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# CIVIL LITIGATION AND THE INTELLIGENCE CYCLE

by Michael O'Rourke

Civil litigation is fraught with uncertainty, no matter the strength of your case. How much does your legal team know about the opposition? Understanding your adversaries on a deeper level is critical to a successful outcome. Adversarial scrutiny is not about how much information one can collect; organising and analysing this information is the key.

Information is raw data, and the volume can overwhelm even a well-staffed and financed law firm. Frankly, much information is entirely useless, and too often, this is only learned after expending precious time and money. A proven and systematic approach is required to learn as much as possible about your opposition.

Think, if you will, of your legal case as a war. Your attorneys are battlefield generals conducting tactical and strategic legal operations on your behalf. Carrying the military analogy forward, the opposing party is the enemy, and your commanders must know as much about the enemy as possible to conduct successful operations. One military expression has proven valid over the decades: Intelligence drives operations.

Intelligence and information are not interchangeable terms. Dropping one hundred pages of raw information on your lead attorney's desk is next to useless, but it might take days or weeks to reach that conclusion. Imagine the value added if a team of professional intelligence analysts first sifted all the data and extracted only that which painted a clearer enemy picture to advance your case.

Called the Intelligence Cycle, five parts create the whole. Perfected by the American Special Operations and Intelligence communities, it has hastened the downfall of international drug lords, global terrorists, and rogue world leaders. My firm adapts the Intelligence Cycle to support civil litigation. Let's examine each component.

Preparation is the input of client needs and requirements. Simply put, we must understand your questions before we can provide answers.

Collection feeds information into the Cycle from as many relevant sources as possible. This is the raw data. Multiple open-source intelligence, or OSINT, tools are used, including those that can access the deep and dark webs.

Processing organises the data for analysis. More complex than it sounds, the Cycle is set up for success here. In addition to program management software and other technical tools, the steady hand of a Senior Intelligence Analyst is critical.

Analysis and Production interpret collected information to identify patterns, establish timelines, draw conclusions, recommend next steps, and assemble reports, graphics, and exhibits the client can understand and use in preparing for court. Here lie the meat and potatoes of the Intelligence Cycle, proving the requirement for experienced professional intelligence analysts.

Dissemination is the delivery of Analysis and Production to your legal team. Analysts work closely with the attorneys to ensure the products fulfil the requirements established in the Preparation phase. Product delivery places the finished intelligence into your hands, and the analysts should be there in person, not thousands of miles away, to go over every detail.

A recent case for which my firm, Advanced Operational Concepts, was retained illustrates the process. Our client was the plaintiff in ongoing civil litigation when we arrived. The defendants were individuals and business entities with confusing and hidden associations. Plaintiff attorneys had filed a complaint naming specific defendants. However, the plaintiff's legal team lacked a detailed view of their opposition and was convinced others were yet to be named.

We inserted a team into the client's city, and they got to work on the Intelligence Cycle. In-depth, in-person consultation with the client and lead attorney established their priorities and opposition questions, called intelligence gaps, requiring answers, setting the stage for the Collection phase. Our Senior Intelligence Analyst assigned targets to the analytical team. Team specialities included deep background collection and developing custom computer programs to scrape the internet and the deep and dark web for raw information. Large amounts of data were assembled on known individuals and entities involved in the case through public and proprietary sources.

Automation made data processing less daunting, saving hundreds of hours. The law firm lacked this capability, and the lead attorney later said a heavy burden was lifted from office staff.

The analysis discovered a pattern of alleged corrupt activity spanning several years. A dozen new names were uncovered, and these individuals were added as defendants in updated complaints filed with the court. Possible corruption among local authorities was revealed, paving the way for attorneys to seek a change of venue away from a hostile jurisdiction. The combined weight of the intelligence prompted the lead attorney to consult with the FBI concerning a potential criminal Racketeer Influenced and Corrupt Organizations, or RICO, investigation.

Detailed visual timelines were produced, allowing counsel to prepare exhibits for trial. Production also included detailed reports explaining the relationships between separate defendant entities, how they worked together to harm our client, and their improper relationships with government officials.

With the Intelligence Cycle in motion, dissemination of weekly Intelligence Summaries and Situation Reports kept the client and their attorneys apprised of our progress. Finished products were delivered upon completion, and our team provided detailed briefings on each product. The Cycle continued turning as the summaries and other products revealed intelligence gaps in the plaintiff's case.

As this issue of Family Office Magazine goes to press, the final chapter remains unwritten. Though our role has concluded, the client's legal team is better armed to carry this case towards a successful outcome. The power brought to bear by professional analysts and investigators arriving with years and sometimes decades of intelligence community and military special operations experience should not be underestimated. Bringing such a team to your location places the power at your fingertips.

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