



What can the litigation client do to assist his/her lawyer to get off to a good start in litigation and to potentially reduce legal fees?

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INTRODUCTION

As litigation lawyers, it is our experience that clients are generally more satisfied with the litigation process when they understand how the process works and when they actively contribute to the development of their claim or defence. By assisting in the development of the claim or defence, the client and also will improve his/her chances of success in the proceeding and may also reduce the lawyer's burden (which may, in turn, reduce the cost of legal services.

Perhaps the best opportunity for a client to assist, is during the initial process of **information gathering**. The client typically knows the factual background of the case intimately, has generally seen all or most of the documentation related to the dispute, can identify witnesses and anticipate what the witnesses may recall about the matter, and is generally in the best position to assist the lawyer in familiarizing him/herself with the information and documentation pertinent to the case. The sooner that the lawyer becomes familiar with the factual background of the case, the sooner the lawyer can apply his/her legal acumen to developing a legal position and a set of strategies for success.

SUGGESTIONS

There are, therefore, a number of tasks which the client can perform at the beginning of a file to:

- a. facilitate the lawyer's understanding of the facts and background of the matter;
- b. reduce the time spent by the lawyer in gathering that information;
- c. establish the client as an active contributor on the "*litigation team*"; and
- d. get the lawyer and client off to the best possible start in the litigation.

The following are a few brief suggestions:

I. **Chronology**

Early in the life of the file, the lawyer and client should meet in order to identify the problem that needs to be resolved. In order to understand the issues, clients must give to lawyer a full background and a complete context of the problem. **Maximum efficiency is attained when the client comes to the lawyer with an organized account of the background of the case.**

Therefore, in order to assist your lawyer and to help you focus on the problem, you should **prepare a chronological history** of the matter. Recount in writing and in chronological order, all events and documents that shed light on the background and nature of the problem. The chronology should be arranged so that, in the left-hand column the date is indicated and, in the right-hand column, there is a description or summary of the event or document (a sample is found at the end of this document).

The summary should be as detailed as possible with names, addresses, dates and conversations specifically enumerated. It is essential to recount this information **while it is still fresh**. This factual summary will assist your lawyer in determining an appropriate legal strategy by allowing him/her to identify the problem, the key issues and the evidence necessary to prove the case.

For conversations, it is important to record the date, time and those persons present.

When referring to documents, the chronology should contain the date of the document and, if the client does not have a copy of the document, to advise where the client believes a copy of the document may be located.

Naturally, the chronology should be as precise as possible. If the client is unable to fix an exact time or date, then an approximate time should be given.

Furthermore, if a client is uncertain as to whether or not a particular event or document is relevant, it is better to include reference to the event or document nonetheless.

II. Documents

When a lawyer receives a bundle of documents from a client, the lawyer frequently spends a lot of time simply trying to get the documents into chronological order and to determine what documents are missing. This is a costly and potentially unnecessary use of the lawyer's time since, in many instances, the client is entirely capable of performing this function adequately.

Therefore, the client should prepare a list of all documents in their chronological order and **assemble all relevant documents**, or copies thereof, in chronological order and provide them to the lawyer.

Documents include all contracts, correspondence, cheques, vouchers, invoices, statements, hand-written notes or memoranda, and any other piece of paper whatsoever that has recorded on it any reference to a material event. It may also include computer entries, e-mails or things of the like.

Again, if a document is not in the client's possession, then the client should try to indicate where it may be located.

III. Witnesses

Although it may seem premature to worry about witnesses at the very early stages of a proceeding, it is quite imperative to get the names of the witnesses while they are still fresh in the client's mind. Therefore, the prudent client will provide his/her lawyer with **a list of witnesses**. Those witnesses can be contacted, their recollections reduced to writing and witness statements can be prepared.

The list of witnesses should contain not only the names of the witnesses, but also their addresses and telephone numbers, and a brief summary of what the client believes the witness may say (whether positively or adversely).

It is prudent to have the witnesses interviewed at an early stage so that the litigation lawyer can canvass the information while the facts are still fresh in the minds of the witnesses as well. Usually, this will save time and trouble for the client later. It will also place the lawyer in a better position, hopefully, to assess the strength and weaknesses of the client's case at an early juncture before too much in legal fees is spent taking the case in the wrong direction or following a flawed strategy.

CONCLUSION

Even if the client is not accustomed to the tasks of creating a chronological history, providing comprehensive documentation or creating a list of witnesses, the smart client will make his/her best effort to do so as it is likely to prove helpful to the litigation lawyer and will likely reduce the client's legal costs by saving the lawyer time in investigating and assimilating the facts. It is in the client's best interest to look after these matters.

Sample Chronology

Date	Description Or Summary Of The Event Or Document