

The Questions You Didn't Know to Ask

THE PITFALLS OF TRYING TO
DO IT ALL YOURSELF



By: Adam Williams Esq.

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Your business is up and running, you have sales, maybe you have employees, a building, and a remarkable brand. That's great!

You are able to handle most of the headaches of running a business, but you need to be aware of the legal landmines that are out there.

If you're not properly prepared for these unexpected legal issues, you could end up costing your business big time.

A 30 minute discussion with a member of our team at Erie Business Law - A Division of Williams & Jorden can save you time, effort, and expensive mistakes. All it takes is setting up a legal strategy session by clicking [here](#).

Below are some answers to some of the questions that our clients could really benefit from knowing. We have also laid out some of the issues that can derail a business if not addressed *before* an issue arises. While no checklist is as comprehensive as an in-person discussion, you can begin by thinking about the following:

Frequently Asked Questions

How much will this cost?

When it comes to the discussion around the price of our service, we believe that you have to take a look at the value that you receive from us before the price tag. We are unapologetically not the cheapest place in town, and we know you can find even cheaper prices on the Internet from faceless companies.

At the cheapest firm in town, something has to give, and it's usually client service. They won't answer your calls, or return your emails, and may not even finish the work on your case. Our firm treats our client relationships like a partnership. We will bring our legal expertise and guidance, while you bring your lifetime of business knowledge and perspective on how this case/opportunity will affect your life. You also have to consider three things when you are looking at the value we provide for our service. How will this case impact your time, money, and reputation?

It is also our duty as a law firm to give you options and help you think through the pros and cons of each of the options presented. We will provide you with cost-effective options to achieve your objectives and will leave you feeling like you received intelligent counsel that paid attention to your needs and goals. Obviously, this does not answer the question "How much will this cost"? We respect our clients too much to pull a random number out of thin air without taking a

thorough look at the case. When we do provide you with an estimate of our costs, it will be both reliable and a good value for the client. If finding the absolute cheapest law firm in town is your most important criteria then we are not the law firm for you. If however, you are looking for a law firm that will partner with you on your case and look after your interests first, then we will look forward to our upcoming meeting. There we will be able to better understand your objectives, present you with some options, and conduct a cost-benefit analysis together. If after meeting with us you feel that we are not providing a great value, we will refer you to another firm.

Can't I Just Do This Myself?

Some situations can be resolved without the need to hire a law firm. If this happens to be the case, we will inform you that you don't need to hire us as legal counsel and you can handle the matter on your own. If however, you seek out our services and we believe that you should have representation, we will work tirelessly to achieve your desired outcome.

If you make the wrong decision on this matter, the consequences could be severe. If things go well, you don't need an attorney. But in the percentage of cases where things go badly, they go really, really badly. We are talking about a total catastrophe. You may lose your life savings, and what you've worked so hard for. Your home may be at risk, and your ability to earn a living in the future will be severely impacted.

With the stakes being so high in many of these cases it is worth taking a look into hiring legal representatives that have your best interest in mind.

We can walk you through this option at your strategy session, and we may be able to offer you assistance on a limited basis so that you can DIY.

Our founder, Adam Williams, struggled during his first few years in business. He was constantly switching gears from practicing law, to marketing the firm, to managing employees, and trying to balance his family life. He cut his own hair (no joke). He changed his own breaks. He unclogged his own drains. Then he came to the realization that if he hired experts to handle things, he could spend his time on (1) more valuable activities, and (2) more enjoyable activities. Once he started hiring the experts, the business grew like crazy.

Many entrepreneurs believe that they have to do everything on their own. Unless they change this mindset, their growth will always be limited.

Is there any way that I can be 100% sure of the outcome of my case?

One thing that you can count on is that if you are the defendant and you do nothing, you can pretty much guarantee that you will get a default judgement against you. Unfortunately, that is the only guarantee that we can give about your case. If any other law firm tells you otherwise they are lying to you.

The fact is that nobody can predict the exact outcome of your case. Nobody can with 100% accuracy guarantee most things in life. If we could, we would all be rich and successful in whatever field we chose to work in. If you need a 100% guarantee that your employee is

embezzling money from you, then that person is going to get away with a lot of your money and harm your business.

The outcome of your case is going to rely on many different variables. Between the judge, jury, evidence presented, and a laundry list of other possibilities you never know the outcome until the gavel strikes down. Ultimately, if you are looking for a law firm that has a crystal ball and can tell you your future, then we may not be the law firm for you.

Are the attorneys qualified to handle my case?

Our Founder not only is a respected attorney, but also has an MBA from the University of Pittsburgh and experience in working at a Big 4 accounting firm. He has helped start and grow several businesses, while launching several of his own ventures. As a business owner he has been directly involved in the hiring and firing process, developing contracts, navigating competitive markets, and starting a business from scratch. He understands the challenges that business owners face on a daily basis.

Our attorneys at Williams and Jorden have over 30 years of combined experience in handling small business and real estate matters. The firm has attorneys licensed in both Pennsylvania and Ohio that can assist you with your legal needs. Our experience ranges from starting businesses, to handling partnership disputes. We have dealt with these issues not only as attorneys, but in our personal business ventures.

We have worked with hundreds of small businesses and entrepreneurs that are looking to start, grow, and manage their businesses and secure their intellectual property. We are dedicated to our local Erie businesses as well as our clients across Pennsylvania.

Common Business Law Issues That Could Require an Attorney

Employment Laws

Although Pennsylvania is an “employment at will” jurisdiction, meaning that an employer may fire an employee at any time without giving a reason, there are several exceptions to at-will employment.

