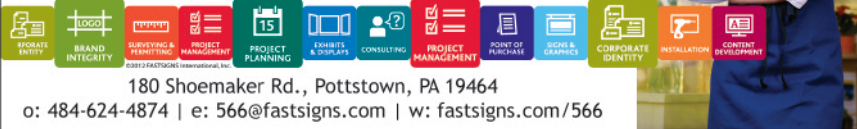


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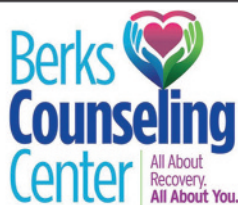
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WHY YOUR BUSINESS MAY NEED A LEGAL "CHECKUP"



LEGAL PERSPECTIVES

By **Bruce L. Baldwin, Esquire,**
Wolf, Baldwin & Associates, P.C.

Over the next few weeks, Wolf, Baldwin

will be announcing an annual "Business Checkup" program – a reduced-fee program available only to members of the Tri County Area Chamber of Commerce. The goal of the program is to make sure businesses are keeping up with the legal requirements and best legal practices relevant to their particular businesses. Details about the program will go out to members soon. But even for non-members, a legal checkup is an important maintenance tool for any business.

In considering the idea of a legal checkup, your first question may be: why is this necessary? The answers will vary from business to business. But the common thread is that no matter the type of business, when business owners come to us with acute legal needs – perhaps a lawsuit or a customer who refuses to pay an invoice or issues with a problem employee – we often find underlying problems with the client's documentation or protocols. In many cases, the new acute problems could have been avoided if the proper documentation or protocols had been in effect in the first place.

Here are a few examples.

Although Pennsylvania's Home Improvement Consumer Protection Law ("HICPL") has been in effect nearly 12 years now, and although most home improvement contractors are aware of the requirement that they include their contractor identification numbers on their consumer contracts, it is shocking to see how many of these contracts fail to comply with other critical requirements of the HICPL – including both required contract terms and prohibited contract terms. These are no small details. In most cases, a contractor whose contracts do not comply with the HICPL cannot sue to enforce the contract itself. Instead, that contractor will only be permitted to sue for the reasonable value of its services, which presents proof problems that would likely not arise if the contractor had been legally permitted to sue on the contract itself.

Many contracts for the sale of other products and services, or the master service agreements that are in effect for the specific statements of work that follow for the sale of products or services, are missing key terms that could make it less likely for the contractor to have to sue to get paid in the first place. Specifically, interest clauses and fee-shifting clauses requiring the buyer to pay the seller's legal fees if suit is filed for collection can radically alter the settlement leverage in a case, making it far more likely that the buyer will pay up before suit is necessary.

(Continued on page 40)

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