



## Why you should question received wisdom (part 2)

In October 2019 we began a series of posts designed to dispel some of the misunderstandings about dispute resolution.

We based the posts on an interview question used by Peter Thiel, the American entrepreneur and venture capitalist who co-founded PayPal and was an early investor in SpaceX and LinkedIn. When recruiting, Thiel always asks candidates, What important truth do very few people agree with you on?

He says the question helps him single out applicants who are innovative thinkers with an abundance of ideas - how we think of ourselves here at Moot. And he says it helps him find the type of person who can survive in Silicon Valley's competitive atmosphere.

"It sort of tests for originality of thinking, and to some extent, it tests for your courage in speaking up in a difficult interview context."

This kind of thinking is part and parcel of our work at Moot. We represent our clients' interests with courage, while calmly working through the complexities of their dispute to secure a lasting resolution.

### Who knows what tomorrow will bring?

No-one plans to fall into dispute. But likewise, there's no guarantee you'll avoid one.

If you should ever find yourself caught up in a dispute, you'll want to know how best to respond, and fast. For example, did you know you should never head straight for your lawyer? Or that you can resolve a difficult dispute and still enjoy a positive relationship with the other party?

We've gathered together the whole series of our myth-busting posts into one useful guide. We hope you find them of interest.

And if you'd like to know more about what we do or would like our help to resolve your dispute, please get in touch.

We can help you win – on your terms.

Why you should question received wisdom [part 2] - Page 1 of 6



## **1. Most people believe you need a lawyer to resolve a dispute but the truth is you may be better off without one**

If you were to find yourself caught up in a dispute you'd probably go straight to your lawyer. This isn't surprising – most people would.

However, it's likely your lawyer will themselves go straight to the courts. This will commit you to a long, formal, combative, public, stressful and expensive process. One that has no guarantee of success.

The truth is you don't always need a lawyer to resolve your dispute.

Firstly, because judges expect that you will try and resolve your dispute by other means before you bring it to court.

And secondly, because we can help you resolve your dispute using less costly, less risky and far less stressful strategies. Strategies that in all likelihood mean you can avoid the court process altogether. The process we follow is fast, voluntary and will give you more than a 70% chance of success.

Ultimately, we can help you put the dispute behind you. In a matter of weeks, you'll be able to look forward with positivity and plan for the future, rather than continue to be stuck dealing with the problems of the past.

## **2. Most people believe you have to apportion blame in a dispute but the truth is you resolve it more successfully when you focus on reaching an agreement**

If you find yourself embroiled in a dispute, whether it's with a colleague, a client or a member of your family, you'll probably want to prove that you're right and they're wrong.

This is understandable. Most people think they have to resolve their dispute through the courts. And the court process is adversarial – one in which the two parties seek to apportion blame.



This means there can only be one winner.

Which also means one of you will be left feeling hurt, with an expensive bill to pay and any relationship you had will be damaged forever.

Yet it is possible to resolve your dispute away from the confrontational backdrop of the courts. At Moot Hill, we find practical lasting and creative ways to help you reach an agreement and resolve your dispute.

The outcome we secure for you will be positive and forward-looking. And will have a far higher long-term value than a one-off court settlement.

### **3. Most people believe that resolving a dispute is always time consuming, costly and stressful but the truth is it doesn't have to be**

If you were to fall into dispute with someone, you'd probably start preparing yourself for a long, expensive and upsetting battle.

You might restructure your finances in anticipation of a hefty legal bill. You might only make short-term plans in anticipation of an uncertain future. And you might start feeling anxious in anticipation of what's to come.

If you did, you wouldn't be alone. Most people believe disputes always end up costing you dear – in more ways than one.

Yet the truth is, with the right approach, you can resolve a dispute quickly, with both your finances and your nerves intact.

Here at Moot Hill, we can help you resolve your dispute fast, at a lower cost and with considerably less stress than if you were to go through the courts.

