



LEGAL EXPERT MARK WHITE

HOW DO YOU KNOW IF YOU'VE CHOSEN THE RIGHT LAWYER?

“Before you decide to engage the lawyer, you should meet them in person.”

Choosing any consultant will always be a challenge for a business owner. One of the key ingredients for success when selecting a lawyer is being able to communicate all the aspects of your matter and how you see your best possible outcome at that point. There are several things to consider at the outset. Here is a few.

COMMUNICATING ALL THE ISSUES THAT ARE MATERIAL TO THE PROBLEM

Prepare a list of all the facts and the issues that concern you and assemble all the material that you wish to set out at the first meeting. This information should be detailed enough to enable your lawyer to assess the situation and determine what further information may be required.

WILL THE LAWYER THAT YOU HAVE CHOSEN BE COMPETENT?

Presumably you selected the lawyer you are meeting with on the basis of either the firm's reputation or a personal or professional referral, possibly received via Facebook or LinkedIn. However, before you decide to engage the lawyer, you should meet them in person to determine for yourself whether you believe in their competence and ability to achieve your desired result.

IS THIS THE PERSON THAT YOU WANT TO REPRESENT YOU?

You should feel confident that you can work with your selected lawyer, that they and their firm fit your profile and that they align with the way that you want to project yourself to others. Even though part of the selection process will be subjective, you should also be guided by some predetermined objective criteria for what you expect from a professional.

ONLY ONE SIDE IS GOING TO WIN IN COURT

The law can be viewed as a shield or a sword depending on the result you seek in a negotiation or dispute. Beware of any lawyer who guarantees you a successful result in a court case.

For hundreds of years there have been cases determined in courts where there is a winner and a loser. At some point in time both sides believed that they were going to be the winner, or the other party was going to be the loser. If either side believed they would lose from the beginning, a settlement would have been reached well before trial.

CONSIDER THE COSTS OF LITIGATION

Ask yourself, can you afford litigation? Consider the financial aspect, the time that it will take away from your business, the effects that the stress of expensive litigation will have on your health and the damage that could be done to your good name and reputation by any negative publicity. You should also ask yourself whether you will be able to communicate your position well in a witness box and how good your lawyers and any other consultants will be at trial. Are they likely to crumble under pressure?

LITIGATION SHOULD BE YOUR LAST RESORT

After you weigh up these considerations, you may well decide that it is better to take a different approach. Ask yourself how the law can be used to give you the best possible commercial solution. What else might you need to do to achieve this result while mitigating all the identified risks?

WORKING WITH YOUR LAWYER TO ACHIEVE THE BEST POSSIBLE OUTCOME

There are a number of processes which will help you and your lawyer work together to achieve the optimal outcome. These include regular reporting, regular accounting to monitor your cost and transparency in reviewing advice and correspondence sent to all parties, as well as regular review of your position, so that the goals set out at the beginning can be reassessed if necessary.

Above all, be committed to honest communication. You may have to face unpalatable truths, but it is better to be fully aware of the reality of your situation all the way along than to be unpleasantly surprised further down the track. **mb**

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