

Given that we are in the business of law, it may come as a surprise to discover that one of the main objectives of our dispute resolution department is to avoid litigation wherever possible by helping our clients resolve commercial disputes in a cost effective and swift manner.

We are very conscious that the time our clients spend focussing on disputes is valuable time diverted from the more productive areas of running their business. What's more, given that a dispute can often turn personal, it is even more important that we take a strategic approach to managing the issues by ensuring all possible options to resolution are explored at the outset before costs become prohibitive.

The court process can be unpredictable and no matter how strong the case may be it does not necessarily lead to a successful outcome in court. We always remind our clients that we are dealing with a Court of Law not Justice, and as both sides cannot be right there should always be scope for reaching a sensible compromise.

In these difficult economic times we are increasingly encountering disputes regarding unpaid invoices for work rendered or products supplied. Often both parties are owed substantial sums by the other and each party seeks to identify performance issues to avoid or delay payment.

Our approach to resolving these types of disputes centres on providing clear commercial advice on our client's legal position and robustly defending spurious allegations made by the debtor. We are able to very quickly expose the weaknesses of our opponent's allegations by tactically volunteering evidence to substantiate our client's claim. The key is not to hold back, but to "lay your cards on the table" and persuade your opponent as early as possible of the strength of your position. This then provides you with the platform to negotiate a commercial settlement.

It is all too easy to become entrenched in a position or matter of principle and lose sight of the commercial relationship with the other business. This often leads to one or both parties issuing legal proceedings and once litigation commences most lawyers follow the process and commercial compromise becomes more difficult as legal costs escalate.

By taking a refreshingly different approach we are able to review our client's position at every opportunity with the sole aim of ascertaining how we can extract our client from an expensive dispute, whilst agreeing terms which are acceptable to the business.

We would rather our client pay a small sum of money to his opponent to extinguish the risk and time associated with a dispute than our client incur that sum in legal fees with us.

For this reason we offer all our client's a free initial appraisal of their dispute with a view to agreeing a resolution strategy. Where we believe we can add value we will provide a cost estimate for the implementation of our services and once appointed we provide costs estimates and agree budgets for each stage of the process so clients are always in control of their exposure.

We have extensive experience of alternative forms of dispute resolution including arbitration and mediation. If you would like further information, please contact Harminder Sandhu at Hawkins Hatton, Tel: 01384 216840