



Privileged and confidential

Index to Brief to Counsel

Tab number	Document	Date	Page number
1	Observations to counsel		
2	Chronology of Factual Events		
3	Chronology of Court Events ¹		
A	Court documents²		
A.1	Court documents including: <ul style="list-style-type: none"> • Statements of claim / initiating application / summons; • Defences / responses of parties; • Notices of Motion / Interlocutory Applications; • Orders • Judgments 		
A.2	Affidavits filed in the court proceedings.		
A.3	Transcripts – include any relevant transcripts from related court proceedings.		
A.4	Exhibits – include any relevant exhibits from court hearings.		
A.5	Submissions – include any submissions filed by parties in the proceedings.		
B	Corporate documents³		
B.1	Corporate documents including: ASIC company searches Business Name searches Board minutes Board resolution		
C	Facts		
C.1	Statements – relevant witness statements ⁴ .		

¹ Include this if the is, or is likely to be, litigious.

² Chronological order from oldest to most recent. Court documents may not be needed for advice work and/or if legal proceedings have not yet been commenced.

³ Include any relevant ASIC company searches, business name searches that have been completed and relate to the parties to the dispute. Also include any relevant board papers, minutes or resolutions.

⁴ Include all relevant lay statements and affidavit evidence. For large briefs, it can be useful to include the affidavits together, but the exhibits or annexures to the affidavits in a separate volume of the brief.



Tab number	Document	Date	Page number
C.2	Reports – include any lay and expert reports such as: internal reports, external reports (police, regulators etc), expert reports.		
C.3	Key documents ⁵		
C.4	Other relevant documentary evidence ⁶		
C.5	Other factual research.		
D	Law		
D.1	Legislation – include short extract from relevant legislation.		
D.2	Policy – include any relevant policy documents from government or your organisation.		
D.3	Case Law – include cases that you have identified as being directly relevant ⁷ .		
E	Correspondence⁸		

⁵ Key documents might include those documents that are central to the advice eg a contract, letter of demand, a publication, incident report or photographs. Aim to limit it to a few documents, potentially extracted from statements or affidavits.

⁶ This may include documents from any parties that are relevant but may not yet have been included in affidavit evidence. Arrange the documents in chronological order, or by reference to the party that produced the document for disclosure in chronological order. Consider including maps, photos, plans etc if they are relevant.

⁷ If including copies of cases, use authorised reported versions of the cases (eg CLR, FCR, ALD, NSWLR, VR, VLR, QdR, SASR, Tas R, WAR) or alternatively if these are not available cases recorded on Austlii (<http://www.austlii.edu.au>) or government legal sites (eg: [http:// www.caselaw.nsw.gov.au](http://www.caselaw.nsw.gov.au)).

⁸ Correspondence would include material letters and emails between the parties and their solicitors/in-house counsel teams that are relevant to dispute. For example, correspondence regarding offers of settlement, factual admissions and without prejudice communications. Arrange the documents in chronological order, from oldest to most recent.