
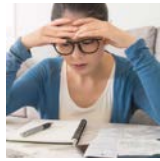




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13,88	23,2
14,36	24,7
6,19	67,4
1,73	69,68
.15	72,82
	220,8

Topics for Discussion

1. When to hire an Attorney for a breach for nonpayment by a customer? When I have been sued?
2. What services should I request?
3. What options do I have?
4. What about Arbitration/Mediation clauses?
5. What amount should be at issue to justify hiring an Attorney?
6. What type of Attorney should I look for?


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What is a Breach of Contract?

- Minor Breach: where one party fails to meet or perform minor terms but has met essential terms.
- Material Breach: when there is a substantial or material breach of the terms.
- Anticipatory Breach: when one party states or alludes to not fulfilling the contract terms.

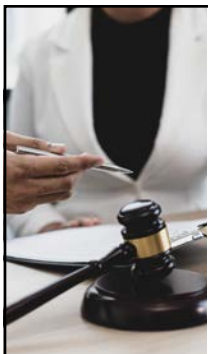
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When to hire an Attorney for a breach for nonpayment by a customer?

1. If the customer is nonresponsive.
2. If the customer refuses to pay or ignores your requests.
3. If the customer files for bankruptcy protection.
4. If the customer refuses to resolve the matter.


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When You Have Been Sued?

1. When you received the summons and complaint.
 1. North Carolina: typically you have 30 days from receipt to respond. Could be shorter.
 2. Is discovery served with the lawsuit?
2. When you received a subpoena.
3. When you get word a suit is imminent.


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What services should I request?

1. Demand letter
2. Claim of Lien/Payment Bond Demand
3. Preservation Letter
4. Temporary Restraining Order
5. Complaint
6. Legal Advice/Counsel
7. Negotiation with Other Party


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What options do I have?

If the party is a business other than a sole proprietorship (corporation, LLC, PLLC, S-Corp, or LLP) then the business must hire an attorney to represent the corporation in Court.


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What options do I have?

1. Arbitration/Mediation
2. State Court
 1. Small Claims (up to \$10k in North Carolina)
 2. District Court
 3. Superior Court
 4. Business Court
3. Federal Court


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What about Arbitration/Mediation clauses?

- Arbitration
 - Benefits
 - Drawbacks
- Mediation
 - Benefits
 - Drawbacks


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What amount should be at issue to justify hiring an Attorney?

- Depends on the type of case
- Ongoing relationship
- Jurisdiction/Venue: Where is the case to be heard?
- Hourly or Project Based
- Flat Fee
- Monthly Retainer
- Contingent Fee
- Value Billing

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What Should I do to Help or Prepare?

1. Be organized.
2. Gather all the documents ahead of time.
3. Give all the details to the Attorney early.
4. Do not panic.
5. Share all information with your Counsel.
6. Listen to your Counsel and follow your instinct.


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What type of Attorney should I look for?

- Experienced in
 - Civil Litigation
 - Business Disputes
- Similarities between Attorney/Client
- Factors to consider:
 - Experience
 - Well Connected
 - Other Clients in Your Industry

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Questions?

If you have any questions or comments, please let us know.

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