Will Challenge Procedure

Task	Steps	Date / Initials
1. File Opening		
Initial Contact **(Clerk)**	☐ Cold calls or referrals – should be directed to cold call intake clerk for initial screening ☐Complete Intake Questionnaire - Obtain information in Parts 1 and 3 and some of Part 2 may be completed. Make notes of any extra information provided. - Enough information should be obtained to prepare a family tree. ☐Complete conflict search ☐Docket to get name into system for conflict searching – make a note of who was spoken to	
Thank you Card **(Clerk)** *Timing: Within 24 hours of initial contact*	☐To be sent to referral source, signed by a partner, whether a file is opened or not - provide the partner with information such as the name of the referring lawyer and type of matter so the partner can personalize the card	
Open File Prior to Initial Meeting **(Clerk/Assistant)**	☐Complete File Open Sheet and provide to reception to open - Partner to advise who associate is to be assigned ☐Consider whether separate file should be opened re administration, passing of accounts, etc. - these types of files and dockets should be kept separately from general/litigation file ☐When file opened, ensure it is added to assigned associate's completion report	
Retainer Letter and Retainer Agreement **(Clerk)** *Timing: before initial meeting, when possible, or within 72 hours of first meeting*	☐Send Standard Retainer Letter enclosing Standard Retainer Agreement to client **- should be sent before the initial meeting, when possible or within 72 hours of first meeting** - partner will advise how much the retainer should be	

	- See retainer letter[1], retainer agreement[2], and other resources for joint clients[3] (if applicable) - See NIL Retainer agreement[4] and joint retainer agreement[5] (if applicable) ☐If client lives out of town, the retainer letter should enclose a letter to the client and a letter to an agent to verify client identification[6] [7] [8]	
2. Initial Meeting and First Steps		
Preparing for Initial Meeting **(Clerk)**	☐Clerk to look at info received, review, flag issues and prepare a short Initial Chronology. ☐Clerk to bring partner and associate up to speed before meeting ☐Clerk to provide Associate with Client Identification forms[9] [10] to be filled out during meeting ☐If retainer agreement not yet obtained, give copy to associate to have signed during meeting ☐See resources on challenging a will[11] [12] [13] [14] [15] [16]	
Attending initial meeting **(Partner/Associate/Clerk)**	☐ Partner to attend as many meetings as possible with either clerk or associate. ☐Associate or Clerk to take extensive notes using template: Will Challenge - Initial Meeting Notes Outline - everything that is said to be written down. Even unrelated conversations should be recorded. - Clerk or associate should engage in discussion, if appropriate - Make detailed notes re any steps that partner outlines	

[1] Retainer Letter - Joint Clients
[2] Joint Retainer Agreement
[3] Direction re Instructions - Joint Clients
[4] NIL Retainer Agreement
[5] NIL Joint Retainer Agreement
[6] Retainer Letter enclosing Letter to Agent
[7] Letter to Client enclosing Letter to Agent re Client Identification
[8] Letter to Agent re Client Identification
[9] Client Identification Form - Individual
[10] Client Identification Form - Organization
[11] Will Challenges - 5 Reasons Why a Last Will and Testament May Not be Valid (used for most files)
[12] Powerpoint Litigation - Will Challenge Litigation (only used for special files – very comprehensive)
[13] Lexis Practice Advisor - Will Challenge Overview
[14] Lexis Practice Advisor Practice Notes - Grounds for Challenging a Will
[15] Lexis Practice Advisor Practice Notes - Procedure for Challenging a Will
[16] Lexis Practice Advisor Practice Notes - Limitation Periods re Will Challenge

