

When is it appropriate to hire a lawyer?

By **Christine Davis**

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Question: Do I need to hire a lawyer when I set up my business? What expertise would they provide that I can't figure out myself?

Answer: Many people are leery of lawyers. They appear expensive and we often think that we can get by without one for most of our needs. I am no different. I used a computer program to set up my will and if I get married again one day, I am still on the fence about prenuptial agreements. Foolish but true. But those are personal issues that I am talking about — what about business issues?

I wanted to get a better understanding of some of the issues that might benefit from legal expertise, so I put in a call to Angela Martin from Devine Millimet Attorneys at Law. Martin is the chairwoman of the Small Business Team, and they have been advertising free legal assistance for starting a business, so I figured she would be a good resource.

While every new business is unique and has different needs, there are some areas that apply to most businesses. Martin said that choosing a business entity is one area that could benefit from professional guidance. For example, if you are seeking venture capital or taking on a partner, do you know which entities best fit your profile? Also, if you plan on hiring staff, do you have intellectual property that you want to protect? Are you thinking of using independent contractors versus employees? Will you be leasing office space? These are just some of the major concerns that if not handled properly could end up creating big, expensive problems later on.

Martin recommends that businesses hire a lawyer who specializes in business law. Just as you go to an allergist for allergies, you should work with a lawyer who specializes in your area of need. Martin recommends that a new business also find an accountant and an insurance agent to cover and protect those areas of their business.

I know we New Englanders like to do everything ourselves and we take great pride in our frugality. I think it's great, just as long as we know enough about what we are doing to do it right. If you have never owned a business, you just may not know enough to do it all yourself. I recently met with a new business owner who sorely regrets not having a lawyer look at her lease before she signed it. At the time she felt she couldn't afford the additional expense. An investment of a few hundred dollars could have saved her thousands. A lawyer will ensure that your business is set up properly and the relationship you establish with them will help you long term as you navigate the unanticipated issues that may arise over time.

Whether you have been in business for 20 years or just getting started, we have the resources and the expertise to answer your questions. You can e-mail me at Christine.Davis@dred.state.nh.us. I look forward to hearing from you.

Christine J. Davis works for the N.H. Division of Economic Development as a resource specialist serving businesses in Rockingham and Strafford counties. Her role is to provide the support needed for businesses so that they may remain viable and growing entities in the community. Davis lives in Exeter with her two daughters. When not performing her work or parenting duties or shoveling snow, she likes to spend her time skiing with her girls or snowshoeing around Exeter.