



# Commercial Dispute Resolution



What can you do?



## Dispute resolution

Commercial disputes are, unfortunately, part and parcel of the business landscape nowadays. By seeking advice early, we can work alongside your business, helping you to resolve disputes quickly and cost-effectively, with minimal disruption.

Our team will negotiate on your behalf to settle disputes and will use Alternative Dispute Resolution methods, such as mediation, where appropriate. If we cannot seek a resolution through these methods then our team will litigate to achieve the best result for your business.

Our experienced team offers positive and constructive help and will always advise you based on the commercial reality of your situation. Our aim is to achieve a commercially sensible and cost effective solution.

## Types of dispute

The Overburys dispute resolution team handle a wide range of disputes including:

- Disputes arising from acquisitions and disposals
- Partnership disputes
- Shareholder disputes
- Professional negligence
- Property disputes
- Agricultural disputes
- Contractual disputes
- Inheritance disputes
- Intellectual property issues
- Product liability issues

## Seek advice

Businesses today operate in a complex commercial environment in which disputes can easily occur. Litigation is perceived as an expensive process and it can be tempting for businesses to do nothing rather than pursue a remedy, particularly in times of financial stringency.

Alternative methods to resolving disputes can be more cost effective and quicker than going to court. Commercial mediation is a significant development in this respect.

Before writing things off it may be worthwhile for you to come and see someone at Overburys so we can advise you about the different options available.

## Preventative medicine

There is a lot to be said for talking to a lawyer at the outset of any commercial arrangement. Many disputes arise as a result of the businesses involved in an arrangement failing to define clearly their obligations and responsibilities. Properly drawn documentation in place at the outset of any commercial arrangement is a powerful ally in the dispute resolution armoury.

Overburys is able to offer advice on a wide range of commercial and business relationships including:

- Terms of trading
- Partnerships
- Joint ventures
- Commercial contracts
- Acquisitions and disposals
- Shareholder agreements

## Debt recovery

Cash is the lifeblood of all businesses. Without adequate cashflow there cannot be sufficient turnover and an acceptable level of profit cannot be achieved. Credit control and debt recovery are therefore vital tools to the success of any business.

Debt recovery claims of under £5,000 can be dealt with in the county court under the small claims procedure, which has been developed to enable clients to conduct claims without legal representation.

We are happy to assist you with any points which arise during the small claims process and if you would rather us represent you we will agree a fixed fee in advance.

Debt recovery claims of £5,000 or more are dealt with in the court. We are able to advise you about these actions and represent you in court.

We will undertake a cost benefit analysis and if you decide to proceed, will agree a strategy and budget at the outset. We will not allow you to pursue a claim unless you are aware of the likelihood of success.

## Commercial approach

At Overburys we pride ourselves on approaching client assignments with the commercial reality of the situation firmly in mind. We understand that budgets, economics and cost benefit analyses are vital to any business decision.

Whatever course of action is undertaken, we will agree a strategy and budget with you at the outset. All variations will be carefully and thoroughly discussed and agreed in advance.

## Working with you

Our overall objective is to work with your business as part of the team to assist you in achieving your commercial objectives.

We will agree goals at the outset and, where possible, agree a fixed fee for work undertaken. Where this is not possible we will agree a budget with you and carefully advise of variations and the reasons for the variations in advance.

Our aim is to make a positive and constructive contribution to our clients' businesses.

This booklet deals in general terms with a complex subject. Whilst we believe the contents to be correct, they should not be regarded as sufficiently full, accurate or precise so as to apply to any particular situation. You must always seek legal advice concerning any situations referred to in this booklet.

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LawNet's Commercial specialists exist to deliver a service to you second to none.

Seeking commercial advice through a LawNet expert means you receive

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