



Guideline 12: Understanding risk – whether it is physical, mental, reputational, financial, or legal – is important in ensuring the success and longevity of strategic litigation, as well as the health and wellbeing of the legal team and your client.

Expert tips: The importance of temperature checks and re-calibration

As a team, discuss the importance of checking in, assessing fatigue, reflecting on whether goals have changed, or if the needs or wants of the client have changed. Equally, consider the timing of these check-ins; should they be at the big moments (big court dates, big deliverables), or should they be in between the big moments? It is also worth assessing how frequent they should be.

Case management: Protecting privacy in the cloud

Strategic litigation often takes a long time. Good case management and record-keeping systems are important for ensuring continuity in the event of teams changing, members of the team moving on, and new members joining. Beyond that, the importance of protecting the confidentiality and legal professional privilege cannot be gainsaid. File audits, and back-ups every quarter are a sensible practice. The development of systems for the retention of documents, as well as protocols for the management of sensitive information, are further useful practices that should be adopted and adhered to.

In addition to ordinary file management protocols working on a case collaboratively often requires extensive document sharing and communications. Cloud technologies can provide workable solutions to these challenges, but they are not without risk. Both state and private-sector actors increasingly use surveillance technologies as a tool, and strategic litigation teams may seek to protect their work by implementing security systems and using privacy-friendly technologies on a case-by-case basis depending on the nature of the potential threats they face. While strategic litigators should consult digital security experts before implementing a new system, the following software may be useful to consider and test: