


Our  
Services

Sladen **reveals**  
Legal **answers**

# Dispute Resolution & Litigation





**Every problem  
has in it the  
seeds of its own  
solution.**

Norman Vincent Peale



# One size doesn't fit all

## It's how you manage a dispute that counts.

Disputes and litigation can be complex and costly, requiring specialised legal expertise across multiple jurisdictions, and a technical understanding of the industries involved.

There is no "one size fits all" strategy to achieve resolution, however one certainty is that we are passionate and determined to achieve a positive outcome for you, whatever your predicament. While dispute resolution is our end goal, we also work with you to develop strategies to minimise the risk of litigation happening in the first place.

We know our clients prefer to resolve disputes before they escalate, in a practical and efficient way that protects their commercial interests.

Where litigation or arbitration ensues, our commercial disputes team has the experience and resources to provide you with expert advice in litigation, arbitration, expert appraisal, negotiation and mediation and conciliation.

### How we work

We are committed to working with you to successfully resolve commercial disputes across a wide range of sectors. To achieve this, we provide a focused and customised service to discuss strategy, progress, legal and practical issues as they arise.

We recognise each case is different, and by working collaboratively with you, we can methodically uncover the nuances specific to your case, to develop the best possible outcome in your situation. This close attention to detail, backed up by our commercial expertise, is what helps us achieve a successful, cost-effective solution for you, our clients.

We are commercial in our approach and work in small dedicated teams to resource matters appropriately. Principals are accessible and actively involved in matters so that client's benefit from our experience, knowledge and wisdom.

The team at Sladen Legal have broad commercial experience combined with the intellect and judgement to deal with the most demanding, and sometimes unusual cases. No matter how large or complex they are.

# Understanding the needs of our clients

## Our approach

At Sladen Legal we involve ourselves in a client's dispute in a variety of ways. We believe the best outcome is achieved by collaborating with our clients to understand their business, and their needs.

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### In brief

At all stages our objective is to achieve the result our client is after. Accordingly, it is not simply a matter of running a matter from the beginning to trial but to consider various strategies and options available to bring the client to a favourable resolution as quickly as possible. Such resolution may take into account various alternative dispute resolution processes such as mediation, arbitration or expert determination.

### Before Litigation

Before litigation commences we work collaboratively with clients to understand their preferred method of resolution and desired outcomes. At the outset we are involved in reviewing the client's position, providing options and advising on the likely outcome depending on the course of action taken. This involves reviewing contractual documents or the factual situation in light of applicable legislation and case law, and identifying the options and outcomes available. This way the client can consider all options available to them and make a decision which best meets their objectives.

### Negotiating a resolution through informal means

We are mindful that litigation does not work for everyone. This may be because of the financial and personal cost, or that litigation only deals with the legal issues in dispute. A thoughtful approach is taken to analyse viable alternative dispute resolution processes such as mediation, to supply clients with procedural options appropriate to the dispute.

We don't believe that alternative dispute resolution is a "once off" consideration. At all times, even if proceedings are commenced, we are committed to revisiting the options available to a client to consider whether or not the dispute may be resolved without taking it to a final hearing. We are also mindful that clients will, where possible, prefer to facilitate and control an acceptable resolution to a dispute, rather than have a third party (be it a judge or arbitrator) impose a decision or determination. If litigation is unavoidable, we will discuss with clients throughout the course of the litigation strategic resolution processes not limited to a court ordered mediation.

### During Litigation

At all stages our objective is to achieve the result our client is after. Accordingly, it is not simply a matter of running a matter from the beginning through to trial but to consider various strategies and options available to bring the client to a favourable resolution as quickly as possible. Such resolution may take into account various alternative dispute resolution processes such as mediation, arbitration or expert determination. If a dispute needs to be determined at trial, we are committed to managing the case efficiently and responsibly with a view of achieving the best possible outcome for our clients

### Defend litigation

Where a client has been sued, we will provide advice on liability and options and take all steps necessary to reduce the client's exposure. Strategies including alternative dispute resolution processes will be considered, with a view to bringing about an early determination of the matter and achieve the best possible resolution for the client. This attitude is reflected in our robust and commercial approach to achieving the right results for our clients, and providing a good understanding of the process and options available throughout the process so the client maintains a high level of control.

