

# Treatment types

Your guide to **what** treatment types are and **how** to use them in your research

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## An introduction to treatment types

It is no secret that case law can be complex, and judgments can be long and full of complicated language. Understanding how cases have been treated so you can determine which set a strong precedent is key to determining which cases are good law, and which may be particularly relevant for your arguments. While researchers can read cases directly to see how they have been treated, legal research platforms like JustisOne and vLex display treatment types so that the treatments which a case has subsequently received can be understood at a glance.

### Why is it important to understand treatment types?

Treatments explain how a case has been subsequently regarded, from being **Followed** as an established point of law, to being **Disapproved** and no longer being seen as good law at all.

Having an awareness of the different types of treatment a judge can bear on a case improves your ability to analyse the usefulness of a particular precedent and allows you to identify if a rule is still valid or whether a judgment is still applicable. Developing an understanding of treatment types is an essential skill for anyone conducting legal research. With a good understanding of treatments, you are better placed to discover how a line of precedent has developed over time and evolved through the decisions of later cases.

Understanding treatment types also saves time that would otherwise have to be invested in reading judgments to determine how a case has been discussed. We are provided with an overview of the current status of that case and its effect on earlier cases. With this information, you are better placed to understand how the judge has reached their conclusion, using the cases discussed in the body of the judgment.

### How are treatment types categorised?

Treatment types can be grouped into three widely used categories; positive, neutral and negative.

**Positive:** Any instance in which a case has been cited with approval by the judge after being entered as precedent by a lawyer will be classed as a positive treatment. This will include subsequent cases that actively follow the reasoning in the instant case and decisions of appellate courts which dismiss the appeal(s) from a first instance decision.

**Neutral:** The case was referred to in a subsequent case but no explicit or implicit value was ascribed to it in resolving the issue in that case.

**Negative:** The case was referred to in a subsequent case, but the judge declined to apply it to the instant matter as it was either not relevant or no longer good law.

Within each of these categories, there are a number of specific treatments, which are detailed from page 5.

## How can you determine a case's treatment type?

The fastest way to determine the treatment a case has received is to search on a legal research platform such as JustisOne or vLex.

If this information is not available, a full reading of the case will enable you to learn how previous authorities have been treated within a judgment. Pointers can include negative conclusions drawn from the case being evidenced, differences being drawn between the case in hand and the authority under scrutiny, and of course judges speaking affirmatively about certain case law.

## Is the judgment or law report marked up with treatment types?

Legal research platforms will provide information on the way that cases cited within a judgment are treated after being marked up by trained legal editors. This ranges from displaying a summary of case treatments within search results and giving treatment types in lists of cited and citing cases, through to a display of all passages subsequent cases in which a case has been cited, and advanced visualisation features such as the Precedent Map.

This is the most efficient way to determine the treatment a case has received, and you can learn more about the range of features available on JustisOne from page 13.

Some case report series, such as the Law Reports, also highlight those cases that have received particularly strong positive or negative treatments at the beginning of the document.

For example, in the Law Report of *In Re Lyon* [1952] Ch. 129, it notes the case *In Re Pettit* [1922] Ch. 765 was applied and *In Re Kingcome* [1936] was approved.

For judgments that have not been marked up, or reports that do not contain this summary, further analysis of the judgment is required.

## Manually determining treatment types

When manually reading a judgment to establish the treatment of a particular case, highlight the places in which your case has been mentioned in the judgment and consider the context in which it has been placed within the decision. Doing this means you will not only have an idea of where the case is mentioned in judgment but you can also build up an idea of how it is treated as an authority.

Having made a note of the passages in which your judgment has been mentioned, next consider the language used in those passages to describe your case. Words are a good indicator of the treatment the judge has administered, particularly where comparisons or distinctions have been made between the judgment of the instant case and the earlier case being examined.

When manually determining the treatment a case has received it is useful to keep a definition of the treatment types to hand so that you can cross-reference the definitions with your findings.

## What are the 14 treatment types?

The three wider groups of treatment types (positive, neutral and negative) can be broken down into further subgroups; meaning that there are different ways in which a case can be negatively treated. For example, if a judge were to disapprove a previous judgment, as well as knowing that the case was negatively treated, we also know that the decision in the previous case has been doubted by the judge in the instant case. Below is a description of the treatments that you will see on JustisOne.

### Positive

#### Applied

**A previous case, dicta or judgment that is applied to circumstances before the Justices in a subsequent case.**

In *Gail Marie Duce (Claimant/Appellant) v Worcestershire Acute Hospitals NHS Trust (Defendant/Respondent)* [2014] EWCA Civ 249, Lord Justice Richards, in a unanimous judgment, applied the principles established in *Bolitho v City and Hackney Health Authority* [1998] AC 232. These foundational principles of medical negligence extended the previous test of Bolam.

Adding a dimension of causation to the mix, *Bolitho* extended the standard of care required by medical professionals. The decision of the junior doctor not to intubate the two-year-old patient who was suffering respiratory difficulties would not have amounted to negligence, only if it was in conformity with a sound body of expert opinion.

The crux of the *Bolitho* principle is that a doctor following a practice supported by a body of expert or professional opinion, would not be liable for negligence if the reasoning withstands logical analysis. Their actions could then be found to be reasonable in the circumstances.

