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Alternatively, litigation consists of taking the case through a court process and the judge will decide the outcome of the case by considering the relevant evidence and testimony. There are numerous steps before the trial and therefore it can take months to reach a decision. One example would be preparing witness statements of people who received poor quality of work by HYTRI.

Combined with the complexity of court proceedings, its likely civil litigation expense would be incurred prior to trial. This means it's only advantageous to the wealthier party who can hire an experienced employment contract lawyer to participate. Apart from the time-consuming element, litigation is unsuitable for this type of dispute because of the technical nature of the legal issue. There's a good chance neither judge or jury will have the appropriate knowledge and experience to deal with the contract dispute which may result in inappropriate decisions. However, it's important to note the judge's decision can be overturned and can be appealed to a higher court. This diminutive appeal process is not available in mediation.

Arguably, by taking the court route the commercial relationship between you and HYTRI will deteriorate and breakdown for obvious reasons such as the likelihood of a mutually unacceptable decision. Nevertheless, one element imperative to the resolution of the dispute is the courts have the power to oblige witnesses to attend. The right to a jury is also equally valuable.

In summary, after weighing and analysing the pros and cons of each method, mediation is the best option to undergo. This is because it has a better prospect of preserving the commercial relationship between you and HYTRI

without putting your dispute in the public domain like civil litigation.

Ultimately this is a faster process providing relevant solutions further than a court could enforce. Likewise, because of the arbitrator's binding decision, it is adversarial. However, the element of control available in mediation means you and HYTRI must agree to the settlement which is difficult to achieve in practice.

This runs the risk of a small claims hearing.