

Westlaw NZ

CiteCase Definitions

CiteCase gives the user a “good law” reading of a case by showing its Litigation History and any Cases Citing.

1. What is Litigation History





The chronology of a case as it progresses through the Courts via appeals CiteCase also shows related proceedings – ancillary hearings, e.g costs or sentencing








2. What are Cases Citing?

















Any cases, not connected to the Litigation History, which cite the case you are looking at in some way. Cases Citing may ‘follow’ or just ‘consider’ your case, or may ‘distinguish’ or ‘question’ it

CiteCase Flags

Like other online citators, CiteCase uses a system of flags to show how a case has been treated in its litigation history or cases citing
















	Negative Litigation History or Cases Citing
	Partially negative Litigation History or Cases Citing
	The case has some non-negative or neutral Litigation History
	The case has some Citing Cases, but they are non-negative or neutral

FLAG	LITIGATION HISTORY	CITING TREATMENT
	Reversed by	Used where the decision in the cited case has been found on appeal to be incorrect.
	Reversed in part by	Used where the decision in the cited case has been found, on appeal, to be more incorrect than correct.
	Varied by	Used where the decision in the cited case has been partly affirmed and partly reversed, or that in the citing case some alteration has been made to the order of the order of the court in the cited case.
	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.
	Special leave to appeal refused 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.
	Leave to appeal granted by	Used to denote that application has been made for leave to appeal to from the decision in the cited case, and that such leave has been granted.
	Leave to appeal refused by	Used where application has been made for leave to appeal to from the decision in the cited case, and that such leave has been refused.

FLAG	CASES CITING	CITING TREATMENT
	Affirmed in part by	Used where the decision in the cited case has been found, on appeal, to be more correct than incorrect.
	Affirmed by	Used where the decision in the cited case has been found, on appeal, to be correct.
	Restored by	Used to denote the fact that the decision in the cited case has previously been reversed or varied on appeal, but that such reversal or variation has subsequently been upset, and the original decision restored by a higher court on further appeal.
	Related Proceedings	Used for interlocutory or costs decisions in the direct history of the citing case.
	Earlier Proceedings	The cited case is an earlier proceeding between two or more parties in the present proceedings. In criminal proceedings, for example, it will denote an earlier conviction; in civil proceedings it may denote previous litigation between the parties.
	Overruled by	Used where the citing case has substantially identical facts to the cited case, and the principles of law enunciated in the cited case are held to be wrongly stated.
	Disapproved by	Used where the principles of law enunciated in the cited case have, in the cited case, been held not to be good law.
	Not Followed by	Used where, in the citing case, the Court has declined to apply the principles of law enunciated in the cited case.
	Questioned by	Used where the citing case has substantially identical facts to the cited case, and it is suggested that the principles of law in the cited case may be wrongly stated.
	Distinguished by	Used where the cited case is not necessarily questioned but some essential difference between it and the citing case is pointed out.
	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.
	Applied by	Used where the principles of law enunciated in the cited case have been applied to a new set of facts and circumstances.
	Approved by	Used where the principles of law enunciated in the cited case have been found to be good law.
	Followed by	Used to denote the fact that the same principles of law are applied in both cited and citing cases. It does not necessarily imply that the facts are substantially identical in each case.
	Considered by	Used where the citing case has given consideration to the cited case in a substantially neutral manner.
	Referred to by	Used to denote the fact that the cited case is mentioned in the citing case.

Trumping Rules

When a case has both Litigation History and Cases Citing, or both negative and non-negative treatments, trumping rules determine which flag to display:

	Can be trumped by a   or 
	Can be trumped by a  or  but not by 
	Can be trumped by  but not by  or 
	Cannot be trumped by  ,  or 