# Case Strategy Plan (parenting disputes)

## Using this document:

* Start developing a case strategy once aid is granted for litigation.
* Complete electronically, print completed plan and retain on file.
* Review and update at key milestones, e.g., after interim hearing, when matter is set down for trial, and after the release of any expert report or subpoena material inspected. Date and print reviewed plan and retain on file.

## Purpose of case strategy plans:

In addition to helping you develop a strategic approach to litigation, completing this case strategy plan will help demonstrate that you have met:

* the duties of competence and standard of care expected of a lawyer
* VLA’s expectations of practitioners undertaking legally aided work, and the standards articulated in the [Practice Standards and Practice Standards Measures](http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions).

## Note:

* This tool is designed as a prompt only. It is not proscriptive or exhaustive.
* This document may be considered a client document and provided to the client upon request (rule 14 Australian Solicitors’ Conduct Rules).

## Formatting instructions:

* This document contains hidden text prompts. Hidden text is identified by the blue colour and the dots below the text and does not print. If the prompts do not appear in the document, go to File/Options/Display and under the section ‘Always show these formatting marks on the screen’ select the hidden text option. Once this has been set, you can then use the **Show/Hide** button () (**Ctrl + \***) on the Home tab to view or hide the hidden text.
* To select tick boxes, simply click on the relevant box.
* Cells in tables will expand to accommodate your typed content.
* If you require additional rows in the table, click in the relevant cell, go to Table Tools/Layout and select the appropriate command

# 1. Parties and children

| **Party** | **Name** | **Relationship to child** | **DOB** | **Lawyer** | **Background** |
| --- | --- | --- | --- | --- | --- |
| Client |  | mother/father/other (specify) | DD/MM/YYYY |  | Provide a brief outline e.g., occupation, living arrangements, address, current relationships etc, or refer to document on file. |
| Other party (1) |  | mother/father/other (specify) |  |  |  |
| Other party (2) |  | mother/father/other (specify) |  |  |  |
| Child (1) |  |  |  | ICL, if appointed. | School, year level, living arrangements, special needs etc or refer to document on file. |
| Child (2) |  |  |  | ICL, if appointed. | School, year level, living arrangements, special needs etc or refer to document on file. |

# 2. Case overview

Provide a summary of the following aspects of the case (dot points sufficient).

| **Aspect** | **Notes** |
| --- | --- |
| Client’s instructions | Brief summary or refer to document on file. Note any changes to the client’s original instructions at each review |
| Client instructions | Brief summary or refer to document on file. Note any changes to the client’s original instructions at each review |
| Orders currently in place | Brief outline of orders or refer to document on file. Include family violence orders. Note whether orders consented to or court ordered. |
| Orders sought (client) | Summary of the orders sought by the client. Have these changed since the last review? |
| Orders sought (other party) | Summary of the orders sought by the other party/parties. Have these changed since the last review? |
| Relevant law | Does the court have the relevant power to make the orders sought by client and other party/parties? |
| ICL view (if noted) | Summary of ICL’s views. Note: Within one week of obtaining family report, ICL should give a provisional view as to their position. |
| Other relevant information | For example, note any relevant judicial comments or attitudes, whether a costs order should be sought |

# 3. Chronology

Create a brief chronology of relevant events including relationship/parenting/financial history and past and upcoming litigation events.

Indicate whether events are agreed or disputed. Use this information to create a chronology for the case outline.

| Date | Event | Agreed or disputed? | Evidence |
| --- | --- | --- | --- |
| DD/MM/YYYY |  | Agreed  Disputed | If event is disputed, refer to relevant evidence |
|  |  | Agreed  Disputed |  |
|  |  | Agreed  Disputed |  |
| Date | Upcoming litigation events | Notes |  |
|  | Note any upcoming events e.g., hearing dates, expected release dates for family reports and other matters such as IVO hearing dates or expiration of IVOs |  |  |

# 4. Issues in dispute

| Issues in Dispute | Note |
| --- | --- |
| Issue title | Brief outline of issue or refer to document on file. Note any changes to the issues in dispute between the parties at each review |
|  |  |
|  |  |

# 5. Evidence analysis – Your client

Provide a summary analysis of the evidence available/required to support each order sought by your client.

Check that you have affidavits for all the witnesses required. Identify any issues/weaknesses in each piece of evidence and strategies to address them.

| Evidence type  Evidence available to support each of the orders sought | Evidence details | Page  Page or tab no | Identified weakness or concern  Concerns re admissibility (relevance, hearsay, opinion, privilege), credit, probative value, conflict with objective evidence, availability of witness etc., documents filed on time? (if not, evidence can’t be relied on) | Strategy  Note action required to address concerns/obtain evidence | Due by  Deadline for obtaining evidence |
| --- | --- | --- | --- | --- | --- |
| **Affidavits** |  |  |  |  |  |
|  | List e.g., Mother, Grandfather. |  |  |  |  |
|  |  |  |  |  |  |
| **Records/reports** |  |  |  |  |  |
|  | List e.g., Police report FV incident, DHHS report, etc. |  |  |  |  |
|  |  |  |  |  |  |
| **Section 11F/ Family report** | Author, date |  |  |  |  |
| **Subpoenaed material** | List e.g., bank records, etc |  |  |  |  |
| **Assessment reports** | List, e.g., psyche assessment, drug screening, behaviour change program, etc |  |  |  |  |

# 6. Evidence analysis – Other party

Provide a summary analysis of the evidence available/required to refute each order sought by the other party (parties).

Identify any issues/weaknesses in each piece of evidence and strategies to capitalise on these weaknesses.

| Evidence type  Evidence is available to support each of the orders sought | Evidence details | Page  Page or tab no | Identified weakness or concern  Concerns re admissibility (relevance, hearsay, opinion, privilege), credit, probative value, conflict with objective evidence, availability of witness etc., documents filed on time? (if not, evidence can’t be relied on) | Strategy  Note action required to address concerns/obtain evidence |
| --- | --- | --- | --- | --- |
| **Affidavits** |  |  |  |  |
|  | List e.g., Mother, Grandfather |  |  |  |
|  |  |  |  |  |
| **Records/reports** |  |  |  |  |
|  | List e.g., Police report FV incident, DHHS report, etc |  |  |  |
|  |  |  |  |  |
| **Section 11F/ Family report** | Author, date |  |  |  |
| **Subpoenaed material** | List e.g., bank records, etc |  |  |  |
| **Assessment reports** | List, e.g., psyche assessment, drug screening, behaviour change program, etc |  |  |  |
| **ICL Views** |  |  |  |  |

# 7. List of proposed witnesses

List the witnesses you propose calling, a brief outline of the nature of evidence to be given, whether the witness has been prepared for the hearing and notified of the hearing date.

| Witness | Nature of evidence | Comments | Available? | Prepared? | Notified? |
| --- | --- | --- | --- | --- | --- |
|  | Relationship with client/child? Provide a brief outline of evidence and relevance to issues in dispute. . | e.g., evidence provided in person or via video link. Arrangements made for video link? Documents they need to bring to court? | Yes  No | Yes  No | Yes  No |
|  |  |  | Yes  No | Yes  No | Yes  No |

# 8. Supervision

The supervising lawyer has reviewed the completed case analysis plan.

Supervisor’s name:       date:

Supervisor’s name:       date:

Supervisor’s name:       date: