



PRACTICE AREA Snapshot CHECKLIST

General Litigation

1.1

File reference:

DISCLAIMER This Checklist is only intended to provide a general overview of the matters that should be considered in managing your case/transaction. The information provided in this Checklist is not intended to be legal advice. Many factors may affect the applicability of any steps or procedures set out here to your case and consequently you should apply your own discretion or seek appropriate advice (where applicable) before relying on these procedures.

Plaintiff	Common	Defendant
1. COMMENCEMENT OF CLAIM/DEFENCE		
	Check for conflicts of interest:	
	Identify client and person who is to give instructions.	
	Obtain warrant to act.	
	Take full instruction.	
	View all documents.	
	Identify and interview all witnesses where possible.	
	Identify cause of action.	
	Check jurisdiction and proper forum (including if there is an arbitration clause).	
Draft and file claim.		Challenge forum or jurisdiction?
Monitor extraction of sealed document.		Consider conditional or unconditional appearance, or filing of application for stay of proceedings.
Serve Writ/Claim within time limit. Obtain leave if service is out of jurisdiction.		If default judgement obtained, apply to set aside.
File affidavit of service.		File Defence.
		Consider Counterclaim.



Plaintiff	Common	Defendant
Obtain Judgement in default, if leave required, make application.	Identify cause of action.	Obtain judgement in default of Counterclaim.
Consider Reply or file Defence to Counterclaim.		

2. INTERLOCUTORY STAGE (CONSIDER INTERLOCUTORY APPLICATIONS)

Striking out Defence, in full or in part.	Further and better particulars.	Striking out claim.
Summary Judgement.	Any necessary amendments.	Security for costs.
	Specific Discovery.	
	Case management.	
	Preliminary issues.	

3. TRIAL PREPARATION

	General discovery and inspection.	
	Prepare bundles of documents.	
	Statement of agreed facts.	
	Statement of agreed issues.	
	Consider notices to admit.	
	Prepare witness statements.	
	Explore possibility of settlement.	
	Notify all witnesses.	
	Issue subpoenas.	
	Exchange expert witness reports, if any.	
	Consider site inspection.	
	Prepare opening statements.	



My notes...

