

Case law research tasks

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Find a case (with full citation details)

e.g. *Mabo v Queensland (No.2)* (1992) 175 CLR 1

Find that Case @ Flinders	Search for the <u>abbreviation</u> from the citation. This will direct you to the relevant database to find the case online, or to the relevant bookcase in the Law Library.
Lexis+ Protégé	Only recommended in the following circumstances: • It is an Australian judgment, and • You want to read the unreported version. For authorised reports and cases from other jurisdictions, use Find that Case @ Flinders.

Find a case (with party names or popular name only)

CaseBase (Lexis+)	Type the names of the parties in the 'Case Name' field.
Westlaw Australia Cases	1. Click on 'Advanced' next to the search box. 2. Type the names of the parties in the 'Case Title'Party Name' field.
If the platform does not link to the full-text of the authorised version, use Find that Case @ Flinders, as detailed above.	

Search for leading cases on a legal principle or issue

Secondary sources are recommended as these highlight judgements which establish legal principles.

If you are unclear about the legal principle or issue, you can use Protégé to help you identify what they might be – simply enter the scenario and ask Protégé to identify the legal issues. Avoid using legal terminology, as this can skew the response and miss important related principles.

Legal encyclopaedias	Search or browse for a relevant paragraph, then look at the footnotes for references to cases.
Law textbooks	1. Search findit@flinders for the broad area of law. 2. Look for a relevant chapter or section on the topic or issue. The text and footnotes will refer to key cases.
Commentary services	Search Lexis+, Westlaw Australia or CCH iKnowConnect for a relevant commentary service. Search or browse. Refer to text or footnotes for references to key cases.
Lexis+ Protégé	Use one of the following prompts: • "find judgments that establish legal principles related to [x]". • "find judgments that explain or discuss the legal principle of [x]". Verify by: opening the source preview to identify the relevance of the context in which the legal principle was discussed; click the link to open the CaseBase record and checking the list of 'Cases referring to this case' to get a sense for its precedent value; click on 'View related material', especially secondary sources.

Search for cases on a legal principle or issue

Secondary sources (as listed above)	Use these to find major or leading cases. You can then find cases that refer to these cases (see below).
CaseBase (Lexis+)	Use the 'Catchwords/Summary' field.
Westlaw Australia Cases	Use the 'Synopsis/Digest' field. Sort by 'Most cited' to find highly cited cases.
AustLII	1. Click on the arrow next to the search box and select 'Advanced Search'. 2. Select to search over 'All Case Law Databases' or select individual jurisdictions or courts/tribunals. 3. Sort results by 'Citation Frequency' – the more highly cited a case is, the more likely it is that it establishes or explains or applies legal principles.
Lexis+ Protégé	See advice above.

Search for cases with similar facts

AustLII	1. Click on the arrow next to the search box and select 'Advanced Search'. 2. Select to search over 'All Case Law Databases' or select individual jurisdictions or courts/tribunals. 3. Enter the material facts you are interested in. If multiple, try different combinations.
Lexis+ Protégé	If you have the citation details of a judgment you want to find similar cases to, use the following prompt: "find judgments with similar facts to [case name and citation]." If you have a scenario or set of facts, enter this and ask for Protégé to find judgments with similar facts. Verify by: opening the source preview to identify the relevance of the context in which the legal principle was discussed; click the link to open the CaseBase record and open the unreported version.

Search for cases that cite an earlier case (noting up)

CaseBase (Lexis+)	1. Search for the case (see above). 2. Look at the table of 'Cases referring to this case'. 3. Use the filters to focus on particular courts or treatment (e.g. positive, negative, cautionary).
Westlaw Australia Cases	1. Search for the case (see above). 2. Click on 'Citing references' - choose 'Cases'.
AustLII	1. Search or browse for the case (see above). 2. Click on 'NoteUp references'. 3. Sort by 'Database' to identify cases from particular courts or tribunals.
Lexis+ Protégé	Not recommended for a comprehensive list (options above are more efficient). Recommended as a starting point to get a sense for how a case has been treated by later cases, or to find some cases with similar issues. Verify by: opening the source preview to identify the relevance of the context in which the legal principle was discussed; click the link to open the CaseBase record and open the unreported version. Follow-up by: Using options listed above.

Search for cases that refer to or judicially consider an Act

CaseBase (Lexis+)	Enter relevant details in the following search boxes: • Legislation Title (include the year, not the jurisdiction) • Provision Number
Westlaw Australia Cases	Choose the Advanced search. Enter relevant details in the following search boxes: • Legislation Cited (Title) • Legislation Cited (Provision)

AustLII	1. Locate the current Act 2. Choose the relevant section (if applicable) 3. Click on 'NoteUp references' 4. Sort by: • Citation frequency to find most recently cited cases. • Database to find cases from specific courts and tribunals • Date to find most recent cases.
Lexis+ Protégé	To find cases that explain or discuss or interpret the section, try the following prompts: • "I need to interpret section [x] of the [Act name (jurisdiction)]. Find cases from [jurisdiction] the discuss or explain this section." • Find cases from other jurisdictions that consider similar wording to that used in section [x] of the [Act name (jurisdiction)]. To find cases that have applied the section, try the following prompt: "Find cases that have applied or referred to section [x] of the [Act name (jurisdiction)]". Indicate if you want cases from a particular court or jurisdiction. Verify by: checking sources referenced; click on 'View related material'; cross-checking using another option listed above.

Search for cases that judicially consider a word or phrase

Australian Legal Words and Phrases	Can search or browse. Browsing may reveal alternate terms.
CaseBase (Lexis+)	Use the 'Words and Phrases Judicially Considered' field.
Westlaw Australia Cases	1. Click on 'Advanced' next to the search box. 2. Use the 'Words and Phrases' field.
Lexis+ Protégé	Use the following prompt: "Find cases that have defined or explained or discussed the phrase [x]". Verify by: checking sources referenced; click on 'View related material'.

Search for journal articles about a case (case notes)

CaseBase (Lexis+)	1. Search for the case (see above). 2. Look at the table of 'Publications referring to this case'. Use findit@flinders to locate the full-text of articles not published by LexisNexis.
Westlaw Australia Cases	1. Search for the case (see above). 2. Click on 'Citing references' - choose 'Secondary sources'. Note: this is not a comprehensive list. It only captures journals published by Thomson Reuters.
AustLII	1. Search or browse for the case (see above). 2. Click on 'NoteUp references'. 3. Sort by 'Database' to identify documents from journals or reviews. Note: this is not a comprehensive list. It only captures freely available journals.
Lexis+ Protégé	Not recommended (above options are more efficient as responses tend to focus on primary sources of law).