

# Legal Assistance: Ways In Which Lawyers Can Help Your Business

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You can't escape them. Sooner or later you're going to have to face them. If you're serious about running a successful business, chances are you will need the expertise of an attorney. The following are some ways in which a lawyer can help an entrepreneur:

## 1. Form Of Organization

A lawyer can help you determine the form of organization that is best for your business and assist you with the necessary paperwork, whether you're just starting your business or have been in business for awhile. The form you choose may affect many aspects of your business, including estate planning, tax planning and liability in litigation.

## 2. Commercial Leases

A lawyer can review your lease to make sure that it fairly allocates rights and responsibilities between lessor and lessee and that it covers most of the situations that could cause problems in the future. For example, many leases do not include provisions allocating responsibility for repair of improvements and for upgrades to comply with new building codes.

## 3. Contracts

As with commercial leases, a lawyer can assist with drafting and/or reviewing contracts to assure that they comply with applicable laws, that they are fair and that they anticipate problems that could be caused by such things as price fluctuations, bankruptcy or natural disasters. Attorneys can also offer negotiating tips and strategies to entrepreneurs and help them through acquisitions, partnerships or IPOs.

## 4. Employer/Employee Relationships

This aspect of your business includes hiring, firing, working conditions, sick time, overtime, medical leave, employee benefits, and an employee's privacy rights. A lawyer can assist with review and/or drafting of employee contracts, can help you develop employment policies and can make sure that your business is complying with employment laws. Attorneys can also offer advice to keep entrepreneurs from future legal problems, such as job-discrimination suits.

## 5. Estate Planning

If you die without a will or trust dictating what should happen to your personal assets, those assets will probably remain in your family anyway, going to a spouse or a child. Unfortunately, depending on your form of organization, the legal system may not know what to do with your business when you die if you haven't put your plans in writing. The administrator of your estate may be forced to sell off any assets of the business and let your employees go, even if you wanted your business to continue after your death. The solution is do some estate planning for your business.

## 6. Intellectual Property Rights

Intellectual property includes trade secrets and trademarks, as well as copyrights and patents. Something as simple as a customer list may be a trade secret if its confidentiality is maintained. A lawyer may be able to help you identify and protect your intellectual property rights.

## 7. Financing And Credit

As with other kinds of contracts, you may want to have a lawyer review loan agreements. In addition, a lawyer may be able to advise you about the laws governing debt-collection practices.

## 8. Advertising

Both federal and state laws limit unfair and deceptive advertising practices and prohibit discrimination in advertisements. For example, a product typically may not be labeled "new" after six months, you may not advertise a "fire sale" unless your business has had a fire, and you may not have a "going-out-of-business sale" unless your business is really closing its doors. A lawyer can review any proposed advertising to assure it complies with applicable laws.

## 9. Litigation

You probably know that you should seek legal assistance if you want to sue or are being sued. What many people don't realize is that they have a much better chance of avoiding litigation if they seek timely advice from a lawyer. Steve Mueller has over 25 years of human resource experience. He has worked in various fields of human resources; as a

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