

Why Consult a Lawyer?

A friend recently got in touch with me with a serious legal problem: she and her husband were having problems with the contractor they hired to build their dream house. They had saved all their lives for this dream house, and since the husband was just a few years away from retirement, they wanted the house in place before that time actually came along. They had a friend who had a construction firm, and they signed a contract for him to build their dream house. Since he was a friend, they trusted him completely, taking his word for it on every aspect of the construction. Now, almost two years from the promised delivery date, that dream house is still unfinished, and the friend has not only ceased to be one, but is presenting them a bill which was way more than they had set out to pay, could afford to pay and imagined to have to pay. I asked them why they did not consult me at the beginning, and they said, "Because we were dealing with a friend and the contract was just three pages. We thought it was a simple transaction."

On the other hand, I had a client with a small company that manufactured a product that was for export. His family had owned this one-trademark product for over twenty years, which was their main source of livelihood. This income stream was threatened at one point. I saw an advertisement using this trademark by a multinational so I asked the client if they had given up their registration. They said no and engaged my services to investigate. I found out that while they had registered the trademark—on their own, may I add—they did not realize that the registration had to be maintained over its lifetime by filing the required affidavits of use. The multinational, smart enough to realize that this trademark was catchy and was free for their use, launched its own product, using my client's trademark, then filing an application for it. Naturally, the client was devastated. If the multinational obtains the trademark registration, my client could be prevented from using their trademark, or worse, lose their livelihood. They thought that it was the end for them.

These two anecdotes illustrate the belief that a non-lawyer can manage legal matters themselves without having to consult a lawyer, or that every legal bind is insurmountable. After all, lawyers are expensive and if a transaction requiring legal input looks straightforward or hopeless, then a lawyer becomes unnecessary. Of course, nothing is as simple or difficult as it seems. Oddly enough, for other matters that require professional input, people have no hesitation turning to professionals for help from the get-go.

Engaging the services of a lawyer need not be unsavory, difficult or intimidating. As for the expense, protecting your legal interests comes at a price, as my first anecdote illustrates. As someone once said, "Cheap is expensive." My friends found out about this the hard way. As for the second anecdote, the client was more than willing to spend what was necessary to protect their livelihood. In the end, I was able to defeat the multinational's attempt to usurp my client's trademark rights. Moreover, the client was able to file a new trademark application, this time with my assistance so that they would be fully apprised, not only of their rights, but also of their obligations as a trademark owner.

So the next time you are confronted with a legal issue, always consult a lawyer for help, even if the transaction involves a friend or a family member. As the Russian saying goes, "Trust, but verify." And have that verification done by a lawyer.

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