



Why you should never turn your back on a dispute

What would happen if you thought you were in a dispute and, rather than face it, you simply turned your back on it. Or if you were actually in a dispute but didn't realise it? Would you be better off than someone who is alert to emerging differences and mounting tensions?

Sometimes, failing to realise that you're in a dispute, or deliberately ignoring one, will work out fine. As events move on, temperatures drop and people forget their anger, whatever the dispute was about can gradually become unimportant, until eventually it's as if it never happened.

That can and does happen.

However, it's also possible that the dispute will fester and expand to take in formerly unrelated issues. Or it may appear to go away only to reappear years later.

Meanwhile, the energy you need to resolve the dispute amicably will have drained away, while at the same time the evidence you need to win the dispute will be at increasing risk.

Documents get lost, archives are destroyed, backups fail, memories fade and key people have moved away or become hostile. All this means you can't win in litigation. The essential means to do so have been lost.

A better path is to stay alert and accept that you are in a dispute. Take a step back and evaluate the situation dispassionately. Weigh up what the worst-case scenario would be if you ignore the dispute against what it would be if you try and resolve it. Then set a path towards the best outcome while you still have a chance to achieve it.

In litigation, it's important to understand that you're not truly committed to a course of action until there is an adverse consequence to stopping it. You can always withdraw your claim, but in doing so you accept liability for your opponent's legal costs.

Therefore, the best option is to take steps to resolve your dispute that fall short of a binding and costly commitment.

And this is where Moot comes in. In the very early stages of a dispute or potential dispute, we work with you to understand the options you have available. We then help draw up a plan to get you to, or near to, the best outcome – without ever committing you to a course of action that could go horribly wrong.