

by Neil C. Robinson, Jr., Esq.

The prevailing attitude in the business community is that lawyers are to be avoided—at any or all costs! Lawyers are viewed by many as a necessary evil—flamboyant and expensive. Not true—many lawyers are not flamboyant!

Seriously, the typical business leader feels that calling a lawyer should be the last resort, an act of desperation triggered by some unforeseen circumstance that threatens the viability of his or her enterprise. Of course, in such case, a call for help is made, but often the first call will be to a business associate in the form of “Do you know a good lawyer?”.

Establishing a relationship with an attorney at an early point in your business development is as important as arranging for your telephone and electrical service, your insurance protection, or your accounting needs. If you wait until a problem occurs, you may not get the lawyer you want, and—more likely—the cost will be greater.

A law office is not like a fast food restaurant. As in your business, the customer with whom you have an existing relationship will get the highest priority. Any professional who is asked to drop everything and represent a new client in an emergency situation will certainly expect to be compensated at premium rates, and, more likely than not, will require a substantial up-front retainer.

In truth, a savvy business attorney can help establish protections for your business that will go a long way toward preventing legal emergencies in the future. In today's world of confusing and often times conflicting regulations legal planning is a necessity, not a luxury. Just as you schedule your annual physical examination or take your car in for a routine maintenance check, an annual legal audit of your business should be an integral part of your planning and budgeting process.

Likewise, consider having your legal documents reviewed before you sign them, instead of later when you feel that you are not getting the benefit of your bargain. Just because a contract is presented to you on a preprinted form doesn't mean that the terms may not be negotiable.

I recall the client who, despite constant admonition, executed significant contracts, only later bringing them in for review. Finally, one day he arrived with a smile on his face proclaiming “I signed the contract, but don't worry—I didn't fill in any of the blanks!”

Well, you get the picture. It took several months and a good deal of expense to straighten out that “contract” signed over dinner at a convention in Las Vegas.

In conclusion, if you do not have an ongoing relationship with a business attorney or a law firm that specializes in business transactions, you should consider establishing such a

relationship at the earliest possible date. The old adage “an ounce of prevention is worth a pound of cure” was never more applicable.