

Negotiating to settle disputes

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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 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 attempt to get a resolution without the need for a full Court hearing.

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

different Judge.

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 agree.



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

PHOTO: 123RF

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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 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 you would like discussed in this column please email Alan on aknowsley@raineycollins.co.nz

Harcourts

Titahi Bay 10 Richard Street

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 the minute 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 request.

Auction
Thursday 16th February from 12 noon, Harcourts Paraparaumu (will not be sold prior)
View Open Home: Sunday 2.00pm-2.30pm
www.harcourts.co.nz/PE7741

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KIWI BACH

4 Kirkway Raumati Beach

Deadline Sale:
1pm Tuesday 21 February 2017

View:
www.dellarandall.co.nz/properties

OPEN HOME
SUNDAY 2-2.30

In the heart of Raumati Beach and steeped in the feeling of a bygone era. This three bedroom cottage celebrates the true meaning of a beach home. On 2023sqm in a lightly held area of beachfront homes, allow your imagination to be captured. Instantly appealing, filled with character, separate kitchen, open living and dining. The main room opens onto the deck with sea views across the tennis court and to the beach. The separate studio, provides additional accommodation in true beach style. Quiet and secluded where views span the entire western coastline taking in the Kaikoura's to Mt Taranaki. Private and unbothered by passers-by, this property is on the market for the first time in almost 40 years - your viewing is recommended. Rateable Value \$1,000,000

Deadline Sale closing 1pm Tuesday 21 February 2017.