

PENGILLYS

SOLICITORS • MEDIATORS

Dispute Resolution

Bridging disputes, building solutions



pengillys.co.uk

Your guide to Dispute Resolution

The experienced members of our Litigation Team deal regularly with a whole raft of litigation matters. Without being exhaustive, these include:

- Accident claims
- Disputes over land
- Financial claims
- Residential and commercial landlord and tenant issues
- Inheritance disputes
- Consumer matters and insolvency.

These matters all have their independent and intrinsic statutory provisions and various regulations. Importantly, they will be covered by the specific obligations contained in the Civil Procedure 1998 and the various specific protocols that apply.

The overriding objective

Underpinning every matter is the overriding objective arising under the Civil Procedure Rules being an obligation for participants in a dispute to assist the Court to deal with cases justly and at a proportionate cost. Everyone has a positive duty to promote this and wherever practicable the Court must progress and manage the case:-

- (a) by ensuring the parties are on an equal footing;
- (b) by saving expense;
- (c) by dealing with the case proportionately given the amount involved, the important complexity of issues and the financial position of each party;
- (d) ensuring the case is dealt with expeditiously and fairly;
- (e) by allotting only to each matter an appropriate share of the Court's resources taking into account the needs of other Court users; and
- (f) enforcing compliance with rules, protocols, practice directions and orders.

Alternative dispute resolution

In the absence of a prompt negotiated settlement, and whilst accepting there are some cases that inevitably require the involvement of the Court, it is our experience, and our preference, that matters can normally be resolved by referring to some form of **alternative dispute resolution**. The members of our Litigation Team always have this at the forefront of our minds and we have access to a range of other professionals who can assist including:-

- Mediators
- Arbitrators

- Barristers
- Other appropriate experts

Within any Court process, and the furtherance of the overriding objective, the Court expects the parties to consider **alternative dispute resolution** or, otherwise, to be prepared (with possibly costs sanction consequences) to explain why the same is not considered appropriate.

Timescales and costings

Whichever procedure is adopted, we will, at the earliest opportunity, provide you with an outline timescale of how long it is expected matters will take to resolve, provide detailed costs explanations and agree in each case how matters are to be financed.

We hope that this short guide has helped you in understanding more about Dispute Resolution We would be pleased to meet with you to discuss any questions that you may have.

Please call us on 01305 768888

We will then put you in touch with a member of our experienced Legal Disputes team.

Please visit www.pengillys.co.uk where full details of our Legal Disputes team are available.

For further details about Pengillys and how we work, please refer to our Terms of Business and Privacy Policy which are available on our website or on request as printed documents.

PENGILLYS

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We can also advise on:

Private Clients
Family and relationships
Business matters
Property