

Is it GOOD Law?

Noting-up is the historical term used for updating. It consists of terms such as “Distinguished”, “approved” and “affirmed” for checking the currency of cases.

The term *noting-up* came from the actual report - which was physically marked in the margins with references to later cases which referred to it. It is also known as “*shepardising*” after the firm in the American context (used in the Lexis database).

Note the meaning of *stare decisis* (the decision stands) or the *doctrine of precedent*. If you are going to rely on a case as an authority, it is necessary that you know whether that case has been subsequently overruled by the same or “higher” court in the hierarchy of courts.

Go online [Library-Research Gateway-Subject Guides-Law-Databases](#)

Westlaw provides the **Keycite** service. It integrates the full litigation history of the case and gives history and subsequent treatment.

Red Flag - the case is no longer good law for one of its issues; it can also mean it has negative indirect history

Yellow Flag – some negative history, but the case has not been reversed or overruled

H - a case has some history, but it is not known to be negative

C - some citing references, but no direct or negative indirect history

CaseBase is another source. Access CaseBase via the Subject Guides-Law- Find **LexisNexis AU** and Select **CaseBase**.

CaseBase is a comprehensive case citator and annotator containing over 325,000 case entries. The entries cover more than 60 Australian and overseas report series, as well as the unreported decisions of the High Court, the Federal Court and the Supreme Courts of all Australian states and territories and other selected jurisdictions. **N.B.** We do not have full text access, so to find full text reports, return to Lexis.com or Westlaw. Is it current? **CaseBase** is updated each working day

Check on FirstPoint (LawBook Online). Check and double-check in more than one source.