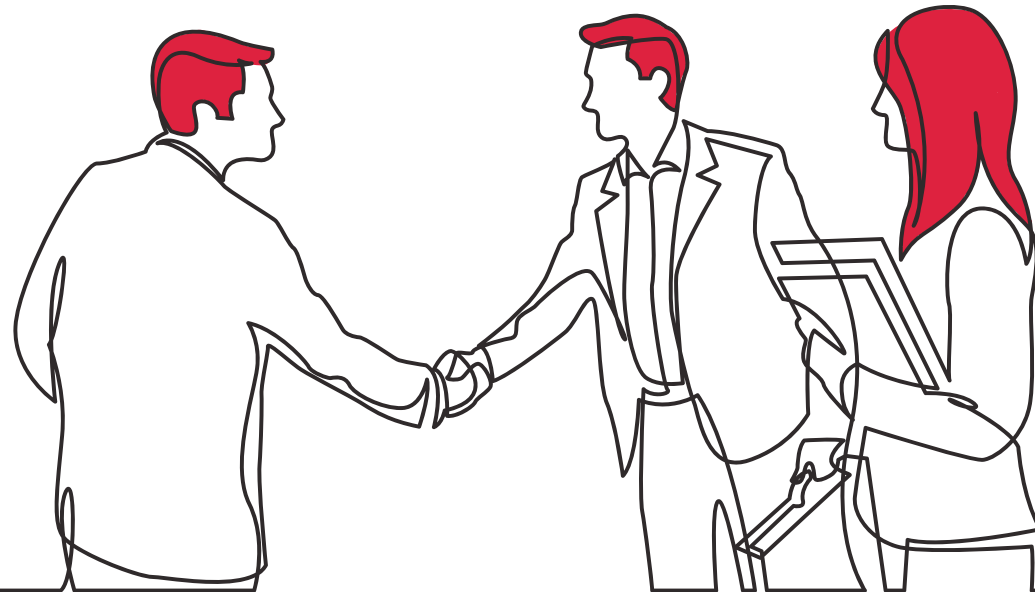



# Litigation:

Alternatives to  
Court Proceedings  
or Arbitration



**Litigation either through the courts or by arbitration can be expensive, time-consuming and divert management resources. Parties should therefore explore opportunities for early resolution of the dispute including the use of mediation.**

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This guide explores alternative options that exist if settlement cannot be achieved.

### **Solutions**

- Service of Statutory Demand.
- Ombudsman

Independent referee who will investigate complaints against public and private organisations.

- Free service and only need seek legal advice if so elect and therefore cost effective.
- Not bound by decision unless elect to accept outcome and so can pursue through the courts if adequate redress not obtained.
- To pursue a claim you need to be an individual or company with turnover/net asset value of no more than £1million.
- Compensation up to £150,000.
- 6 months to instigate claim from the time complaint procedure of organisation exhausted.
- Determination within no more than 6 months.
- Ombudsman in fields of insurance, banking and finance, law, pensions and others.

### **Adjudication**

- Most common in construction contract disputes.
- Determination within 3 months' period with strict procedural deadlines.
- Can be used in non-construction disputes, if made term of the contract or subsequent agreement.
- Binding and enforceable, unless resort to litigation to challenge or parties agree otherwise.
- Adjudicator's decision enforceable by expedited application to the courts.
- No liability for other party's costs and own costs reduced by speed of determination.

# Let us Introduce Ourselves



**Email:** [contact@ouryclark.com](mailto:contact@ouryclark.com)

**Oury Clark London:**  
10 John Street, London WC1N 2EB

**Tel: +44 (0) 20 7067 4300**

**Oury Clark Slough:**  
Herschel House, 58 Herschel Street  
Slough SL1 1PG

**Tel: +44 (0) 1753 551111**



**Disclaimer:** This note does not contain a full statement of the law and it does not constitute legal advice. Please contact us if you have any questions about the information set out above.

- Determined on paper so no examination of witnesses or disclosure of documents.
- Bodies like CEDR offer commercial adjudication process.

## Expert Determination

- Expert determination appropriate where issue of law or construction of contract and no disputed issues of fact.
- Terms of instruction can be agreed between parties.
- Swift and cost effective resolution of dispute and enable parties to maintain confidentiality.

## Neutral Evaluation

- Not intended to be binding but provides parties with early indication of likely outcome.
- Assist prospects of settlement.
- Proceed with claim if no resolution.
- Can be in addition or alternative to mediation.