	need to be taken and what needs to be included in the letters that will be sent and feel free to interject with any questions at this part of the interview ☐Bring business cards to meeting	
Initial Strategy Meeting **(Clerk/ Partner/Associate only if needed)** *Timing: within 24 hours of initial meeting*	☐Clerk to arrange meeting with partner and possibly associate to form global strategy and discuss staffing for the file (ie does mentor need to be consulted) ☐Clerk to scan notes from meeting and bring them and any relevant materials to meeting ☐Clerk to bring any relevant checklists (see firm database), including this one, to any strategy meetings held - checklists used should be saved in file for future reference ☐ Global strategy ☐Clerk to circulate email to associate and partner outlining global strategy and interim steps	
Important Considerations to be discussed at initial strategy meeting **(Clerk/ Partner/Associate only if necessary)**	☐Consider any Limitation Issues ☐Consider role of OCL and/or PGT ☐Initial costs analysis ☐Are there any gift-over issues ☐What level of direct contact should associate/clerk have with client ☐Consider arranging ILA counsel for friendly parties ☐Consider retaining expert (see below re retaining expert) ☐Any funeral/immediate post-death steps	
Urgent Steps and Report to Client re same **(Clerk)** *Timing: within 24 hours of initial meeting*	☐Immediate steps and cost of same to be set out at initial meeting – if client has agreed, these steps should be finalized ☐Letter sent to client setting out these steps[17] [18]	

[17] Reporting Letter re Urgent Steps - Injunctive Relief
[18] **Injunctive Relief Summary**

Serve and File Notices **(Clerk)** *Timing: within 24 hours of initial meeting*	☐Serve and file any Notices (eg; Notice of Objection[19], Notice of Change of Lawyer, etc.) necessary [20] [21] [22] - Current forms can be found online or in Infoware	
3. File Information to be Prepared		
File Summary Sheet **(Clerk to Delegate to Articling Student)** *Timing: As soon as possible*	☐File Summary Sheet to be completed as a guide re important information **- to be coordinated by clerk and delegated to articling student and then given to partner for approval** - should be used to set out live issues and does not need to include nuances of file	
Consider Corporate Issues **(Clerk to Delegate to Articling Student)**	☐Consider any possible corporate issues and complete Corporate Summary Sheet and Checklist **- to be coordinated by clerk and delegated to articling student and then given to partner for approval**	
Short Form Chronology using Casemap **(Clerk)** *Timing: Within 7 to 14 days of being retained*	☐further documents from client should gathered if required ☐Short form chronology to be prepared for file - does not need to be detailed or cross-referenced unless otherwise advised	
List of Assets **(Clerk)** *Timing: Within 7 days of being retained*	☐List of assets to be prepared	
Initial Report to Client **(Clerk with Associate/Partner assistance as needed)** *Timing: within 7 to 14 days of*	☐Initial report to client to be drafted using template[23] [24] [25] [26] [27] - set out facts, issues and law[28] - include pros and cons of matter as were discussed	

[19] Lexis Practice Advisor - Notice of Objection (Will Challenge)
[20] Lexis Practice Advisor - Notice that Objection has been Filed (Will Challenge)
[21] Lexis Practice Advisor - Notice to Objector (Will Challenge)
[22] Lexis Practice Advisor - Notice of Appearance re Notice of Objection (Will Challenge)
[23] Will Challenge - Initial Reporting Letter re Validity of Will
[24] Will Challenge - Initial Reporting Letter re Contents of Will
[25] Initial Reporting Letter re General & Miscellaneous Issues
[26] Lexis Practice Advisor - Initial Reporting Letter re Will Challenges
[27] Validity of Will Summary
[28] Article "Give Your Clients a Roadmap"

being retained	during initial client meeting and/or strategy meeting ☐Report to go to associate for review after initial draft –**Associate to complete this task within 48 hours of receipt from clerk** -clerk to follow up with associate as necessary re review ☐Report to be reviewed by mentor before being provided to partner to finalize - please mark on draft who letter was reviewed by	
Engage other side **(Partner/Associate/Clerk)** *Timing: Within 2 days of being retained*	☐Can be done by telephone, letter or email	
Commence Casemap Inputting **(Associate to categorize information)**	☐ Clerk is responsible to make sure that information is inputted and that cross-reference/categorizing is done by Associate	
Retaining an Expert **(Partner/Associate/Clerk)**	☐Consider whether expert opinion is needed - consideration should be made at least 6 months before Trial ☐Provide expert with Retainer Letter to Expert as soon as possible and clear conflicts	
4. Ongoing File Steps/Procedure		
File Review **(Clerk/Associate)** *Timing: at least every 30 days*	☐File to be reviewed as to the status – this is generally done via completion reports	
Partner Request **(Clerk/Associate)** *Timing: within 24 hours*	☐If partner asks to see someone regarding the file, they are to do so *within 24 hours*	
File Correspondence **(Clerk/Associate)**	☐Copies of all documents received and sent out to be copied to client - any questions about documents should be directed to partner ☐Incoming Correspondence Procedure to be adhered to - re: lines to be descriptive of contents and/or attachment being forwarded	

