

**In a Legal Dispute, What is Your Goal?**

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When you find yourself in a legal dispute, one of the most important decisions you can make at the outset is to decide what your goal is for resolving the dispute. There are many factors that go into choosing the resolution you should seek. But before you focus on a particular resolution, you have a more fundamental goal to decide on. Should you be determined to “win” this dispute, or should your basic goal be to find an acceptable resolution even if it involves some compromise?

**“Winning” a Legal Dispute**

Winning a legal dispute would usually involve one of two things. First, if you could get your adversary to completely back off of a claim they are asserting, or to agree completely to a claim you are asserting, then that would be a win. You could win your dispute this way either through informal discussions before anyone has filed a lawsuit over the dispute, or if a lawsuit has been filed then you could end the lawsuit with an agreement like that.

A second way to win a legal dispute is to have a court decide that your view of the rights and obligations involved is the correct one and grant you a judgment—often after a trial.

Going for a win—a resolution completely in your favor—is a wise goal in a number of situations. Here are four examples:

1. If a legal dispute arises from a good faith misunderstanding of the facts or the law, then clearing up the misunderstanding could lead to a resolution completely in your favor.
2. A legal claim against you may be completely meritless and merely an attempt to use the legal system to squeeze money from you, and you do not want to get a reputation of caving in to meritless demands.
3. A legal dispute may involve claims that are so fundamental to one of the parties that no half-measures would suffice. For example, if your business depends on the ability to use a particular technology or process but your adversary claims it has an exclusive right to use it and would not allow you to use it under any acceptable conditions, then the very existence of your business depends on having that dispute resolved completely in your favor.
4. Some legal disputes are about the fundamental issue of whether a law is constitutional or not, like laws involving gun rights or abortion or the civil rights of gay people. On an issue like those the parties would not want to compromise—they want the court to determine the issue.

But the goal of winning your legal dispute by a resolution completely in your favor has drawbacks. It can often be very difficult, or even impossible, to get your adversary to agree completely to your position in the dispute. Getting a court judgment in your favor typically involves a substantial investment of time and money, as well as the risk that you may not succeed. And you should consider the impact of this goal for resolving your dispute on any relationship you may have with your adversary.

### **An Acceptable Resolution**

The alternative basic goal is finding an acceptable resolution even if it involves some compromise. In my experience, most legal disputes do not involve issues that make it necessary for one of the parties to get the dispute resolved completely in their favor. In those cases, the wise choice for a basic goal at the outset of the dispute may be to find an acceptable resolution even if it is not completely in your favor.

When it is not necessary for you to get a resolution completely in your favor, there are several reasons why finding an acceptable resolution involving some compromise may be a wise goal for you:

1. You may be able to get that kind of resolution much more quickly, so you could get on with your life or back to business. An unresolved legal dispute can be a heavy burden on a person's well-being or a serious obstacle to conducting a business profitably.
2. It can be much less expensive to achieve that kind of resolution, as it would avoid a trial and perhaps the involvement of the court altogether.
3. Your adversary may have some legitimate points on their side of the dispute, justifying some compromise in your position.
4. You can explore creative options for a resolution that are not available to a court.
5. When the parties find an acceptable resolution, it means they have both maintained control over the resolution rather than giving up control to a judge or jury.
6. A resolution like this makes it more likely that you could preserve a relationship with your adversary or be able to repair the damage to the relationship that the dispute caused. Many legal disputes arise between parties in a business relationship or between people in a family relationship.

Achieving an acceptable resolution is much easier said than done! Sometimes the only way to an acceptable resolution is through a trial. But the goal is much easier to achieve when that is your goal from the outset and you deal with your adversary from the beginning in a way that would facilitate an agreed resolution. It is also easier to achieve when you and your lawyer are in agreement on that goal.

Take some time at the beginning of a legal dispute to think about what your basic goal in resolving the dispute should be. Do you need to “win” the dispute, or would finding an acceptable resolution—even if it involves some compromise—work for you?