

Business Contracts Necessary, But Not Necessarily Complex

By: Peter S. Bauman, Esq.

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In *Amadeus*, the movie based on the life of Wolfgang Mozart, the Austrian emperor is previewing Mozart's latest opera. The emperor is shown listening thoughtfully throughout the entire vast musical extravaganza. When the curtain rings down on the last act, the emperor is asked for his opinion. Mozart waits breathlessly.

The emperor's verdict: "Too many notes."

And so it is with many business contracts. To the average businessperson, a contract is a daunting document fraught with potential liabilities, written in language that is difficult to understand. However, it is often the contracts that are brief and easy to understand that are the most effective and enforceable contracts. While it sounds simple, this can be difficult and the right legal counsel is needed to draft complex terms in simple language.

Traditionally, the link between long contracts and clarity went hand in hand. This concept developed over the years to the point where simple purchase contracts consumed several pages and required attorneys to fully understand all the terms. However, it is typically not the attorney who has to testify what he understood the contract to be to a trier of fact when a dispute develops. As such, it is important that business contracts, while containing the necessary terms, are brief, simply stated, and well organized so those persons negotiating them and signing them understand them. This process not only increases the chance of a successful business relationship, but also decreases the chance for a dispute later on based upon a misunderstanding.

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Our business attorneys are skilled at drafting clear, concise contracts that provide all parties with direction and protect your business from potential liability. For further information please contact Robert Freedman or Peter Bauman at (818) 473-5720 or email your request to cbusinesslawreport@tharpe-howell.com.