The process we follow is fast, voluntary and will give you more than a 70% chance of success. You'll be able to put the dispute behind you, look forward with positivity and plan for the future, rather than be stuck dealing with the problems of the past.



#### **4. Most people believe that if you're involved in a dispute then your relationship with the other party will be ruined but the truth is you can resolve a dispute and still preserve a positive relationship**

The stories we hear about disputes are usually full of drama. They end with broken relationships, fractured families and severed trading ties. So if you were to fall into dispute, it's reasonable that you'd expect your relationship with the other party would come to a bitter end. Most people would.

When you try and resolve your dispute through the courts, this is the likely outcome. The court process is limited and combative. It naturally creates division because it seeks to apportion blame.

Yet the truth is, there is another way.

At Moot Hill, when we work with you to resolve your dispute, we use a wide range of strategies and a process that is free from the formal language and procedures of the courts. We look for practical, lasting and constructive solutions that are in your best interests. Such as the preservation of a valued relationship.

#### **5. Most people believe that resolving a dispute means going public but the truth is you can resolve your dispute and protect your confidentiality**

The papers are full of torrid tales of two parties battling it out in the courts. Most court cases are open to the public so the press will gladly leap onto a story and write it up in the style of a primetime TV drama. Good versus bad. David versus Goliath. Weak versus strong.

And because most people believe you have to resolve a dispute through the courts, most people also believe that you can't resolve a dispute without going public.

Indeed, if you do try and resolve your dispute through the courts, you can expect a degree of publicity.

But the truth is, there is another way.



At Moot Hill, we work with you to resolve your dispute away from the formality and public glare of the courts. Everything we do is carried out behind closed doors, in the strictest confidence and without prejudice.

## **6. Most people believe that a dispute means reputational damage but the truth is you can resolve your dispute and protect your reputation**

Most people believe you have to try and resolve a dispute through the courts. And because going through the courts is a public, adversarial process, most people also believe that if you're in dispute, you will suffer damage to your reputation.

This train of thought makes sense.

Yet the truth is you can resolve your dispute and still have your reputation intact.

Unlike in court, where the process is open to the public, everything we do at Moot Hill is confidential and without prejudice.

This means none of the discussions or written communications can be used as evidence in a later court claim or tribunal. And it means there is no risk that any publicity will cause you lasting reputational or financial damage.

## **7. Most people believe there are set ways to resolve a dispute but the truth is you can be creative and flexible when you don't go through the courts**

Most people believe you have to resolve a dispute through the courts. The court process is formulaic and seeks to apportion blame. It pits one against the other, each trying to prove their case.

This means that most people also believe there are set ways in which to resolve a dispute. Ways that are limited by the constraints of the court process.

However, most disputes are complex and require an approach that is more creative and flexible than the courts allow.

Why you should question received wisdom [part 2] - Page 5 of 6

## THE MOOT ROUTE



And the truth is there is another way. At Moot Hill we have a wide range of strategies we can use to resolve your dispute. We focus on what you want to achieve and aim to reach agreement rather than become locked in arguing the case.

Our approach is bespoke, intense, targeted and designed to secure a swift resolution, on your terms. And for more than 70% of our clients, we do.

### **8. Most people believe you have to prepare a case to resolve a dispute but the truth is you don't if you don't go through the courts**

The court process is formulaic. It involves preparing and arguing a case. As such, it is time-consuming, adversarial and usually expensive.

And, because most people believe the only way to resolve a dispute is through the courts, they also believe that you can't resolve a dispute without first preparing a case.

But the truth is, there is another, less combative, less costly and less painfully slow route you can take. The Moot Route.

At Moot Hill we work with you to resolve your dispute away from the formal processes and publicity of the courts. We use a toolkit of creative and flexible strategies to reach agreement based on what you want to achieve.

With us you can explore settlement options without prejudicing your case. The whole process is positive and forward looking, protects your reputation and can preserve your valuable relationships.

And it has a more than a 70% chance of success.

## #TheMootRoute