

PROPERTY COMMENTARY – DECEMBER 2011

IT'S FASTER, CHEAPER AND PRIVATE – WHAT IS IT?

All good games of sport can only be great if the opposition - as we call it in New Zealand - 'play a blinder'. France played a blinder in the RWC final. Many sports commentators considered the game was one of the best ever. And at long last I can rest easy. After 24 years the All Blacks won the World Cup. Webb Ellis is in safe hands - at least for 4 years. My biggest concern was a loss and a flood of "sympathetic" e-mails from by UK business contacts and maybe a few Australians. Not unreasonably, we celebrated with Champagne - French, of course.

In watching the game I was intrigued with the referee who, of course, adopts a neutral position. He is there merely to interpret the rules and permit the passage of play. This, of course, is no different than an Arbitrator. So many people have asked me the question "What is an Arbitrator?" I have, therefore, decided to dedicate this newsletter to dispute resolution. Our website (currently under reconstruction - watch this space!) gives further insight but for the moment I am taking some lines from my April 2006 Newsletter.

Fast forwarding back as it were, we asked the question "why is it better to Arbitrate than litigate?"

Well, cast your mind back to John Lennon. Remember his song "Imagine"? For a moment, let us enter into his world.

Imagine if you can a platform where it is the parties who decide how their disputes are to be settled. Imagine a settlement basis where it is the parties who decide on the rules. Imagine if that platform is cheaper and faster than the Courts. Imagine the Arbitrator being entirely impartial, permitting both sides to put their view without unfair advantage. Imagine the proceedings and the results of the dispute being held in total privacy hence protecting trade secrets. Imagine it being final and binding and the Arbitrator having the power to determine costs.

Now I am sure when Mr Lennon wrote his song he did not have Arbitration in his mind. But as much as his words required a great leap of faith on behalf of mankind, to me it does not take a great leap of faith for parties to a dispute to settle their differences earlier, faster, cheaper and in private. Imagine that and you have the essential ingredients of Arbitration.

A somewhat detailed description I know. My daughter puts it more succinctly - you act like a judge but do not wear a wig! Fair enough.

So I sign off in 2011 by wishing all our clients and business colleagues 'Season's Greetings'.

Our offices will be closed from midday on Friday 23rd December reopening Tuesday 3rd January 2012, when a skeleton staff will be operating until we are all back on Monday 9th January. I am available 24/7 on mobile no. 07889 179306. Take care. And remember our latest tip is "I ain't going to litigate, I'm going to Arbitrate".

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