I'm Aileen Kennedy. I'm one of the lecturers in the school of law and we've put together a series of three videos to help law students to do research, using the law library resources. Today the video I'm doing is going to be about looking up cases online. So let's get straight into it.

I'm at the university homepage. You can see on the top there is a link to the library. So let's go straight to the Dixson library website and we're not going to stay here, we are going to go straight into the law library which is where you can find the best resources for looking up legal sources; primary sources and secondary sources.

So the Law Library web page is a really helpful place for students to begin. You can see along the top here we have various tabs that will take you to the different kinds of resources that might be available. So we've got the Cases tab, Legislation, and secondary materials.

We're going to go straight to the cases page. The page on cases gives you a little bit of information about how to look up cases and also emphasizes right at the start, on this left hand column, that cases are primary sources that students are going to rely on quite a bit.

So when we are talking in Law primary sources are cases and legislation. Secondary sources are journal articles, books, enquiries, reports and so on. So the best way to think that that is that cases and legislation are Law whereas secondary sources like journal articles, textbooks and so on are about Law. So simply describing what's happening in the primary sources.

So getting back to the main focus which is how to find cases, I'm going to draw your attention to the fact that when you hover over that cases tab it offers a drop down menu that has two different options one is for Law reports and one is for Unreported decisions. Let's have a look at both of those.

In the law reports page we have a list of the most commonly used law reports and the library has also indicated which of these reports are the authorised versions of the report by shading those reports in gray and putting and * next to the name.

When we talk about authorised reports we're talking about the version of case reports which has been approved by judges. The judges that hear and decide the case look at this version of the report and kind of tick off on it. Now other versions of the same case might not be different but they are not as I guess authoritative.

If there's any doubt then you should always go to the Authorised report and certainly if you're presenting or doing any formal legal matters like advocacy in court or submissions you should always refer to the authorised version of the report and the paragraphs or page numbers in the Authorized Version of the report.

As an aside people often used unauthorized versions of reports for various reasons. One reason might be that they might be available more quickly. AustLII is a site that provides unauthorised full text reports but they come out really quickly and it's a very easy search in AustLII.
That's the distinction between authorised and unauthorised reports. For example here we've got the ACT law reports, Commonwealth law reports, Federal Court reports. These are all available through different databases that a more provided by the law library. Mainly they are Westlaw; Westlaw AU or Westlaw International [now WestlawNext-2016]

We'll have a quick look at the NSW law reports. We'll click on the link to Westlaw AU and it takes us to the Westlaw website where you can search for particular case name. We are not going to use that yet, I'm going to close that off and go back to the main cases page because there's some interesting things that I wanted to show you.

Before I do that and destroy your attention also to the fact that we have databases that gave you links to Unreported decisions. In law there is a distinction not only between authorised and unauthorised reports, but also between reported decisions and unreported decisions. Reported decisions are those decisions where there's been some decision made in the case that has an impact on Law. So might be a major impact or it might be a minor impact but the reported decisions are those cases that have somehow changed or influenced a legal doctrine. Unreported decisions you are not going to look at very often but there may be times when you do and if you do then you can find some of those unreported decisions in this database in the law library. So I won't spend a lot of time on that because you're probably not going use that very often.

What I want to do now is take you to some of the sources where you can look up details about a case and some the background around it and how a case is being treated and also to the full text of the case. Now before we go into some of these sources I just want to draw your attention to the fact that case citations, the numbers and letters, the data that comes after the case name and basically that's to allow you to find that case in a particular report. So here in Hamilton v Milgea the citation is (1993) 35 ALD 2005.

Now how do we know what this ALD stands for? Sometimes that can be quite confusing finding or understanding the abbreviation for Law reports. But in the law library on the cases page there's a number of databases that summarise that material for everyone. So for example Law Reports might provide it, Cardiff index to legal abbreviations, there's one made by LaTrobe, one by UWA and one by Monash. So if you ever see a citation and you don't know what report it is, then these guys can help you find out what the abbreviation stands for.

Now the other thing that we're going to go straight into now is these case citators. I want to take you through some of these because the case citators not only provide the case itself, the full text of the case but also a lot of information about how the case is being treated in later cases and also may have reference to journal articles or books that have talked about that particular case.

We'll just start with FirstPoint which is listed here and takes you to a database called Westlaw AU. And the first thing that comes up is a fairly complex search page. I note that the first text box is called free text. I tend to avoid a free text search parameters because you can get lost in trying to use free text. So what I want to talk about now is we know the name of the case we want to look up some information about it. I'm going to use the example of a case called Cattanach v Melchior as a way of showing you how these different case citator databases work.
I have just typed in one of the party names, Cattanach and we'll see what comes up. We've got 11 search results when we type in just that one party name. And he's the one that I'm looking for, Cattanach v Melchior, it's about third of the fourth one down. We'll click on that name and it takes us to a site specific to that case and you can see that there is a number of different tabs along the top here. So I'll take you through each of these in turn.

The FirstPoint tab summarises information about the case. It starts with the name, details about the report itself, the case, where it was heard, party names, and legal representatives. Then it has a little bit of a summary or digest about the case and then it provides litigation history, so it can take you to some of the pre-appeal cases. Then we have cases citing. So here we have a list of cases that cite Cattanach v Melchior. Later decisions that cite Cattanach v Melchior and this list is handily divided into how it was treated. So it starts with distinguished by a certain cases, considered, refer to and so on. And not followed. So that can be quite helpful to see how that case has been treated in later cases, you can see it a glance using FirstPoint.

Then further down in this FirstPoint page, when we've gone through all the cases that refer to Cattanach v Melchior and that are cited in it you can say that there is a tab here or a section called Noted in journal articles and there is a list of journal articles that have talked about the case of Cattanach v Melchior. That can be really helpful. In some cases there's actually a live link that will take you to the full text of that journal article. So a very, very handy resource when you doing research, and looking for secondary sources about a particular case.

The next tab along is Judgment text and that is just what it says on the tin. It'll take you to a full text version of the case in this case it's not the authorised report but it's a handy searchable full text version. Then we've got links to other reports that you might want to look at and cited documents that takes you to all of the cases and documents that cited in Cattanach v Melchior and where available it'll provide a link to those cases in FirstPoint and related documents, again it's like the last section of this FirstPoint tab. It takes you to all the journal articles in and cases that referred to Cattanach v Melchior. So FirstPoint provides some really helpful information and it's set out in a way that you might find really, really valuable.

So let's go back and look that some of the other case citators. And we are going to search those for Cattanach v Melchior just so you can have a bit of a comparison. There is no one of these that is right or better. It depends on what your personal preferences are when you're researching and what you're looking for. They all have different strengths and weaknesses.

I'm taking you here to CaseBase which is the LexisNexis case citator. Again it takes us straight to a search page which I think is a little bit simpler then the FirstPoint one. So it starts off with case name or citation. Again we'll type in Cattanach v Melchior and here it's quite handy I think the way even before you press find it brings up a list of suggestions and I can see the one we are looking for there so I am just going to go straight to it.

So we have clicked on the case name and it takes us to something that's similar but differently organized from what's available on FirstPoint. Again we have information about the case.

One of the differences is this little symbol here which are called signals and the signals give us information about how the case is being treated and its authority as precedent. So if we hover over the
signal you can see kind of brief outline of what that signal means: Cautionary treatment indicated. In other words Cattanach v Melchior has not always been followed in later cases. If what comes up here is a signal that you don't understand than you can just click on Signal Help and it'll give you a bit of a key to the different signals and what they mean. So the signal can be a very handy kind of quick reference to the status of the case in legal doctrine.

Then again we've got a headnote which provides an outline of the facts and also gives you the orders that were made in the case, and again it's got some litigation history, so Cattanach v Melchior in the lower court. And here we have a lot of the same information which is cases that have talked about Cattanach v Melchior but instead of being categorized by how they treated Cattanach v Melchior they're listed in reverse date order, so the most recent case is listed first and here in the table you can see that it summarizes how this case has treated Cattanach v Melchior; so it's cited here, it's considered here, it's explained in Waller v James. You might find it's been followed there, it's approved here and so on and so forth. So it's a different way of organizing the same information.

Again you've got some live links there that might take you to the case citator about that particular case. If we scroll down further you can see that again there's a list of journal articles that talk about Cattanach v Melchior. Again a very helpful resource. There might be considerable overlap between this list and the one that's available in FirstPoint but you might find some different cases in the two different databases. So where it's available, it will give you a live link to the journal article itself. So very, very helpful resources available here.

Then we have a list of cases that are looked at in Cattanach v Melchior and I think it finishes with legislation that referred to in Cattanach v Melchior. So this case citator is organized differently and which works better for you depends on your personal preference. There is no right or wrong about it.

Let's go back and have a look at the other case citators.

We'll have a look at LawCite. Again it brings us straight to a search page and we are going to focus on the party names, Cattanach, and see what happens. So again we have a list, ours is first, so click on that one and it's got similar information to what's offered in FirstPoint and CaseBase, so cases that cite Cattanach, journal articles referring to it and so on and so forth.

If you go back up to the top of the page and we want to have a look of the actual text of the case, oh and the other nice thing about LawCite is that it has this star system so the more often that a case is cited in later cases the more stars it gets. So there's a star for about every 50 citations. We can see Cattanach v Melchior has been referred to in about 150 cases subsequent to the decision. The other nice thing is that tells you what jurisdiction it is. Because it is an Australian case there is a little Australian flag that sits up there.

Now if we want to have a look of the actual text of the case the decision itself we can click on that live link and it takes us to the AustLII web site. Now the AustLII website is a really handy easily searchable database but it is not an authorised version of the report. It simply provides the text. It's not as rich in the kinds of information that it gives but it's the readily accessible and those cases tend to appear very quickly. You can get some further information if you go up to the menu across the top and look in Note up.
So click on that and it will give you a list of links to relevant cases and journal articles that talk about Cattanach v Melchior. You can see that there is quite a lot of information there. It's not organized in any discernible way. So that makes it a bit more difficult to search. Sorry, it is organized by the relevance, by date, by databases and so forth but it's not as neatly categorized as it is in some of the other databases.

Now the final case citator that can be very helpful to use is called BarNet Jade citator which has been put together by the NSW bar association. I can't show it to you now because the servers site is down at the moment, but if you click through there, again it provides the search box at the top of the page and you can just put in the case name and the nice thing about it is it provides, as you scroll through the full text of the case, it gives you a link to where that particular section of the judgement has been talked about in other cases and so you can actually see and get a quote from a later case as to how they talk about particular parts of the different judgments. So it can be a very, very interesting and helpful citator.

Now the one disadvantage with BarNet Jade is that you have to register to use it and to log in, but registration is completely free and there's no real down side to that. You can just take a couple of minutes to register with it and use it thereafter without any difficulty. I've just taken you through some different case citators that can help you, not only to find the full text version of the case, but also to find some information around the case that can support some further research that you might want to do and put the case in context and to tell you how it's been treated in later cases. I hope you found that useful. Thanks.