

## Commercial Litigation & Dispute Resolution

**Legal disputes can be complicated and expensive. Sometimes this can be a direct result of the attitude of the other party. However, there are ways to try to minimize the cost and avoid a lengthy court hearing.**

Hicks Oakley Chessell Williams Litigation lawyers offer attention to detail as well as knowledge of all the relevant rules and practices associated with litigation in all jurisdictions.

We keep our clients informed with estimates of costs during the various stages of litigation and of any significant developments likely to make a considerable difference to the costs.

Where appropriate, we engage experienced counsel to appear in court for our clients. We have a strong working relationship with barristers who have expertise in various areas of practice.

When a party obtains a judgment, but has difficulty enforcing it, we have the experience to take the appropriate action. This may be through garnishee orders, oral examination, bankruptcy or liquidation.

Where we can recover costs we will do so vigorously so as to protect our client's position in the litigation. In our experience, obtaining costs orders during the litigation can often assist our clients to obtain a good result in settlement discussions.

All courts now regard mediation as a compulsory procedure before a case is able to proceed to trial.

**We conduct alternative dispute resolution (including mediation) and litigation (where necessary) in many types of disputes, including:**

### Commercial Litigation

Disputes involving commercial matters take many forms, including Business to Business and Business to Consumer. We have expertise developed over many years in handling a diverse range of disputes.

### Contractual Disputes

A disagreement might arise between businesses over the interpretation of a contract, or whether it is necessary to imply a term for something that hadn't been considered. We assist our clients to get the best possible result.

### Corporate Crime and Investigations

We advise clients on dealing with ASIC, ACCC and the Australian Crime Commission, among other bodies. Disputes between companies and company officers (past and present) sometimes require litigation to resolve. We (and counsel whom we brief) can assist in that process.

### Corporate Disputes

Shareholder disputes and disputes with corporate officers are often complicated and require tact. A minority shareholder might have been oppressed by the majority. We have the experience to assist.

### Debt Recovery

Recovery of debts should be straightforward, but sometimes it isn't. It requires tact and experience. Sometimes the debt isn't paid because the debtor has a complaint about the service or item supplied. Our lawyers have the expertise to resolve this. If it still can't be resolved, litigation might occasionally be necessary.

### Domestic Building Disputes

These types of disputes can be complicated and involved. We act for homeowners and builders in trying to resolve them. Frequently, they are determined in the Victorian Civil and Administrative Tribunal (VCAT). Our lawyers have experience with VCAT processes and procedures.

## Contact us at:

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Liability limited by a scheme approved under Professional Standards Legislation

### Legal services include:

- Commercial Law;
- Commercial Litigation;
- Commercial Tenancy Law;
- Family Law;
- Wills & Estates;
- Property & Conveyancing



### **Employment Disputes**

We act for employers and employees (present and former) in disputes over dismissal, post-employment restraints and entitlements. This might require determination through the Fair Work Tribunal.

### **Insurance Disputes**

Disputes can arise with insurers over interpretation and coverage under a policy. We do not currently act for any insurers, so are able to pursue a claim against an insurer which is being unreasonably resisted.

Our lawyers have experience in pursuing companies and individuals, even to the stage of liquidation or bankruptcy where we are involved in the appointment of insolvency practitioners. On occasion we refer clients who are in serious financial difficulties to insolvency practitioners for advice. We advise insolvency practitioners in recovering preferences and in other areas and from time to time advise the insolvent person or members of their family who have claims made against them.

### **Intellectual Property Disputes**

Disputes over copyright, trade marks and common law rights require experience. Our lawyers have this experience, including where these disputes reach the Federal Court and the Federal Circuit Court. We work closely with barristers who have extensive experience in intellectual property.

### **Lease Disputes (Commercial and Retail)**

Our clients include landlords, property investors, real estate agents and tenants. We have experience in successfully resolving disputes through the Small Business Commissioner and VCAT (retail lease disputes) and through the Courts where appropriate.

### **Owners Corporation Disputes**

Due to its complex nature it is common for disputes to arise within Owners Corporations or between Owners Corporations and tenants or members of the neighbourhood. Our Owners Corporation Law services include representation in the Victorian Civil and Administrative Tribunal (VCAT) Owners Corporations List regarding all issues affecting Owners Corporations.

### **Probate (Including Testators' Family Maintenance), and Wills & Estate Disputes**

Disagreements and disputes can arise over wills and estates. Our lawyers can advise executors, trustees, beneficiaries and others on their rights. This can be a situation where a person has not been properly provided for in a will (or at all) and has a moral claim against the estate. It is sometimes necessary to bring a claim in the Supreme Court or the County Court to pursue these claims. We are well versed in the required procedures, including attending mediations and advising clients on potential settlement options.

### **Property Disputes**

Property disputes can take many forms. Boundary issues, adverse possession claims, disputes over off-the-plan sales, car stacker issues, easement rights, exercising a right to cool off – we have successfully assisted our clients in these types of claims.

### **Taxation Disputes**

We act for taxpayers who have issues with the Australian Taxation Office, including for example the negotiation of penalties and payments for unlogged tax returns. Where appropriate, we work closely with barristers who have a great deal of experience in this area.