Partnership agreements and dissolution

Ray Goodman talks partnerships

Running a successful dental practice with another clinician or registered dental professional involves numerous legal issues that need to be properly considered, discussed and incorporated into a suitable agreement. Of course, we all enter into professional partnerships with the best intentions, but unfortunately sometimes despite all our efforts, things do not always work out as we had planned.

Even if your business partnership has been happily built on mutual trust, understanding or even friendship, all eventualities should never be ruled out. To avoid ending up in a sticky legal situation or leaving your dependants in a mess, the importance of having a clear, up-to-date partnership agreement in the dental practice cannot be overstated. As all dental professionals will appreciate, prevention is better than cure.

So which aspects should be discussed with your business partner(s) and drawn up into a written agreement? Situations such as expulsion and retirement, prolonged absence due to accident or ill health and even death need to be taken into consideration with details of the roles of all parties detailed for the future. Even if a partnership agreement has already been put into place, it is essential to keep it updated. It is worth taking extra care when a new member joins the partnership, as unless the agreement is renewed in a timely manner, the partnership at will situation arises once again and the partnership will no longer be recognised as a valid legal document. A qualified solicitor can help properly draft and amend partnership agreements and avoid the perils of a serious dispute occurring or an expensive civil litigation in the courts.

However, it is a sad fact that some partnerships do fail, and in this situation it is important to be aware of the proper steps and precautions that need to be taken in order to ensure that neither party gets their fingers burnt. Without provisions in a Partnership agreement to the contrary, a notice of dissolution can be issued by any partner and without the need to state their reason for doing so. Once already begun, the process cannot be reversed without the consent of all partners.

When faced with dissolution, the settlement of shared finances is a priority. Firstly, any liabilities are paid, then capital, and in the event of a shortfall, debts will be payable by the partners personally according to their partnership share. Deciding what should happen to your business in a worst-case scenario can be an arduous task fraught with difficulties and disagreements. Good legal assistance can smooth the way to ensure that everything is processed quickly and fairly. From the drafting of contracts to dealing with partnership dissolution, solicitors such as Goodman Legal – Lawyers for Dentists can help to make sure the procedure is as pain-free as possible.

For more information please contact Ray Goodman, Goodman Legal, Lawyers for Dentists on 0151 707 0090, email rug@good- manlegal.co.uk or visit www.goodmanlegal.co.uk

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About the author

Raymond Goodman, Senior Partner Ray Goodman is a Member of the Association of Specialist Providers for Dentists (ASPD), legal member of NASDA (National Association of Dental Accountants) and included on the BDA list of recommended dental solicitors. He has a comprehensive understanding of the commercial and professional objectives of Dental Practices, along with the relevant legal requirements. In his spare time, Ray has ambitions to be the next Eric Clapton.

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