

A Chronology – The *Whys* and *How*s

Why a chronology?

With each brief, we run the same race: How do we advise the client in good time?

But the advice is (usually) preceded by five steps. These are:

- Firstly, determining the key facts that make-up the dispute. This is because only once we know how the client was entangled, do we have any hope of getting her untangled.
- Secondly, looking up the law in broad-brush strokes. This is to get an idea of the legal topography we're in. Here we try to get a feel for the law.
- Thirdly, mapping out the facts in detail. We do this because we know that most disputes turn on minute facts. Therefore, understanding the key facts alone is insufficient. We also know that no amount of law can save us if we've not appreciated the facts in all its technicolour.
- Fourthly, delving into the nooks and crannies of the law. We do this to figure out how the law fits around this (heighted) appreciation of the facts. This re-reading of the law builds on the earlier broad-brush position. But goes further to nail-down the exact pieces of law that we will rely on.
- Lastly, thinking about the case. Here we see the wood for the trees. We strategise, structure arguments, and brainstorm on what winning might look like for the client.

And only then we advise the client.

But because the facts is the foundation of the advice, how do we get to the bottom of it?

How to sort the facts?

The only tool I use to sort facts is a chronology. This means:

- Placing every document in a table describing the document; and,
- Where possible, explaining the relationship of documents to each other.

But two further points are worth making: (i) the mindset when drawing up the table; and (ii) the end-goal of the table.

The Mindset

The right mindset is key to preparing a chronology.

The mindset I try to adopt is that of a sceptical observer. Which means that I study every document to test for coherence, authenticity, and its fit in the narrative. In other words, I am continuously testing the facts to see if they collapse under scrutiny.

This should help me say:

- Catch cheques issued on 30 February, letters dated 24 March but received on 23 March, and payment receipts of RM4,000 for remittance advices of RM5,000;
- Ask the client for documents (purportedly) attached to emails, WhatsApp messages mentioned in correspondence, and the minutes of meetings attended, etc.

The mindset I hope to avoid is that of a [nodding](#) dog. Which means that I don't assume that the client is always in the right, or that the client's explanation of events is the only one, or even a plausible one.

All this is done to map as complete a picture as possible of the facts in the dispute.

The Chronological Table

My preferred format for the table (in a landscape layout) is as follows:

<u>No.</u>	<u>Dates</u>	<u>Documents</u>	<u>Page Number in the Common Bundle of Documents</u> (Page Number/ Volume Number)	<u>Remarks</u>
1.	23 March 2024	Invoice No. 0005 for the sum of RM546.00.	Pg 8, CBOD 1.	Where is the receipt for this invoice?

2.	25 March 2024	Purchase Order No. 889 for 14 bags of rice.	Pg 11, CBOD 2.	See delivery evidenced by Item No. 3.
3.	26 March 2024	Delivery Note No. 6665 for 14 bags of rice.	Pg 22, CBOD 3.	Issued following Item No. 2.

If I am pressed for time, I fill in the table so that it is good-enough to be a working document for the client and I to populate. In the *Remarks* column, we can highlight gaps that need to be filled in.

But where possible, I polish it up so that it can be annexed to written submissions to flesh out the facts. The table can then be used to explain the Plaintiff's or Defendant's version of events. Or better yet, used as a chronology agreed by both parties.