At paragraph 1 Lord Justice Richards said:

“... at its lowest the report concludes that there was a duty to warn the claimant of the risk of post-operative pain, and it does so on a basis consistent with the undisputed principles laid down in cases such as *Bolitho v City & Hackney Health Authority* [1998] AC 232...”

#### Affirmed

**When the decision of an inferior court is confirmed by the appellate court.**

Lord Reed handed down a unanimous judgment in the case of *A (Respondent) v British Broadcasting Corporation (Appellant) (Scotland)* [2014] 2 WLR 1243, before the United Kingdom Supreme Court (UKSC), affirming the decision of the Inner House of the Scottish Court of Session ([2013] CSIH 43).

The Inner House refused the reclaiming motion, or appeal, of “A” against a decision of the Outer House granting the BBC leave to appeal after they had failed in their application for the Order permitting A’s anonymity in his judicial review application to be recalled.

On the principle of open justice and the departure from it, Lord Reed decided that:

*“It is appropriate both in the interests of justice, and in order to protect A’s safety, that his identity should continue to be withheld in connection with these proceedings, and that the order should therefore remain in place.”*

## Approved

**A previous case from an inferior court is approved as correct.**

Perhaps one of the most famous equity and trusts law cases on the construction of a will, *In re Lyons (Barclays Bank Ltd v Lyons)* [1952] Ch 129 approved the dicta of Bennet J. in *In re Kingcome (Hickley v Kingcome)* [1936] 1 Ch. 566. In *In re Lyons* the testator, in his will, directed his trustees to pay £10 free of income tax to his son each week for life, on protective trusts, and from or after his son’s death on trust to pay £8 each week to his son’s wife during her lifetime.

All children of his son, once they attained 21 years of age, would be entitled to his residuary estate. His son, the annuitant, claimed and obtained income tax relief under section 34 of the Income Tax Act 1918 while receiving annuity out of the income of the testator’s estate. Evershed M.R. was concerned that if the argument of Mr. Stamp, the annuitant, was wrong it would follow that he was the trustee of whatever he had, separate from anything he recovered.

It would, therefore, follow that he ought to exercise the alternatives, i.e. to get what would otherwise be repaid carried forward under section 33 of the Finance Act 1926 or to claim repayment under section 34. Accordingly:

*“...we are assuming that In re Kingcome was rightly decided. No doubt has ever been raised in subsequent cases as to the correctness of the decision, and we see no reason to doubt it.”*

Approving *In re Kingcome* led to the conclusion that the annuitant was a trustee of his rights in line with the opinion of Romer J. at first instance.

## Followed

**A past case decided by a similar or superior court is accepted/taken as an established point of law.**

The classic is *Eves v Eves* [1975] 1 WLR 1338 was followed in the Singaporean case of *Tan Thiam Loke v Woon Swee Kheng Christina* [1991] 2 SLR(R) 595. In *Tan Thiam Loke*, the respondent and the appellant moved into a home together, having assured her that the house was a gift of love and that it would be their future matrimonial home. The appellant had assured her that he would divorce his wife in order to marry her, which he never did. The house was therefore registered in both of their names, the appellant paying the 10% deposit and the balance secured by a mortgage serviced by the appellant through the respondent’s bank account. They lived as husband and wife until 1977. In 1982 the respondent commenced these proceedings, for an order of sale, for proceeds to be divided in “a manner as may be just”.

On the point of law as to whether there was a common intention as to the beneficial ownership of the property, LP Thean J recognised that *Eves* was one of “numerous decisions in England touching on similar disputes of property between married couples and unmarried couples”, within the realm of trusts.

It is an established point of law that a party can claim beneficial ownership of a property. Express representations made by the owner of the legal estate can be evidence of an intention that the other party has acquired a stake in the property, as can a common intention inferred from the conduct of the parties.

Evidence of the latter can be found in the case of *Eves*, the facts of which L P Thean J set out at paragraph 13 of the judgment in *Tan Thiam Loke*.

*“In Eves v Eves [1975] 1 WLR 1338 the dispute was between an unmarried couple. In that case, the plaintiff who at the material time was under 21 started living with the defendant. A child was born and they started looking for a house and found one which was suitable to be their joint home ... The learned judge inferred from the evidence the link between the plaintiff's effort in carrying out the renovation work to the house and the agreement to give her an interest in the house.”*

Having explained the facts in *Eves* and other authorities on this area of law, it was held that “[t]he same principles as applied in those cases are equally applicable here.” Her interest was found to be that of a joint tenant with the appellant in equal proportions at law and in equity.

## Relied Upon

**When a decision of a previous case is used to explain/clarify the fact in issue before the Justices in the present case.**

In *Ryan Andrew Cockbill (claimant) v David Riley (Defendant)* [2013] EWHC 656 (QB), Mr. Justice Bean relied upon the decision of the House of Lords in *Caparo Industries v Dickman* [1990] 2 AC 605 when considering counsel's arguments as to an occupier's duty of care relating to foreseeable risk.

