

Use them wisely

Attorneys are there when you need them the most

By Elizabeth Strauch

Perhaps the best people to ask how Murphy's Law works are small business owners. In hindsight, they might tell you, the problems were preventable. In other cases, they were unavoidable. The key is to be prepared, and it's never a bad idea to consider hiring an attorney.

Nicole Snyder, an attorney with Holland and Hart LLP of Boise, knows that a little preparation in advance can prevent headaches down the road. She has worked with many small business owners over the years and offers the following as her "Top 5" crucial times to hire an attorney:

1. Formation and initial organization. This is relatively inexpensive and helps avoid headaches and liability problems in the long run.

2. Any time there is intellectual property to protect. This includes things like programs, trademarks, copyrights, and patents. There are many steps a business should take to protect its most important assets.

3. When the company purchases or leases real property. Leases, in particular, are often negotiable, so hiring an attorney can save you money.

4. Any time additional investors or owners become involved in the business. This is critical. Many laws are relevant when there are multiple owners, including tax laws, security laws, and basic corporate laws.

5. Any time a third party makes a demand against the company threatening a claim or lawsuit. Sometimes, the most critical point in a dispute occurs in the early stages. An attorney can help you avoid litigation.

If you decide that the time is right to hire an attorney, ask around and get several personal recommendations. Additionally, business owners can consult the Idaho State Bar Lawyer Referral Service to find an attorney who practices corporate law.

The more you know about an attorney, the better you can assess whether he or she is a good match for your business.

"Don't be afraid to ask what the attorney's experience is, what practice areas he or she usually covers, and what types of projects he or she is working on currently," Snyder said.

Good communication is just as important in the beginning of the process as it is after you've hired and are working with an attorney. That includes being frank about your budget – and if you're having trouble understanding the legal jargon, don't



Holland and Hart's Nicole Snyder

be afraid to ask for clarification.

This article appeared in a publication called "Small Business Survival in a Big Business World," which was a joint project of the University of Phoenix and the Idaho Business Review.

– © 2007 Idaho Business Review. All rights reserved. Originally published in Idaho Business Review, October 8, 2007.