



LITIGATION

It is our motto here at Hawkridge & Company that there is no fight we cannot win. Our Litigation Manager, Chris Kennett has extensive experience in dealing with all types of litigation in the jurisdiction of the County Courts, the High Court and even in the Court of Appeal.

It is an unfortunate fact that Court proceedings can arise over many different things. It could be that another person or company owes you money, or they have caused you loss and damage as a result of their activities or as a result of their failing to do something in negligence.

There are many harms that can be done to us that cause money to be lost and the actions that need to be taken to recover recompense are known as “civil actions” and need to be taken by claims being made either in the County Court or in the High Court.

If a legal wrong is of a value of less than £5,000.00 in all cases other than personal injury cases, then these proceedings will take place in a Small Claims Court, otherwise known as Arbitration. This is a Court where costs are kept to minimum and are fixed. It is therefore not a jurisdiction in which we would normally assist our clients as quite frankly there is little point in taking proceedings which may well run up costs of £2,000.00 - £3,000.00 when the Court would only award a fixed cost of £150.00. This is the reason why generally our clients tend to deal with matters of less than £5,000.00 themselves. However, if a claim is for a debt of more £5,000.00 or the likely damages of a case is likely to be more than £5,000.00 this will generally take place within the jurisdiction of the County Court (unless the case is extremely complex or the value of the case is worth more than £50,000.00). If the case is complicated and of a value of more than £50,000.00 it is generally likely to take place within the jurisdiction of the High Court which is contained in the Royal Courts of Justice in the Strand in London.

As you can imagine costs in County Court proceedings may run to a few thousand pounds, but in the High Court costs can run to tens of thousands of pounds depending on the complexity of the case.

You may have heard of the phrases of Contract and Tort. A contract is relatively self-explanatory and that is any agreement that you have come to by way of business or purchasing any goods or services. If anybody is in breach of a contract, the party can sue for damages. A Tort is different in that it can arise out of general negligence, which can result in financial loss. A good example of this would be if a neighbour cut down his tree and it fell across the boundary and caused damage to your property. This is clearly the loss and damage that would arise out of your neighbour’s negligence and trespass. If water was allowed to escape onto your land and it gradually eroded away and caused problems, this would be seen as something called a “nuisance”. This is again a civil wrong that is actionable.

There are other different types of civil wrong, which can include for you being forced to lose a civil liberty, such as “false imprisonment”. There are other civil wrongs, such as “defamation” that can be by way of either “slander” or “libel”. There are so many different aspects to civil law that our best advice is always to give us a call so that we can, in the first instance, arrange an appointment so that we can discuss the merits of any potential claim and advise you fully on the law and on the facts. Such appointment can be by way of a fixed fee interview in the sum of £60.00 (inclusive of VAT).

Litigation is not an easy process and can cause concerns and worry. We pride ourselves on being able to explain properly the course of action that is required in taking a civil claim and we have an excellent record of success.

We hope to be of some future service to you or your family and friends and look forward to hearing from you.

Contact Chris Kennett on Freephone 0800 019 3967 or email chris@hawklaw.co.uk