*“It is common ground between counsel that in accordance with the decision of the House of Lords in Caparo Industries v Dickman [1990] 2 AC 605 a duty of care only arises in circumstances where there is sufficient proximity and foreseeability of damage and it is fair, just and reasonable that a duty should be imposed.”*

The defendant was the owner of a property where his daughter and friends, including Mr. Cockbill, had held a party celebrating the end of their GCSE exams. A paddling pool had been brought to the house and guests were sitting and swimming in it. Unfortunately, the defendant attempted a “belly flop”, in doing so fracturing his spine and inducing incomplete tetraplegia. The claimant had consumed three alcoholic drinks before the accident, and it was accepted that he knew how it was likely to affect him.

The defendant was nevertheless under a duty to keep an eye on what was going on and to intervene if necessary, without spoiling the party. Setting up, and allowing the pool to be used did not create a foreseeable risk of danger and injury, nor did consuming modest quantities of alcohol. Furthermore, his failure to intervene earlier and more forcefully when guests were running and jumping into the pool did not create a situation with an obvious risk of injury.

It was not reasonably foreseeable that someone would attempt to dive or belly-flop into the pool and cause grave injury. The claimant could not absolve himself, where the danger of diving into a swimming pool, let alone a paddling pool, was obvious to any adult. The defendant was not under any legal duty to tell the guests not to run or jump in the pool.

## Neutral

### Cited

**The case name and reference number (or citation) have been mentioned in the judgment.**

In *R (on the application of T and another) v Chief Constable of Greater Manchester* [2014] UKSC 35 it was held that the disclosure of spent offences in Enhanced Criminal Record Checks interfered with the right to private life contained in Article 8 of the European Convention on Human Rights (ECHR). It did not, and could not, meet the three-stage test for determining the necessity of interference with the respondents' fundamental rights.

The case of *R (Bibi) v Secretary of State for the Home Department* [2012] 1 AC 621, where it was held that the refusal to grant marriage visas to the respondents infringed Article 8, was crucial to constructing the reasoning behind the decision to be handed down in the case because of its direct relevance to points in the discussion.

*"In this respect one asks first whether the objective behind the interference was sufficiently important to justify limiting the rights of T and JB under article 8; second whether the measures were rationally connected to the objective; third whether they went no further than was necessary to accomplish it; and fourth, standing back, whether they struck a fair balance between the rights of T and JB and the interests of the community (R (Aguilar Quila) v Secretary of State for the Home Department [2011] UKSC 45, [2012] 1 AC 621, para 45)."*

### Considered

**A case/dicta/judgment in previous case considered in judgment by Court in the current case.**

In *Tomlinson and another v Birmingham City Council* [2010] UKSC 8, the central issue was whether a duty imposed on local authorities to provide social housing gave way to a civil right engaging Article 6(1), Schedule 1 of the Human Rights Act 1998. The ECHR had addressed this in the case of *Salesi v Italy* (1993) 26 EHRR 187, which was considered by Lord Brown eight times in the instant case. At issue in *Salesi* was the entitlement to an amount of benefit that was not at the discretion of the public authority.

The principle that the right to accommodation is an individual economic right drawn from statute, in this case the Housing Act 1996, was drawn from *Salesi*. Lord Brown found that such a right was defined precisely in domestic law, within the realm of social security benefits. The reviewing officer's decision brought the right to an end, therefore being a determination of the appellants' civil rights within the meaning of Article 6(1).

As he said at paragraph 28:

*"The right to accommodation was an individual economic right which flowed from specific rules laid down in a statute, according to the Strasbourg court's reasoning in Salesi v Italy (1993) 26 EHRR 187 and Mennitto v Italy (2000) 34 EHRR 1122."*

## Referred To

**Where Justices in the present case refer to a specific case in which the relevant issue was considered or decided.**

In the case of *R (on the application of Nicklinson and another) v Ministry of Justice; R (on the application of AM) (AP) v The Director of Public Prosecutions* [2014] UKSC 38, an appeal was lodged to determine whether the present law on assisting suicide contained in Section 2(1) of the Suicide Act 1961 is incompatible with Article 8 of the ECHR and whether the DPP's "Policy for Prosecutors in respect of Cases of Encouraging or Assisting Suicide" ("the Policy") published in 2010 is lawful. The precedent-setting case of *Airedale NHS Trust v Bland* [1993] AC 789 was referred to in the judgment multiple times. For example at paragraphs 17 and 199 respectively, Lord Neuberger commented:

*"As Lord Browne-Wilkinson said in Airedale NHS Trust v Bland [1993] AC 789, 885 'the doing of a positive act with the intention of ending life is and remains murder'."*

*"As Hoffmann LJ suggested in his classic judgment in the Court of Appeal in Airedale NHS Trust v Bland [1993] AC 789 at 826, a law will forfeit necessary support if it pays no attention to the ethical dimension of its decisions."*

Recognising the authority of *Bland* was instrumental in building the reasoning in *Nicklinson* and ultimately reaching a decision. While there is some difference between the facts, *Bland* being a young man in a persistent vegetative state following the Hillsborough Disaster with no prospect of recovery or improvement and Mr. Nicklinson, who suffered a catastrophic stroke causing him to become paralysed save being able to move his eyes, both parties, whether by themselves or their families, sought to end the lives of their loved one, but were prevented from doing so by the current laws on assisted suicide. They, therefore, sought to clarify and change the position of the law.

