVIVAL       | <input type="checkbox"/> 142 EJECTMENT             | <input type="checkbox"/> 289 PARTNERSHIP         |
| <input type="checkbox"/> 4 ABORTION AND BIRTH CONTROL  | <input type="checkbox"/> 142T ELECTION LAW         | <input type="checkbox"/> 290 PARTY WALLS         |
| <input type="checkbox"/> 5 ABSENTEES                   | <input type="checkbox"/> 143 ELECTION OF REMEDIES  | <input type="checkbox"/> 291 PATENTS             |
| <input type="checkbox"/> 6 ABSTRACTS OF TITLE          | <input type="checkbox"/> 145 ELECTRICITY           | <input type="checkbox"/> 294 PAYMENT             |
| <input type="checkbox"/> 7 ACCESSION                   | <input type="checkbox"/> 146 EMBEZZLEMENT          | <input type="checkbox"/> 295 PENALTIES           |
| <input type="checkbox"/> 8 ACCORD AND SATISFACTION     | <input type="checkbox"/> 148 EMINENT DOMAIN        | <input type="checkbox"/> 296 PENSIONS            |
| <input type="checkbox"/> 9 ACCOUNT                     | <input type="checkbox"/> 149 ENTRY, WRIT OF        | <input type="checkbox"/> 297 PERJURY             |
| <input type="checkbox"/> 10 ACCOUNT, ACTION ON         | <input type="checkbox"/> 149E ENVIRONMENTAL LAW    | <input type="checkbox"/> 298 PERPETUITIES        |
| <input type="checkbox"/> 11 ACCOUNT STATED             | <input type="checkbox"/> 149T EQUITABLE CONVERSION | <input type="checkbox"/> 300 PILOTS              |
| <input type="checkbox"/> 11A ACCOUNTANTS               | <input type="checkbox"/> 150 EQUITY                | <input type="checkbox"/> 302 PLEADING            |
| <input type="checkbox"/> 12 ACKNOWLEDGMENT             | <input type="checkbox"/> 151 ESCAPE                | <input type="checkbox"/> 303 PLEDGES             |
| <input type="checkbox"/> 13 ACTION                     | <input type="checkbox"/> 152 ESCHEAT               | <input type="checkbox"/> 305 POSSESSORY WARRANT  |
| <input type="checkbox"/> 14 ACTION ON THE CASE         | <input type="checkbox"/> 154 ESTATES IN PROPERTY   | <input type="checkbox"/> 306 POSTAL SERVICE      |
| <input type="checkbox"/> 15 ADDING LANDOWNERS          | <input type="checkbox"/> 156 ESTOPPEL              | <input type="checkbox"/> 307 POWERS              |
|  | <input type="checkbox"/> 157 EVIDENCE              | <input type="checkbox"/> 307A PRETRIAL PROCEDURE |

## 14. Headnotes —West 批注

West 批注总结了判例中的法律要点，并罗列出重要法条或者引用该法条的案例事实，有利于快速回顾法律意见中的重要争议。

THOMSON REUTERS WESTLAW

TRAINING Folders History Favorites Alerts

All Content Enter terms, citations, databases, anything ... All State & Federal

Board of Trustees of Leland Stanford Junior University v. Roche Molecular Systems, Inc.  
 Supreme Court of the United States June 6, 2011 563 U.S. 776 131 S.Ct. 2188 180 L.Ed.2d 1 See All Citations (Approx. 18 pages)

Document Filings (117) Negative Treatment (3) History (39) Citing References (668) Table of Authorities Powered by KeyCite

Go to

**Holding:** The United States Supreme Court, Chief Justice Roberts, held that the Bayh–Dole Act did not automatically confer title to federally-funded inventions in federal contractors or authorize contractors to unilaterally take title to such inventions.

**Affirmed.**

Justice Sotomayor filed concurring opinion.  
 Justice Breyer filed dissenting opinion, in which Justice Ginsburg joined.

