



A Winthrop & Weinstine blog dedicated to bridging the gap between legal & marketing types.

[What's 50/50 Legal Advice Worth to You?](#)

July 28, 2011 by [Steve Baird](#)

Earlier this month, [Seth Godin](#) wrote an interesting blog post called "[The overwhelming fear of being wrong](#)." In it he writes:

"Almost every marketer I know underestimates how widespread this fear is. It is the lone barrier almost every product and service has to overcome in order to succeed."

Fear of being wrong can also be a [significant barrier to providing good legal advice](#), especially when trademark counsel is being asked to assess risk, as I wrote a while back:

"Perhaps fearful of choosing the wrong side makes sitting on the fence the preferred course of action for J.D. Waffler. He or she is much more comfortable telling you both sides of the story and ends up providing this kind of invaluable advice: 'It could go either way,' 'you could really flip a coin on this one,' 'it's six of one and a half a dozen of the other,' or 'it's no better than a 50/50 shot.' Let's just say, that is pretty safe advice, assuming the clients don't demand more."

For more on dealing with J.D. Waffler, see [here](#).

By the way, what is 50/50 legal advice worth?