## Negative

### Disapproved

**When a case, dicta or judgment is held to be invalid or no longer recognised as good law, or is doubted.**

In *R v Clive Wood* [2008] EWCA Crim 1305, Sir Igor Judge rejected the earlier principle found earlier in *R v Tandy* [1989] 1 WLR 350 that "[voluntary intoxication] is only capable of giving rise to a defence under section 2 [Homicide Act 1957] if it either causes damage to the brain or produces an irresistible craving so that consumption is involuntary."

Sir Igor Judge in his position of The President of The Queen's Bench Division examined the circumstances in which the *Tandy* principle had arisen and noted the negative critiques the principal had received subsequently from academics.

## Distinguished

**A previous case's facts are materially different to the case at hand and are therefore not applicable.**

*Donoghue v Stevenson* [1932] SC(HL) 31 was distinguished in the case of *O'Reilly v I.C.I. Ltd* [1955] 1 WLR 1155. In *O'Reilly*, the plaintiff was employed by British Road Services who had for many years transported loads for the defendants, Imperial Chemical Industries Ltd, between their various depots and in their lorries. ICI supervised his loading and unloading of their goods and also supplied the necessary equipment for him to do so.

At one of ICI's chemical plants on 1st January 1953, he was injured when attempting to unload a drum of the chemical terylene from a lorry to a platform, as opposed to the proper unloading bay. His lorry was fitted with unloading equipment, consisting of a mechanical platform which could be lowered to assist unloading but could not be raised to reach the top drums, so the plaintiff had to stand on a drum to remove the top two tiers until they reached the platform.

Claiming damages against the defendants for the personal injury suffered from their negligent method of unloading drums he alleged that between himself and the defendants there existed a relationship of employer and employee pro hac vice ("on this occasion"). The Court held that the plaintiff had the onus of proving this relationship existed, a burden he had failed to discharge.

His claim failed. As Jenkins LJ recognized, there was no duty under which his claim could be accommodated, being outside the remits of inviter and invitee, and employer and employee. Parker LJ summed up the reasons why this case distinguished *Donoghue* in the following passage:

*"I understand that below a reference was made to the principle in Donoghue v. Stevenson. That has not been developed in this court, and it is sufficient for me to say that I see no possibility of presenting the case on those lines. Indeed, a similar argument based on Donoghue v. Stevenson was advanced in the House of Lords in London Graving Dock Co. Ltd. v. Horton, and was specifically rejected ... I am not satisfied that he [the plaintiff] has shown the breach of any duty owed to him by these defendants."*

## Not Applied

**The case/dicta/judgment not applied.**

In *Lim Foo Yong Ltd v Collector of Land Revenue* [1963] 1 WLR 295 the case of *British Transport Commission v Gourley* [1956] AC 185 was not applied. In his judgment, Lord Dilhorne LC affirmed the decision of the Court of Appeal that Ong J. calculated the awards erroneously, in relying on the principle enunciated in *British Transport* when estimating the annual loss of income suffered by the appellants. In fact, that principle was of no application.

The principle in *British Transport* had laid down that when assessing damages for loss of earnings the starting point must be post-tax as opposed to pre-tax earnings.

*"It was also held by the Court of Appeal that the amount awarded by Ong J. was calculated erroneously in two respects. The first was that he applied the principle in British Transport Commission v. Gourley to his estimation of the annual loss of income which would be suffered by the appellants as a result of the reduction in rent. The principle in that case, however, has no application in a case such as this where the difference in rental and so of income of the appellants is used solely for the purpose of determining the loss of capital value of the hotel land due to severance."*

In *Lim Foo*, the matter at hand concerned damages awarded at the market value of the land to the appellants following the compulsory acquisition of their smaller patch of land. The appellants argued that they had suffered damage to their other land (the larger patch) by account of severance, calculating the damages based on the difference between the rent that a prospective tenant had agreed to pay for both areas of land as one unit, and a reduced rent the tenant agreed to pay for the larger patch of land alone. The difference in rental, and subsequently income, was solely used to determine the loss of the larger piece of land's capital value because of the act of severance. On the facts of *Lim Foo*, the principle in *British Transport* was clearly unable to be applied.

## Not Followed

### **When a previous case decided by a similar court is not accepted.**

In *Halfdan Grieg & Co. A/S V. Sterling Coal & Navigation Corporation And Another* [1973] 1 All ER 545, before the Queen's Bench Division Halfdan's counsel submitted an argument that heavily relied on the dicta of Scrutton LJ in *Czarnikow v. Roth, Schmidt & Co.* [1922] 2 K.B. 478 regarding the importance of maintaining the special case machinery in arbitration.

Scrutton LJ outlined that the Arbitration Act 1959 enabled those untrained in law to seek guidance and, in special cases the solution, from the courts. In certain instances, the court could require untrained advisors/representatives to state cases for the opinion of the court on an application for arbitration if the court thought it proper.

