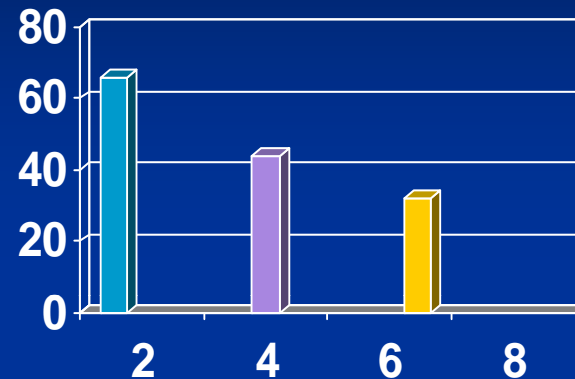
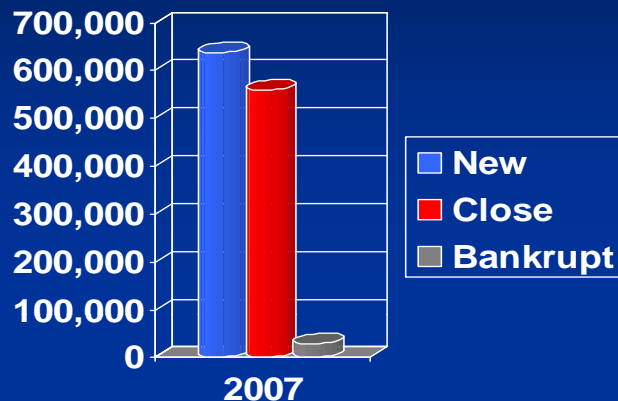


Economic Gardening: Legal Issues for Business Owners

Presented By: Jeffrey R. Pegler, Esq.

Small Business Survival



Small Business Openings & Closings in 2007

- There were 637,100 new businesses, 560,300 business closures and 28,322 bankruptcies.
- Two-thirds of new employer firms survive at least two years, 44 percent survive at least four years, and 31 percent survive at least seven years.
- Findings do not differ greatly across industry sectors.

Sources: U.S. Small Business Administration Office of Advocacy, September 2008 *Survival and Longevity in the Business Employment Dynamics Database*, *Monthly Labor Review*, May 2005. *Redefining Business Success: Distinguishing Between Closure and Failure*, *Small Business Economics*, August 2003.

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graph TD; A[The 4 "C's"] --- B[Companies]; A --- C[Contracts]; A --- D[Cash]; A --- E[Collections];
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The 4 "C's"

Companies

Contracts

Cash

Collections

COMPANIES: Operating Successfully

- Structure
- Control
- Employees &
Independent
Contractors



Partnership Agreement

Press-Journal

By Elliott Jones

Thursday, June 18, 2009

Representatives of the Florida Eye Institute submitted a high bid of \$750,000 in Thursday's court-ordered auction of Dr. Paul Minotty's one-sixth ownership share in the institute he founded.

Payment is being made as a credit against a still-unpaid \$8.5 million jury award in a civil lawsuit several of the doctor owners successfully filed against Minotty on behalf of the institute.

- Essential to your success.
- Owners of the business set forth, in advance, how the business enterprise will be controlled, when and how the profits will be distributed, and how equity interests of the business will be issued and repurchased from the owners.
- Define your relationship:

People

Control

Capital Contributions

Compensation

Disagreements

Death

CONTRACTS: Important Elements

Attorney's Fees

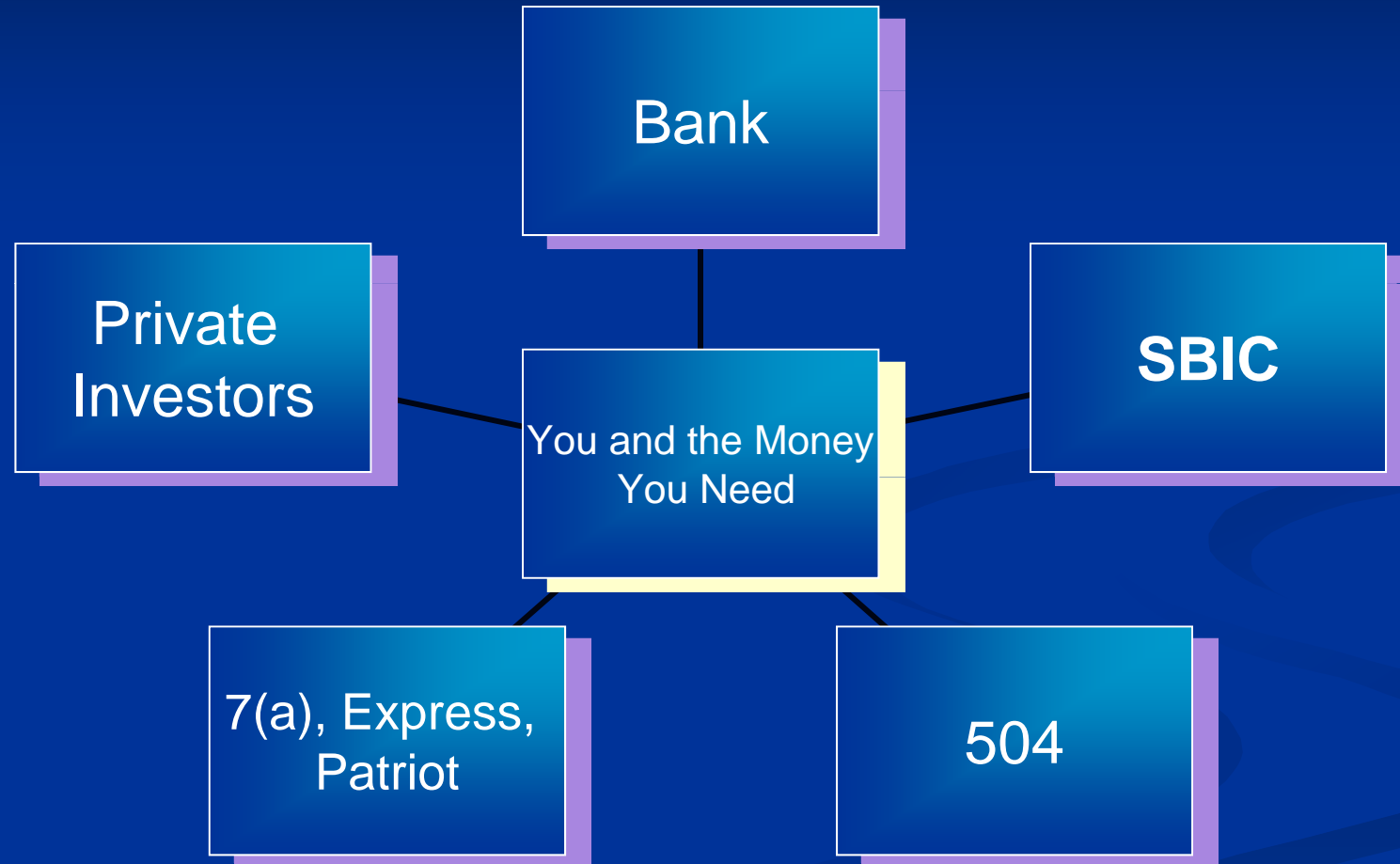
Choice of Law

Choice of Venue

Force Majeure Clauses

Indemnification

CASH



Collections



- Lawsuit
- Judgment
- Judgment Lien
- Garnishment
- Execution & Levy

But sorry...no jail...at least
right away.

Litigation from a Business Perspective



- Risks
- Costs
- Time Considerations

The winners are always the...
LAWYERS.

