



FROM THE IUSTORIA BLOG

Not Every Battle Is Worth Fighting

A lawyer who tells you 'we'll win this' without asking what the victory will cost you isn't doing you a service. They're making themselves a sale.

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One of the most important things a lawyer can tell you is: "Don't fight this one."

Not because you're wrong. You might be right. But being right in law is a far more complicated category than most people realise. And most importantly — even if you are right — it doesn't automatically mean it's worth pursuing.

Truth is subjective until someone objectifies it

Most clients come in convinced they're right. And in most cases — from their perspective — they genuinely are. The problem is that the other side comes in with exactly the same conviction.

That's not cynicism. That's the reality of the legal system.

Law doesn't work with "truth" in the way we understand it in everyday life. It works with what can be proven. What's in the documents, what witnesses confirm, what the evidence shows. And between what you know and what you can demonstrate in court, there is often a chasm.

Truth in law is objectified by a judgment. But a judge is a human being, not a god. They work with what you present to them. They read the file, hear the witnesses, assess the evidence — and decide based on what they see. Not based on what actually happened.

This isn't a flaw in the system. It's the system's very nature. Law is a pragmatic system for resolving conflicts — not a mechanism for uncovering absolute truth.

The economics of a dispute

A client comes in. A debtor hasn't paid them three hundred thousand crowns. The contract is clear, the invoice is overdue, reminders have been sent. A legally clean case.

I ask: "How much are you willing to invest to get that money back?"

That's a question many clients have never considered. They assume law works automatically — you file a lawsuit, the court decides, the money arrives. But it's not that simple.

Court fees. Legal representation. Time — your time, spent in hearings instead of at work. Expert opinions, if needed. Appeals, if the other side loses and disagrees. Enforcement, if the judgment alone isn't enough. And the risk — a very real risk — that the debtor has nothing to pay with, and you end up owning a legally binding judgment that won't fix your roof.

Sometimes the answer is clear: yes, fight it. The amount is high, the evidence is strong, the other side is solvent. But sometimes — and I say this quite openly — the answer is: no. Settle for fifty percent and move on. Or let it go entirely. For the actual economics of litigation — what you pay versus what the court awards — see [Attorney's fees in court](#); and don't forget that [limitation, the silent claim killer](#), can flip the calculation overnight.

Battlefields worth abandoning

There are disputes where the best strategy is not to fight. In those moments it often pays to consider **mediation or another forum** instead of full-blown litigation.

When the other side is financially stronger and prepared to exhaust you through process. When your evidence is weaker than you think. When the relationship with the other party matters more than the subject of the dispute — say, a business partner you'll need to work with afterwards.

Or when victory is so distant and costly that it makes no economic sense — even if you had a hundred percent chance of success. Because a hundred percent chance of success doesn't exist in law.

Abandoning a battlefield isn't weakness. It's a strategic decision. Just as in chess — sometimes you sacrifice a piece to gain position.

Why your lawyer won't tell you this

I'll be honest: most lawyers have no economic incentive to tell you not to sue. Every lawsuit is work. Every hearing is an invoice. Every appeal is another set of billable hours.

That doesn't mean lawyers are dishonest. It means the system is set up so that resolving a dispute is more profitable than preventing one. And if a lawyer doesn't acknowledge this conflict of interest, they easily slip into a mode where they say "yes, let's file" reflexively — because that's what the client wants to hear, and that's what generates work.

We do things differently. When you come to us with a dispute, the first thing we say isn't "we'll win this." It's: "Let's look at whether this is worth fighting."

Law as a pragmatic system

Law is not justice. It's a system of rules through which society resolves conflicts. Sometimes those rules lead to a just outcome. Sometimes they don't. And almost always they lead to an outcome that is more expensive and slower than either side would like.

Before you enter a dispute, try to answer three questions:

First — how much will it cost me, even if I win? Second — what is the realistic chance I can prove to the other side what I claim? And third — even if I win, will I actually get what I want?

If the answers to these questions unsettle you, it's time to talk to someone who will tell you the truth — not what you want to hear.

In closing

A lawyer is not a warrior you hire to fight for you at any cost. They're a strategist who helps you decide which battles are worth it — and which are not.

Sometimes the best legal advice is the kind you don't pay a single extra crown for: "Let it go." And if you do decide to fight, also look at [what you can ask for in a civil lawsuit](#) — procedural hygiene often decides more than the merits. For the *why* behind some battles being won by psychology and negotiation rather than statutes (BATNA, anchoring, sunk cost), see my popular-science deep-dive [Statutes are just the foundation: psychology and tactics in a legal dispute](#). "Don't fight" has several different reasons: sometimes because the other side is irrational and no rational move will end the game — see [You don't negotiate with terrorists](#); sometimes because you are playing the *wrong game* (Monopoly where you think it's chess) — see [Chess, poker, Monopoly — and Snakes and Ladders](#); and sometimes because the problem isn't legal at all and you need a different professional — see [The lawyer as illusionist](#).

Need a second opinion on whether to go ahead with a dispute — or drop it? In our [dispute resolution practice](#) we give you an honest read of the odds, costs and risks before the first filing. [Get in touch](#).

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