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Computers and the Law
By Gary Oberst

Injunctions and the Independent Computer Consultant

A computer consultant who is not paid normally thinks of suing for the money owed. Litigation, however, is time-consuming and costly (even for the victor). Ultimately, you will probably settle for less than you are owed while your client has the full value of your efforts. In the process, of course, you lose your client.

What if a court would stop your client from using your work until you are paid? You might retrain your client because, if he needs what you provided, he may pay you before his animosity builds beyond recovery. Even if you lose your client, you may collect sooner and with less expense than by litigating.

Such legal recourse is called an injunction. Injunctions are difficult to obtain because the court will not order one if the amount of money in dispute can be calculated, as it normally can. But if your contract states that until you are paid you retain all rights to your work, which value is incalculable, you have grounds to ask the court for an injunction. You thereby create an alternative form of relief – one that can be very effective.

Your attorney can draft this additional protection for your contract.

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