You may not fire an employee (or take an adverse employment action) against an employee in violation of federal, state and local laws preventing discrimination based on race, sex, religion, disability, age, and other protected classes. If you have an employee with a disability, and their performance is not satisfactory, you may need to provide accommodations to the employee before you can fire them.

An employment contract can also prevent you from terminating an employee. These can be verbal or written contracts, and can often be created accidentally.

An employment contract can protect both you and your employees if you must fire someone. If you have set forth specific expectations for your employees, you can avoid potential lawsuits and unemployment claims if you can document an employee's failure to perform, or if your employment contract clearly states the circumstances under which an employee may be fired. If you do find it necessary to fire an employee, you must abide by the terms of your employment contract, if you have one. If not, you may find yourself involved in costly and time-consuming litigation. If you do not have an employment contract you are still subject to federal and state employment discrimination laws. Understanding what is not permitted before you fire an employee will save you time and money.

The U.S. Equal Employment Opportunity Commission website tracks employment discrimination lawsuit verdicts and settlements nationwide and provides valuable information on categories of impermissible employment discrimination.

- ✓ Different employment laws affect different-sized companies. Some laws apply when you hire your first employee; others aren't applicable until you hire 40 or 50. Are you sure you are in compliance?
- ✓ When you hire employees, are you sure you aren't asking illegal questions during an interview?

Contracts

If you have contracts for your business, and you downloaded them from the Internet, it's time to have them reviewed by a real lawyer. Do you even know what terms are in your contract? Do you know what they mean? Are they applicable to your business?

There may be terms missing from your contracts that can make your life easier, and make it easier to collect money that is owed to you.

Employees

- ✓ Do you have employment contracts?
- ✓ Do you use non-competes, non-disclosures, confidentiality agreements, NDA's or other restrictive covenants?
- ✓ Are you sure your contracts are even enforceable?

Landlords

A Lease is a contract used when renting business property to or from another individual or company. It gives the tenant (or renter) the right to use the property for business purposes during the term of the lease in exchange for payment to the landlord. Generally, a commercial lease covers the landlord and tenant information, which can include a guarantor; the rent; the duration of the lease term; and any pertinent information which constitutes as a term of the lease. **It can be very difficult to "get out of" a lease**, so you need to be careful. The long version of this contract is more inclusive and allows for precise specifications to the terms of the

lease. The short version is a more general lease agreement and does not include any clauses or terms that are not absolutely necessary.

- ✓ Do you have a written lease?
- ✓ Who is responsible for repairs or maintenance—you or your landlord?
- ✓ Do you need to give notice that you want to stay in your space before the lease expires?

Suppliers

Supplier contracts are agreements between a company and their suppliers of services or goods. The supplier contract is the legal agreement governing the relationship between the supplier and the company. Key elements of a supplier agreement are: the items the supplier must provide, pricing and payments for all goods and/or services, expected time frames for work completion and payments, and the responsibilities and terms of the relationship.

- ✓ Do you have problems with suppliers delivering on time?
- ✓ Do you have issues with the quality of items your suppliers provide?
- ✓ Are you happy with your payment terms?

Partner Disputes

Even the best-intentioned business partners will encounter disagreements from time to time, and occasionally legal action may be required to protect your investments and assets. Disputes among partners or other business owners may arise from a failure to honor fiduciary duties, a failure to satisfy contractual obligations set forth in a partnership agreement, operating agreement, or other business contract, secret business dealings by a business owner that are not in the company's best interests, or any number of other scenarios.

- ✓ Are you and your business partners getting along?
- ✓ Are there issues that you and your business partner avoid discussing?

Contractors

Are you protected from your contractors leaving with your customer list, unique processes, or other confidential information. You certainly do not want an employee to use your confidential information to help a competitor if he changes jobs. It is even more important to use NDAs with independent contractors, as there is a chance that the same contractor might be working for you and one of your competitors.

- ✓ Do you have written contracts with your independent contractors or 1099 workers?
- ✓ Are you sure you are properly classifying workers as contractors when they should really be employees?

Taxes

You may hire an accountant or use tax preparation software to do your business taxes, but an attorney can help you obtain an EIN (employer identification number), make sure you have the necessary local business licenses, and give you advice on basic business tax laws.

- ✓ Do you know the basic tax consequences and benefits of various types of business entities?
- ✓ Are you maximizing your business's potential with your current tax arrangements?

Zoning and Environmental Issues

A long-standing business may be “grandfathered” in its current location, but a transfer of ownership may trigger new zoning rules that might make it difficult or even impossible to continue doing business. Environmental regulations can be a particular cause for concern. Owners of gas stations and manufacturing facilities should be especially careful in this regard, as it could cost hundreds of thousands of dollars to bring a property into compliance with environmental regulations.

- ✓ Does your business meet all required zoning regulations?
- ✓ Is your business in compliance with local, state, and federal environmental regulations?

Selling or Closing Your Business

Whether you're preparing your business for closure or setting it up for succession, you'll want to take every measure to minimize your legal liability.

- ✓ What contracts and obligations do you currently hold?
- ✓ Do you know which proper closing and filing procedures you need to follow?
- ✓ What does the law require you to do to inform all stakeholders, including business partners, lenders, customers, and vendors?

Considering All Variables

This is by no means an exhaustive list of issues. The legal problems a business may face are as varied as the fish in the sea. Don't get caught off guard by what may lurk beneath the surface. {Insert awesome fish photo}

Ultimately, you want to keep running your business successfully by making sure you're informed of all potential issues. By [scheduling a conversation with someone on our Williams & Jorden team](#), you are taking preventative measures now so that you don't get hit with an expensive legal issue later down the road.