

Biography

David Gee, BA, MA, DipLib, MCLIP, CMgr MCMI has more than twenty years experience working in academic libraries and legal information management and is currently Deputy Librarian & Academic Services Manager at the Institute of Advanced Legal Studies in the University of London. He was a member of the BIALL Council and a senior member of the Editorial Board of *Legal Information Management* for many years and has written a number of articles for UK and international professional journals. For eight years he was a member of the CPD25 Steering Group and Chair of the CPD25 Career Development Group (CPD25 is the training arm of the M25 Consortium of Higher Education Libraries in the London Area: <http://www.cpd25.ac.uk>). In 2011 he was appointed “member at large” of the membership committee of the International Association of Law Libraries (IALL) and is undertaking a survey of major law libraries around the world. In 2012 he was awarded the Chartered Management Institute (CMI) Level 5 Diploma in Management and Leadership (equivalent to degree-level) and is currently a CMI Chartered Manager. He will be undertaking a month’s Fellowship at the Max Planck Institute for Comparative and International Private Law in Hamburg in September 2012.

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PRACTICAL MATTERS

Finding Information on Pending Appeal Cases: What the Commercial Publishers Offer

Abstract: In this, the second of two articles, Nadine Fathers looks at what information is available through the various legal online subscription databases in relation to pending appeal cases. Her first article was published in the Spring 2012 issue of LIM.¹

Keywords: courts; case law; appeal cases

WESTLAW


The Appeal tracker service on Westlaw was added to the service on the 22 August 2011 and is sourced from the Department of Justice civil appeal case tracker and Supreme Court websites. The tracker is updated on a daily basis.

The information on a case’s appeal status is linked to the main case record. This is a major advantage of the service, as the appeal is flagged to users, without the need



Nadine Fathers

for them to run a search on a separate part of the database. Anyone interested in seeing an overview of outstanding appeals can produce such a list by typing “appeal outstanding” in the free text search box within the cases module.

Any cases with information for pending appeals are marked with an  icon beside the name of the case. Hovering over this icon will open a box outlining the status of the appeal.

For both the Court of Appeal and the Supreme Court, in the majority of instances, the status will read “appeal outstanding”.

For the Court of Appeal, at the time the appeal is originally sourced, it may temporarily read “allowing/dismissing appeal from”. For the Supreme Court, the status may briefly read “granting/refusing application for permission to appeal” before it is changed to “appeal outstanding”.

The service is easy to use but does not provide detailed information on the progress of the appeal, it merely alerts the researcher that an appeal is outstanding. In our experience, records are updated within 24 hours of the appeal judgment being available.

At present, Westlaw do not have any plans to widen the scope of this service either in terms of other courts or further information; however, should feedback indicate that this is something that would benefit their customers, they would certainly look into developing the service.

LAWTEL

There are no plans at present for the Appeal Tracker service to be added to Lawtel, although the publisher would be prepared to add it if customers thought it was of use.

LEXIS

The Appeal Tracker service was launched on Lexis Library in December 2009 and is sourced from the Department of Justice Civil Appeal Case Tracker and the Supreme Court websites. Lexis also check the daily Cause Lists and, if no information can be found online, contact barristers and solicitors involved in the case. The Appeal Tracker is updated on a daily basis.

Lexis currently tracks cases from the High Court and from the Upper Tribunal to the Court of Appeal and from the High Court and Court of Appeal to the Supreme Court.

The service is available through the normal search function can be browsed using the link on the front page under ‘Related Searches’.

Under the browse option, it is advisable to break the list down further by opening up either the ‘Court/Tribunal’ or ‘Topics’ section from the list provided on the left side of the page. If searching for a Court of Appeal case, because of the number of appeals listed, the browse option is not best suited unless the researcher is looking for an overview of pending cases.

Lexis integrates the pending Appeal information within the case summary. When performing a search, it is necessary to restrict the source to ‘Casesearch’. The **Appeal Tracker** icon is situated above the case name and clicking on this takes the researcher to the foot of the Casesearch page where further information is held. For example:

Appeal Tracker Top

Date	Step
23/03/2012	Appeal hearing concluded but judgment reserved by Court of Appeal

Wider Lexis searches – not restricted to Casesearch – will usually retrieve a number of versions of the case. The appeal information is only appended to the Casesearch record and is not flagged on the transcripts or law report records.

The information remains on the Appeal Tracker until the judgment has been handed down.

Lexis provides more detailed information about the pending appeal than is currently available on Westlaw, but the challenge is ensuring that this information is kept up to date. In our experience, although the information matches the Department of Justice civil appeal case tracker, it doesn’t always retrieve the information from the Daily Cause List. The advantage of searching via Lexis is that all the information – the case summary, the history of the case and the detailed appeal information - is listed on the same page.

PLC

PLC CaseTracker service is available on several key practice area pages and predominantly covers judgments already handed down; however they may consider widening this service in the future.

The following CaseTracker services list pending appeal cases and are updated on a weekly basis:

Employment

This service can be located on the front page of the PLC Employment service under ‘Resources’ and ‘Case Tracker’. It lists forthcoming hearings and decisions on key first instance and appeal employment cases in the Court of Session, High Court, Employment and Employment Appeal Tribunals, Court of Appeal, Supreme Court, European Court of Justice and European Court of Human Rights. Information provided includes the parties, status information and comment.

Pensions

The case tracker is available on the front page of the PLC Pensions service under ‘Our Trackers’ and ‘Case Tracker’. It lists forthcoming hearings and recent decisions on key first instance and appeal pension cases in the High Court, Employment Tribunal, Upper Tribunal, Tax and Chancery, Court of Appeal of Northern Ireland, Court of Appeal, Supreme Court and the European Court of Justice. As with the employment tracker, the pensions tracker lists the parties, status information and comment.

IDS EMPLOYMENT LAW BRIEF ONLINE

Information on pending employment appeal cases is listed on IDS Brief under **At a Glance**. Select ‘Cases on Appeal Tracker’. The tracker provides case

party names, status of the case, where reported if handed down, and a case summary. The tribunals and courts covered are the Employment Appeal Tribunal, Court of Appeal, Supreme Court, European Court of Human Rights and the European Court of Justice.

JUSTIS

Justis do not currently have an appeal tracker service, although they may add it as a feature to their Appeal Judgment series.

BLOOMBERG

Bloomberg do not have an appeal tracker service and there are currently no plans to offer this as a service.

JOURNALS

Tax Journal

Tax Journal provides a Case Tracker service via their online resource at www.taxjournal.com/tj. It provides status information on key first instance and appeal tax cases in the First Tier Tribunal, Upper Tribunal, Court of Appeal, Supreme Court and Court of Justice of the European Union. The list is also published, the first week of each new month, in the print copy.

The online service is slightly more up to date than the paper copy. To locate the list electronically, click on

Case tracker. The service gives the name of the parties, court and citation, subject and current status.

If tracking a case, where the most up to date information is paramount, these commercial sites should be used in conjunction with the Department of Justice Civil Appeal Case Tracker, Cause List and Supreme Court website. This may beg the question as to the value of the appeal trackers on the commercial databases. There are, however, advantages to using commercial databases for this information, especially if the scope and currency of these are further developed. The inclusion of the appeal information on Lexis and Westlaw has the great potential advantage of incorporating all the relevant case information within one record, overcoming the need to check a range of websites.

The inclusion of information on sources such as IDS Brief and the Tax Journal also has advantages, particularly in giving lawyers advance notice of key cases for their practice areas.

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Footnote

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Biography

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