

## FREQUENTLY ASKED QUESTIONS ABOUT BUSINESS REPRESENTATION

**QUESTION** - What does the term “business representation” mean?

**ANSWER** – Business representation is the assistance we provide to your existing business, as opposed to you individually, in connection with the legal matters that may arise during any one or more phases of your business’ life cycle.

**QUESTION** - What is the “life cycle” of a business?

**ANSWER** – The life cycle of a business has three phases:

1) Creative Inception Phase - This phase begins with a “business formation,” which involves choosing an entity type based on considerations related to control, liability, taxation, and administration. The next step involves defining specific roles and responsibilities of principals and officers/managers, organizing and implementing a management structure for business assets and operations, establishing the contractual relationship among the owners of the business, protecting assets from creditors, preventing of disputes, and complying with laws (including federal tax laws) as they relate to the business.

2) Sustaining Growth – After the entity has been successfully operating for a while, there is often a continual need for business legal representation. There are a myriad of issues that present themselves to the growing business that are necessary for the sustained growth of the business and may later involve the purchase/sale of business assets, employment issues, intellectual property, benefit plans, creative real estate strategies and other techniques suggested by the assets and situation.

3) Exit Strategy – The final phase of the life cycle allows the business owners to realize maximum value of the business. Business legal representation during this stage may involve mergers & acquisitions, selling to competitors or other interested parties, transitioning the business to key employees or members of the family, dissolutions, liquidations or public offerings.

At MENDEN, FREIMAN & ZITRON, LLP, we are committed to providing our clients with professional service throughout all stages of the business cycle.

**QUESTION** - What should you do before the initial meeting and what do you need to bring?

**ANSWER** - We ask that you carefully review our Welcome Pre-Assessment Kit (PAK) before our initial meeting or teleconference. The Welcome PAK includes our Business Representation Client Questionnaire, firm résumé, an example of our standard engagement

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agreement, and directions to our office. The Questionnaire is only a few pages in length and asks for pertinent information; we ask that you kindly complete it as thoroughly as possible and send it back to us at your earliest convenience.

### **QUESTION** - How much will this cost?

**ANSWER** - Like most legal services, the fees and costs for business representation depend on what is needed. It is often difficult to estimate the precise amount of time needed for a particular business representation matter for reasons including unforeseeable events and third party involvement. However, we will endeavor to provide you with a realistic budget for your legal fees. The majority of business representation matters are typically done on an hourly billing arrangement with an upfront retainer against which we apply our time and expenses.

At the conclusion of the initial meeting you will be given an estimate for the legal fees. These fees generally will not include standard expenses we incur in connection with the matter, such as postage, the cost of materials, state filing fees, courier fees, overnight or other non-standard shipping costs, long-distance telephone charges and the like. On the whole, you will find our fees and billing practices are in line with lawyers who specialize in our practice areas. If at the conclusion of your consultation you decide not to engage us for legal services, you will only be charged, by the hour, for the amount of time spent with you during this initial meeting.

Even though our services are competitively priced, you can only get the MENDEN, FREIMAN & ZITRON, LLP level of service at one place. We pride ourselves on offering our clients the highest degree of personalized service and attention, not a “cookie cutter” solution. Every relevant detail of your business is thoroughly considered during our strategic representation.. We keep our clients informed about trends and changes in the law through frequent communications and our informative website. Simply put, we are interested in long-term relationships with our clients, not just a mere business transaction.

### **QUESTION** - When is payment expected?

**ANSWER** - At the conclusion of our initial meeting or teleconference, the scope of your project will have been identified, fees will have been discussed, and you will have given us the go-ahead. In some cases we will charge a flat fee for the project; in other cases we will provide a budget estimate for the legal services and request a retainer deposit to get started. Or, if you decide not to engage us beyond the initial meeting, we will expect full payment for the amount of time we spent with you during this meeting. *We would ask that you bring a check for the retainer to the initial meeting, or be prepared to submit one shortly after the initial teleconference, to enable us to have sufficient funds to immediately begin incurring*

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*expenses on your behalf.*

**QUESTION** – What can I do to help keep expenses down?

**ANSWER** - The anticipated fee will be quoted to you at the conclusion of our initial meeting. Some circumstances might arise to cause estimated fees to increase, such as:

- You change your mind about certain decisions after we have initiated our work.
- You request excessive telephone or in-person conferences.
- You are non-responsive to our requests for information critical to the implementation of your business representation matter.
- We are required to respond to special or unusual requests from third parties involved in your business representation, such as your financial advisor or accountant.
- We are asked or required to assume certain tasks or responsibilities that were originally assumed by another party at the time we provided your fee estimate.

You can help us keep the costs for your business matter to a minimum by being prepared for our scheduled meeting or teleconference, and by promptly and accurately completing those tasks for which you assume responsibility.

**QUESTION** - Who should you call with questions?

**ANSWER** - We WELCOME questions! Call us at (770) 379-1450. Feel free to share your question with any member of our Business Matters Team and we will work collectively to get you an accurate and prompt answer. All members of our team hold your personal information in the strictest confidence. Very often our legal assistants or paralegals are capable of immediately addressing your questions.

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