The opposing counsel, Mr. Staughton, insisted that this distinction "should not be put in the balance when considering whether or not to direct a special case" that weighed in favour of the case not being followed. Kerr J. agreed with the submission by Mr. Staughton, noting that:

*"[t]imes have changed since this judgment was delivered 50 years ago; so have the prevalence of arbitrations and the experience of persons who frequently or regularly act as arbitrators in specialist disputes ... In these circumstances I cannot think that it would nowadays be right to suggest that they are more likely to go wrong in law as the result of having been addressed by counsel or solicitors."*

## Overruled

### **A decision of a previous case in an inferior court is held to be incorrect and no longer valid.**

The House of Lords in *Hedley Byrne & Co. Ltd v Heller & Partners Ltd* [1964] AC 465 overruled the cases of *Le Lievre v Gould* [1893] 1 QB 491 and *Candler v Crane, Christmas & Co.* [1951] 2 KB 164. A long and interesting judgment, the Lords in *Hedley Byrne* decided that *Le Lievre* could no longer be considered a good authority. It was "a troublesome case for the appellants, because it was rightly decided, but on the wrong basis". There was no "principle enunciated ... so deeply embedded in the law" that weighed against it being disturbed.

The decision of the Court of Appeal in *Le Lievre*, and therefore *Candler* that came afterward, was made on the grounds that the House of Lords had laid down the law on duty of care and whether damages are recoverable for loss suffered when someone falls below this.

It was decided in the instant case that the House had not. The settled law was declared by Lord Devlin to be defective, “nonsense” and profoundly illogical, as it would leave a man without a remedy where he ought to have one, even though it is within the scope of the law. Another judge sitting, Lord Reid, voiced equal discontent toward the cases that were to be overruled, when he said that:

*“I would therefore hold that the ratio in Le Lievre v. Gould was wrong and that Cann v. Wilson ought not to have been overruled.”*

By virtue of the judges’ reasoning, neither *Candler* nor any other decision relying on *Le Lievre* as authority could stand. From the date of judgment, cases with similar facts would have to be “judged afresh” in light of the principles laid down in *Hedley Byrne*.

## Reversed

### **The decision of a lower court in the current case is reversed.**

The decision of Judge Hallon sitting in Bromley County Court was reversed by the Court of Appeal in the case of *Oxley v Hiscock* [2005] Fam 211. Judge Hallon had held that the claimant was beneficially entitled to one-half of the net proceeds of the sale of the property. Subsequently, the Court of Appeal decided that she had misdirected herself in law in refusing to follow the decision of their Court in *Springette v Defoe* [1992] 2 FLR 388.

Chadwick LJ held that Mrs. Oxley was entitled to 40% of the net proceeds. It would have been unfair to Mr. Hiscock to declare that the parties were entitled to equal shares, as Judge Hallon had originally decreed, particularly as his direct contribution to the purchase price was significantly more than that of Mrs Oxley.

*“On the basis of the judge’s finding that there was in this case ‘a classic pooling of resources’ and conduct consistent with an intention to share the burden of the property (by which she must, I think, have meant the outgoings referable to ownership and cohabitation), it would be fair to treat them as having made approximately equal contributions to the balance of the purchase price (£30,000).*

*Taking that into account with their direct contributions at the time of the purchase, I would hold that a fair division of the proceeds of sale of the property would be 60% to Mr Hiscock and 40% to Mrs Oxley.”*

## Features to help you determine case treatments

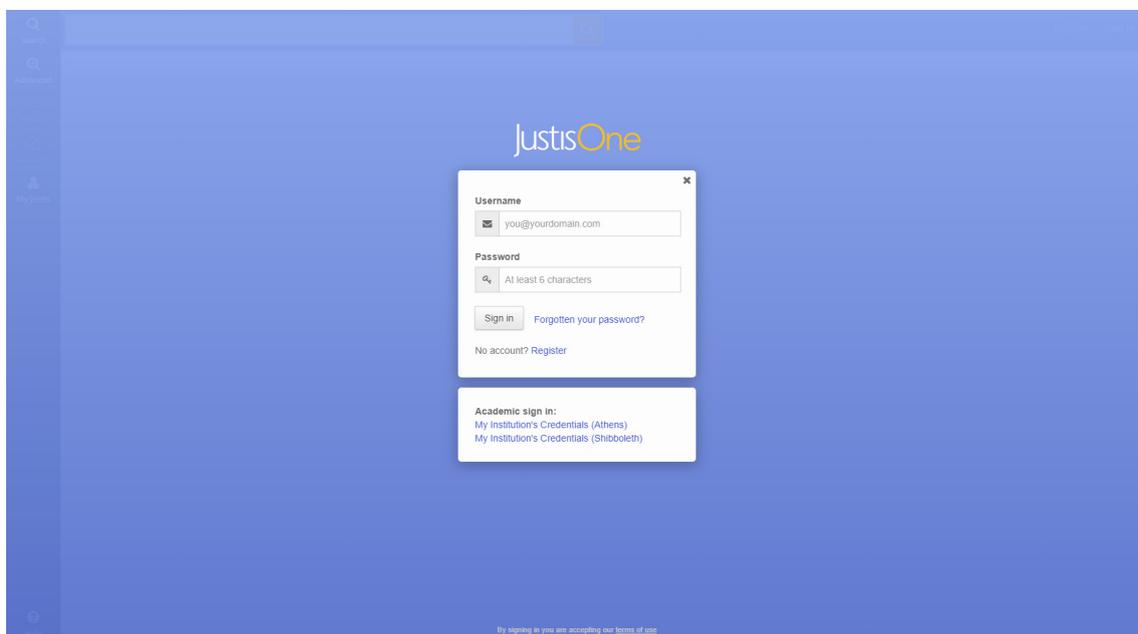
JustisOne is an intelligent legal research platform containing the most comprehensive collection of common law cases, including both unreported judgments and major and specialist reported series.