	-only partner and associate should be cc'd – all other staff members to be bcc'd	
Regular contact with client **(Clerk)** *Timing: as needed and at least every 30 days*	☐Emails and telephone calls must be responded to *within 24 hours* ☐status reports to be provided to client at least *every 30 days* - can be provided by letter, email or telephone call and can be prepared by clerk unless complex issue - make sure copies of email or memo detailing telephone call are put in the file	
Confirming letters **(Clerk)** *Timing: within 48 hours of instructions being confirmed*	☐When instructions received from client, confirming letter to be sent to client - these special "one off" letters need to be sent to the client anytime specific instructions are sought by associate or partner and they must confirm the discussion and exact instructions or any risk of litigation (such as an adverse costs award) **- Associates must ensure clerk is notified when instructions are sought and received**	
Face to Face Meetings with Clients **(Clerk/Associate/Partner)** *Timing: at least every 2 months*	☐Can be in form of phone call - to be set up with partner, associate and clients ☐File update and summary sheet to be provided to partner day before call or meeting ☐Extensive notes to be taken at meetings ☐As noted above, letter confirming any instructions must be sent to the client *within 48 hours*	
5. Accounts/Docketing		
Dockets for Meetings **(Associate/Clerk)**	☐Associate/Clerk to always docket time for partner when working/meeting with them ☐Associates not to docket to any files designated as watching briefs unless asked to become involved ☐Ensure LawPro requirements are followed for Lawpro accounts - Lawpro files have different procedures with respect to correspondence and accounts	

Billing Procedure **(Clerk/Assistant/Partner/ Associate)**	☐Partner will advise which files are to be billed from your weekly completion reports - they will indicate in the "Bill File" column if they wants the file to be billed ☐Once the completion report is returned, clerk will advise which pre-bills need to be printed ☐Pre-bills will be given to responsible associate and the associate will ***within 24 hours*****,** review the dockets for spelling and grammatical errors, matching dockets, correct names, etc. The pre-bill will be given to the associate's assistant to make any necessary changes ☐ clerk to follow up with associates to ensure this timeline is strictly adhered to ☐Once partner has reviewed the pre-bill, they will approve the pre-bill and/or indicate any special instructions to be noted in PC Law by clerk (ie; hold billing, courtesy reductions, etc.) ☐Once billing is approved, clerk will create a final bill, along with a cover letter and give it to partner for signature. Assistant will then send it out. ☐A "marked up" pre-bill will be saved in document system ☐No file will be billed more than once in a 30 day period regardless of the WIP amount ☐If an associate wishes a file billed at any other time (such as final billing), please email partner to initiate the review process	
LawPro File Procedure **(Clerk, Assistant, Partner, Associate)**	☐Lawpro files have difference procedures[29] with respect to correspondence and accounts	
6. Application or Motion for Directions		
File Notice of Appearance (if necessary) **(Clerk)** *Timing: As soon as possible*	☐Clerk to prepare, serve and file Notice of Appearance at direction of Associate - Updated forms can be found online or in Infoware	
Prepare Application/Motion/Responding	☐Prepare Notice of Application[30 31 32]/Notice of	

[29] Lawpro File Procedures

materials **(Clerk/Associate)**	Motion[33] and have issued as necessary - to obtain date, email court to obtain dates then send in Request Form – updated forms can be found online or in Infoware - consult the following resources[34] [35] ☐Prepare supporting Affidavit and have sworn ☐Compile Application Record/Motion Record, etc. (see steps below)	
Other Claims/Pleadings **(Clerk/Associate)**	☐To be prepared as necessary[36] [37] [38] [39] [40] [41] [42] [43] [44]	
Preparation of Briefs/Records **(Clerk/Assistant)**	☐Refer to relevant *Rules of Civil Procedure* for preparation of records ☐Prepare and include index at the beginning of each volume of the brief/record ☐Ensure all exhibit stamps are properly filled out and commissioned ☐Ensure that the proper parties are being served ☐Number the pages – ensure that only one page number is visible (erase any old page numbers to avoid confusion) ☐Use proper coloured backpage (refer to *Rules*) ☐Double check that all is correct before serving and filing	

