

# What I need from you

## Dispute Viability Review

This list explains what I need for this service, why I need it and where you can usually find it. Send the information together where practical. Tell me straight away about anything unavailable or urgent. I will confirm when the essential information is complete and the delivery date is fixed.

Essential items are needed before the relevant work can proceed. Important items affect what I can conclude; optional items add useful context. If an item is missing, incomplete, unreadable or a different version from one already sent, identify it by its number and explain what you hold. I will tell you what replacement is needed, why it matters and any effect on the agreed work or date.

### 1. The dispute, head by head, with a sum against each ESSENTIAL

**Why I need it.** Viability is assessed per head, never as a total.

**Where you'll find it.** Whatever exists today: the draft claim, the account extract or a simple statement of what you believe you are owed.

**Without it.** The review can only be done on one total, and a strong head gets dragged down by a weak one hiding inside it.

### 2. The executed contract and every amendment ESSENTIAL

**Why I need it.** What each head stands on.

**Where you'll find it.** The commercial folder or the order email.

**Without it.** The merits cannot be tested against anything, so the review has no contractual basis for its verdict.

### 3. The honest state of the records, head by head ESSENTIAL

**Why I need it.** An optimistic answer here makes the whole review worthless.

**Where you'll find it.** The site office, the diary, the photo folders. Send what is really there, not what should be.

**Without it.** The review scores heads on records that turn out not to exist, and the verdict is wrong exactly where it matters most: whether to spend money pursuing it.

### 4. The sums at stake, and what has already been paid ESSENTIAL

**Why I need it.** Viability is a ratio, not a feeling.

**Where you'll find it.** Your account or valuation file: the total claimed and the total paid to date, side by side.

**Without it.** There is no ratio to weigh the cost of pursuing this against, so the recommendation is a feeling rather than a number.

### 5. The timeline: completion, final account, certificates, notices ESSENTIAL

**Why I need it.** Where the bars sit.

**Where you'll find it.** The completion certificate from the contract administrator, the final account from your QS's file, and the notices from the correspondence around each event.

**Without it.** It cannot be shown where the time bars actually sit, and a dispute can be found dead on time after the merits work is already done.

**6. Any limitation date, from their solicitor** IMPORTANT

**Why I need it.** Adopted and attributed, never worked out here.

**Where you'll find it.** Your solicitor, who confirms it in writing.

**Without it.** The time position is incomplete, and a dispute can be pursued past the point it was ever going to be recoverable.

**7. Any period of delay relied on, and who assessed it** IMPORTANT

**Why I need it.** Adopted and attributed, never assessed here.

**Where you'll find it.** Your programmer's report, or whoever produced the delay analysis you are relying on.

**Without it.** The head resting on delay is scored with no period behind it, and the management time to obtain one is carried as a cost of proceeding.

**8. What is known about the counterparty's financial position and how they have behaved before** OPTIONAL

**Why I need it.** A good claim against a company that cannot pay is not a good claim. The filed position is read by this practice; what you add is appetite, anything more recent than the last filed accounts, and your own payment history.

**Where you'll find it.** Whatever you already know: their accounts if you have seen them, trade reports, or simply how reliably they have paid you before.

**Without it.** The filed position still gives ability to pay, but appetite rests on nothing, your own payment history with them is not available, and anything since the last filed accounts is unseen.

**9. Who inside their organisation would run this, and how many days a month they have** IMPORTANT

**Why I need it.** The cost that is always forgotten.

**Where you'll find it.** Your own knowledge. Think about who would actually run this day to day and how much time they realistically have free.

**Without it.** The real cost of pursuing this is understated, because the time your own people spend on it is left out of the sum.

**How to send it**

Everything to [contact@jackbutlerkettle.com](mailto:contact@jackbutlerkettle.com). Original files rather than scans of printouts wherever you have them, and forwarded emails rather than text copied out of them, because the dates and the addressees travel with the original and they often turn out to matter.