**West Headnotes (4)**

1	<b>Patents</b> An inventor can assign his ownership rights in an invention to a third party. 25 Cases that cite this headnote	291 291VI 291VI(A) 291k1433	Patents Patent Rights and Duties In General Assignment of invention or right to patent (Formerly 291k183)
2	<b>Labor and Employment</b> Unless there is an agreement to the contrary, an employer does not have ownership rights in an invention which is the original conception of the employee alone. 12 Cases that cite this headnote	231H 231HV 231Hk308 231Hk309	Labor and Employment Intellectual Property Rights and Duties Inventions, Discoveries, or Creations of Employees In general

**Disclosure of trade secrets as abandonment of secrecy**  
 92 A.L.R.3d 138 (Originally published in 1979)  
 ...This annotation collects and analyzes the federal and state cases in which the courts have considered whether, or under what circumstances, the disclosure of a trade secret by a party asserting a prote...  
 See More Secondary Sources

**Briefs**  
**Reply Brief for Defendant/Third Party Plaintiff-Appellant Kurt L. Vanvoorthies**  
 2003 WL 24018591  
 University of West Virginia, Board of Trustees, Plaintiff-Appellee, West Virginia University Research Corporation, Third Party Defendant-Appellee, James Earl SMITH and Integral Concepts, Inc., Third Party Defendants-Appellee, v. Kurt L. VANVOORTHIES, Defendant/Third Party Plaintiff-Appellant  
 United States Court of Appeals, Federal Circuit  
 Apr. 28, 2003  
 ...The trial court committed a clear abuse of discretion by entering on June 4, 2002 an order (pursuant to a Rule 70 motion) that greatly exceeded the underlying May 25, 2000 order. This was an ex parte or...  
**Brief of Appellants**  
 1984 WL 566292  
 SH HANDLING SYSTEMS, INC., Appellee, v. Michael E. HEBBLEY, Heico, Inc., Phillip L. Biley, Richard O. Danthner, Eagle Sheet Metal Mfg., Co., Inc., Thomas H. Hughes, Sy-Con

## 15. 国际条约的查找

首页--Administrative Decisions & Guidance--All Federal Administrative Decisions & Guidance--Department of State

THOMSON REUTERS WESTLAW

TRAINING Folders History Favorites Alerts

Department of State Search Department of State

Home > Administrative Decisions & Guidance > Federal Administrative Decisions & Guidance

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Search all Department of State materials above or navigate to specific content below.

**Treaties**

- Native American Law Treaties
- North American Free Trade Agreement
- United States Treaties and Other International Agreements
- United States Treaties in Force

**Personnet**

- Department of State Materials
- Department of State Standardized Regulations

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## 16. 如何自动生成文献出处？

任意一篇目标文件，选中需要复制的段落，数据库会自动弹出 Copy with reference，点击，然后在空白 word 文件中点击右键粘贴即可，自动生成出处，节省查询文献出处的时间。

## 17. 查找某一法案的全文

两种方式，如查询 bayh dole act:

A. 首页输入 “bayh dole act”，查询结果页面右侧点击进入

The screenshot shows the Thomson Reuters Westlaw interface. At the top, the search bar contains 'bayh dole act' and the results are filtered to 'All State & Federal'. The main content area displays 'Overview (15)' with a list of document types on the left and a list of cases in the center. The first case listed is 'Board of Trustees of Leland Stanford Junior University v. Roche Molecular Systems, Inc.', which is highlighted. To the right of the case list, there is a 'SNAPSHOTS' section with a yellow highlight on 'Bayh-Dole Act'. Below this, there is a 'Public Laws' section with the text 'Enacting: Pub.L. 96-517, § 6(a), Dec. 12, 1980, 94 Stat. 3019'.

B. 首页 - Statutes & Court Rules - United States Code Annotated (USCA)，右侧“TOOLS & RESOURCES”中点击“United States Code Annotated Popular Name Table”，法案按字母顺序排列，可按字母顺序查找或关键词搜索

进入 bayh dole act 后，点击该法案的 Public law number 即 Pub.L. 96-517，即可看全文。

→ [ **Bayh-Dole Act (Bayh-Dole University and Small Business Patent Procedures Act)** |

United States Code Annotated  
Popular Name Table for Acts of Congress

→ [ **Bayh-Dole Act (Bayh-Dole University and Small Business Patent Procedures Act)**

Pub.L. 96-517, § 6(a), Dec. 12, 1980, 94 Stat. 3019

Short title, see 35 USCA § 200 note

**Current USCA classifications:**

**Section of Pub.L. 96-517**

**USCA Classification**

6(a).....	35 USCA § 200
.....	35 USCA § 201