

# The Legal Strategist

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TEXAS ESOTERIC FACTS

I am often asked by business owners “what can I do to make sure I never get sued?” The answer is nothing. No matter what you do, if someone wants to bring litigation against you or your company, all they need is the filing fee and a petition. With that being said, there are numerous things you can do to build a defense to potential litigation. It is not only wise to think defensive, it is good business: by thinking defensive, you are making sure all parties to a transaction (clients, employees, etc.) are on the same page as to what is to the duties and expectations of the transaction. Taking simple steps can pay huge dividends in the future if litigation arises.

The song “Deep in the Heart of Texas” was banned by BBC “during working hours” on the grounds that “its infectious melody might cause wartime factory-hands to neglect their tools while they clapped in time with the song.”

The Feature Topic is a cursory review. If you would like more information on this, or any other topic previously covered in my newsletter, which can be viewed on [The Legal Strategist](#) tab of my web site, please contact my office at 713.526.1883.

Scott Barrett

FEATURE TOPIC: **BUILD A STRONG DEFENSE BEFORE LITIGATION ENSUES**

There are several steps that a business owner can take to help build a strong defense and help avoid, or if necessary, aid in litigation. Below are some simple steps that can better position your business in case you are faced with litigation.

**Put Everything in Writing:** Conscientious business owners who follow the rules, obey contracts and communicate effectively can often be best served by keeping a strong written record. Emails can help demonstrate the conversations and understanding between parties. Invoices and other statements can indicate when a customer owes a balance and when this information was communicated to him or her. Contracts should be in writing in order to avoid miscommunications about payments, services, goods or expectations. A strong business lawyer can help create clear written contracts that express the parties’ agreement.

**Create Clear Policies:** Many litigated cases arise because of poor communication between vendors and businesses, employers and employees or shareholders and directors. Before the business owner conducts any type of transaction, he or she should have clear policies in place. A business lawyer can discuss the expectations of the business owner as well as the current laws and regulations related to a particular issue.

There are many state and federal laws that business owners must be aware of and comply with, including environmental laws pertaining to their business, non-discrimination laws related to employment and other legal matters. A business lawyer can explain the various laws that may apply to a particular situation.

**Hire Employees You Can Trust:** Many of the disputes that arise in the business context relate to employee relations. When interviewing potential employees, it is important to consider which person is the right fit for the business owner and the business itself. Selecting the right employees can often help stave off unnecessary lawsuits and can also improve the relationship between the business owner and employee. People prefer to do business with people that can trust. Having trust can help reduce costs and friction for operations. When trust is not present, expenses may increase and the need to monitor employees increases, which often negatively impacts employee morale and the possibility of serious issues arising that turn into litigation.

**Get an Experienced Lawyer:** An experienced lawyer, like Scott Barrett of S. Barrett, P.C., can help explain proactive ways that business owners can avoid expensive lawsuits. Scott can explain the laws that the business must comply with and the options once a lawsuit does arise. Just as the business owner may be an expert in certain areas and may delegate tasks for which he or she is not particularly suited, Scott can fill in the gaps of knowledge that a business owner has about legal aspects of the case so that the business owner can concentrate on business operations.

If you would like more information on this or any other topic relating to minimizing your litigation exposure and building a strong defensive posture, please contact [Scott Barrett](#) to set up a consultation.