

## Entrenched in your dispute? 5 things to consider when deciding what to do next



It is not uncommon for businesses and individuals to be threatened with, or have to threaten legal proceedings, as a result of an unresolved dispute. The reality of litigation, whether you are a business or individual, is that it is stressful, expensive and extremely time consuming. A solicitor can support you through this process and the tips below highlight several factors for you to consider if your dispute is escalating.

### 5 things to consider if your dispute is escalating

1. Each party to a dispute has to provide access to relevant documents, including ones that do not support their case, to the other party. The obligation to preserve relevant documents arises when the dispute does. You will need to retain relevant documents and should not acquire additional documents from third parties without seeking advice first.
2. The Court will determine the timetable for each stage of a court process, with input from the parties. This results in the timing of the process being largely outside of the parties control. The Court takes breaches of its timetable without good reason seriously and if you think you cannot follow the timetable, you should seek advice as soon as possible.
3. The court rules impose an overriding objective on parties to proceedings to act in a way that enables the court to deal with cases justly and at proportionate cost. This means, when determining costs at the end of a court process, the court will only award the winning party the sum of costs it deems to be proportionate in the circumstances.
4. The costs you incur are not only determined by the fees charged by your legal team, but also the conduct of your opponent and the length of time the process takes. These two factors are outside of your control,



making legal spend very difficult to predict and manage.

5. Settlement, even if it involves a compromise on your part, is likely to be less expensive, quicker and provide more certainty than a court process.

## How we can help

Our experience is that advice early on in a dispute can avoid litigation altogether – if you have a problem that is escalating please contact our [commercial disputes](#) team for an initial conversation.



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