



But Will it Make Cents?: 8 Things to Consider When Deciding Whether to Pursue a Case

When deciding whether or not to take a legal issue to court, a necessary step in the process is weighing out all the positives and negatives before taking any action. Is my business or my person ready to shoulder all the court fees, attorney's fees, unseen costs, and a potential drawn out fight in the courts? The first thing you need to determine, then, is if you have a strong chance at winning the case. While there is no way to guarantee the outcome of any litigation, a good attorney will be able to help you to determine how strong of a case you have before it gets to the litigation step.

If you determine that you have a strong enough case to move forward with litigation, the next thing you need to consider is if it will be financially worth it to litigate. Whenever you go to court, you will be spending a significant amount of time and money just to get through the process.

At Lexero, we are up-front with our clients, even if that means lost business for us. We tell our clients that if the potential winnings from the case aren't greater than the expenses you will incur, it won't make sense to move forward with the case. Even if litigation is not your best option, there are still a number of ways you can enforce your rights with another party.

In making a decision as to whether or not it will make financial sense to go through with any type of litigation, consider the following:

1. What Is the Potential Payout If You Win?

If all goes well with your case, you will receive either a monetary settlement or judgment (i.e. a specific action) in your favor. It is often possible to estimate how much you may receive based on factors such as what the case is about, what damages your business is claiming, and much more. Coming up with a good estimate of how much the case may be worth is an essential first step in deciding if it is worth it to move forward with litigation.

As experienced as we are here at Lexero with these kinds of cases, we can help you assess your risks and the potential benefits, and advise you of what to do next. Of course, our clients always have the last word in determining whether they want to go through or not after we present them with the facts. We will help you get through whichever path you decide to take on your case.

2. How Much Time Will This Case Take?

Another important factor to consider is how much time it is going to take to complete the case. While your attorney will certainly handle the bulk of the work, you will also have to spend a significant amount of time providing information to the attorney and going to court throughout the course of the lawsuit. Depending on the specifics of the case, other employees of your business may also have to take time away from work to testify or otherwise take part in the case. As the saying goes, "Time is money" so you need to factor this in when deciding how to proceed. But fear not! We will hold your hand throughout the course of you making your decision.

3. What Are the Court Costs?

Taking someone to court is not free, and depending on the type of case, it can come with significant expenses. Make sure you know what it will cost you to have the court hear your case, how much any filings will cost, and any other expenses that may be unaccounted for. These costs can add up, especially if the case is complicated or may take more than a day to argue in court. We can help with coming up with an estimate for the court costs as we have years of experience dealing with civil courts all across the U.S.

4. What Are the Attorney Costs?

When taking another party to court, you will need an attorney to craft an effective case and argue it in front of the judge or jury. They are also your guideposts as you progress through court procedures. Depending on the details of your case, it could require dozens, or even hundreds, of billable hours. While we always offer the best possible rates and fair billing to our clients, attorney's fees are absolutely something you need to consider when deciding if it is a good idea to take another party to court.

5. Will the Other Party Cover Attorney's Fees & Court Costs?

Regarding the last two points, it can be possible to make the other party pay your court costs and attorneys fees in some situations. Of course, this would only apply if you win the case, but if your case is strong, this may be a good way to offset your other costs. If the judge orders the other party to pay these fees, it would be in addition to the rest of the judgement that they have decided in your favor. When you work with Lexero, we will always push to try to get the other party to pay your court cost and attorney fees, and prior to moving forward with the case, we'll let you know how likely it is that this will happen.

6. Will there Be a Publicity Impact (Positive or Negative)?

Taking another party to court is a matter of public record. You need to consider how bringing this lawsuit to court may look when it comes to your customers or potential customers. In most cases, taking someone to court isn't going to have a huge impact on public opinion one way or another, but that isn't always the case. If your case will be an unpopular one in the eyes of the public, it may cost you significantly through the loss of customers and goodwill. Goodwill is the collective term for your business's reputation in the community. Factoring that could be very important.

7. Additional Business Factors

If you weigh the potential monetary costs of litigation compared to the possible amount you would receive in judgement, and determined that you aren't likely to come out ahead, that doesn't mean it is always a bad idea. In some situations, the strict monetary value of the case is secondary compared to protecting your businesses intellectual property.

For example, if another company is trying to steal your copyrighted business reports, it is likely a good idea to take a firm stand against them to avoid long-term impacts on your business and your shareholders. In addition, taking a strong stand on protecting your copyrights, trademarks, patents, and other intellectual property will help to show other potential violators that it is not worth it to go up against your business.

8. Have You Spoken with an Attorney?

Finding accurate information about each of these items, and many others, can be difficult for most business owners. Let us be your resource, your guide, your defender. Please contact us or call us at 855-4-LEXERO to schedule a consultation and go over all the factors of your case. The initial consultation is free, so what is there to lose? We will always provide honest and clear advice to help you make the right decision for you and your business. That's the Lexero Law promise.