Library-Overview of Law Reporting

*Use this Guide to learn about interpreting case citations and the case law publication cycle*

**Law Reporting**

'Significant' case decisions are published in a **law report series**. These are known as **reported** cases.

- Reported cases are mainly those from appellate courts which make new law, clarify previous conflicting decisions, interpret legislation etc
- There are many law report series, differing by subject coverage, jurisdiction and geographic coverage e.g. the *Intellectual Property Reports* contain only intellectual property cases & the *New South Wales Law Reports* contain cases heard in NSW only.
- An important case may be published in more than one report series.
- Certain report series are recognised as **authorised** reports:
  - Authorised = officially verified by the courts before publication
  - E.g. the *Commonwealth Law Reports* are the authorised law reports for the High Court of Australia, whereas the *Australian Law Reports* (which also report HCA cases) are an unauthorised series
  - Where an authorised version of a case exists, it should be cited in preference to other non-authorised versions of the same case - refer to the *Australian Guide to Legal Citation* 2.3.1. The first-listed citation in the CaseBase Cases record (within the LexisNexis AU database) is generally the most authoritative version.

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**Hierarchy of Case Citation**

You must cite the most authoritative version of a case

- Reported version – from **authorised** report series
- Reported version – from **unauthorised** report series
- Unreported version

NB: See AGLC 2.3.2 for list of common authorised reports series

NB: generalist unauthorised report series e.g. Australian Law Reports are cited in preference to subject-specific unauthorised report series e.g. Australian Torts Reports

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- The authorised law report series for the United Kingdom is *The Law Reports* as published from 1865 onwards. This overarching series contains several divisions; Appeal Cases (AC), Chancery (Ch), Queen's Bench (QB), Family (Fam) and others that are no longer current. The abbreviations within case citations reflect these divisions. Cases prior to 1865 were published in nominate reports, many of which have been reprinted in the *English Reports* (ER) series.
- Not all cases are reported – cases which are not reported are known as unreported cases. You may be able to locate transcripts of these in law databases or via AustLII or court websites, although older unreported cases are difficult to obtain. Note that:
Some case transcripts either cost money or are impossible to obtain e.g. Magistrates Court decisions, criminal trials at first instance, and/or sensitive cases that have been suppressed e.g. certain family law decisions or cases involving minors;

As the publication cycle takes time, certain cases may begin as unreported versions but eventually become reported; and

Before using an unreported case as an authority, check CaseBase Cases and/or FirstPoint to verify that a reported version does not exist

**Case Citations**

Each case is assigned one or more unique citations. An example citation is *Meehan v Jones (1982)* 149 CLR 571. A citation is basically a reference to where that case has been published.

A reported case citation usually includes the party names (i.e. parties involved in the case), the year, volume number, report series abbreviation and page number:

- Round brackets around the year = that report series is organised by unique sequential volume numbers & the year is that in which the decision was handed down
- Square brackets around the year = that report series is organised by year (& potentially also volume number if more than one volume was published in that year). The year is that in which the case was published in that report series.

In the 1990s cases began being allocated a medium neutral citation which indicates the parties, year, court and judgment number (see AGLC 2.8.1)

An important case may have parallel (multiple) citations if it has been published in several law reports series and/or has a medium neutral version

Students studying a law program, e.g. Bachelor of Laws, should use the most authoritative version of a case. Refer to the *Australian Guide to Legal Citation* 2.3.

The images below explain how to interpret case citations:

### Interpreting Case Citations:

**Report Series**

1. Round brackets:

   - Party Names
   - Year
   - Report Series Abbreviation
   - Page Number

   *Wil Peoples v Queensland (1996)* 167 CLR 1

2. Square brackets:

   - Volume Number
   - Page Number

   *Page v Hull University Visitor (1993)* 1 All ER 97

### Interpreting Case Citations:

**Medium Neutral**

- Court assigned abbreviation
- Refers to the unreported versions of cases on AustLII/Court Websites/Unreported judgments products

   - Party Names
   - Court Abbreviation
   - Year
   - Judgment Number

   *Gould v Brown (1998)* HCA 5

### Locating a Full Case

Ascertain what the abbreviation within the case citation represents (some popular abbreviations are shown in images below):

- Use the LexisNexis AU database Help link (top right corner) & select Abbreviations
- Refer to Monash University Library’s Legal Abbreviations list [http://guides.lib.monash.edu/legal-abbreviations](http://guides.lib.monash.edu/legal-abbreviations)
- Refer to Cardiff Index to Legal Abbreviations [http://www.legalabbrevs.cardiff.ac.uk/](http://www.legalabbrevs.cardiff.ac.uk/)
Search for the full report series title in Library Search. This will identify whether the report series is available online in a law database (& in which one!) or in print format. NB cases are rarely only available in print format.

Note that for technical reasons, many non-Australian law reports series available in the Thomson Reuters Westlaw and Lexis.com databases are not listed in Library Search.

In this instance, or if you have problems with the above method, or for guidance with searching for full cases within the online law databases themselves, refer to ‘Locating Australian Case Law’ available on the Law Subject Guide – Case Law section.