

Negotiating a Settlement

Most civil cases settle before a final trial. Settling is often a good choice because it saves time, effort, and stress. It doesn't mean you are weak or admitting fault; it's just a way to resolve the issue.

Settling can be better than going to court or a tribunal, which can be very slow due to high caseloads. Settling can help you get a resolution faster.

If you decide not to settle or if a settlement doesn't work out, it's important to understand what comes next. Your case might take a different path, and the outcome might not be what you expect. Make sure to talk to tribunal staff and pay attention to their advice.

Tip: Even if there are deadlines, take the time to review all information and documents carefully. Your decision can significantly affect you and others, so make sure it's the right choice for you.

The [National Self-Represented Litigants Project](#) has [a fantastic resource for preparing to negotiate a settlement](#). We recommend reviewing it to prepare for any situation you may need to negotiate to settle a dispute.

Check your emotions and attitude

Negotiating a settlement can be tough and is often misunderstood. It's not about admitting guilt, being weak, or giving false information. Instead, it shows you are moving closer to resolving the issue.

Most cases settle before reaching court or a tribunal due to the high number of cases and the long, stressful process trials can involve. Focus on resolving the dispute and regularly review your goals and any concerns about settling.

Be Prepared

Before starting negotiations, list your problems because of the harassment or investigation results. Identify goals and possible solutions that can help improve your situation.

List your top priorities and areas where you can be flexible. Note any reasonable alternatives.

Tip: Have a trusted person review your list to help you identify what's most important and what you can compromise on.

Get Everything in Writing

Ensure all terms of the settlement are written down. This will protect you and help everyone understand the agreement.

Reasons to get everything in writing:

- It gives you time to think and ensure you're clear about what you want.
- It helps everyone understand the settlement terms better.
- It keeps the terms organized and prevents them from being forgotten.
- Written terms are harder to dispute.
- You may need written proof later.

Tip: Consider having a trusted person or hiring a lawyer temporarily to review the settlement terms and give advice.

A demand letter formally lets the other side know what you think is a fair settlement or resolution. It clearly outlines your request and what you want to achieve. For more information on how to write a demand letter, go to our guided pathway.

Stay open to negotiating with the other side.

Communicating with the other side can be difficult. If you want to negotiate a settlement, try to build a good working relationship. Stay calm, respectful, and professional in all your interactions.

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