

WARD & MURPHY

ATTORNEYS AND COUNSELORS-AT-LAW

AUGUST 2002

Lawyers are not just for lawsuits!

Evaluate other ways to solve problems

Remember Solomon and the baby? Like Solomon, when confronted with a tough problem, the Court may come up with a right answer -- split the baby -- a right answer that no one likes. Perhaps it seems strange for a law firm to discourage clients from starting a lawsuit. Resolving your disputes through other means, however, often saves you money.

Lawyers are basically hired problem-solvers -- that's the "counselor-at-law" function. Only when the parties fail to find a solution does the lawyer put on the "attorney" hat and go to Court -- the only solution left is to go to a "neutral" third-party that imposes a solution when the parties fail to agree.

From problems with property lines, thorny custody or divorce issues or disputes with contractors, it is easy to jump from arguing with the other party to lawsuit without trying some other options in between. You can use the lawyer before you are ever ready for a lawsuit to find these other options. Why bother? Well, an out-of-Court solution you craft is one which you are more likely to like and one the other side is more likely to like. If both sides like the solution, both sides are likely to stick by the solution -- instead of finding ways to get around the solution.

Working as a "counselor-at-law," a lawyer can help you evaluate the best option for your particular situation. The kinds of options we can help you consider include:

- 1) using a friend, counselor or other person both sides trust as a mediator
- 2) using professional mediators, like Community Dispute Resolution Center in Ithaca -- these services will work with persons on a sliding scale and offer several different methods of dispute resolution.
- 3) using an arbitration service -- this option is like renting a private judge. These services often can result in a faster decision and do not necessarily require a lawyer's help.

Having tried one of these options may well save you time and money. If you get to an early solution, the benefits are obvious. Even if you do end up in Court, these extra steps may still save time and money. Getting a lawyer involved

early means the lawyer can monitor the way the situation progresses. With that information in hand, the lawyer will likely not have to spend as much time doing factual research or considering possible avenues of action. Similarly, the lawyer can help focus your decisions with legal analysis about your decisions. Less lawyer time equals less cost to you!

How May We Help You? ...

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Contracts -- Always There, but Better in Writing ...

Even a napkin can be a contract in the right situation. "But you don't have it writing so you can't make me pay" -- more than one person has heard those words and thought they had to walk away from money or services owed to them.

While your word is, in fact, enforceable in Court, there are exceptions. For example, you must have a writing to sell or buy real estate and you need to take certain steps (of which a writing is only one) to achieve the ability to seize a particular piece of property to pay a debt (this process is known as "obtaining a security interest" and is rather like getting a mortgage on a particular piece of property -- like a car, for example). There are other exceptions as well (limited space here means we cannot discuss them all).

Of course, the real problem comes in proving the terms of the contract. If the only people who (**OVER**)

know about the contract are you and the person you are trying to get to perform the contract, you have a problem. For that reason, we always recommend you set down your own understanding of the contract terms in writing, or at least have other witnesses hear the terms of the contract.

You can always call us for a short consultation to discuss contract matters, even if you do not want us to write the contract for you.

Why is this Newsletter in my mailbox?

If this newsletter is in your mailbox, it means you are on one of several lists of clients from this Firm or its predecessor. While we started sending newsletters in August 2001, the process of transferring our client lists and addresses to computer is continuing and is scheduled to end by December 2003.

Who has my file from Jack Ward or Evan Webster's office?

As we explained in the August 2001 and January 2002 issue, Ward & Murphy is the successor to both the law offices of Evan Webster in Groton and Jack Ward in Ithaca. We have files going back at least seven years from both offices.

You, of course, retain the choice of lawyer. Unless you tell us otherwise, Ward & Murphy will presume you wish us to continue our relationship and look forward to continuing that relationship with you -- and of course you can start or end matters at any other time as well.

WARD & MURPHY
170 MAIN STREET
GROTON, NEW YORK, 13073

Visit WARD & MURPHY on the Web

Our website was updated in August 2003. The website features information clients often request -- lists of documents which help us help clients finish wills, close real estate deals and work on family problems. Forgot a helpful hint from our newsletters? Need to remember how to find a court or a court time? Want a link to do some legal research? Come visit us on the web to find helpful facts, directions and other information:

www.ward-and-murphy.com



Use Our Ithaca Office Too!

We can always meet with you in Ithaca, at our Ithaca office at 109 East Seneca Street – across the street from the DeWitt Mall and the Moosewood Restaurant, next door to the Tompkins Trust Company's Seneca Street lot – and close by our old office in the Clinton House. While we normally have an attorney in the Ithaca Office on Tuesdays, we open our Ithaca Office by appointment only, so please call ahead before visiting.

When you are making appointments, however, please be sure ask for the Ithaca office as our meeting place – unless otherwise noted, all appointments are for our Groton office.

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