

Dont Go to Hell: The Ten Commandments of Business Litigation and Why Following Them Will Keep You Out of Court



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Famous Enlightenment philosopher Voltaire said this of his personal experience with litigation in the Eighteenth century: I was never ruined but twice - once when I lost a lawsuit, and once when I won one. Over 200 years later and in modern courtrooms across the nation, not much has changed. In a recent survey,[1] twenty Fortune 200 companies reported that their average outside litigation costs were \$140 million in 2008. And for this pound of flesh -- you ask -- what will you yield at the end of the day when you've won your case and truth and justice have prevailed? Do you envision yourself walking down the courtroom steps looking as handsome as Paul Newman at the end of the Verdict? Do you hear the courtroom gasp as the judge reads in your multi-million dollar verdict against XYZ Corporation (a solvent defendant)? Think again. The U.S. Department of Justice Bureau of Justice Statistics reports that, in 2005, the median jury award to plaintiffs in commercial cases was only \$75,000.[2] The take away is simple in business litigation there are two winners the plaintiffs lawyer and the defendants lawyer. So I'll say what no lawyer in their right mind should, but which will benefit those reading this article the most: The best way to handle business litigation is to adopt the practices that help you avoid it altogether or settle it early. Thus, this article is written for business owners and executives and aims to provide them with the often untold practical advice about business law and litigation, which will protect their interests, avoid costly litigation, and quickly resolve litigation already under way. And, for those of you who find yourselves already engulfed in the litigation fire and brimstone, have no fear. This article will also discuss some key strategies to posture your case for victory and redemption.

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