



Talking point

LitCast – litigation and dispute podcasts

Series 1, Episode 2

This series focuses on the pre-action stage i.e. before a claim is formally served. In this second episode we discuss the following:

1) Reservation of rights

- What do we mean by reserving your rights?
- Why is it important to reserve your rights?
- What do you include within the reservation of rights letter?

2) Waiver

- What is waiver in a legal context?
- The consequences of being perceived to have waived your rights
- How this ties in with a reservation of rights letter

3) Estoppel

- What is Estoppel?
- Promissory Estoppel
- Why is estoppel important and how do you prevent those arguments arising?

4) Without Prejudice Discussion

- What does 'without prejudice' mean?
- How does this work practically?
- It must be used in a situation where you are genuinely trying to resolve a dispute.

5) Dispute Resolution Procedures

- Is there a clause in your contract requiring alternative dispute resolution ("ADR")?
- The various forms of ADR
- Jurisdiction and choice of law clauses
- Understand the other party's motivators and priorities

We hope this is a helpful aid to our podcast, and should you require any legal advice in respect of a dispute you are dealing with, or believe will shortly come to light, please do get in touch.

For further information, please contact:

Matthew Howse, Partner, Dispute Resolution & Litigation – MatthewHowse@eversheds-sutherland.ie

Emily Paisley, Associate, Dispute Resolution & Litigation – EmilyPaisley@eversheds-sutherland.ie

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