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30 Will Challenge - Notice of Application for Directions
31 Lexis Practice Advisor - Notice of Application for Directions (Will Challenge)
32 Lexis Practice Advisor - Notice of Application for Directions Precedent (Will Challenge)
33 Lexis Practice Advisor - Notice of Motion for Directions (Will Challenge)
34 Ryerson LLP Outline re Drafting Pleadings in Estates Matters
35 Judgment re Will Challenge
36 Will Challenge - Statement of Claim - Solicitor's Negligence in Drafting (Lawpro Matter)
37 Will Challenge - Statement of Claim
38 Ryerson LLP - Statement of Claim re Will Challenge
39 Ryerson LLP - Statement of Defence re Will Challenge
40 Will Challenge - Statement of Defence
41 Will Challenge - Amended Statement of Claim
42 Lexis Practice Advisor - Statement of Claim Pursuant to Order for Directions (Will Challenge)
43 Lexis Practice Advisor - Statement of Submission of Rights to the Court
44 Statement of claim – Care Services

Prepare Bill of Costs **(Clerk)** *Timing: Week before hearing*	☐Prepare bill of costs prior to hearing	
Prepare Draft Order **(Clerk/Associate)** *Timing: At least seven days prior to hearing*	☐Prepare draft Order[45] [46] [47] [48] [49] [50] [51] ☐Serve with Factum seven (7 days) prior to hearing	
Prepare Factum **(Clerk/Associate)** *Timing: At least seven days prior to hearing*	☐Draft Factum unless expressly exempted by the partner ☐Review factum with partner ☐Complete and serve with draft Order seven (7) days prior to hearing	
File Confirmation Form (if we are bringing hearing) **(Clerk/Assistant)** *Timing: at least 3 days before hearing*	☐File Confirmation Form 3 days in advance of hearing - Up to date forms can be found online or in Infoware	
Obtain Order for Directions **(Clerk/Associate)**	☐Have Order issued and entered ☐Serve Order if necessary and as directed ☐Diarize deadlines set out in Order	
7. After Order for Directions obtained		
Report to client re Order for Directions **(Clerk with Associate/Partner assistance as needed)**	☐To set out steps to be taken re Order for Directions[52]	
Obtain productions **(Clerk)** *Timing: As soon as possible*	☐Review Order Giving Directions re who is to obtain productions and details re same ☐Clerk to draft and send out production request letters[53] [54] [55] [56] [57] or letters to counsel requesting copies	

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[45] Order for Directions - Will Challenge - Checklist
[46] Order For Directions Checklist
[47] Lexis Practice Advisor - Order Giving Directions Where Pleadings Directed (Will Challenge)
[48] Lexis Practice Advisor - Order Giving Directions Where Trial of Issues Directed
[49] Lexis Practice Advisor - Notice of Objection Precedent (Will Challenge)
[50] Lexis Practice Advisor - Order Giving Directions - Sample Clauses (Will Challenge)
[51] Will Challenge - General Order for Directions
[52] Will Challenge – Reporti ng Letter re Order Giving Directions

	of productions received, if necessary - make sure to copy opposing counsel and client - enclose notarial copy of Order ☐Provide payment to institutions when requested ☐Follow up if no response within a few weeks ☐Maintain a Productions Chart to track production requests made and productions received ☐Ensure all productions received are copied to the client and correct parties	
Review of Records obtained **(Clerk)**	☐Check with partner to see if review is necessary of any medical records received ☐OHIP summaries to be reviewed to ensure no further productions requests necessary ☐Associate to review productions received	
Expert Opinion **(Clerk)**	☐Provide retained expert with relevant documents in hard copy, in an indexed and tabbed brief[58] [59](see below for proper procedure) ☐Prepare and include an index at the beginning of each volume of the brief/record ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion ☐**Ensure any expert reports are served as per *Rules* (90 days before Pre-Trial)** To obtain relevant articles the expert has written/relevant file records	
Send Reporting letter to client re Affidavit of Documents **(Clerk with**	☐ Include procedure, productions, explanation etc. [60] [61]	

