

## Strategy and Tactics Checklist

The Lean Law Program will not prescribe the correct strategy or tactics. That is for the lawyer to determine. But this tool suggests how to approach developing strategies.

### Checklist:

- As always, gather in your planning work so far.
  - Gather Intel on the important players.
  - Consider your own side's strengths and weaknesses.
  - Review this gathered information as a whole.
  - Review the Lean Law Strategy infographics.
  - Arrange strategy and tactics summit, and ensure the right people attend and everyone prepares.
  - Reach conclusions about suitable Internal and External Strategies.
  - Determine the tactical steps to implement these strategies.
  - Document the discussion and the decisions.
  - Report to the client.
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### Lean Routine:

1. Have you gathered in and reviewed all of the key factors and findings from the project so far?  
These will include:
  - a. The client's goals, deadlines, and budget expectations
  - b. Your project planning work, including resources, budgeting, and your investigation
  - c. Any thoughts or conversations that you have previously had, internally or with the client, about strategy or tactics
2. Have you done an appropriate level of due diligence [gathered Intel] on the outside factors that might influence success, such as:
  - a. Opposing parties, their perceived status, needs, ambitions, and drivers
  - b. Opposing counsel, their skill sets, client-type, and reputation
  - c. The operating environment, be it a court or transactional situation
  - d. Any other important factors, such as an assessment of your own and the opponent's advisers or witnesses
3. Have you thought about the strengths and weaknesses of your team and your situation?
4. Have you reviewed gathered Intel in the context of your project knowledge and your plan? Does it suggest any new potential scenarios to consider?

5. In this light, have you started to consider what strategic approach is likely to be most effective? To stimulate this discussion or thought process, have you downloaded or printed the two Lean Law Strategy infographics?
  - a. Internal vs. External Strategies
  - b. External Strategy Storeroom
6. Have you set aside a time specifically to consider strategy and then tactics? Have you invited your core team and ensured that they have considered the issues and come prepared? Have you planned and prepared for this? Have you decided on the best format for this, such as
  - a. Structured discussion
  - b. 'Greenhousing' (see [BRINGING NEW IDEAS AND APPROACHES TO THE TABLE](#))
7. At the meeting, did you consider a variety of possible strategies? In each case, have you examined the possible opportunities and potential risks? Did you reach a consensus on Internal and External Strategies for the project? Have you considered the rationale for these strategies in the context of client goals and project plan? Are you as sure as you can be that these strategies will be appropriate, effective, rational, justifiable, and sustainable.
8. Moving on to tactics, have you mapped out the specific tactical steps and actions that you will need to implement these strategies? Have you verified that every intended tactical step is lawful and ethical? Have you weighed up the potential benefits against the potential for the tactics to backfire, and any other possible unintended consequences?
9. Have you documented this work, shared it with relevant team members, and saved it to the project file?
10. Have you reported the results of this exercise to the client?