

### About legal evidence

In the provision of legal services, there are two main reasons why a client goes to a lawyer.

The first one is to get preemptive legal advice, such as the drafting and/or reviewing of agreements or legal consultations related to avoiding future disputes. The second one would be through solving conflict resolution when a dispute arises. In that case, the lawyer's participation, whether in or out of court, could be the key to success.

It is usual that the parties have no contract in which they have established the basis of their relationship, but also on many occasions, the parties have a lack of communication between them.

The first thing that the client must have clear is that the lawyer needs all the available information to understand the request for their services.

The agreements, contracts, communications and documentation inherent in the contracting process (order form, consignment note, delivery note, order request or complaints via mobile phone such as WhatsApp) **are necessary elements for understanding the changes that have led to the conflict.** But, in addition, these elements shall **constitute the legal evidence of the rights that we may present before a Court or Arbitral Tribunal.** Therefore, this legal evidence shall serve as a basis for the assessment of the judge or arbitrator to consider the claim that we filed. This is because the judicial or arbitration proceedings are based on the legal evidence that the parties present during the proceedings.

Based on these elements and the additional information provided by the client during the justification of the case, we can initiate the necessary actions to try to obtain, depending on the matter, the payment for the goods sold, the termination of the contract for non-performance, or the claim for damages incurred by the counterpart.



## What is the process we follow at Font & Yildiz?

1. A study of the case: events and facts, applicable regulations and jurisprudence.
2. Request for registration and financial information of the counterpart.
3. Where appropriate, request for expert opinions in situations of technical complexity, such as construction defects or contracts through mobile applications.
4. Drawing up and sending the letter of claim for the rights of our client, which will serve to pre-constitute, where appropriate, legal evidence of bad faith of the counterpart.
5. Initiation of the necessary legal proceedings before the Court or Arbitration Court, which would generally comprise:
  - a. A request for preliminary proceedings before the Court to obtain the necessary documents in the possession of the counterpart to constitute the legal evidence, which cannot be obtained by any other means.
  - b. A request for expert advice, in those cases where there appears a technical complexity that must be evaluated by an independent expert and which shall be the basis of legal evidence in many procedures (e.g. construction or contracting through mobile applications such as WhatsApp).
  - c. Drawing up of the lawsuit and provision of evidence: agreements, contracts, communications and other documents.
  - d. Where appropriate, attendance at the hearing or pre-trial hearing and trial, where legal evidence shall be requested and accepted by



the Court or Arbitral Tribunal (testimony of the parties, witnesses and/or experts).

- e. In the event of the Judge or Arbitrator upholding the claim, execution of the ruling or award for the forced payment of the sums owed or the obligations to be met.

Ricardo Martín  
Lawyer

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Our Firm counts with English, Turkish, French, Portuguese, Spanish and Catalan speaking lawyers and economists, all of them professionals that would be happy to assist you. For more information, please contact us [info@fy-legal.com](mailto:info@fy-legal.com)

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