

Bevan Brittan Disputes Pulse Survey 2026

Prevention is better than cure

Bevan Brittan 



Introduction

They say that “Prevention is better than cure”. This is especially true in the field of litigation, where the “Cure” can be lengthy and lead to costly court proceedings.

In June 2026 we launched our Disputes Pulse Survey to find out what areas were causing most concern for our clients.

Why we conducted the survey?

We wanted to learn



How those disputes might be prevented?



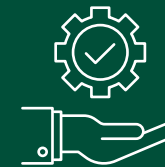
What is the biggest cause of disputes?

Key findings



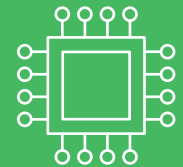
Under-resourcing creates a vicious circle

Time constraints can lead to gaps which create disputes, whilst dealing with disputes subsequently consumes further resources.



Many dispute causes have practical solutions

Several of the most common causes of disputes can be mitigated through better governance and contract management.



AI remains a key area of concern

Whilst organisations recognise its benefits, respondents feel least prepared to manage AI-related dispute risks.

Respondents

The profile range of respondents to the survey



Sector

- Central and local government
- Construction
- Infrastructure and property
- Healthcare
- Pharmaceuticals and life sciences
- Manufacturing and industrials



Organisation type

- Government organisations
- Public sector organisations
- SMEs
- PLCs
- Charities



Role of respondent

- Legal
- Risk and compliance
- Executive leadership
- Operations
- Procurement

Snapshot of the in-tray over the next 12 months

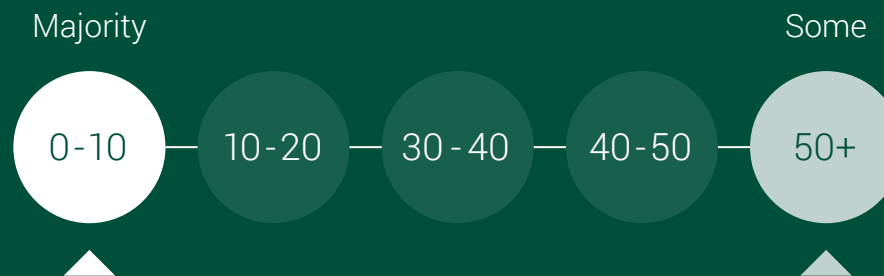
Biggest challenges

- Contract complexity
- Economic uncertainty and market volatility
- Internal capacity and capability constraints
- Regulatory change

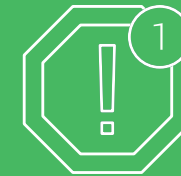


Typical volume of disputes

Majority facing up to 10 commercial disputes annually. Some respondents facing over 50 disputes annually.



Types of disputes presenting greatest risk



Primary risk
Contractual disputes



Secondary risk
Regulatory and compliance disputes

AI and dispute risk

What is causing headaches when managing disputes effectively?

Respondents indicated that they generally have access to the right knowledge and guidance to manage disputes, including access to specialist legal advice.

Areas where organisations feel most confident

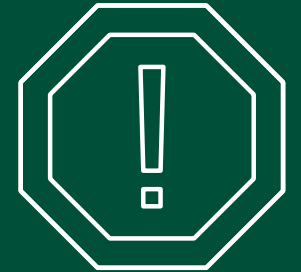
- Access to specialist legal advice
- Contract drafting and prevention
- Identifying risks early
- Internal processes and escalation procedures

Areas where organisations feel least prepared

- Alternative Dispute Resolution
- Court Procedure
- AI-related disputes

AI: The area organisations feel least prepared for

Majority believe it is too early to determine AI's impact on risk



Significant proportion believe AI is moderately increasing risk

Only one respondent reported feeling prepared to manage disputes arising from AI

Reducing the risk of disputes

What organisations can do to reduce the risk of disputes arising in the first place

01

Clear drafting tailored to the situation.

Ideally as simple as possible as this usually provides the greatest clarity.

02

Effective contract management as the contract is performed. If one side is falling short, consult the contract to see what should be done in those circumstances.

03

Follow contractual management steps in the contract.

If a meeting should be held and warnings given, make sure that is documented. If a warning notice should be given, set that out in writing and keep records. Avoid leaping to threats to terminate without following any required remedial steps as this can lead to you being in breach of contract yourself.

04

Someone within the organisation needs to take responsibility for being the contract enforcer.

Knowing what each side has promised to do, tracking performance and knowing what steps to take if performance goes off track.

05

In the push to get the contract signed, parties can overlook the importance of **agreeing how disputes will be resolved**. We occasionally see inappropriate forms of dispute resolution clauses, such as agreements to arbitrate. When asked, clients are often unclear on what arbitration is, the costs and the process involved. Having a straightforward way of resolution of disputes can prevent a minor disagreement from becoming a long-running and costly dispute.

Conclusions

Managing disputes more effectively

What can organisations do to manage disputes more effectively when they do arise?

Clear escalation internally to the right personnel

The contract might say that certain level of personnel (e.g. the CEO) need to be involved in CEO to CEO discussions early on, prior to any other dispute resolution steps being taken.

Make sure you know what the contract requires in terms of dispute resolution

Sometimes disputes arise over how to resolve disputes, with one side rushing off to Court or to arbitration, and the other side insisting that a different dispute resolution procedure (e.g. mediation) is followed first.

Have a clear audit trail and document management policy

Are the documents you are creating covered by privilege? Who is the "legal team" (if you have an internal legal team) for this purpose, and are documents copied into lawyers before the dispute arose privileged? It is likely that documents created for the dominant purpose of obtaining or providing legal advice will be privileged, but this can be lost if documents are circulated more widely, copied or the connection between giving legal advice and circulation becomes too thin.

Be clear what options are available for dispute resolution

For example, do the parties want to attempt a form of alternative dispute resolution despite what the contract says? It is likely to be open to parties to agree to vary the contract to attempt mediation (for example), even if the contract does not provide for this.

01



02



03



04

Conclusions

Get in touch

At Bevan Brittan LLP we handle all sorts of commercial and regulatory disputes. We offer resilient support to decision makers navigating the operational and reputational complexities of litigation.

Get in touch with us if you would like to know more

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