To enable users to navigate this vast collection of data efficiently, JustisOne contains a range of advanced search and analysis tools, with a number of these tools being designed to help users to determine if a case remains good law, and display exactly what treatment type a case has been given by our legally trained editorial team, who markup cases manually.

### Accessing JustisOne

To access JustisOne, visit [www.justis.com](http://www.justis.com) and click 'Sign In' in the top-right hand corner. On the Sign In screen, select the JustisOne 'Sign In' button. If you are already signed in, the service will load. If you are not signed in, either enter your username and password or select your institution's credentials to sign in either by Athens or Shibboleth.

On this screen, you can also reset your password using the 'Forgotten your password?' link or register for an account.



## Citing & Cited Cases

The lists of Cited and Citing cases on JustisOne are both organised by treatment type. This enables you to see at a glance both how the instant case has treated those cases which it cites, and how the instant case has been treated by subsequent cases.

Cases in JustisOne are cross-referenced across multiple jurisdictions enabling you to find binding and persuasive authorities from other jurisdictions as well as your own. On the left-hand panel, you can go to the Cited Cases, Cited Legislation and Citing Cases tabs for lists of related authorities.

The screenshot shows the JustisOne interface for the case *Hedley Byrne & Company Ltd v Heller & Partners Ltd 1963*. The left-hand panel displays the 'Cited Cases' tab, showing a list of cases cited by the judgment, ordered by treatment type. The cases are categorized as follows:

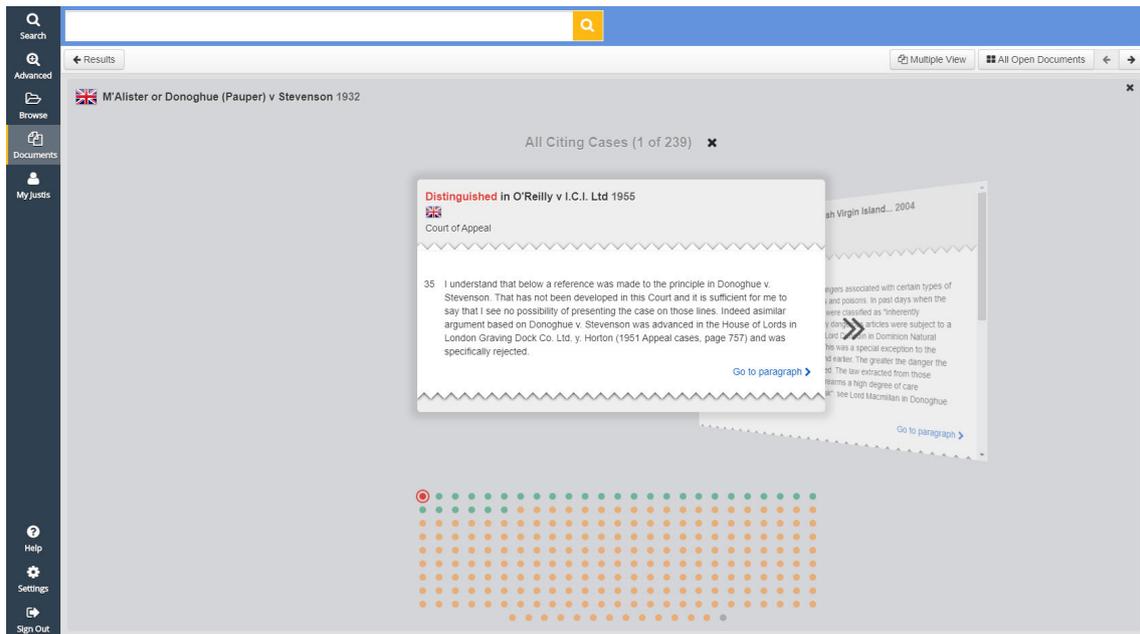
- Applied:**
  - Shiels and Thorne, Assignees of Goodwin, a Bankrupt, against Blackburne 1789* (Court of Common Pleas, 5 citations)
  - Nocton v Lord Ashburton 1914* (House of Lords, 32 citations)
- Approved:**
  - Cann v Willson 1887* (Chancery Division, 18 citations)
  - Fish v Kelly 1864* (Court of Common Pleas, 4 citations)
- Overruled:**
  - Candler v Crane, Christmas & Co. 1951* (Court of Appeal, 24 citations)
  - Le Lievre v Gould 1893* (Court of Appeal, 34 citations)

The right-hand pane shows the judgment text, including the citation *[1963] UKHL J0528-1* and the names of the judges: Lord Reid, Lord Morris of Borth-y-Gest, Lord Hodson, Lord Devlin, and Lord Pearce. The judgment text also includes the names of the parties: Hedley Byrne & Company Limited and Heller & Partners Limited.

Cited Cases, displaying the cases cited by a judgment, ordered by treatment type.

## All Citing Cases

Another tool at your disposal when you are researching a case using JustisOne and want to know how it has been treated by other cases is the 'All Citing Cases' tool. To access this, navigate to the Citing Cases tab and click on "All Citing Cases". From here, a new screen will open which displays the paragraphs of the cases in which your case has been cited. There is a colour-coded dot to represent each citing case, arranged by treatment type, meaning that you are able to scroll through and quickly see how many negative treatments a case has received, and why they received them, far more quickly than by reading a full judgment.