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[53] Production Request Letter - Medical Records
[54] Production Request Letter - Financial Institution
[55] Third Party Request for Personal Claims History Information
[56] Production Request Letter - OHIP
[57] Production Request Letter - solicitor records
[58] Will Challenge - Detailed Expert Letter enclosing Documents (Williamson)
[59] Will Challenge - Detailed Expert Letter (Cousins)
[60] Will Challenge - Reporting Letter re Affidavit of Documents
[61] Affidavit of Document Summary

Associate/Partner assistance as needed)		
Prepare Affidavit of Documents with Casemap **(Clerk)**	☐Prepare as necessary or as set out in Order Giving Directions [62] [63] ☐Refer to relevant *Rules of Civil Procedure* ☐Prepare and include an index at the beginning of each volume of the brief/record ☐Ensure that the proper parties are being served ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion ☐Use proper colour backpage (refer to *Rules*) ☐Double check that all is correct before serving (or filing)	
8. Mediation		
Set down date/mediator **(Clerk)**	☐Set down date as per Order Giving Directions or as agreed between parties [64] [65] [66] [67] [68] [69] [70]	
Speak to mentor to discuss what is needed **(Associate)** *Timing: At least 2 months before mediation*	☐Associate to discuss matter with mentor and determine what is needed to prepare for the mediation	
Send Reporting letter to client re what to expect in mediation **(Clerk with Associate/Partner assistance as needed)**	☐To include process, timelines, etc. [71] [72]	
Prepare Mediation Brief **(Clerk/Associate)**	☐Clerk to prepare first draft for associate review [73] [74] [75] [76]	

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[62] How to Prepare an Affidavit of Documents
[63] Will Challenge - Affidavit of Documents (Williamson)
[64] Mediation Checklist for Trusts and Estates or SLRA Matters (Clare Burns)
[65] Lexis Practice Advisor - Mediation Checklist
[66] Lexis Practice Advisor - Mandatory Mediation Overview
[67] Lexis Practice Advisor Practice Note - Mandatory Mediation
[68] Lexis Practice Advisor - Request for Assignment of Mediator (Mandatory Mediation)
[69] Lexis Practice Advisor - Notice by Mediator (Mandatory Mediation)
[70] Lexis Practice Advisor - Certificate of Non-Compliance (Mandatory Mediation)
[71] Will Challenge - Reporting Letter re Mediation
[72] Mediation Summary
[73] Will Challenge Mediation Brief

	☐ Include all offers to settle exchanged in brief ☐Ensure any amounts owing to prior or referring lawyer are included ☐Prepare and include an index at the beginning of each volume of the brief/record ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion ☐Double check that all is correct before delivering	
Draft Minutes of Settlement and Release **(Clerk/Associate)** *Timing: 2 weeks before mediation date*	☐To be provided to Partner at least two weeks before mediation date [77] [78] ☐Ensure any amounts owing to prior or referring lawyer are included ☐Refer to Minutes of Settlement Checklist	
Excel Spreadsheet **(Clerk)** *Timing: 2 weeks before mediation date*	☐ To be provided to partner at least two weeks before the mediation date[79]	
Memo to partner re how to settle case **(Associate)** *Timing: 2 weeks before mediation date*	☐To be prepared by associate and provided to partner 2 weeks before mediation	
Prep meeting with partner **(Partner/Associate/Clerk)** *Timing: at least 2 weeks before mediation*	☐To be scheduled at least 2 weeks before mediation	
Prep meeting with client **(Clerk/Associate)**	☐Prep meeting with client to be scheduled prior to or the morning of mediation	
Mediation Day **(Clerk/Associate)**	☐Bring projector and laptop to mediation - check equipment to ensure it is in working order	

[74] Blank Mediation Brief
[75] Lexis Practice Advisor - Statement of Issues (Mandatory Mediation)
[76] Lexis Practice Advisor - Mediation Brief Precedent
[77] Will Challenge - Minutes of Settlement
[78] Full and Final Mutual Release
[79] Sample Mediation Spreadsheet

