

# TOP TEN LIST

## *Law of Survival*

by

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1. Go for that 1,600% ROI.

*Old wives have knowledge that can be accurate. With respect to using lawyers, an ounce of prevention is worth no less than a pound of cure. There are bells that no lawyer can unring.*

2. You are never so busy that you can not stop and ask:

“Can I go to jail for this?”.

*Criminal law is applicable in nearly all contexts. All too often, just as with speeding, the crime is committed believing there was zero risk of getting caught.*

3. In a corporation, you are not the attorney's client:  
you are the fall guy.

*The attorney-client privilege is not absolute nor does it cover everyone. Disclosures of future crimes might create a duty in the attorney to call the police. The client owns the privilege, and the corporation will send you down to river to protect profits.*

4. Get it in a writing that you wrote:  
it's gross when you find out it's net.

*Understanding a document is critical and negotiated outcomes tend to improve when you suggest the wording of the contract, if for no reason other than you are more likely to understand the contract.*

5. Do I own Letterman royalties?

*Ownership rights come in many forms: for example, intellectual property such as patents, copyrights, trademarks, and trade secrets. An insurance contract will not cover your willful acts, thus many insurance contracts today refuse to cover infringement: it's too hard to know who owns what.*

6. Never sign anything without reading *and* understanding it; unless, of course, you click “Accept” to a Microsoft license agreement.  
*Some contracts are adhesion contracts and you will have a choice that is limited to saying “yes” or saying “no”. Often, adhesion contracts contain provisions requiring mandatory arbitration rather than litigation of disputes, as well as many other waivers of your constitutional rights.*
7. Oh, *brother*, where art thou?  
Agents let you screw up in two places at once.  
*Employment relationships do not have to be contracts. Using agents exposes the principal to many new ethical questions as well as many new forms of legal liability. For example, principals are legally liable for sexual harassment perpetrated by their agents.*
8. Debtors like to sell things they no longer own: it’s hard to breath under water.  
*The law governing the relationship between debtors and creditors tends to be complex and tends to be quite formal (e.g., signed writings). Failing to know and to follow those formalities often results in exceeding one’s allowance for bad debts.*
9. Is there a there there;  
or, do you have a right without a remedy?  
*Jurisdiction is critical to the law. There are material differences between Maine and Nebraska and California. There are material differences between Canada and the USA and Mexico. When you are on the web, you might be nowhere because you are everywhere.*
10. People with pens steal more than people with guns.  
*Technology helps define the context of a transaction, and thus technology has a big impact on the law and on risk management. With a gun I only can steal your wallet. With a pen I can steal your whole identity.*