



LITIGATION

Here at Hawkrige & Company we can help with most contentious matters. Our Head of Litigation Tracey Hammond has extensive experience in dealing with all types of litigation. She was admitted as a Solicitor in 1994.

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 or negligence.

There are many wrongs 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 or they are often settled through Mediation (which is a less formal procedure) or Alternative Dispute Resolution.

If a legal wrong is of a value of less than £10,000.00 in all cases other than personal injury, then these proceedings will take place in a Small Claims Court. Costs are kept to minimum and are fixed and where lawyers costs are usually not recoverable. It is therefore not a jurisdiction in which we would normally assist our clients as, frankly, there is little point in taking proceedings which may well run up costs which could be as high as £4,000.00 - £5,000.00 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 (where their claim is less than £5,000.00) themselves. We are however here to help as much or as little as you need us.

However, if a claim is for a debt of more £10,000.00 or the likely damages in a case is likely to be more than £10,000.00 this will generally be heard in the County Court. (unless the case is extremely complex or the value of the case is worth more than £100,000.00 with the exception of Personal Injury cases). If the case is complicated or for more than £100,000.00 it is generally likely to be heard in the High Court which is situated in the Royal Courts of Justice in the Strand in London or at a number of District Registries that are satellites of this court that can be found generally at the County Courts in major towns or cities.

Whereas costs in County Court proceedings may run to a few thousand pounds, in the High Court costs can run to tens of thousands of pounds depending on the complexity of the case. That can also be the case in County Court claims.

You may have heard of the phrases "Contract" and "Tort". A contract is for example any agreement that you have reached in business or in purchasing any goods or services. If anybody is in breach of a contract, the other party can sue for damages. A Tort is different in that it arises out of negligence, which results 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. The resultant damage is your loss and that damage arose because of your neighbour's negligence. Again, if water were allowed to escape onto your land and it your land was gradually eroded away, this would be seen as a “nuisance”. This is a civil wrong that you may be able to pursue.

There are other different types of civil wrong, such as “false imprisonment”.

There are so many different aspects to civil law that our best advice is always to give us a call. We can then arrange a fixed fee interview to discuss the merits of your potential claim or defence and advise you on the best way to proceed. A fixed fee interview will cost £100.00 (plus VAT).

Litigation is not an easy process and can cause concerns and worry. We will explain fully the course of action that is required in taking a civil claim and what in our opinion the prospects of success would be.

If, unfortunately, you encounter problems which you fear may lead to a legal dispute then please contact us immediately. We are here to help.

Contact Tracey Hammond our Head of Litigation on Freephone 0800 019 3967 or email tracey@hawklaw.co.uk