	☐Bring calculator ☐Bring copies of any Orders ☐Bring big sticky note sheets and markers for demonstration purposes ☐Get total fees outstanding from other agents and counsel as well as our own	
Send Reporting letter to client re Mediation Report **(Clerk with Associate/Partner assistance as needed)**	☐See hyperlink for details [80]	
9. Settlement		
Settlement Administration **(Clerk/Associate)**	☐Ensure administration steps with respect to settlement are completed ☐Have agreement signed ☐Prepare any motion materials/obtain judgment necessary re court approval of settlement[81] [82] [83] [84] [85] ☐Diarize deadlines and steps as set out in settlement documents and ensure they are completed	
10. Post-Mediation		
Report to client **(Associate)** *Timing: Within a week after mediation*	☐Clerk to ensure that associate who attended mediation prepares draft reporting letter to client re what happened generally at the mediation and next steps	
11. Examinations		
Set down date/location **(Clerk)**	☐Schedule as set out in Order Giving Directions or as agreed among parties	
Prepare and serve Notice(s) of Examination **(Clerk)**	☐To be sent out in a timely manner	
Report to client re next steps **(Clerk with**	☐To include what to expect, timelines, process, etc.[86] [87]	

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[80] Will Challenge – Reporting Letter re Mediation Report
[81] Will Challenge - Notice of Motion for Approval of Settlement
[82] Motion for Approval of Settlement - Factum
[83] Will Challenge - Order Approving Settlement
[84] Lexis Practice Advisor - Notice of Settlement (Will Challenge)
[85] Lexis Practice Advisor - Rejection of Settlement (Will Challenge)

Associate/Partner assistance as needed)		
Schedule prep meeting **(Clerk)** *Timing: As soon as Examinations scheduled*	☐To be scheduled with partner, associate, clerk as soon as examinations scheduled to discuss and plan steps below ☐Multiple prep meetings may be necessary	
Prepare Pleadings Brief with Casemap **(Clerk)** *Timing: As soon as possible before examinations*	☐To include pleadings exchanged over course of matter ☐Prepare and include an index at the beginning of each volume of the brief ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion	
Prepare Wills & POAs Brief with Casemap **(Clerk)**	☐To include testamentary documents ☐Prepare and include an index at the beginning of each volume of the brief ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion	
Prepare detailed, cross-referenced chronology with Casemap **(Clerk)** *Timing: As early as possible before examinations*	☐Prepare chronology of events[88] ☐Review handwritten notes in file and add to chronology ☐Cross-reference facts to documents/briefs, etc. where noted ☐Include hyperlinks to the relevant documents	
Prepare updated financial statement **(Clerk)** *Timing: As early as possible before examinations*	☐To be prepared if necessary	
Prepare list of questions **(Associate/Clerk/Partner)**	☐Refer to Checklist re Examination Questions and Sample Examination Questions	

[86] Will Challenge - Reporting Letter re examinations
[87] Examinations Summary
[88] Sample Casemap Chronology (Birtzu)

Schedule prep meeting with client **(Clerk/Assistant)** *Timing: Prior to examinations*	☐Meeting(s) or call(s) to be scheduled with client and partner and/or associate to prepare for examinations	
12. Post Examinations		
Obtain Transcripts **(Clerk)**	☐Ensure that, if necessary, transcripts have been ordered	
Review Transcripts and Compile list of Undertakings and Refusals **(Clerk)**	☐Review transcripts and compile list of undertakings and refusals for all parties examined, including our client[89] ☐Send to our client, if necessary, to answer ☐Send to opposing parties, if necessary, to answer	
Report to client re outcome of examinations **(Clerk with Associate/Partner assistance as needed)**	☐To set out outcome of examinations including a review of evidence and undertakings and refusals	
Deal with any outstanding undertakings **(Clerk)**	☐If necessary, chase answers to the undertakings from opposing counsel and our client(s)	
Prepare Request to Admit with Casemap **(Clerk)** *Timing: As early as possible*	☐Supplementary Requests to Admit may be necessary ☐Refer to relevant *Rules of Civil Procedure* for preparation of records ☐Prepare and include an index at the beginning of each volume of the record ☐Ensure that the proper parties are being served ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion ☐Use proper colour backpage (refer to *Rules*) ☐Double check all is correct before serving and filing	
Obtain Reply to Request to Admit **(Clerk)**	☐Response must be served with 20 days after receipt of Request to Admit (refer to *Rules*)	
Prepare Evidence Act Notice(s) **(Clerk)**	☐Refer to relevant *Rules of Civil Procedure* for preparation of records	

