Training course on Dispute Resolution and Litigation in Real Estate

Professional Development Training Course Outline

Category	Real Estate Institute	**Duration**	10 Days
Base Fee	$3,000 USD	**Delivery Mode**	Online / On-site Hybrid

Course Introduction

In Kenya's dynamic and often contentious real estate sector, the ability to effectively navigate Dispute Resolution and Litigation is a critical skill for safeguarding investments, protecting rights, and preserving relationships. Training Course on Dispute Resolution and Litigation in Real Estate is meticulously designed to equip with the cutting-edge legal insights and strategic understanding. Beyond a theoretical understanding, this specialized discipline demands a pragmatic and proactive approach, blending in-depth knowledge of legal frameworks, alternative dispute resolution (ADR) mechanisms, court procedures, and the leveraging of strategic negotiation and advocacy to achieve timely, cost-effective, and favorable outcomes. This comprehensive 10-day program delves into nuanced methodologies for identifying potential dispute triggers in real estate transactions, mastering advanced techniques for negotiation, mediation, and arbitration, and exploring cutting-edge approaches to preparing for and engaging in real estate litigation (e.g., in the Environment and Land Court in Kenya). A significant focus will be placed on understanding the interplay of contract law, land law, property rights, and procedural rules across diverse dispute types, managing high-stakes conflicts with unparalleled confidence, and optimizing resolution strategies through proactive risk assessment and strategic legal counsel. By integrating local industry best practices, analyzing real-world complex real estate dispute cases and landmark judgments in Kenya, and engaging in intensive hands-on mock negotiations, simulated mediation sessions, case analysis, and expert-led discussions, attendees will develop the strategic acumen to confidently handle any dispute, fostering unparalleled legal protection, transactional stability, and securing their position as indispensable leaders in modern real estate conflict management.

Programme Curriculum

Training Course on Dispute Resolution and Litigation in Real Estate

Introduction:

In Kenya's **dynamic and often contentious real estate sector**, the ability to effectively navigate **Dispute Resolution and Litigation** is a critical skill for safeguarding investments, protecting rights, and preserving relationships. Training Course on Dispute Resolution and Litigation in Real Estate is meticulously designed to equip with the cutting-edge legal insights and strategic understanding. Beyond a theoretical understanding, this specialized discipline demands a **pragmatic and proactive approach**, blending **in-depth knowledge of legal frameworks, alternative dispute resolution (ADR) mechanisms, court procedures**, and the leveraging of **strategic negotiation and advocacy** to achieve timely, cost-effective, and favorable outcomes.

This comprehensive 10-day program delves into **nuanced methodologies** for **identifying potential dispute triggers in real estate transactions**, mastering **advanced techniques for negotiation, mediation, and arbitration**, and exploring **cutting-edge approaches** to **preparing for and engaging in real estate litigation (e.g., in the Environment and Land Court in Kenya)**. A significant focus will be placed on understanding the interplay of **contract law, land law, property rights, and procedural rules** across diverse dispute types, managing **high-stakes conflicts with unparalleled confidence**, and **optimizing resolution strategies** through **proactive risk assessment and strategic legal counsel**. By integrating **local industry best practices**, analyzing **real-world complex real estate dispute cases and landmark judgments in Kenya**, and engaging in intensive hands-on **mock negotiations, simulated mediation sessions, case analysis, and expert-led discussions**, attendees will develop the **strategic acumen** to confidently handle any dispute, fostering unparalleled **legal protection, transactional stability**, and securing their position as indispensable leaders in **modern real estate conflict management.**

Course Objectives:

Upon completion of this course, participants will be able to:

1. **Analyze core principles and strategic responsibilities** of **dispute resolution and litigation in real estate in Kenya**.
2. **Master sophisticated techniques** for **identifying and preventing potential real estate disputes**.
3. **Develop nuanced strategies** for **effective negotiation in real estate conflicts**.
4. **Implement effective mediation processes** for **amicable resolution of property disputes**.
5. **Manage complex arbitration proceedings** as an alternative to court litigation.
6. **Apply robust strategies** for **preparing for and engaging in real estate litigation** (e.g., in Kenyan courts).
7. **Understand the deep integration of contract law, land law, and procedural rules** in **real estate disputes**.
8. **Leverage knowledge of key real estate dispute types** (e.g., contractual, landlord-tenant, boundary, ownership).[1]
9. **Optimize strategies for evidence collection, witness preparation, and legal argumentation**
10. **Formulate specialized dispute resolution plans** for **diverse property types and transactional contexts**.
11. **Conduct advanced risk assessment and mitigation planning** related to **potential litigation liabilities**.
12. **Navigate challenging situations** such as **fraudulent claims, complex multi-party disputes, and enforcing judgments**.
13. **Develop a holistic, ethically sound, and strategically effective approach** to **real estate dispute management and litigation in Kenya**.

Target Audience:

This course is designed for real estate professionals seeking advanced skills in Dispute Resolution and Litigation:

1. **Real Estate Agents and Brokers:** Dealing with commission disputes, misrepresentation claims, and contractual disagreements.
2. **Real Estate Developers and Investors:** Facing land disputes, construction defects, and contractual breaches.
3. **Real Estate Legal Professionals (Lawyers, Advocates, Paralegals) in Kenya:** Specializing in property litigation and dispute resolution.
4. **Property Managers:** Handling landlord-tenant disputes, rent arrears, and eviction proceedings.
5. **Land Economists and Valuers in Kenya:** Involved in valuation disputes and compulsory acquisition compensation claims.
6. **Government Officials (Land Registries, NLC) in Kenya:** Managing land records and dispute referrals.
7. **Senior Real Estate Consultants:** Advising clients on potential legal risks and dispute strategies.
8. **Anyone involved in High-Stakes Real Estate Transactions:** Requiring mastery of conflict prevention and resolution.

Course Duration: 10 Days

Course Modules:

- **Module 1: Foundations of Real Estate Disputes**
    - Identifying common **sources of real estate disputes**: contract breaches, land boundaries, ownership.
    - Understanding the **costs and impacts of disputes** (financial, reputational, time).[2]
    - The **legal and regulatory landscape** for dispute resolution in Kenya (e.g., Judiciary, Tribunals).
    - Overview of the **dispute resolution continuum**: negotiation, mediation, arbitration, litigation.[3]
    - Ethical considerations in **dispute management and professional conduct**.
- **Module 2: Preventing Real Estate Disputes**
    - Strategies for **clear contract drafting** to avoid ambiguities.
    - Importance of **thorough due diligence and disclosure** in transactions.[4]
    - Effective **communication and expectation management** with clients and parties.
    - Documenting all **agreements and communications** meticulously.[5]
    - **Case Study:** Analyzing common contractual clauses that frequently lead to disputes and how to improve them.
- **Module 3: Negotiation in Real Estate Disputes**
    - Advanced **negotiation principles** applied to conflict situations.
    - Techniques for **identifying underlying interests vs. stated positions**.
    - Strategies for **reaching win-win solutions** where possible.
    - Dealing with **difficult personalities and power imbalances** in dispute negotiations.
    - **Case Study:** Role-playing a negotiation to resolve a commission dispute between agents.
- **Module 4: Mediation in Real Estate Conflicts**
    - Understanding the **mediation process and the role of the mediator**.
    - Benefits of **mediation for real estate disputes** (cost-effective, confidential, preserving relationships).[6]
    - Preparing for and effectively participating in **mediation sessions**.
    - Drafting **binding settlement agreements** from mediation outcomes.
    - **Case Study:** Simulating a mediation session for a landlord-tenant dispute over property damage.
- **Module 5: Arbitration in Real Estate**
    - Understanding the **arbitration process** and its binding nature.
    - Advantages and disadvantages of **arbitration vs. litigation** for real estate.
    - Selecting an **arbitrator with real estate expertise**.
    - Preparing and presenting a **case for arbitration**.

