



First, the evidence that you need at an earlier stage is often procured by taking statements and preparing affidavits. Collating and storing evidence can be a time-consuming process. Allowing time for the collection of facts and evidence is an important component of the time management of a case. Working through the following questions may assist in focusing your evidence collection, and alleviating unnecessary steps:

1. What do you already know?
2. What do you need to know to make your argument stronger?
3. Where are you going to get it, and how?
4. Who can support the evidence gathering process, would law clinics or pro bono partners be able to assist?
5. Can you proceed without some of the evidence at this stage?
6. With limited evidence, can you still succeed by relying on your opposition's evidence and proceed by way of a motion as opposed to a trial?

Guideline 25: Evidence of a rights infringement is a vital element in strengthening your litigation and proving your claim. Factor in time to get the evidence you need, and seek support to collect, collate, and present the evidence.

Second, there is often scope for further evidence to be obtained in the build-up to litigation, or during different stages of litigation. Some forms of evidence collection, and the timing of it, can be a strategic consideration in and of itself. Access to information requests is a good example of this.