How to update / noteup a case

Once you have found a case, you will need to ensure that it is still good law – i.e. that the legal principles haven’t been overruled or distinguished by later cases. The following flowchart will help you through the process of noting up.

Please note: it is useful to consult more than one resource to ensure you have found all relevant subsequent cases.

1. Search for the case

CaseBase

Search
Practice Areas Source Directory
Home General Cases Legislation Commentary Forms Journals Dictionaries

Quick Find

Case by name or citation
- broen and williams Find
  - CaseBase
  - All case sources

FirstPoint

Search FirstPoint for case creator details and digest

Free Text Search

Case Name: broen williams
Case Citation: eg 145 CLR 378

2. Note the signal next to the case name

This indicates how the judgment has been generally used by later cases

Tip: click on the ‘Help’ link to find a list of what each signal indicates

3. Look at the list of subsequent cases

Look at the annotations that indicate how the later cases used the original judgment. Note and read any that treat the case negatively

Click on the Signal to see the record for the later cases
Useful definitions of key annotations

i.e. how cases have been interpreted by later cases

Applied – The principles of law in the primary case have been applied to a new set of facts and circumstances.

Approved - The court in the subsequent case has approved the way the court in the primary case has articulated a principle of law.

Cited - The primary case is merely cited by the court in the subsequent case, without comment.

Considered - The legal principles articulated in the primary case are considered or discussed without adverse reflection in the subsequent case.

Disapproved - The decision in the primary case is criticised by the court in the subsequent case.

Distinguished – The legal principles articulated by the primary case (usually otherwise persuasive or binding authority) do not apply because of some essential difference between the two cases in fact or law.

Followed - Similar to ‘applied’, but is used in circumstances where the facts in the primary case resemble reasonably closely the facts in the subsequent consideration case.

Not followed – The court in the subsequent case has declined to apply the principles of law articulated in the primary case.

Overruled – The legal principles articulated in the primary case are held to be incorrect by the court in the subsequent case, which is a court of superior or equivalent jurisdiction.

Questioned - The court in the subsequent case has expressed doubt about the decision in the primary case, but does not actually determine that the principles of law in the primary case are incorrect.