Privileged and confidential

**Observations to Counsel [Template]**

Nature of [advice requested] [or nature of the dispute]

1. Counsel is asked to [advise on (set out what counsel is instructed to do: for example, an advice on evidence, drafting a pleading, drafting an affidavit, settling a letter of demand, settling a letter to an expert witness, attending a mediation)] [appear at a hearing] on behalf of Defendant Pty Limited in proceedings commenced in the [Court/Tribunal].
2. We require the [deliverable/advice] by [date].
3. Prior to the advice being finalised, we seek a conference with counsel on or before [date].

Factual background

4. This matter involves allegations of [set out nature of cause of action: negligence, breach of contract, etc] against [Defendant Pty Limited].
5. We act for [party].
6. We refer counsel to the enclosed **Chronology of Factual Events**.
7. [Set out key facts].

Procedural Background [include where applicable]

8. Counsel is referred to the enclosed **Chronology of Procedural Events**.
9. The claimant filed and served a statement of claim in the [court or tribunal] on [date]. It contained the following allegations:
10. [Party] filed and served a defence on [date].
11. A directions hearing took place before [Judge / Registrar] on [date]. The following orders were made [set out orders].
12. The parties have agreed to attend a mediation [or the proceeding is listed for trial] on [date, time, place].

The law

13. Counsel's attention is drawn to [identify relevant legislation, policy, key authorities etc].

The evidence

*Lay evidence*

14. The claimant has served the following [statements/affidavit]:
    a. Statement of John Smith dated [date];
    b.
15. The claimant has issued subpoenas/notices to produce to the following parties and the documents are enclosed:
    a. [set out subpoenas etc].
16. We have issued subpoenas/notices to produce to the following parties and the documents are enclosed:
    a. [set out subpoenas etc].
17. We have drafted the following [statements/affidavit] and seek counsel's assistance to settle them:
    a.

*Expert Evidence*

18. The claimant has served the following expert reports:
    a.
19. The [other parties] have served the following expert reports
    a.

Case Theory

20. [Set out summary of proposed strategy for the case]

Questions on which advice is sought [if counsel is being asked to advise on specific questions]

21. We seek counsel's advice on the following questions:

a. [*]
b. [*]

Rates

22. We look forward to receiving counsel's disclosure letter and fee agreement.

Next steps

23. [*]

24. [*]

**Factual Chronology of Events**

| Date | Event | Document Reference | Comment | Page in Brief |
|---|---|---|---|---|
| DD.MM.YYYY | | | | |
| 01.12.2019 | | | | |
| 03.01.2020 | | | | |
| 14.04.2020 | | | | |
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**Procedural Chronology of Events**

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