

# Legal compliance and negotiations skills

Business



**ASSIGN  
BUSTER**

LEGAL COMPLIANCE AND NEGOTIATIONS SKILLS ... Settlement This legal resolution tactic is applicable where an employee has suffered physical injuries from negligence of the employer in the line of duty.

This legal resolution process reduces the cost or both parties to the dispute. Reaching an agreement to pay the plaintiff specific amount or offer something in exchange of his/her giving up on pursuing legal redress significantly reduces the legal costs (Guasco & Robinson, 2007). Settlement also saves the parties from time that they would use in other personal duties. This is because it cut on time allocated to seeking services of the lawyer or attending court sessions. The mutual consent among parties for a settlement has significant bonding potential hence promote understanding and accommodation in the society.

Settlement may significantly affect the tax liability of the plaintiff hence its disadvantage. It is also worth noting the potential of the defendant playing hard ball. This may compromise the agreement and provoke further misunderstanding. Besides, it still involves a lawyer who has to be paid hence partial gain from the compensation accrued to the plaintiff.

... Mediation

This is a conflict resolution tactic that is more pronounced in political standoffs for instance in alleged unfair election.

The mediator is always non-partisan and likely to work on acceptable socio-economic and political principles to facilitate mutual understanding between the parties to the dispute. Besides, mediation involves in-depth understanding of underlying factors that may have led to the dispute and make effort to negotiate in respect of the same (Guasco & Robinson, 2007).

In that regard, it facilitates truth justice and reconciliation for sustained

<https://assignbuster.com/legal-compliance-and-negotiations-skills/>

peace. It is also worth to consider mediation due to its independence from the politics of majority influence hence emphasizes truth and honesty. Despite the overriding preference of mediation in conflict resolution, it lacks judicial support and either of the party may easily opt out thereby stalling the reconciliation process. The mediation team is not secured by the law but acts on voluntary basis and this gives the parties to the dispute leverage to determine their own interest. Mediation is time consuming as it relies on mutual consensus between the parties which may take time to achieve hence prolonged resolution period.

... Arbitration

This is a dispute resolution tactic that is applicable in the event couples fail to reach agreement through other options like mediation or negotiation and are still interested in out of court settlement.

It has advantage in the sense that one can choose an arbitrator in line with the personal lawyer's recommendation. This will offer the best outcome and deliver quasi-legal ruling. It also saves time by setting strict arbitration process deadline (Guasco & Robinson, 2007). This is made even easier by scheduling meeting as agreed on with the arbitrator rather than the court waiting list alternative. Besides, arbitration offers choice of either formal or informal alternative in terms of the desire of the parties to the dispute. However, it is worth to highlight the demerits of arbitration. Since arbitration is a quasi-judicial process, once the decision is made, there is almost impossibility of change. Besides, once, the arbitrator has been assigned, personal dissatisfaction with him or her does not offer any chance of opting out. Arbitration may also lead to strained relationship between the parties if the agreement happens to have future disadvantage.

<https://assignbuster.com/legal-compliance-and-negotiations-skills/>

### ... Going to Small Claims Court

This is dispute resolution process that can be used to settle small case that does not warrant legal expenses and may include getting back money owed by another person (Guasco & Robinson, 2007).

The advantages include formal set up with no legal expenses hence cost saving. Since it is people's court, it is based on informal interaction and the agreement is simple. There is no need for a lawyer hence promote consensus as an integral aspect communal cohesiveness. It also saves time as it is done in one meeting rather than strenuous several court session attendances.

Since there is no legal back up, parties can easily disregard or fail to honor their agreement. Besides, this system is not promising where the defendant is not reliable in terms of compliance.

### ... Going to Court (not Small Claims Court)

This is the most common process of achieving justice for the plaintiff against the defendant. It can be applied in various disputes like fraudulent deal (Guasco & Robinson, 2007).

It is strict in terms of offering the parties surety of compliance over the final ruling. This makes it more reliable and result oriented. Court also uses evidence to substantiate the final decision hence always remain the most sought after process. It entails the input of legal professionals like lawyers hence widely used to settle various cases. Court is formal hence initiate seriousness and enhances the quality of the outcome. Besides, dissatisfaction of one party over the ruling can be appealed hence its flexibility.

Despite the above advantages, court is time consuming as the parties can be

<https://assignbuster.com/legal-compliance-and-negotiations-skills/>

taken through some procedures and collection of evidence. Besides, the cost of hiring lawyers is significantly high hence costly process. Court decisions may be influenced by other factors to the disadvantage of the plaintiff hence possibility of injustice.

#### Reference

Guasco, M. P., & Robinson, P. R. (2007). Principles of negotiation: Strategies, tactics, techniques to reach agreements. Irvine: Entrepreneur Press.