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Preparing for the worst: Hawaii Business and Legal Disputes

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Like any other disaster, the best time to prepare for a legal dispute is before one actually occurs. When the business relationship starts to go bad and friction develops, it can often be beneficial to start preparation for a legal dispute at the earliest point possible. The scope of our legal practice at the Greater Pacific Law Office entails both

business disputes and commercial transactions, allowing for insight on how to properly handle developing conflict in a manner that may later prove advantageous if the matter erupts into full blown litigation.

Not to sound paranoid, but a business should practice as if every important issue, every sizeable transaction, and every significant business interaction may someday become the subject of litigation. In my practice, I often see situations where the strategic implementation of business processes and improved structure in operations would have greatly decreased exposure to liability after a legal dispute has occurred.

One area to consider is integrating simple day-to-day processes to clarify and document information as events occur. For example, to the greatest extent possible, business communications should be in writing, such as email (for a number of reasons, text is likely to be a very poor choice for business communications). Having such a record can frequently prevent a good faith misunderstanding from escalating into a full business dispute.



If an issue of importance is discussed and/or agreed upon orally, a confirmation email can be sent, outlining what has occurred and giving the recipient an opportunity to clarify or correct any misunderstandings. If a dispute arises, such email correspondence is

likely to strongly indicate what was discussed and/or agreed upon.

Professionally drafted template documents (such as client contracts or waivers) customized for the business' frequently occurring business transactions can offer another form of daily use protection. Considering the documents' frequency of use, such protection can prove very cost effective – especially when considering potential litigation costs. Furthermore, template documents may also allow for standardized terms and provisions, which apply to all transactions.

Once a business dispute starts, it is often helpful to start preparing for legal action as soon as possible. When things go bad, the parties are likely to circle the wagons, and often it becomes more difficult to maneuver. Therefore, to the greatest extent possible, evidence should be quickly gathered and [a long term strategy](#) implemented at the start of any potential business dispute.



If the dispute is substantial or the exposure to liability great, an attorney can also help to plan, document events, and/or obtain evidence, in order to legally fortify your position should legal action become necessary. An attorney can also assist in

formulating and implementing a strategy designed to prevent a mere dispute from spiraling into expensive and time consuming litigation. Furthermore, an attorney's assistance in conducting negotiations allows for not only a second set of skilled hands, but also for a third-party to act as a buffer between the stakeholders. Depending on the circumstances, sometimes the use of an attorney as a "third-party buffer" can help prevent personal conflicts and preserve the business relationship.

The [Greater Pacific Law Office offers Hawaii businesses legal and dispute resolution strategies](#) designed to address conflicts before litigation develops. This often includes using our knowledge of the law to provide clients with a better understanding of the Hawaii legal system, and how to correctly position themselves in the event of conflict.

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