

Advantages of Having An Attorney: Why Entrepreneurs & Nonprofiteers Need Good Lawyers

Brief Overview -

1. Trust

a. Building a good relationship with an attorney who's conscientious and cares about your success is invaluable. You will come to appreciate the reminder phone calls and/or emails about important opportunities, changes in the law that affect you or your client base, and updates to your important documents. Having a thoughtful and client-oriented lawyer will give you a sense of security and peace of mind because you know they're primarily concerned with your well-being as an entrepreneur, individual, and the success of your business.

b. Your attorney will do your worrying for you and identify the risks that can affect you then give you a way to avoid them.

2. Save time

a. Why would you want to become a legal expert when you could be an expert on making money for your company?

b. Time is money, and your time is best spent making money.

c. A good attorney will already know what you're up against and most times will find an answer faster than you can because of their training.

d. Being able to delegate responsibilities is a key component of successful management – many an entrepreneur have caused the decline of their business or missed opportunities because they tried to do everything.

3. Knowledgeable

a. Your attorney should be up to date on all of the current decisions and regulations that affect your particular business situation. He should also be aware of local, state, and federal laws that affect your business. This knowledge base can go a long way to helping you get better deals, avoid bad deals, and avoid compliance issues.

4. Skill set

a. Because you're not an attorney your skill set isn't in analyzing legal details, identifying potential risks, and discerning the likelihood of encountering various risks in any particular set of circumstances that relate to your business. Your skill set is your talent and identifying the resources to make your talent profitable.

5. Focus/Freedom

a. Having an attorney handle your legal affairs saves you money in the long run because your focus and attention doesn't have to waiver or split between your business goals and effectively achieving those goals in the most risk averse manner.

i. You lose money when you spend time trying to be a lawyer when you're supposed to be focusing on being a great business person.

ii. You lose money when you spend time reading website after website and don't know if the information is accurate or complete enough to give you a fair assessment of the risk you may incur or accuracy of the information you're receiving.

iii. You lose money when you make a mistake that causes you civil or criminal liability related to your business. You'll have lost time, effort, energy, money, and still have to call an attorney.

6. Leverage

a. The best way to leverage your negotiations to maximize their profitability and reduce risk is to have a skilled attorney handle them for you. Why do you think all the big businesses run everything by their attorneys and have the attorneys finalize their deals?

Explanation -

Today, many people believe that lawyers are an antiquated resource that will never serve enough purpose or do enough good to ever justify their expense. Prior to the study of law, I believed the same thing. I felt extremely confident that when I saw a contract I could read the language in it and completely understand the text. Besides, I was comfortable with terms

like heretofore, therefore, hereinafter, also that, in so much as, forthwith, aforementioned, whereto, and similar phraseology based on my experience from high school English literature classes and the Shakespeare we read. Ha! I was even complimented by other non-lawyers on my proficiency in legalise! You can imagine I was surprised to learn: I had drafted and entered into a lot of agreements without knowing what exactly I had and hadn't agreed to, or the full extent of the liability I exposed myself to. The fact of the matter is an attorney is an invaluable asset to the start-up business and entrepreneur.

It's clear that the low prices of the internet, prepaid online services, and the idea of being one's own lawyer without the training or expense are exceedingly attractive. Besides, people don't want to feel less smart or less able, and when they go to attorneys they think, "they're just words on paper; I can read." A good lawyer knows how to read the law - that vast hodgepodge of words and phrases with very specific definitions, concepts, and context - and work with the law to interpret how it affects your situation. This can be as simple as a black and white rule or as complex as how a line of cases and their decisions affect the client. A good lawyer will either know or be able to find the answer then communicate what it means in writing and verbally for the client's benefit.

If you're a business person you're probably thinking, "if you can go to a prepaid service or grab forms off the internet, you should be covered, right?" WRONG. The short-sighted amongst start-up entrepreneurs, a group I was previously part of, forgo counsel and use these services. Prepaid services have a limited amount of work that they will perform, and anything beyond that will cost the attorney's normal rate or won't be covered. The worse is when that attorney passes along a form with little to know instruction because you paid a minimum. Any work that goes beyond a simple phone call or superficial contract review will get additional charges above the prepaid rates.

Along similar lines, internet document services are only useful to give more verbiage to very simple agreements. You may not need that language, you may need more of a particular type of language, or you may be missing key language. More times than not, it is likely there is a great deal of surplusage (i.e. unnecessary verbiage that may contain language that can be contested to void the agreement or cause the clause including it to be invalidated). A document that protects your interest and is tailored to your circumstances is not guaranteed. Something as simple as the punctuation of a document can cause problems when a judge reviews it or it comes up at trial. Often, lawyers use specific grammatical tools like semicolons ";," in ways that are uncommon to lay writing that can make or break the effectiveness of a contract.

