Negotiating to settle disputes

ALAN KNOWSLEY LEGAL MATTERS



In an earlier column I covered Arbitrations and Mediations as alternatives to Court proceedings. I now turn to other alternatives available to settle disputes

NEGOTIATION Negotiation is where parties, either themselves or represented by their lawyers, formally discuss matters of mutual concern and natters of initial concern and attempt to resolve the dispute that has arisen between them. This method of resolving disputes is usually quicker and

cheaper than going to Court and provides another potential way to resolve the dispute in private.

JUDICIAL SETTLEMENT CONFERENCES This is where the dispute has

been lodged in Court.

A Judge will meet with both parties and their lawyers to without the need for a full Court

hearing.
If the dispute is not settled the full hearing is then before a

This type of process can also be in conjunction with a meeting of the experts for both parties to see if areas of agreement between the experts can be reached.

That narrows down the dispute for the parties.

TRIBUNAL CLAIMS
There are various Tribunals that aim to resolve disputes between parties in a cost-effective and timely manner.

Specialist Tribunals available include the Tenancy Tribunal and Motor Vehicle Disputes Tribunal, that can hear claims of larger amounts than the non-specialist Disputes Tribunal, which can only hear claims up to \$15,000 (or \$20,000 with the consent of the parties). These dispute resolution

Tribunals are usually quicker and cheaper than litigation in Court but may be open to the public.

Lawyers can appear in the Tenancy Tribunal if the Tribunal considers the issues to be complicated, the dispute is over \$6,000, or one of the parties is unable to present their case adequately.

The Tribunal may also allow legal representation if the parties



Talking things through can help disputes have a good outcome for all parties

PHOTO 123RF

"Negotiation ... is usually quicker and cheaper than going to Court and provides another potential way to resolve the dispute in private."

Lawyers are not allowed to appear in the Disputes Tribunal, or Motor Vehicle Disputes Tribunal (unless they are one of

the parties or a witness).

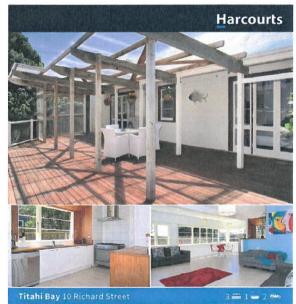
Therefore, you will have to present your own case, but lawyers can assist you to prepare lawyers can assist you to prepare for the hearing by drafting briefs of evidence, assisting with questions to ask the witnesses etc. If a party is unable to represent their case adequately (because of

a disability, or due to age) a Tribunal may allow a lawyer, or other person, to assist that party at the hearing.

Which alternative resolution method is best for your case will depend on the nature of the dispute, the amount involved, the remedies you seek and the complexity of the facts.

Column courtesy of Rainey Collins Lawyers phone 0800 733 484, raineycollins.co.nz If you have a legal inquiry would like discuss this column please email Alan

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Melrose Cottage Awaits You!

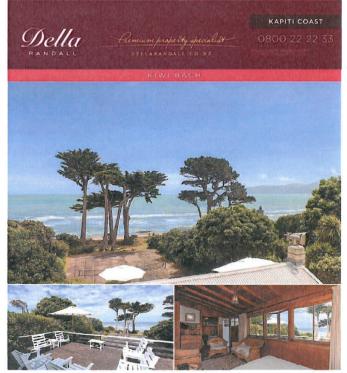
Enjoy those lazy hazy days of summer on the large deck that is perfect for alfresco dining or simply pick up your surfboard and head to the beach that is literally 200 metres away! One of the Bay's best locations, properties like this are often sought but seldom found, this delightful home will have you spellbound from inute you walk through the door and will appeal to couples, families or extended families. There's more, but you will have to visit this property to see for yourself. Pre purchase Builders & Lim report available on

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