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MANAGING FACTS: IMPORTANCE OF LIST OF DATES

1 Introduction:

From the starting gate to the finish line, assembling facts in an accessible format is the most important thing while preparing a case. The chronological description of the entire case may be called 'List of Dates'. The very act of getting the facts down in one place clarifies thinking and makes the story of the case clear. List of Dates prepared in a chronological order help ensure complete discovery. Which facts are disputed? Which still need sources that will be acceptable in court? The List of Dates prepared in a case is a communication aid and makes it easy for everyone to understand the case.

2 What are 'Facts of the Case'?

Facts are the building blocks of a case. Each fact has a field where we write what happened, or what we want to prove happened. Facts can have dates but there are facts that may not have dates like "ABCD is the General Manager, Marketing Department". The facts that do not have any date can be left undated and the said undated facts could be broken into separate facts like when ABC was designated as a General Manager, etc. The most important thing to remember about facts is that they are best when they are linked to issues, contacts, and sources and a complete sequence can be formed. When a fact is linked to other information, it gains context, it's easier to find, and its role in the case is easier to determine.

3 Importance of Chronological List of Dates:

- What's the most important step in preparing for any case? It's the creation of List of Dates in a chronological order of relevant events i.e. a document that lists, day by day and time by time, every important occurrence bearing on the interactions between parties.
- Not until one prepares a chronology, one is not likely to understand the diverse elements involved like e-mails, letters, meetings, etc.
- The List of Dates helps in looking and finding and narrowing on relevant facts and removing of irrelevant facts.

^d It helps in looking for missing facts. It will help to go behind a document and appreciate why the writer of the document wrote the document or what was the intention.

^e Each document must be read into properly e.g. if, a document refers to another document then the other document should also be there. It is like an investigation which will never be completed, until and unless all ends meet.

^f The service provider should be in position to convince the service receiver that he/she knows the facts better than the later.

^g The chronological List of Dates helps to fit events together as if they were pieces of a puzzle. It's an art to control the facts especially in case of matters that are voluminous in nature like EPC Contracts, etc. Facts should be on 'tip of the tongue'.

^h Writing is an art as it is difficult to put the thought process within four corners of a paper considering when we write the facts of any case in one place, we need to also contemplate what a third person will understand while reading it. Therefore, creation of the List of Dates is a crucial step in any case preparation.

ⁱ Once the facts are in control the law automatically flows. Facts develop and assist in evolution of law and not the other way. This is a reason why India has common law system, i.e. development of law through interpretation by Courts.

^j One must keep amplifying the List of Dates once the new facts come into light. The List of Dates should and at all times must be kept updated because the lifespan of most of the cases is long. From time to time, one may be tempted to skip preparing the List of Dates of relevant events and also updating the same, however, the same should be avoided. It is always a good practice to prepare a 'List of Dates' and doing so would benefit the lawyers in affectively preparing and handling any case.

4 Conclusion:

Properly constructed List of Dates can truly bring all the building blocks of a case into a single intuitive

interface i.e. facts, dates, times, evidence and issues all come together. Below are few points which one must keep in mind while preparing the List of Dates:

- a First step is to arrange the papers date wise chronologically
- b Properly post tick the papers
- c Papers must be punched and properly filed in sequence
- d Once the above is done, start preparing the List of Dates. While doing so one must pick relevant facts from the document because there is no use copy pasting the entire document since it will completely defeat the purpose of preparing the List of Dates
- e Have a Master List of Dates – relevant and irrelevant facts
- f From Master List of Dates make List of Dates subject wise, as per requirement.
- g Always get the comments/confirmation from the service receiver on the List of Dates, as service receiver is the creator of facts