### Strategy through the litigation process

We understand that being involved in litigation is not part of any client's core business. If litigation is involved, we ensure that from the start clients are advised of their legal position, and provided with a strategy to achieve whatever objective they are seeking. Our advice will be regularly reviewed and the strategy varied accordingly, as litigation progresses and more information comes to light. Our aim is to finalise a matter for our client's at the earliest opportunity, provided the outcome achieved fits with our client's expectations and commercial objectives.

# Our service offering

## An optimal outcome for every client

We pride ourselves on taking a practical approach, underpinned by efficient, experienced, targeted advice and client-focused service.

### Areas of practice

#### Commercial Disputes

Over the years, we have represented clients in high stake disputes involving contracts, trade practices, shareholder obligations, directors' duties, negligence, intellectual property and defamation matters. The breadth of our experience enables us to advise our clients and protect their interests during the course of a dispute and litigation.

- Partnership and shareholder disputes, including instituting and defending oppression proceedings brought under the *Corporations Act 2001*
- Contract disputes such as breach of contract claims or termination
- Trade practices claims under the *Competition and Consumer Act 2010* for unconscionable conduct, misleading and deceptive conduct and breaches of consumer guarantees
- Conducting litigation relating to the infringement of intellectual property rights and misleading and deceptive conduct
- Conducting litigation relating to defamation

#### Property Disputes

We work closely with our property team and act for major landowners, property developers and businesses in a range of claims involving development agreements, joint ventures, commercial leases and owners corporations.

- Commercial property development disputes
- Joint venture and development rights agreement disputes
- Disputes arising from construction and development agreements
- Caveatable interests and the removal of caveats
- Retail and commercial tenancy disputes including advising on provisions of the *Retail Leases Act 2003*
- Owners corporation issues including advising on provisions of the *Owners Corporations Act 2006*

#### Insolvency

We represent both insolvency practitioners and corporates and individuals in a range of insolvency related matters.

- Representing clients in investigations by regulators
- Enforcement and recovery of uncommercial transactions or unfair preference claims
- Public and private examinations
- Creditors' claims, issuing and setting aside statutory demands and instituting and defending winding up proceedings
- Creditors' meetings
- Debt recovery from individuals through bankruptcy notices, creditor's petition and sequestration orders
- Deeds of company arrangement

#### Tax Disputes

With our highly regarded and award-winning tax team, we represent clients in tax-related disputes in administrative appeals and litigation at the superior courts level. We have also acted for tax agents who are subject of regulatory action by the Tax Practitioners Board.

- Legal proceedings with revenue authorities (including in VCAT and the AAT) to review objections
- Legal proceedings with the ATO in the Federal Court to review objections
- Reviewing decisions of the ATO in the Administrative Appeals Tribunal
- Acting for practitioners in regulatory actions brought by the Tax Practitioners Board

# Our service offering (continued)

## Wills and Estate and Succession Disputes

With our highly regarded and award-winning succession and estate planning team, we represent individuals, family groups and businesses in disputes involving complex estates, trusts and corporate structures.

- Executor's, administrator's and trustee's duties
- Grants of probate and appointment of administrators
- Challenging Wills and superannuation, binding death benefit nomination and insurance claims
- Testator's family maintenance claims
- Breaches of trust and removal of executors, administrators and trustees
- Powers of attorney and the attorney's duties
- Investigating and making claims in relation to misconduct under powers of attorney
- Elder abuse

**Everything we  
do embodies  
the passion and  
entrepreneurial  
spirit of our clients.**

# Sladen **reveals** Legal **answers**

At Sladen Legal, we offer a fresh approach – an approach that embodies the passion, dedication and entrepreneurial spirit that we share with you, our client.

For a more detailed overview of our commercial disputes expertise or any of our fifteen key service areas, please contact us on 03 9620 9399.

## Our Service Areas

Commercial contracts

Commercial disputes

Tax disputes

Mergers and acquisitions

Business structuring

Asset protection

Property and development

Intellectual property

Superannuation

Taxation

Business succession

Personal succession

Family business

Trust law

Employment, IR and OHS

## Here to make a difference

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