

Volume 26 - January 2009

If you wish to publish any of our cartoons or articles in your newspaper or to live up your newsletter please contact Margret Pfeiffer of syndication company [www.auspacmedia.com.au](http://www.auspacmedia.com.au) at [margretp@auspacmedia.com.au](mailto:margretp@auspacmedia.com.au)  
Phone: +61 7 555 33 200 Fax: +61 7 555 33 201 for licence to do so

## In this Issue

**KIDDERS-the latest threat to your happy retirement**

**Mission financial crisis accomplished!**

**How to feel sorry for yourself**

**Fighting to protect your brand on-line**

**KIDDERS-the latest threat to your happy retirement**

nnan

With the savings of many parents effectively halved due to the financial crisis and their home values under siege, few are ready for the next tidal wave-KIDDERS, "Kids in debt, diligently eroding retirement savings".

In the good times, parents encouraged their children to buy homes, investment units, enter business deals, invest in shares and generally "Do it" in order to get them off their hands.

As these financial arrangements unravel their kids need money to stave off banks or other financiers, sue unwilling partners and defend court actions. Kids who find that they can't walk away from their problems are turning to their parents to "fix it".

Here are 5 "tough love" options for parents to adopt to protect themselves and their kids:

1. Sometimes it is better to let your kids go bust and be around to pick up the pieces.
2. A threat to be sued is not the same as being sued and sometimes suing or being



- sued can be a slow process, so do not be spooked into action which you may regret.
3. Document and try to secure any loan.
  4. Don't panic and use your available cash and credit cards to pay your kids' debts, you may need that cash and credit for essential items as the situation gets worse.
  5. Signing a guarantee may take the heat off but it is the easiest way for you to lose your savings and your home. Creditors will pursue your kids harder if they think you care and that you may foot the bill so pretend that you do not care (you will find this is easier than you think).

Most parents devote their lives to solving their kids' problems e.g. car crashes (especially if it was the parent's car) or making the occasional visit to the police station to bail their kids out.

However, when asked to make the ultimate sacrifice of delivering up their entire life savings the best advice to loving parents is "don't".

Kids causing you grief? Speak to a lawyer

**Financial crisis accomplished!**

Paul Brennan



"Stiffing" is a common term in the software industry meaning "charging like a bull" when you have your customers "over a barrel". This month, one of my legal software providers was taken over by a larger software company which immediately notified me of a 300% increase in my payments. I made email complaint to the CEO and he called me to say that he would be upset too, if he were me. Having unexpectedly achieved solidarity with the CEO, I tried to understand his position which seemed to be that the increase would encourage me to pay even more to buy his full package, leading to savings for my practice and making Queensland small legal firms more efficient.

I wanted to explain to him that when rubbed up the wrong way Queensland solicitors can be an ill-tempered, quarrelsome, truly disagreeable bunch and I do

not say that just because I am married to one. I wondered if other Queensland solicitors were ready to understand the subtle potential benefits of what felt like a software company marching into Queensland and launching an unprovoked attack.

I had to ask myself the 3 questions that I put to my own clients when reacting to an injustice: "Is it really worth it?", "What are the chances of a quick victory?" and "Who has the most to lose?".

As much as I would usually try to reason with clients who disregarded the answers to questions 1 and 2, the fact that the answers in my case were "No" and "Not Great" did not bother me one bit once I realized that the infidel invader had much more to lose.

The mission statement of the larger software company which I shall call "X", no doubt, is to love and respect its customers and not to wind them up, even though its customer base are lawyers. I suspect that this increase or surge as it may come to be known, must be the action of some fresh faced chancer working in the X Sales Department, greedy for a quick killing over Christmas and ignorant of the consequences for the X brand of this apparent breach of the trust built up by its predecessor over the years.

Days passed without any apparent reaction. I conducted several internet searches:

"Queensland solicitors taken advantage of", "...squeezed", "..... shafted", "...screwed".

The result for each search was "nil" and I began to worry that my searches were giving me an unwelcome insight into my own psyche rather than any useful information on the impending jihad.

The letter advising of the increase arrived just before the Christmas holiday and the bad news had been "buried" on the 2nd page. However, as contracts were due for renewal on 31 December 2008 I assume that shortly, things will hit the fan.

Should things not hit the fan, I suggest that we all increase our fees by 300%. If we cannot beat the financial crisis-let's help expand it.

[Visit Paul Brennan's blog 101 Reasons to Kill all the Lawyers](#)

## How to feel sorry for yourself

Paul Brennan

Feeling sorry for yourself is ok. But, getting other people to feel sorry for you and then reluctantly joining in is so much more satisfying.

Although, some people display natural self pitying ability from an early age, for many of us it is a matter of practice, trial and error especially if we don't just wish to do it alone.

