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Avoiding the cost and stress of court action

Most individuals and businesses who are involved in a dispute wish to avoid the time, expense and stress involved in going to court by settling their differences before proceedings take place. For this reason, there are formal legal processes (called 'pre-action protocols') that help them do that.

The intention of the pre-action protocol system is to ensure all reasonable steps are taken to avoid the necessity for litigation.

Jon Wilby stresses that firms must follow these protocols carefully, "In a recent case, a firm of consulting engineers tried to bring a claim against a large client. The way they followed the protocol, however, was so sketchy and incomplete that not only did the case get to court, the judge took such a dim view of their actions that he ordered the firm to pay the client's costs."

Pre-action protocols exist for several different types of dispute, from defamation and personal injury to negligence and rent arrears. See www.justice.gov.uk for a full list, and an explanation of the procedures involved that include formal letters and meetings.

"It is important that the process is followed properly, so it is always helpful to have professional support in doing so," Jon continues. "It is not always easy to decide what should be included, and the insight of an independent expert can be tremendously valuable and cost-effective."

To find out how the right advice could help you settle a dispute positively, call 024 7649 3114 for an outline discussion of your situation.