



See a Lawyer Before a Problem Arises, Not After

By Jodi Wyman

People usually want to avoid seeing a lawyer for as long as they can to avoid legal fees. In many ways however it is like car maintenance. In the long run it can save you money and stress to pay attention to legal matters sooner than later.

One obvious example in family law is the person who hires a lawyer after their marriage or common-law relationship breaks down. They want to know how to keep from sharing their assets or paying spousal support. If they had come into the law office prior to getting married or moving in together, they could have entered into a Pre-Nuptial or Cohabitation Agreement, which would have protected them. The cost of an agreement is far less than the cost of family property litigation.

Even without an agreement, it can help to know your rights at the start of a relationship. Generally, assets that one spouse inherits or receives as a gift are not shareable when a couple divorce. The key is that

the asset must remain in its form and be separate property during the relationship. For example, if one spouse inherits a lump sum of money and they put it in an investment, and it is still there when the couple separate, it does not have to be shared. On the other hand, if they use the money to pay off joint debt or put it into household funds, the exemption is lost.

New business owners are often so busy that they would not think to talk to a lawyer before problems arise. A small issue that is ignored can become a nightmare. An experienced lawyer should be able to tell them where there is potential for legal issues, such as with employees, partners, tenants, customers or suppliers. As with family law, spending the money on a formal agreement or contract can save a great deal of money in the long run.

One other reason to be proactive about getting legal advice is that people usually are not aware that many types of

litigation have limitation dates. If you wait too long to call a lawyer about a potential claim, you could be out of time.

In many cases, there is not a lot a lawyer can do to help after the fact.

One other area in which people procrastinate is with respect to their Will. It is an expense to have a lawyer prepare the document, but the expense is far less than if something happens and there is no Will or a poorly done one. If the deceased's affairs are not in order, often the family has to take the matter through the courts. Legal fees can be significant. Similarly, a Power of Attorney prepared by a lawyer is not expensive. Without one however, the family has to apply to the court for a committee, which can be costly and take quite some time.

Even in the field of criminal law, there are many clients who regret calling a lawyer only after they have already given a candid statement to the police.

Most lawyers do not mind a quick phone call from clients or potential clients to answer questions at the start of a legal matter. A simple call can prevent legal problems and significant expense in the future.