



# A Simple Guide To Resolving Disputes: From Conflict To Court and Everything In Between

Disputes happen everyday—between landlords and tenants, homeowners and contractors, employers and employees, and countless others. When something goes wrong, you may wonder: *Do I need to sue?* The answer is: *It depends.*

Lawsuits are just one way to resolve conflict. In fact, most disputes never make it to trial. This guide will walk you through the full spectrum of dispute resolution, from early steps before a lawsuit all the way to what happens if your case ends up in court.

---

## Lawsuits Are Often the Last Resort—Not the First Step

Before you head to court, it's important to understand that a formal lawsuit is not the only tool you have. In fact, most disputes are resolved through communication, negotiation, or the help of a third party without ever filing in court. That's why the *pre-lawsuit* stage matters so much.

---

## Step 1: Try to Resolve It Without Court

Here are the most common tools people use to resolve a dispute before suing:

### Demand Letter

A demand letter is a formal letter you (or your lawyer) send to the other side. This is what usually kickstarts the dispute-resolution process. A demand letter lays out:

- What the problem is
- What you want
- A deadline for response
- What may happen if the dispute isn't resolved

It's your way of saying: *"Here's the issue—and I'm serious."* Sometimes that's enough to get the other side to the table. They also may respond to your letter with a letter of their own.

### Negotiation



This is an informal back-and-forth between you and the other side (or your lawyers) to try to reach an agreement. It may be as simple as a phone call or a few emails. The goal is to resolve the issue privately—on your terms—without anyone else getting involved. If you do agree to resolve your dispute through negotiation, you usually sign a written settlement agreement.

## Mediation

Mediation brings in a neutral third party (a mediator) to help you and the other side talk it through. It's:

- Voluntary
- Confidential
- Usually quicker and cheaper than court or arbitration

The mediator doesn't determine who's wrong and who's right. Instead, they listen to each side and try to get the parties to agree to a resolution on their own. The mediator also doesn't force a settlement. Instead, it's the parties who choose whether or not to settle. But if you do agree to resolve your dispute through mediation, you usually sign a written settlement agreement.

## Arbitration

Arbitration is more formal than mediation. It often happens when a contract *requires* disputes to be handled this way instead of going to court. An arbitrator hears both sides and makes a decision on who's right and who's wrong—which is often binding and hard to appeal. Here, there is no settlement agreement. Instead, it's usually an order from the arbitrator telling the party in the wrong what they need to do for the party in the right (pay them money, apologize, make repairs, and so on).

## So How Do You Decide What To Do?

Most disputes start with communication of some sort, usually a demand letter and response. That's how you let the other party know your position and they let you know theirs. It's much easier to negotiate once you have exchanged that information. You can do this with or without a lawyer.

If the dispute isn't resolved through negotiating after sharing your positions, then you need to decide how far you want to take it. You can escalate by hiring a lawyer. You can also suggest mediation, but the other side needs to agree to it. In some cases, you may be able to file a complaint with a federal or state agency who will investigate your concerns and advocate on your behalf.



But no matter how you decide to proceed, there are a few key principles that may help you along the way:

## Think Strategically

A dispute can sometimes feel like a chess match, so keep these tips in mind:

- Preserve your leverage. If you start too aggressively (like threatening to sue), the other side may dig in.
- Expect a reaction. Sometimes your complaint will be met with a counterclaim—they might accuse *you* of something in return.
- Timing matters. Some steps buy you time; others may trigger deadlines or legal obligations.

## Organize Your Case

Even before you talk to a lawyer:

- Gather your evidence. Save emails, receipts, contracts, text messages—anything that supports your story.
- Write a timeline. Document what happened and when. It helps you stay organized and gives your lawyer a clear picture.

## Be Careful With What You Say

Words matter—especially once a dispute begins. A few quick rules of thumb:

- Don't post about it online. Social media can come back to haunt you.
- Avoid threats, rants, or emotional outbursts.
- If you have a lawyer, let them do the talking when necessary.



## Step 2: File a Lawsuit

If early efforts fail—or if the situation requires formal legal action—you may decide to file a lawsuit. Here's what that means:

### Service of Process

Once the lawsuit is filed, the other side (called the “defendant”) must be formally served with legal papers, usually in the form of a Complaint. Until this happens, the case can't move forward.



## Their Response

The defendant usually responds by:

- Filing an Answer (admitting or denying your claims), or
- Filing a Motion to Dismiss (arguing the lawsuit shouldn't continue)

## Mandatory Mediation

Some courts may order mandatory mediation at this point, requiring the parties to try to settle their claims before moving on to discovery.

## Discovery Phase

Next, both sides are required to exchange information through:

- Interrogatories (written questions)
- Document requests
- Depositions (interviews under oath)

This stage can be long, technical, and sometimes intrusive—but it's where both sides get a better understanding of the case.

## Motions and Hearings

Before trial, lawyers may ask the judge to:

- Dismiss parts of the case
- Exclude evidence
- Decide specific legal issues

Sometimes, a case ends at this stage without ever going to trial.

## Settlement Can Happen Anytime

Even after a lawsuit is filed, the vast majority of cases still settle before trial. Why?

- Discovery often reveals the strengths and weaknesses of both sides
- The cost of continuing sometimes motivates compromise
- Courts encourage (or require) further mediation or settlement talks

A settlement can include money, an apology, specific actions, or other terms the parties agree to. It's usually written down in a settlement agreement.

---

## Step 3: Trial—If It Comes to That

If your case doesn't settle, it eventually goes to trial:

- Trials may be before a judge or a jury
- Both sides present evidence and witnesses
- Lawyers give opening and closing arguments

Trials are unpredictable, expensive, and often emotionally draining. It's not like TV. And it can take over a year to get there.

## Know What You're Signing Up For

Litigation involves real costs and risks:

- Legal fees (lawyers often bill hourly)
- Discovery costs (paying for document review, depositions, experts)
- Time (lawsuits can drag on for months—or years)
- Public exposure (your dispute becomes part of the public record)

It's important to regularly reevaluate: *Is this still worth it?*

---

## Final Tips for Any Stage

- Get legal advice early. Even if you don't plan to sue, a lawyer can help you assess your options and avoid mistakes.
- Stay organized and honest. Inconsistent statements or missing deadlines can damage your case.
- Don't go it alone. If things escalate, legal guidance can protect your rights and make sure your strategy is sound.