Here's another instance where it gets sticky for a client attempting to be his or her own lawyer (especially using an online document service or some quick fix). One word like "negligence," "indemnity" or "and/or," or two words like "lacks consideration," or three words "remedies at law," or a phrase "the scope of the agreement" or "shall preclude competition within a reasonable area," and most legal verbiage can entirely change what a sentence means to a client in a particular situation. It's not that the words are impossible to understand or you can't understand them if you find their meaning. The issue of construction and meaning is magnified when there is a problem with an agreement or other important document. If they don't know how or why another attorney or judge may read the word or phrase then inadvertently under-appreciate how important it is (ultimately overlooking how it can cause sleepless nights, anxiety, confusion, and in certain situations bankruptcy) you won't find out until it is too late. A very respected ex-in-house counsel for a big bank told me, "there's never really a problem with a contract until there's a problem with the deal."

When negotiating and drafting a contract, a good attorney will understand the overall function of the document, the purpose of the agreement for the client, the way in which the contract reaches the parties' desired result, and will know exactly what every word, combination of words, punctuation, and sentence means to create that result. The attorney will also know how to approach the deal negotiations to make sure agreements are structured for the best benefit of the client. They can give the client the information necessary to make the best decision possible for their situation and minimize the client's exposure to risks. This kind of advice can potentially save a client thousands or millions of dollars depending on the size of the business and is worth every cent.

Imagine being able to: avoid countless mistakes, prevent exposure to unnecessary risks, and save thousands or millions of dollars depending on the industry your business is in. If mistakes are made by your attorney you have someone to be accountable and who is responsible for fixing them. If it is your mistake you'll probably need an attorney to fix it. Why would anyone who wants to maximize the profitability of their time spend it trying to learn and analyze things with a high degree of effectiveness, and it is something they have no expertise in when they could be using their existing expertise to sell or improve their product or service? When your car breaks down, do you go to the internet and try to learn how to become an auto mechanic? I hope not. I hope you go to an auto mechanic with a good reputation, affordable rates, quick turnaround, etc. When you get a broken leg do you go to WebMD and learn how to set the bone for optimal healing? I hope not. I hope you go to a physician with a good reputation, affordable rates, short waiting periods, good bedside manner, etc.

Lawyering is a service, and when you have a legal issue they are the resource that can help the client achieve their goal, fix their problem, or make or save the client money. The attorney you hire should approach his or her fees one of two ways:

- 1) fees are determined by track record and clients pay higher rates for the best, or

2) the attorney tries to be reasonable by adjusting the cost of service to reflect the amount of work, and the difficulty of the work.

*I understand that not all attorneys are like this and have even stolen money, but in this economy that's the fastest way to get disbarred and without gainful employment.

Many lawyers can practice in multiple areas and even dive into work in unfamiliar areas of law. However, hiring a lawyer who is knowledgeable about the law with respect to your situation, understand the importance of client relationships and communication, has integrity, cares about the favorable resolution of your legal issue, and cares about your business is invaluable.

Lawyers know the allure of being one's own attorney, and as they are working harder than ever to build value in to their practices and determine how they can best serve their clients. These values include: increasing accessibility; providing easy to use virtual platforms for speedy turnaround of documents and access to them; creating comfortable office settings; passing along savings from decrease of cost in supplies; forbearing from unnecessary expenses; and, any other number of methods to give the client a reason to seek that attorney's counsel. Additionally, being able to speak in-person or via live communications to an attorney that will work with the client with respect to cost, or, if not, will make sure that every amount of time or service billed is money well spent lends itself to a better practice of law and service to the client.

Smart entrepreneurs understand the value of a good attorney and recognize it as an investment to their long term success. At McAlpine PLLC (<http://www.McAlpinePLLC.com>), as a business|personal legal concierge, we have studied and evaluated the common complaints in the marketplace that people have about attorneys. In designing our practice we have addressed them as comprehensively as possible to give clients the service they want and expertise they demand at an affordable rate. We strive for excellence in our client communications, work hard at finding the answers that benefit our clients most, and seek to instill confidence in favorable results where applicable. Additionally, we give honest assessments when the circumstances are challenging and ensure our attorney(s) are directly accessible by using various technologies. We cut out a great deal of costs and pass on those savings by having our attorney(s) visit our business clients or provide conference space while our attorney's work remotely. We get to know our clients' businesses from the ground up, and we pride ourselves on taking on their issues as if they were our own. Our mission pillars are integrity, service, and leadership. Our goal is to exceed client expectations while providing extraordinary value.

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