

(Dispute) Resolutions for 2022

As a litigation lawyer, you'd think I'd revel in people's problems, and be on constant look-out for arguments and accidents. But you'd be wrong! In fact, I like nothing more than quickly resolving an issue before it escalates – more dispute avoidance than dispute resolution.

With commercial, financial and personal pressures, life's difficult enough without having to go through the stress and anxiety of court proceedings or arbitrations. So in the spirit of Christmas and the New Year, here are ten useful “*dispute resolutions*” to ensure a positive and productive 2022 in your commercial relationships.

- 1. Speak to each other!** Most disputes can be avoided if the parties communicate directly with each other. Let it out, speak your concerns, tell the other party what you think they're up to! An honest and open discussion can prevent years of fighting through the courts.
- 2. Don't let things get personal!** No matter how badly you think you've been wronged, no matter how angry you are, try not to let a commercial dispute become personal. Take the moral high ground, be the bigger person. Focus on the solution. In my experience, 80% of court proceedings could be avoided if the clients didn't start taking things personally.
- 3. Put yourself in the other side's shoes!** Look at the case and issues from the opponent's view. Think of their strategy, think how you would act and feel if you were in their position. This could help you reach a compromise everyone is happy with, and save a valuable commercial relationship.
- 4. Think long term!** Your focus from Day 1 should be “*what outcome do I want at the end of this?*” Think of the end game, and work towards it. It doesn't matter if you have to give away a few small and unimportant issues in the short term. Short term pain for long term gain!
- 5. Avoid court!** There's no “*winner*” if a case goes to court. I'm a big fan of alternative dispute resolution, especially negotiations. Get in a room, debate the problems, and don't leave until you all have an agreement you're happy with. You save yourself time, money, stress, and the uncertainties associated with leaving your destiny in the hands of a judge.

- 6. Leave the stress to the lawyers!** Your job's probably difficult enough running a company, thinking about the next deal, or managing employees, customers and suppliers. The last thing you need is the stress of a dispute, which could also affect your mental wellbeing and decision making. So have an easy life, focus on your business, and let your lawyers take on all the stress!
- 7. Keep a diary!** If you think a commercial relationship is on the verge of a breakdown, keep a diary. Make a brief note of key conversations and phone calls. This could be a life saver down the line. In the unfortunate event your case does go to court, the diary could be the difference between winning and losing – so much comes down to who the Judge believes. Your diary could make you the more credible witness.
- 8. Watch what you write!** Everything you write in a commercial or work-based context could end up in court. If you approach each email or letter with this knowledge in mind, you can't go wrong. Don't write anything you wouldn't be happy for a Judge to read. So that means no swearing, be professional at all times, and be the one who seeks to avoid the dispute and looks for a resolution.
- 9. Focus on what matters!** Don't get lost in small and unimportant details that make no difference to what you're trying to achieve. Save your time and energy for the things that matter. Every time you come across an issue, ask yourself the following question: "*does this really matter?*" If the answer is "*no*", then move onto the next issue! If you don't know the answer, then check out my final resolution!
- 10. Speak to a lawyer!** I get it that people don't like lawyers. We're often seen as the last resort and a necessary evil. But getting a lawyer involved at an early stage of a relationship with a new client or supplier could save you time and money down the line, no matter how simple the contract.

So there you are! 10 resolutions for 2022, which I hope could save you a lot of stress, time and money. If I don't hear from you, it means that I've done my job, and you've managed to avoid both commercial and personal disputes! I wish you all a happy, positive and argument-free Christmas and New Year!



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