

DO's & DON'Ts OF LITIGATION PRACTICE

COMMUNICATION

Record everything in black and white. More so telephone conversations where the client verbally instructs you. Before you act on their instruction, have the client sign-off the written instructions, and file it.

If you are representing a company, ensure you know your point of contact and this is whom you will be liaising with, and receiving directions from.

If the client is causing delays ie reneging on his timeframe to hand over documents, make it known to him the relevance of time limits and the consequences of his continuous delays.

Never leave this unsaid: It is always better to discuss with your client the potential risks, problems and alternatives before you draft and file a claim.

Do not assume you know the best for your client; put forward other means of remedial action to the client eg Alternative Dispute Resolutions.

Do not leave it to the last minute to inform your client and witnesses of dates of court appearances; on trial days ensure you send them reminders to be on time.

TIME MANAGEMENT & PREPAREDNESS

Interview your clients and witnesses as soon as possible to get the best possible recollection from them.

KIV and diarise all pertinent dates, for example especially after (default) judgements are made – the Courts are unforgiving if you do not remember.

Take remedial actions: if time has run out or the matter struck out or a default judgement has been entered, apply for the necessary as soon as possible.

Never assume that your witnesses will not be struck out on the basis of a conflict – do the necessary checks prior.

Do not assume witnesses will always be on hand to meet you and/or prepare their statements. Expert witnesses in particular, are professionals with their own busy schedules.

Do not go overboard – overtraining clients and witnesses will eliminate spontaneity and genuineness when they give evidence at the trial.

LEGAL KNOWLEDGE & EXPERTISE

Familiarise and build your knowledge base of the relevant areas of law you wish to practice in.

If you do wish to take on cases of which its laws you are unfamiliar with, be prepared to conduct extensive research.

Keep abreast with updates and changes through circulars issued by Bar Council, and Continuing Legal Education (workshops, seminars and other events).

Do not take on cases that you are not equipped to handle; for example if you have never handled a maritime law case before, it is best forgo them.

Do not hesitate to refer the client to your peer if you know of someone who is more suited to handle the matter.

Do not take for granted that laws will not be changed – keep up-to-date with these amendments, as well as Court Procedure changes.

DO'S

DON'TS

IN ESSENCE...

COMMUNICATION

RECORD EVERYTHING	Prepare detailed retainer letters.	KNOW YOUR CLIENT	Speak to them regularly; brief them at every milestone.
	Put client's verbal orders in black and white.		Understand what your client hopes to achieve.
	Always end case with closing letter.		Manage their expectations – refrain from giving them false hope.

TIME MANAGEMENT

MASTER DIARY	Be disciplined! - Log every appointment.	MANAGE YOUR WORKLOAD	Know when you have too much on your plate.
	Put a money value on your time – you will appreciate it more.		Split your day into chunks of time ie for court, research, client etc.
	Assign a staff to be Master Diary-Keeper.		Ask for needed extensions early on.

LEGAL KNOWLEDGE

KNOW YOUR STRENGTHS	Build your knowledge base.	KNOW YOUR LIMITATIONS	Learn to say "No".
	Teach others what you know.		Education never stops. Attend relevant courses.
	Make your work easier – use checklists.		Seek advice when unsure.