Westlaw AU

Using Symbols to Trigger Further Investigation

FirstPoint uses **case status symbols** to alert researchers to the status of cases. The status symbols are generated by litigation history and/or cases citing, as explained below.

KEY TO SYMBOLS:

IN DESCENDING ORDER OF PRIORITY — HIGHER-RANKED SYMBOLS PREVAIL TO EXCLUSION OF OTHER SYMBOLS

A **red flag** warns that the case has been reversed or varied, or disapproved or overruled on at least one point of law. (Subsequent positive treatment does not remove the red flag.)

A **yellow flag** warns that the case should be viewed with caution; however, the case has not been reversed, varied, disapproved or overruled.

An enclosed **blue "H"** indicates that the case has some history but it is not known to be negative history.

An enclosed **green "C"** indicates that the case has citing references but no direct or negative indirect history.

CASE RELATIONSHIPS DEFINITIONS AND ASSOCIATED SYMBOLS:

LITIGATION HISTORY		
H	Affirmed by	Used where the decision in the cited case has been upheld on appeal or review.
H	Leave to appeal granted by	Used to denote that application has been made for leave to appeal from the decision in the cited case, and that such leave has been granted.
H	Leave to appeal refused or rescinded by	Used where application has been made for leave to appeal from the decision in the cited case, and that such leave has been refused, or that leave previously granted has been rescinded.
H	Restored by	Used to denote that the decision in the cited case has been reversed or varied on appeal or review, but that such reversal or variation has subsequently been upset, and the original decision upheld, by a higher court. (The restored case will retain a red flag due to the red flag's priority over other symbols.)
	Reversed by; Reversed in part by	Used where the decision in the cited case has been upset on appeal or review. (Earlier related proceedings of the cited case also display a red flag.)
	Special leave to appeal granted by	Used where an application has been made for special leave to appeal from the decision in the cited case, and that special leave has been granted.
H	Special leave to appeal refused or rescinded by	Used where an application has been made for special leave to appeal from the decision in the cited case, and that special leave has been refused, or that special leave previously granted has been rescinded.
	Varied by	Used where the decision in the cited case has been partly affirmed and partly reversed, or where some alteration has been made to the orders in the cited case. (Earlier related proceedings of the cited case also display a red flag.)

CASES CITING		
C	Applied by	Used where the principles of law enunciated in the cited case have been applied to a new set of facts and circumstances.
C	Approved by	Used where the principles of law enunciated in the cited case have, in the citing case, been held to be good law - note this term is only used for a superior court as there cannot be an inferior court approving a decision of a superior court.
C	Considered by	Used where the remarks in the citing case are devoid of adverse criticism and merely denote the giving of consideration to the cited case.
	Disapproved by	Used where the principles of law enunciated in the cited case have, in the citing case, been held not to be good law - note this term should only be used for a superior court as there cannot be an inferior court disapproving a decision of a superior court.
	Distinguished by	Used where the cited case is not necessarily questioned but some essential difference between it and the citing case is pointed out.
C	Explained by	Used where the cited case is not necessarily questioned but the decision arrived at is justified or accounted for by calling attention to some point of fact or law that is usually, but not necessarily, one not obvious on the face of the report.
C	Followed by	Used to denote the fact that the same principles of law are applied in both the cited and citing cases. It does not necessarily imply that the facts are substantially identical in each case.
	Not followed by	Used where in the citing case the court has refused to apply principles of law enunciated in the cited case.
	Overruled by	Used where the citing case is on substantially identical facts with the cited case, and the principles of law enunciated in the cited case are held to be wrongly stated - note this term can only be used for superior courts as there cannot be an inferior court overruling the decision of a superior court.
	Questioned by	Used where the court in the citing case, without definitely going to the length of saying that the principles of law enunciated in the cited case are wrongly stated, adduces reasons which seem to show that such principles are stated inaccurately.
C	Referred to by	Used to denote the fact that the cited case is mentioned in the judgment of the High Court in the citing case. For judgments of other courts, the lowest level of treatment is "Considered by" (ie where they "have been discussed in a significant way").