



Clouds on the Horizon (Performing the Contract)

Tip No. 1 – Make Milestones, Benchmarks, and Deadlines a Priority

No matter how well negotiated, a contract does a business little good if it is left on a shelf to collect dust. In fact, a contract may well increase legal risk for the business if it is not implemented. If important contract terms—including milestones, benchmarks, and deadlines—are not appropriately documented for the teams performing them, then they can get lost and cause devastating consequences. Being as specific and obvious as possible about milestones, benchmarks, and deadlines helps mitigate legal risk. Invest the time in prioritizing them. Notify internal and outside personnel, contractors, vendors, and suppliers and ensure they understand what is needed of them and when.

Tip No. 2 – Don't Feed the Gremlins

Gremlins lurk in every function and operation of a business. They are the little inefficiencies that cause big problems. And the bigger the business and the more it does, the more chances gremlins have to multiply and cause trouble. Gremlins thrive, however, when a business ignores or fails to appropriately and timely address and plan for them. Indeed, nothing can derail contract performance faster and spike legal risk quicker.

A business ensures solid contract performance best when it dedicates the time, effort, and resources necessary to understanding its points of operational success and vulnerability and minimizing those vulnerabilities over time. In short: starve your gremlins.

Tip No. 3 – Make Friends

Based on the challenges a business confronts and the resources it has available at any one time, not every contract is going to be capable of performance in every instance in every way originally contemplated. While sudden events can occur that negatively impact performance, a business can discover problems in contract performance sufficiently ahead of time to reasonably make arrangements if needed. And often, those arrangements will require the cooperation of the other party.

Establishing a good working relationship with other sides to an agreement is essential. Open lines of communication are equally important. The better and stronger the relationship then, typically, the lower the overall legal risk as the parties are more open to business accommodations and resolutions than the courtroom.

Tip No. 4 – Don't Leave the Lawyer to the Last Minute

Waiting until after the contract bomb has exploded is the most expensive way to deal with potential disputes and other legal risks. If the business believes that it may have trouble performing a contract, or is concerned about the other side's willingness or ability to perform, engaging the lawyer early on will provide the most effective means of guiding resolution in a way that avoids court if at all possible. A good attorney will assess the situation, outline your options, and help you map an effective strategy to minimize risk. And if litigation does prove necessary, then the early assistance of counsel in critical communications and planning will be your best and most cost-effective option to being prepared.

Tip No. 5 – Stay Abreast of Regulatory Changes

Laws and regulations are the hidden fabric that hold our society and economy together. They define industries, applicable scopes of action, and so much more. And over time, regulatory environments can change in large and small ways. While a business often understands the core regulations and laws applicable to what it does, there are a plethora of laws and regulations that may not be as well-known or anticipated. In the area of employment, for example, businesses frequently trip over any number of thresholds without realizing it. When these areas go wrong, they can cause serious disruption to the business and raise legal risk. A trusted lawyer on your team will identify potential legal issues and pitfalls as they arise and suggest appropriate options along the way.

Put Your Business in a Position to Succeed

Whether you're just starting negotiations in a high-stakes business deal or wondering how to move forward after the commencement of legal action, having the right legal team on your side is critical.

At Baker Jenner, we are both attorneys and counselors. We are experts in deal formation and disputes. We sit on a mountain of value. We simplify the complications and help you protect your assets. Our goal is to keep you out of litigation. And if you end up in litigation, you will be prepared to win, and we will fight for your success.

Baker Jenner believes that we earn your trust by crafting practical and efficient solutions that respect your bottom line. We know that value is more than just completing the assignment. Value is knowing how we fit within the context of your business, your organization, and your marketplace. From guarding against the unexpected to anticipating zones for success, you can depend on us as your strategic partner. Please [contact us today](#) to see how we can provide value for your business.