

Jack Spence in *Cheeky Little Careers: ‘Bluffer’s Guide to Legal Disputes’*

December 22, 2022 Jack Spence

PRACTICES Shipping, Litigation, Shipping Dispute Resolution, International Arbitration, Ship Sale and Purchase

As a trainee in a dispute resolution team, you will join a team that works on contentious matters (i.e. matters where a dispute has arisen between parties) and you are likely to experience a number of dispute resolution procedures. These will be litigation, arbitration and alternative dispute resolution.

Litigation

Litigation is what many people think of as dispute resolution; It involves putting your client’s case before the courts, where a judge will make a decision as to the outcome. This can be particularly useful for clients where there is a particularly complex, and uncertain, area of law, which could require determination by a higher court, or where a client wants to be publicly “vindicated” (because the decisions of the English courts are, generally, public). It is also the default forum, i.e. where parties have not chosen in their contract to have disputes resolved in arbitration or by alternative dispute resolution.

Working in a dispute resolution team you are likely to get experience working on various litigation matters. One of the main things to remember in litigation is that there is a requirement to follow the Civil Procedure Rules and its practice directions, as well as the various court guides, all of which are updated from time to time, as well as clarified and interpreted by case law. The English court system has developed an intricate, and fairly comprehensive, system of rules which cover every step of the process, from commencing proceedings and filing the claim form, to drafting witness statements and skeleton arguments, and it is important that the rules are followed, to avoid the possibility of your client’s claim being struck out (or other sanctions imposed).

Arbitration

For many clients, the public nature of court proceedings can be a significant disadvantage. They may want to avoid commercially sensitive information being brought up in public or may want to preserve their relationship with the other party to the dispute (which can be challenging following a public win over the other party in court).

Arbitration is a consensual procedure that offers these clients an opportunity to have their dispute resolved, largely in private, by an arbitrator (typically a retired judge or barrister) who can consider the arguments advanced by both parties and determine what the outcome should be. English arbitration is particularly well respected internationally because of strong reputation of English arbitrators and pro-arbitration judiciary.

Excerpted from *Cheeky Little Careers*. To read the full article, [click here](#).