[89] Undertakings Chart

Timing: Due 7 days before Trial	☐Ensure that the proper parties are being served ☐Use proper colour backpage (refer to *Rules*) ☐Double check all is correct before serving and filing	
Summarize transcripts **(Clerk)**	☐Transcript Summary to be completed after discoveries or during trial preparation	
Trial Strategy Meeting **(Clerk, Partner, Associate)** *Timing: After discoveries completed*	☐Associate to map out strategy for Trial and meet with partner for discussion	
13. Pre-Trial and Trial		
Reporting letter to client re next steps **(Clerk with Associate/Partner assistance as needed)**	☐To include process, next steps re pre-trial and trial, timelines, etc.[90] [91]	
Determine Procedure for setting down Trial **(Clerk)**	☐If Trial is held outside of Toronto, the court should be contacted in order to determine their procedures for setting down ☐If Trial dates have been scheduled by court order, ensure that procedure is in place to have Pre-Trial scheduled	
Schedule strategy/prep meeting **(Clerk/Associate/Partner)** *Timing: As soon as Trial scheduled*	☐Prep meeting to be scheduled with partner, associate and clerk to discuss plan and steps below[92] ☐Multiple meetings may be necessary ☐The Great Library's Consultation Room and Library Board Room are available to Law Society licensees who need a quiet and private space for client consultation or trial preparation. To reserve either room, email refstaff@lsuc.on.ca and provide your name and Law Society member number, the date, start and end time of your reservation, as well as the purpose for booking the room (client meeting, trial preparation, mediation, etc.).	
Obtain Original Documents **(Clerk)**	☐Ensure that all original documents are obtained well before the trial	

[90] Will Challenge - Reporting Letter re Pre-Trial and Trial
[91] Pre-Trial and Trial Summary
[92] E-Trial Checklist

Timing: As soon as possible	☐Make sure we have copies of all orders	
Prepare Trial Record **(Clerk)**	☐To be prepared as a per *Rules* or as ordered ☐Refer to relevant *Rules of Civil Procedure* for preparation of records ☐Prepare and include an index at the beginning of each volume of the record ☐Ensure that the proper parties are being served ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion ☐Use proper colour backpage (refer to *Rules*) ☐Double check all is correct before serving and filing	
Prepare Pre-Trial Memorandum **(Clerk, Associate)** *Timing: must be served and filed at least 5 days before Pre-trial*	☐Refer to relevant *Rules of Civil Procedure* for preparation of records ☐Consult the following [93] [94] ☐Prepare and include an index at the beginning of each volume of the record ☐Ensure that the proper parties are being served ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion ☐Use proper colour backpage (refer to *Rules*) ☐Double check all is correct before serving and filing	
Pre-Trial Conference Form **(Clerk)** *Timing: Due at least 5 days before pre-trial*	☐Refer to Toronto Practice Direction re form ☐Must be served and filed by each party - Note: Other courts may require something similar	
Confirm with Court that Pre-Trial is Proceeding **(Clerk)** *Timing: A week before Pre-trial*	☐ Clerk to email the court a week before pre-trial to confirm that it will be proceeding on the scheduled date	

[93] Will Challenge - Pre-Trial (Brief) Memorandum (Williamson)
[94] Will Challenge - Pre-Trial Brief (Cousins)

Compile Witness List with Casemap **(Clerk/Associate)**	☐Obtain evidence/will-say statements as necessary ☐Consult sample Letter to Client re Witnesses and use Witness Will-Say Chart	
Managing the Witness **(Clerk/Associate)**	☐Create and maintain Witness Availability Chart ☐Follow them from start to finish ☐Organize to get to Court (summons if needed – see below) ☐Daily follow up and make sure they are in the witness box!	
Obtain summons/subpoenas **(Clerk/Associate)**	☐Refer to *Rules* re preparation and service	
Research **(Associate)**	☐Search firm research databases carefully and print relevant pages from them	
Prepare Trial Factum/Written Submissions on Law **(Partner/ Associate)** *Timing: to be prepared as early as possible*	☐Refer to relevant *Rules of Civil Procedure* for preparation of records ☐Prepare and include an index at the beginning of each volume of the record ☐Ensure that the proper parties are being served ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion ☐Use proper colour backpage (refer to *Rules*) ☐Double check all is correct before serving and filing	
Prepare Core Documents Brief with Casemap **(Clerk)** *Timing: as early as possible*	☐Prepare and include an index at the beginning of each volume of the record ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion	
Update Affidavit of Documents with Casemap **(Clerk)** *Timing: As early as possible and as necessary*	☐Prepare as necessary or as set out in Order Giving Directions ☐Refer to relevant *Rules of Civil Procedure* ☐Prepare and include an index at the beginning of each volume of the brief/record	

