



WHY US?

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Why Us?

Reasons to Choose Litigant

Our law firm is **easy to deal with, deeply experienced** in litigation, and we take pride in providing **commercially sound advice** whilst remaining **costs conscious** to our clients.

You benefit by getting timely and considered legal advice geared at promoting **legal resolution** of a stressful and complex **dilemma**.

Project Plan Summary

Whilst every problem is unique there are some typical steps involved in bringing our **knowledge of the law** to the task and in assisting you with the **legal processes** involved.

The typical steps involved are: -

- Understanding your goals and budget;
 - Getting all the right information;
 - Developing a plan with you;
 - Putting the plan into action;
 - Using pre-trial processes effectively;
 - Briefing a suitably experienced barrister;
 - Attending the settlement conference and/or mediation and/or trial;
 - Wrapping it up.
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Understanding your Goals and Budget

The law is a process that can, at least for the **pre-trial period**, be moulded around your goals and budget. For that reason, you need to take the time to carefully think about **what you want to achieve** and how much you are **prepared to spend**. That way we can focus on trying to achieve your goals by **fully exploring settlement** early on and before the court takes over the proceedings. It may be necessary for us to help you craft and **achievable goal** in light of the peculiarities of your case.

Once proceedings are commenced, as an option of last resort, the court will take the case management out of your hands so that you are **no longer in control** and your **costs will increase dramatically**. It is imperative that you keep in mind that **litigation is ultimately very expensive** and **outcomes can be quite uncertain** even when you believe you have a good case.

Before we get started we will need to explain to your **likely legal costs** based on the scope of the work you need us to do. Some retainers are limited whilst others are more general. Our firm is **conscious of the legal costs** involved and paid by our clients but our **experience comes at a price**.

Getting all the Right Information

To get the right information, we will typically engage in the following steps: -

- We will **listen** to your problem and it is best if you can tell it to us chronologically so take the time beforehand to prepare a written chronology as it will save you time and money;
- We will ask you lots of probing and potentially even invasive **questions**, and whilst it may make you wonder why you are being cross-examined you should feel assured that we are on your side and that we are merely seeking to get to the bottom of it all;
- It will almost certainly be necessary for you to give us **all relevant documents** on the topic and again it is best if they are arranged chronologically. It is generally better if you do not selectively drip feed us information as that approach will simply cause us to ask more questions and ask for further documents. It is worth your while **arranging your documents properly** and carefully otherwise your lawyer will charge you to do that for you;
- It may be necessary for us to **obtain documents from 3rd parties** such as Australian Securities and Investments Commission (ASIC), the Office of Fair Trading (OFT) and Land and Property Information (LPI) or elsewhere;
- In some cases we may need to explore preliminary discovery from other parties to obtain the relevant documents;
- We may need to **refer you to experts** to obtain information including accountants, financial planners or other experts;
- Often we need to **obtain statements** from all relevant witnesses to obtain any missing information;
- Once that is done we need to **carefully review** the information obtained.

Developing a Plan with You

After the initial information gathering is complete we can formulate a strategy together. This usually involves the following: -

- We need to carefully consider whether or not you have a case that is reasonable prospects of success on the basis of provable facts and a reasonably arguable view of the law (for damages claims);
- Selecting the right court/tribunal;
- Giving you an estimate of the time frames involved in reaching a determination;
- Gauging your level of commitment to the case;
- Working out your capacity to pay costs and explaining that the loser of the case usually pays the winner its costs (as agreed/assessed);
- Advising you of relevant critical dates and limitation periods that may be applicable;
- Specifically considering the need for any urgent interlocutory applications;
- Making sure you know about alternative dispute resolution options such as negotiation, mediation and the like before you decide to pursue litigation (as an option of last resort);
- Providing you with a costs disclosure document and costs agreement (if not already done);

- Getting all appropriate instructions from you in writing before proceeding.

Putting the Plan into Action

By this stage we should be ready to kickstart proceedings as follows: –

- We will draft the pleadings for you, which may need to be settled by counsel, so as to set out the relevant parties, facts, causes of action and applicable claims for damages, interest and costs.
- If you are the defendant we may need to request particulars from the other side.
- We will attend any necessary directions hearings (or brief Counsel to attend) and assist with the preparation of the evidence such as witness statements and expert evidence.
- We will specifically consider the need for any offers to be made including Offers of Compromise and Calderbank letters.
- We will help you to make use of the courts processes including discovery, interrogatories, subpoenae and notices to produce et cetera.
- We will recommend appropriate counsel and brief with the relevant documents.
- Once counsel provides an opinion we will critically examine it and provide you with our views in respect of it

Wrapping it up

If the matter resolves by way of settlement or judgement we will assist with matters that could include the preparation of a deed or perhaps enforcement of the judgement. In some cases, where a matter is decided against you, we may advise of the need to appeal (if appropriate) and the time within which that should occur.