

SNIFFING OUT HORSE SENSE IN BUSINESS LAWYERS - BY STEVEN D. KRAMER


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> Many people hire the wrong attorney to represent their small business. As an attorney, representing small business requires an understanding of a range of legal issues including contract law, intellectual property, corporate law, employment law and a range of legal disciplines that merge together at small business.

Because of the tendency towards over specialization in law, few attorneys have an understanding of these multiple disciplines and how they overlap. Instead business owners wind up seeing multiple attorneys, but lack a cohesive strategy, lose time and money in the back and forth, and lose competitive advantage in lost communication between multiple attorneys or worse, multiple law firms.

For example, some firms have attorneys that focus specifically in business transactions, which center on contracts and closings, and have separate attorneys or departments that deal with litigation of contracts or transactions. If an attorney does not litigate contracts or transactions and see the effects of unintended consequences or poor contract draft-

ing, how can that attorney properly represent a business in transactions or in drafting contracts?

Representing small business properly requires more than understanding multiple areas of law, it also requires understanding how business works. Many attorneys have never worked in business outside of being a lawyer. They have never run a business; they do not have common business sense- or horse sense.

Be sure that your attorney has worked in businesses outside of law. Ask them about their experience as an entrepreneur. Ask them about their depth of understanding in business law, contract law, employment law, corporate law, and intellectual property. Most importantly be sure that your attorney has the same horse sense as anyone running a business. <

Steven D. Kramer advises and represents numerous small businesses and major corporations. In addition to his law degree, Mr. Kramer earned a Certificate in Intellectual Property from the University of Florida Levin College of Law and a Certificate in Small Business Leadership from Harvard Business School.

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