	☐Ensure that the proper parties are being served ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion ☐Use proper colour backpage (refer to *Rules*) ☐Double check that all is correct before serving (or filing)	
Prepare Joint Exhibits Brief **(Clerk)** *Timing: to be prepared as early as possible*	☐Refer to relevant *Rules of Civil Procedure* ☐Prepare and include an index at the beginning of each volume of the brief/record ☐Index to be circulated to counsel before finalizing ☐Ensure that the proper parties are being served ☐Number the pages – ensure that only one page number is visible – erase any old page numbers to avoid confusion ☐Use proper colour backpage (refer to *Rules*) ☐Double check that all is correct before serving (or filing)	
Prepare Trial binder with Casemap **(Clerk/Associate/Partner)** *Timing: to be prepared at least 2 months before trial*	☐Speak to partner about what is entailed for binder	
Settlement discussions/last minute settlement offers **(Associate)**	☐Partner/associate to determine whether offer needs to be sent	
Examination in Chief Questions **(Partner/Associate)** *Timing: A few weeks before trial*	☐To be discussed with partner	
Costs **(Clerk)**	☐Costs to be determined ☐Bill of costs to be prepared	
Book "War Room" **(Clerk)**	☐TLA "war room: to be booked at courthouse for trial	

Timing: One week before trial	prep ☐Arrange for materials to be delivered to courthouse	
During Trial **(Articling Student/Associate)**	☐When in Court taking notes be sure to always note the trial start and end times of that day ☐Ensure that dockets are entered **daily** ☐Consider if we need to get process organized for same day transcripts	
Reporting letter to client re status and next steps **(Clerk with Associate/Partner assistance as needed)**	☐To include overview of what happened, next steps, etc.	
Obtain Judgement	☐Consult Draft Judgment – Wills Challenge	
14. Appeal		
15. File Closing *Timing: within 3 days of receiving instructions to close*		
Print pre-bill **(Assistant)**	☐ Associate to review pre-bill and between associate and assistant, they are to determine whether a final account is needed, what needs to be done with any funds in trust and whether any A/R should be written off or chased ☐ Pre-bill then to be given to partner with above instructions noted clearly for him to approve – if it is to be written off and closed, please write "write off and close?" on pre-bill for Ian's approval	
Review of hard file **(Assistant/Associate)**	☐ Hard copy of file reviewed and purged by associate. Originals to be set aside to send back to client.	
Check safe **(Assistant)**	☐ Check safe for any original documents held there	
Scan Documents and Shred File **(Assistant)**	☐ Check remaining documents and ensure scanned into online system then shred file	
Closing Letter **(Assistant)**	☐ Closing letter sent to client – enclose any original documents and final account (if one being sent) –please ensure that any courier charge is manually entered and captured on the final account [95] [96]	
Close in PC Law/DMS	☐ Give marked up pre-bill to assistant, who will close the file or, if we are waiting for payment, will deactivate	

[95] File Closing letter (with enclosures)
[96] File Closing Letter (without enclosures)

(Assistant)	it in PC Law so no more dockets can be posted	
Send thank you card **(Assistant)**	☐ Send thank you card to referring lawyer from the partner with a gift - Please provide partner with some brief details of the file (perhaps the last few items in the file) as well as an addressed envelope along with the thank you card.	
Remove from completion report **(Assistant)**	☐ Remove from Associates' completion report once paid – move to "Files Closed/Deactivated But Still Owing Money" section if we are still waiting for payment	
Note PC Law **(Assistant)**	☐ Note in PC Law that the above steps have been taken	