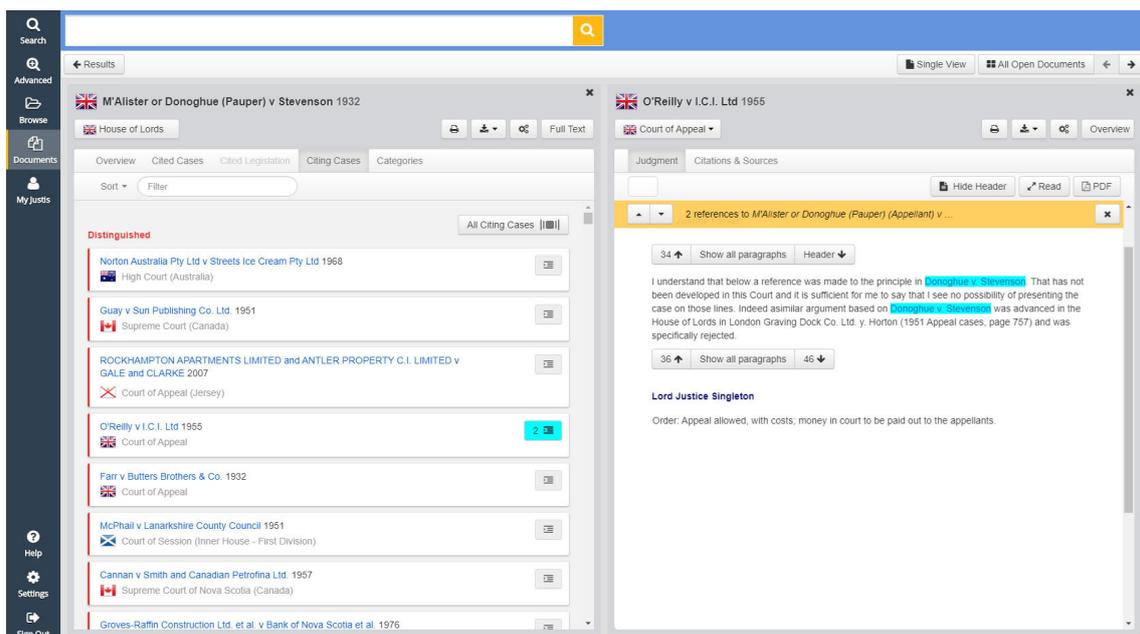


All Citing Cases, displaying passages which subsequently cite a case alongside the treatment it has received.

## Citations in Context

If you just wanted to see the citing passages from a specific case, the Citations in Context feature can be used to highlight all of the references to the case you are looking at in a subsequent judgment.

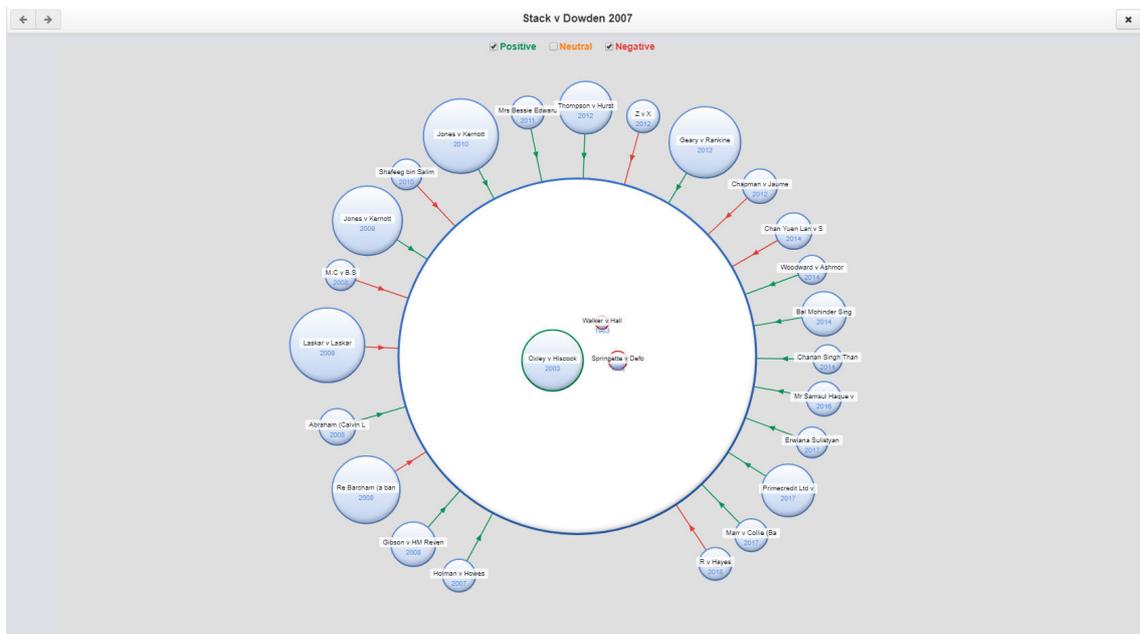
To see these Citations in Context, click the button on the right-hand side of a specific case in the lists of Cited or Citing Cases. This will highlight the text directly and colour code each reference, to help you navigate these relationships.



