



SHAKESPEARES

FAQs

Q. When should I involve a solicitor in my dispute?

A. We can often add the most value when we are involved in disputes from an early stage. We can provide advice on how to avoid a dispute before one has even arisen, but if matters have already progressed beyond this, we can ensure that you are advised on the strengths of your case and the technical steps which can be taken to bolster your position. You should be aware that Courts have the power to penalise people involved in proceedings if their conduct before proceedings were commenced does not comply with Pre Action Protocols (for further information on Pre-Action Protocols, see below), so getting advice prior to Court proceedings is crucial.

Q **What are Pre-Action Protocols?**

A Pre-Action Protocols are guidelines laid down by the Courts to encourage parties to resolve their dispute, where possible, without the need to resort to Court proceedings. They do this by setting out various steps that the parties should comply with, principally setting out full details of their claims and/or defences within correspondence. The guidelines suggest what should be included in these letters and the timescales in which the parties should respond.

Q **What is Alternative Dispute Resolution?**

A Alternative Dispute Resolution is the name given to a range of methods that can be used to resolve a dispute, instead of Court proceedings.

These methods include mediation, arbitration, conciliation, adjudication and expert determination. Not all methods will be appropriate for any type of dispute but we can advise you on when such methods may be helpful and how they should be initiated.

Q What is limitation?

A In litigation cases, Court actions must be started within the limitation period to preserve the claim. This period is often six years from the date the cause of action arose, but in some cases it can be longer or shorter than this. If Court proceedings are commenced after this date, a Defendant will have a complete defence to the claim.

Q How can I fund the legal costs incurred in my dispute?

A Most cases are funded by clients paying an hourly rate for solicitors' services. The hourly rates are determined by the solicitor's seniority and expertise. There are, however, other options which may be available in certain circumstances and we can provide expert advice on finding a funding option that works for you. Some of the alternative funding options are:

- Community Legal Service Funding. This is only available on a very limited basis. We can give you more advice on eligibility.
- Before the Event Insurance. You may have a legal expenses insurance policy or you or another person such as a family member may have another policy which gives you legal expenses cover.
- Funding from a Trade Union or other membership organisation which covers its members for legal costs.
- Risk sharing arrangements may be offered by insurance companies, lawyers or a combination of the two. Risk sharing arrangements with lawyers are called Conditional Fee Agreements ("CFAs") but are commonly referred to as "no win, no fee" agreements.

Q What are the Civil Procedure Rules?

A The Civil Procedure Rules are a set of rules which govern the way in which cases will be dealt with by the Courts. They set the process of taking a case through from issue of proceedings to trial and beyond. The rules, and the Court's application of them, can be complicated and the advice of specialist litigation lawyers is essential to ensure that your case is not prejudiced.

For further information please email Cathryn Selby or call on 0115 945 4611.