

Thomas solicitors Guise

Disputes and Litigation





Disputes and Litigation Services

In almost every walk of life, disputes can arise that will not always be resolved without formal proceedings. If the Courts become involved, there are procedures to be followed and rules to be complied with that can be daunting if you have not encountered the process before

Our experienced Litigation solicitors deal with civil claims at all levels, in both the County Court and High Court. We can assist both Claimants and Defendants with all stages of litigation, from negotiation and attempts to settle, through the issue and defence of proceedings, through to trial or final hearing and beyond to enforcement or appeal.

Our aim is to ensure peace of mind for our clients. This is often elusive when you are involved in a difficult and potentially costly dispute. We therefore use our best efforts to reach a favourable outcome with as little inconvenience to you as possible.



Edward Holmes
Solicitor and member of the
Disputes and Litigation Team

Landlord & Tenant

In a world of unpredictable stock markets and fluctuating investment returns, property is fast becoming the most secure investment of capital for many people and the buy-to-let market is growing. However, tenants can be a problem if obligations are not met or rent is unpaid.

Our litigation team can represent landlords on all contentious issues, from simple residential tenancies to large commercial leases. Rent arrears, eviction, forfeiture and possession claims can all be dealt with efficiently, to ensure that your most valuable asset is protected.

Care Homes

The firm as a whole specialises in providing services to Care Home owners and operators and the Litigation department is no exception.

We deal with all areas of Care Home Litigation, including claims for unpaid fees against both private individuals and Local Authorities.

We also represent clients in disputes with CSCI, the regulatory authority for Care Homes, for both adults and children.

Our services include the provision of representation at the Care Standards Tribunal and at both the County Court and High Court.

Insolvency

Sometimes the pressure of multiple debts can be too great. In those cases, the only practical route can be the appointment of a third party to manage the debtor's assets and try to raise the necessary capital. It is often an expensive process and it is important to know whether or not the cost will outweigh the benefit.

Whether you are a debtor or a creditor, we can advise on the bankruptcy or winding-up procedure and help to decide whether it is the right course to take. Our extensive network of business contacts means that we can put you in touch with Insolvency Practitioners, accountants and other professionals to ease the process as much as possible.

Property

Even in today's modern age, property boundaries, rights of way and even ownership of land are not always as clear as they appear to be. Disputes between neighbours can arise and the people involved often have difficulty seeing a clear solution to the problem, due to the very personal issues that can arise.

Our litigation solicitors are experienced in all areas of land law, including adverse possession, trespass and trusts. We can advise on the meaning of plans, deeds and covenants, to ensure that everyone involved is aware of the rights and obligations that property owners face.



Negligence

Every professional who provides a service must conform to the standards of his or her profession. Where they do not, their clients can suffer significant losses as a result.

We can advise and obtain evidence on the appropriate standards that ought to be followed. If there has been a breach of those standards, we will seek to recover the maximum level of damages available.

Employment

Employers - you need to deal with issues within the law and in such a way as to minimise the risks of a claim against you. If claims arise, you will need to demonstrate you have adopted a fair procedure and may need to justify your actions before an Employment Tribunal. We can also draft any documents required by your business such as employment contracts, disciplinary and grievance procedures.

Employees – if you are involved in disciplinary or grievance procedures at work or if your employment has been terminated, you need to know your rights and how to pursue any remedies. We are experienced in handling employment disputes, including Employment Tribunal cases for both employers and employees.

Contract Disputes

Every business has to deal with contracts on a daily basis. Contractual obligations, exclusion clauses and penalty clauses can all be open to interpretation and can become the subject of serious disagreement. Small print only becomes relevant when things go wrong!

We are experienced in dealing with complex or poorly-drafted contracts and can advise on interpretation of clauses, the extent of a party's responsibility and the appropriate person to bring a claim against if the contract is breached.

Personal Injury

Accidents can happen! We can give free initial advice whether you have a good claim and, if so,

what is involved in pursuing it. Most good claims are settled by the Defendant's insurers after negotiations without the need for Court proceedings. We can advise on obtaining medical evidence and calculating your losses to secure fair compensation for your injuries. If the claim cannot be settled we can act for you in Court proceedings.

Enforcement proceedings

The Court has ordered your opponent to pay – what now?

There are many ways to enforce a money judgment and the right one for you can depend upon many factors, such as the amount of money the debtor has, whether or not they are employed or own property, or whether they have debts of their own.

Our wide experience in pursuing debts at all levels means that we can decide the most appropriate steps to take to ensure that your money is recovered as efficiently as possible.

Appeals

Judges are not infallible and not every unfavourable judgment is given for the right reasons. Particular rules apply to determine if and when a judge's decision can be appealed. If you are dissatisfied with the outcome of a claim and feel that the decision was wrongly made, we can give advice on the prospects of a successful appeal and the procedure to be followed.

Alternative Dispute Resolution

Not every dispute must inevitably end up in Court. Several mechanisms exist to enable parties to resolve disputes without resorting to litigation all of which can be highly effective if used appropriately. Our team can assist with these methods as readily as with litigation.

ADR often enables disputes to be resolved in a much shorter time, and at less cost, than litigation. Wherever possible, we will use the Court only as a method of last resort and will always try to resolve a dispute by means of one or more of these methods before entering into litigation.

The Disputes and Litigation Team

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