Citations in Context, showing all references to a case in the text of a judgment, highlighted in the right-hand panel.

## Precedent Map

JustisOne's Precedent Map allows you to see the relationships between cases at a glance and brings relevant cases to your attention in a simple, interactive way. When viewing a case on JustisOne, you can click on the Precedent Map icon in the top-right corner to open the feature.



The Precedent Map, with the white circle representing the case being looked at, cited cases appearing inside the white circle and citing cases surrounding the white circle in chronological order from left-to-right, with colour coded treatment types.

### What do the circles represent?

The large, white circle represents the case you are looking at. The smaller circles inside the main circle represent cases cited within the main judgment. The cases surrounding the large, white circle represent cases that have subsequently referred to the main judgment. These are displayed in chronological order, with earlier judgments being found on the left-hand side and the latest judgments appearing clockwise to the right. This is so that when analysing a judgment, you can immediately see what a case's most recent treatments are - positive, negative or neutral, so you can be sure that the case is still good law.

### What do the coloured arrows and circles mean?

The colour of the circles surrounding the cited cases and the connecting arrows to citing cases will indicate the treatment of the case, following the JustisOne traffic light colour-coding system: green for positive treatments, amber for neutral treatments and red for negative treatments.

To discover the relationships between your case and other cases within the Precedent Map, simply click on a circle that represents one of the other cases related to the case you are looking at, and all of the relationships it shares with your case will be displayed. To explore the Precedent Map of one of these cases, simply double-click on its circle.

## Key Passages

JustisOne's Key Passages feature displays the most subsequently quoted passages of a judgment. These passages are arguably the most influential parts of the judgment since it was handed down. These are initially displayed in the case overview which appears on the left-hand panel and selecting one of these passages will highlight it in the judgment in the right-hand panel.

To see every sentence of the judgment that has been subsequently quoted in a later case, click the 'Highlight all quoted passages' button. This will place a heatmap over the judgment text which provides a visual guide for all cited passages, with darker colours representing a greater number of subsequent citations. Simply click on the passage to see the details of all citing cases, including the case name, paragraph number of the citation, and the court the citing case was heard in. Using this, you can navigate to the citing case, and see the treatment the case you are looking at has been given.

To ensure that these Key Passages are the most cited passages of a judgment, JustisOne scans and cross-references the entire judgment transcript with over 1,000,000 other cases, updating the most cited passages in real-time.

The screenshot displays the vLex JustisOne interface for the case 'Eves v Eves 1975'. The left-hand panel shows the case overview with two key passages highlighted in pink. The right-hand panel shows the full judgment text with the selected passage highlighted in a darker shade. A 'Highlight all quoted passages' button is visible at the bottom of the left panel.

The Key Passages, displayed in the left-hand panel, show the most subsequently cited passages in a judgment. All quoted passages are displayed in the right-hand panel, with a darker shade representing more subsequent citations.

## Training & support

### Personalised training

If you would like to learn more about the JustisOne features which can help you to determine case treatments, we offer complimentary training to all customers. Each training session lasts approximately one hour, depending on your needs.

Training sessions are conducted online so that your colleagues, staff or students can join the session remotely. We can also offer in-person training in some parts of the UK and Ireland. Contact us to find out more:

**[traininglondon@vlex.com](mailto:traininglondon@vlex.com) | +44 (0)20 7284 8083**

### Help and frequently asked questions

For help and support while in JustisOne click on the Help button on the navigation bar on the left side of the screen. This will open a pop-up with a list of frequently asked questions. Click in the search bar at the bottom of the pop-up to start your search.

### User guides and resources

A full JustisOne user guide is available on our website, alongside a quick start guide, video guides, and additional resources for law students. To access these guides, visit:

**[www.justis.com/resources](http://www.justis.com/resources)**

## About us

### About vLex

vLex is a legal technology company, who have developed the vLex platform to empower law professionals by combining one of the most extensive collections of legal information in the world with the most advanced AI-powered tools.

With hundreds of thousands of clients of all sizes, millions of users around the world rely on vLex to address their legal research and technology needs. vLex are one of the leading companies developing legal technology on a global scale, with a team of over 130 lawyers, engineers, and editorial experts.

vLex apply the power of an AI cloud-based data hub to ingest, enrich, classify and deliver insights contained in over 100 million legal documents from 2,000+ multilingual and multi-legal system global sources, to bring you the most up-to-date and relevant legal data and content.

### About Justis, a vLex company

Justis has been at the forefront of the digital dissemination of legal information for over 33 years. JustisOne, its flagship legal research platform is trusted by law firms, barristers, government departments and academic institutions around the world. Justis' unique software brings new ways to search, interpret and analyse legal information.

The original Justis platform was launched in 1999 and was widely viewed as the most intuitive online library at the time. In 2005 Justis launched JustCite, an index of invaluable legal material, case relationships and citations metadata. In 2016, we combined these innovative products to create JustisOne.

In its history, Justis has redefined case law research by bringing into focus every case from every superior court, and that has only been possible by the addition of intelligent analytic tools which make research faster and more precise. This combination, plus the addition of components such as the largest legal information taxonomy which has been developed by Justis, have changed the way common law practitioners access case law.

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