



AN EXPERT INSIGHT INTO LITIGATION

"There is no substitute for experience", says Nigel Rowley, Managing Partner at Mackrell.Solicitors.

"Litigation – particularly complex cross-border litigation – is a minefield where you need to balance client expectations against complex long established practices and procedures, laws and regulations. Local knowledge is essential, whether you are dealing with the most complicated Supreme Court Appeal, local Magistrates Court application, or document heavy International Arbitration. Never underestimate your opponent; they may have been doing this as long as you have, but do they have the international knowledge, the cultural knowledge, the legal knowledge? That is where experienced, specialist international law firms have and always will have the edge. There is no substitute for experience."

Here, Nigel Rowley's team speaks more about their work in litigation.

What is the most complex aspect of commercial litigation?

Thomas Crittenden (Associate – Litigation): "There is a two-part answer to this – with both parts intertwining. Firstly, it is strategy – and that is something only gained after many years' experience of reading the other party and anticipating their next move before they decide what it will be.

"Secondly, and linked with that is the process of disclosure of documents – particularly so where the litigation itself concerns complex issues and a multiplicity of documents.

"Disclosure needs to be analysed carefully as documents disclosed must be both relevant and proportionate to the issues raised in the proceedings; determining whether a document or class of documents satisfies these criteria can be a very tricky decision and can have a dramatic effect on your clients' case and strategy."

What is the best method for businesses to avoid litigation in employment matters? How do you advise your team on the best action to take?

Joanna Alexiou (Associate - Employment): "One word: contracts. It is vital that suitable contracts are in place between a business and its employees and consultants; legally, employees are entitled to receive particulars of their employment within two months of their start date however, and perhaps more importantly, commercially, the terms which govern the relationship need to be agreed so that there can be no ambiguity at a later stage.

"Once the agreements and any non-contractual handbooks are in place, in order to avoid litigation, they must be adhered to. For example, even where an employee makes an informal complaint, the grievance procedure should be followed despite this causing additional work for human resources. Provided the correct procedures are followed, any exposure should be minimal at an Employment Tribunal."

For more information, please contact us:



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