Self pity should not be confused with misery however much some people seem to enjoy it. Misery usually requires a demonstration of hurt and pain whereas competent self pityists aim for the bearing stoically and silently of one's burdens in a dignified manner which can be done alone as a silent meditation but generally it is best if other people appreciate what you are going through.

But for the newcomer tired of going it alone how can this "Enhanced Self Pity" be achieved? There are two criteria to get right - audience and subject. Getting either wrong can lead to misery which is to be avoided (see above).

### Audience

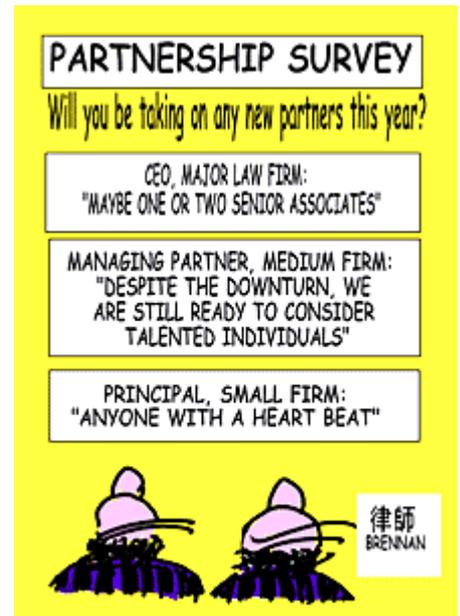
Audiences are best selected from people who have nothing better to do such as your co-workers.

Many people turn to a small but significant audience consisting of their own mother and work out from there.

Your lawyer or accountant can be an excellent audience but are likely to wish to charge you for it by the minute and therefore should be treated as a last resort.

Often parents make the mistake of trying Enhanced Self Pity after they have repeatedly tried screaming, pleading, crying and bribing in their attempt to exercise control over their teenage children. However, sadly teenagers like some retirees seem immune to any suffering other than their own.

Spouses can be excellent audiences provided the subject is life threatening and



you have had the foresight to take out a substantial life insurance policy otherwise they are not known for their bedside manner.

## Subject

For Solitary Self Pity the subject can be entirely selfish and range from imagining your own death (however distant) to not being invited to a party. However, in Enhanced Self Pity the subject is opened to public scrutiny and therefore needs to be gritty without the consequences being too serious for you. For this reason, a terminal illness or the loss of a leg has limited appeal. It is best to focus on other people letting you down. This is acknowledged to be emotionally painful without any physical suffering on your part.

Whereas your teenage children make a lousy audience they are an excellent subject and elicit immediate sympathy even from the most cynical audience as will your boss, your spouse or aging parents.

After age 45, feeling sorry for yourself is up there with sex and getting your son to mow the lawn but only if it is done right.

Extract from *Suffering 101*

[For more articles by Paul Brennan](#)

## Fighting to protect your brand on-line



Paul Brennan

The great thing about doing business on-line is that your product promotion is available at a click of the button in any country. But, what happens if, in some distant country the name of your product is a trade mark which belongs to another business. Can they come and get you? Well, maybe. If they do, you are likely to receive an aggressive lawyer's letter. In reply, you could amend your site to stop the infringement and the matter is likely to stop there. It is best to have a lawyer manage this process especially if you decide to challenge the letter, so that you do not "put your foot in it".

The courts of some countries "shoot from the hip" and deal restrictively with foreign websites, whereas most countries look for "real damage" to the local trade mark owner. In the USA, the foreign website will be examined for a "substantial effect on US commerce". In the UK a court will look for the "purpose and effect" on the local trade mark.

You may be relieved to hear that the courts take such a reasonable approach. However, if it is a foreign website moving in on your trade mark then you will not be happy, at all, especially in Australia where you will need to prove a clear link between the foreign interloper's website and its commercial activity.

An aggressive letter from your lawyer may succeed but you will only get "one shot" before you have the potential expense of resorting to the courts. The letter should give the impression that you mean business and have carefully investigated their activities. For instance, evidence of commercial activity such as:

- agents in this country
- use of a local address and currency.
- Statistics on which country is accessing the offending site
- the prominence in any search
- evidence of confusion of your customers

This is just one of the legal issues you can avoid if your business is slow.

[Click here for legal books, eBooks and CDs by Paul Brennan](#)

**Apek Publications PO Box 27, Mooloolaba, Queensland 4557**

A division of Brennans solicitors and migration agents

ABN 60 583 357 067. **Phone:** 07 5438 8199 **Fax:** 07 5438 8836

[info@brennanlaw.com.au](mailto:info@brennanlaw.com.au) [www.brennanlaw.com.au](http://www.brennanlaw.com.au)



