

Attorney Fees in Franchise Litigation

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Indeed no one wants to pay attorney fees do they? But someone has to pay them when there is a dispute. Attorneys or professional parasites as many people now call them charge very high fees for little if any work. In fact they have hijacked the law in order to do so. No matter how much you personally hate and want to do evil to these lawyers is irrelevant really as they are a necessary evil.

Franchising is one of the most litigious industries and the lawyers really rake their clients over the coals. We got sick of these scoundrels [by the way the feelings about attorneys in the article are opinion and I claim free speech so if you are an attorney, bite me]. So what we did was put this clause into our franchise agreements with our franchisees, and where as it may not hold up in all courts it does send a message as to our intentions when a fraudulent, frivolous or hostile lawsuits were filed against us. Below is the clause I came to include in all our Domestic and International Franchise Agreements;

7.6 Attorney's Fees

If any legal action is necessary by Franchisor to enforce the terms and conditions of this Agreement, Franchisor will be entitled to recover reasonable compensation for preparation, investigation, and court costs and reasonable attorney's fees, as fixed by a court of competent jurisdiction.

If Franchisee become a party to any litigation concerning this Franchise Agreement by reason of any act or omission of Franchisees and not by any act or omission of the Franchisor or any act or omission of Franchisor's authorized representatives, Franchisee will be liable to Franchisor for reasonable attorneys' fees and court costs incurred by Franchisor in the litigation.

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Now then realize me not being a lawyer, as if I was I would have shot along side a sewer to make sure my body fell in, that I cannot advise you to include such a clause into your franchise agreement. So you will have to ask your own professional parasite, I mean attorney as to best handle this issue. Consider this in 2006.Lance Winslow - Online Think Tank forum board. If you have innovative thoughts and unique perspectives, come think with Lance; www.WorldThinkTank.net/wttbbs/