    - **Case Study:** Analyzing an arbitration award in a construction dispute related to real estate development.
- **Module 6: Fundamentals of Real Estate Litigation in Kenya**
    - The structure and jurisdiction of **courts handling real estate matters in Kenya** (Environment and Land Court - ELC, High Court).
    - Understanding **civil procedure rules** relevant to real estate cases.
    - Stages of litigation: **pleadings, discovery, pre-trial, trial, judgment**.
    - The role of **evidence, witnesses, and expert testimony** in court.
    - **Case Study:** Examining a typical ELC court process for a land ownership dispute.
- **Module 7: Litigation in Specific Real Estate Disputes**
    - Litigation of **contractual disputes**: specific performance, damages, rescission.
    - **Land ownership and boundary disputes**: adverse possession, trespass, injunctions.
    - **Landlord-tenant disputes**: eviction, rent arrears, breach of lease terms.
    - **Construction defect claims and professional negligence**.
    - **Case Study:** Analyzing a court ruling on a boundary dispute between two adjacent properties.
- **Module 8: Evidence, Disclosure & Discovery in Litigation**
    - Types of **evidence admissible in real estate cases** (documents, oral, expert).
    - Rules of **disclosure and discovery** (e.g., interrogatories, requests for production).
    - Strategies for **collecting, preserving, and presenting evidence**.
    - The importance of **witness preparation and credibility**.
    - **Case Study:** Identifying key pieces of evidence needed for a misrepresentation claim against an agent.
- **Module 9: Judgments, Appeals & Enforcement**
    - Understanding **court judgments and orders** in real estate cases.
    - The process of **appealing a court decision**.
    - Strategies for **enforcing judgments**: warrants of attachment, charging orders.
    - Managing **post-judgment compliance and challenges**.
    - **Case Study:** Analyzing a successful enforcement of a judgment for specific performance in a land transaction.
- **Module 10: Ethical Conduct in Real Estate Disputes**
    - Ethical obligations of **real estate professionals** when involved in disputes.
    - Duties of **legal practitioners** in litigation (e.g., duty to court, duty to client).
    - Avoiding **frivolous litigation and vexatious claims**.
    - Maintaining **confidentiality and professional integrity** during disputes.
    - **Case Study:** Discussing an ethical dilemma where a client requests a legal strategy that is professionally questionable.
- **Module 11: Specialized Dispute Resolution Bodies in Kenya**
    - The role of the **National Land Commission (NLC)** in land dispute resolution.[7]
    - Powers of the **Environment and Land Court (ELC) and Magistrate Courts** in real estate.
    - Understanding the role of **sector-specific tribunals** (e.g., Rent Restriction Tribunal).
    - The interplay between **statutory bodies and traditional dispute resolution mechanisms**.
    - **Case Study:** Tracing a land dispute from a local administrative body to the ELC.
- **Module 12: Emerging Trends in Real Estate Dispute Resolution**
    - The impact of **technology (e.g., ODR platforms, AI)** on dispute resolution.[8]
    - Growth of **online dispute resolution (ODR)** for real estate matters.
    - The increasing importance of **preventative law and dispute avoidance strategies**.
    - Global trends in **real estate litigation and international arbitration**.
    - **Case Study:** Debating the potential benefits and challenges of implementing an ODR platform for landlord-tenant disputes in Kenya.

Training Methodology

- **Interactive Workshops:** Facilitated discussions, group exercises, and problem-solving activities.
- **Case Studies:** Real-world examples to illustrate successful community-based surveillance practices.
- **Role-Playing and Simulations:** Practice engaging communities in surveillance activities.
- **Expert Presentations:** Insights from experienced public health professionals and community leaders.
- **Group Projects:** Collaborative development of community surveillance plans.
- **Action Planning:**Upcoming Scheduled Sessions

Start Date	End Date	Location	Price
23 Nov 2026	04 Dec 2026	Online	$2,000
23 Nov 2026	04 Dec 2026	Physical	$3,000
23 Nov 2026	04 Dec 2026	Physical	$6,000
23 Nov 2026	04 Dec 2026	Physical	$6,000
23 Nov 2026	04 Dec 2026	Physical	$12,000
23 Nov 2026	04 Dec 2026	Physical	$9,000
23 Nov 2026	04 Dec 2026	Physical	$12,000
23 Nov 2026	04 Dec 2026	Physical	$12,000

Ready to enroll or request a customized program? Book online or contact us:

Register Online Now

Email: info@fineskilltrainingcenter.com | Website: www.fineskilltrainingcenter.com