

Preventative Law and How It Works



“A branch of law that endeavors to minimize the risk of litigation or to secure more certainty as to legal rights and duties.”

(Merriam-Webster Dictionary)

The old saying, “prevention is better than cure” does hold some truth. There are ways to reduce the potential for problems occurring, particularly in business, rather than having to deal with a legal situation in the courtroom.



Preventative law involves assessing the elements of risk to reduce the possibility of legal disputes. Using preventative law, you may be able to influence a better outcome as opposed to traditional law, where a judge or a jury determines the outcome.

Businesses can help protect themselves by having a preventative law audit that is conducted by a knowledgeable attorney. An business audit is an official inspection of an organization's documents by an independent body.



Implementing A Preventative Law Plan

- 1. Look for the right Attorney** - Do some research to find potential attorneys with the knowledge to be a good fit for your business needs.
- 2. Hold a Business Objectives Meeting** - Once you have chosen your attorney, arrange a meeting to discuss your company to determine a plan.
- 3. Identify Relevant Legal Needs** - Talk to your attorney to establish legal needs for your business objectives, to enable you to attain your goals.
- 4. Review Your Documents** - Any existing contracts or policies need to be evaluated and updated where necessary, in writing.
- 5. Maintain Compliance** - Oversee your day-to-day operations to ensure all policies and contracts are being followed to prevent incidents of liability.



Common Documents Reviewed In A Preventative Law Business Audit

- Current company rules and regulations
- Employment, management and operational procedures
- Any contracts or agreements with other parties
- Financial reporting and tax compliance
- Required business licenses are up-to-date
- Risk and liability assessment tailored to your business
- Any other documentation pertinent to your company and liability reduction



Preventative Law Best Practices Within Your Place Of Business

- Review your business insurance on a regular basis to ensure appropriate coverage.
- Conduct frequent tours of your business location to check for hazards, clutter and maintenance issues.
- Train your staff to be safety conscious and report issues as soon as they are identified.
- Educate staff about any business changes or new regulations taking effect.
- Signpost any remodeling or construction at your place of business and make those areas customer-free
- Provide adequate tools and equipment at your business to accomplish work tasks required.
- Create emergency plans including first aid materials, emergency contacts, and evacuation routes.
- Promote open communications for staff to feel comfortable reporting issues or making suggestions.

SAFETY AT THE WORKPLACE



Monitoring Your Preventative Law Plan

Once your Preventative Law Plan has been established, it will require a monitoring system to maintain its effectiveness. Tips for monitoring include:

- Have your attorney review your plan on a regular basis and apply recommendations as needed.
- Be aware that business needs can change, and you need to update your documents as changes occur.
- Stay current with any state or federal regulations to maintain compliance in your business.



