

Re: Getting stiffed by a client

Source: <http://coding.derkeiler.com/Archive/PHP/comp.lang.php/2003-11/0691.html>

From: Eric Ellsworth (s_at_n)

Date: 11/10/03

Date: Sun, 9 Nov 2003 18:08:32 -0500

Hi Chris,

Thought I might weigh in on this one, because, though I Am Not A Lawyer, I do volunteer in a legal clinic for workers (here in the US), there are a couple legal precepts you might consider.

First, I'm really sorry to hear you think you've been stiffed. It especially hurts coming from someone you considered a friend.

Second, I wanted to second Jason's (the previous poster) excellent advice. Do make sure that you have gone personally to him and confirmed that he will not continue to employ you or pay you before do anything else. if that fails, a registered letter is a good starting point for recuperating money.

Next you actually have some legal rights to be paid for your work – both of you entered into an implicit contract regarding the work you did – the fact that you both agreed to a rate is evidence of this. While a contract is easier to enforce and would make it easier to get your entire due, the lack of one does not invalidate your right to be paid for the work you've done. Also, most jurisdictions have an Office of Wage Claims for investigating claims regarding payment of wages. You should consult with them to see what's legal in your area, and what their advice is for recuperating wages. They may or may not have much to say about you, as it sounds like you're an independent contractor, but they can give you the lay of the land.

Finally, let me strongly second this advice:

> >>> *P.S. I can name and shame the client here if it will help you*
> >>> *guys avoid getting involved with him.*
> >>
> >> *Don't do that. It can only get you into legal and other trouble.*

Asking others for advice and experience is a great idea. Getting them into the details of a claim is a disaster.

Therefore I suggest you avoid this:

> *P.S. I'm still willing to write this guy and tell him that he should pay*
> *you. And avoid his business.*

and this:

> *P.S.S. Consider telling him about this newsgroup and conversation. Ask*

him

> *to post here and tell his side of the story.*

Again, a claim such as this is complicated enough when it only involves, you, the other party and the legal authorities. Don't make it more complex by involving more people, particularly those without a clear relationship to you or the other party, in a public and potentially incendiary forum such as a newsgroup. You may compromise your own case and will almost certainly permanently damage whatever future relationship you may have with this person.

Keep your head cool and best of luck,

Eric