

THE PRIMERUS 180

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Best Practices

Applying the Rules of Running a Successful Drive-Thru to Satisfying Your Law Firm's Clients: The Surprising Connection

One group of clients retail & hospitality attorneys frequently represent are quick service restaurants, or QSRs. As a result, we often find ourselves in our clients' locations when handling their cases. We also end up there while on the road as customers. What is plainly obvious when you visit a QSR is the amount of traffic that comes through its drive-thru. In fact, at many QSRs, the majority of their business is via drive-thru pick up.

I was in a drive-thru the other day. After placing my order and while waiting in line, I thought about several of my cases and how they were being handled. As I sat there waiting and thinking, something dawned on me. The way a drive-thru is successfully run is a lot like how a law firm client should be treated.

Think about the best drive-thru in your town. It's organized. Things are kept moving. The food is delivered right and you get a good product for your dollar. There are napkins and straws in your bag. Plus, you don't leave without a "thank you" from the person helping you.

Now think about the best lawyers you know. They're organized. They keep their files moving. They deliver on their promises and do the work right. Their clients get good value for their dollar and know they're appreciated.

There are a lot of similarities here. Accordingly, here are some rules or pointers for running a successful QSR, which also have a surprising applicability for lawyers handling files for their clients.

1. Have Your Act Together

One of the most disappointing feelings for the hungry driver is to pull off the interstate and into the only restaurant off the exit, only to find you have pulled into the worst drive-thru in the world. There's trash and debris on the ground. The line is a mile long and moving slowly. The speaker system is inaudible. No one seems to be in charge. In general, things at this QSR are languishing and extremely disorganized.

No one wants to do business with the QSR described above. The same can be said for the disorganized and distracted lawyer. He or she may be a great person with a wealth of knowledge, but when it comes to communication and delivery –



their clients getting what they want in a timely and effective manner – it’s another story. Don’t be that lawyer. Be organized. Stay focused. Keep in touch with your client. Don’t take on so many cases and other obligations that you can’t serve anyone effectively. Don’t over-promise, but instead over-deliver.

2. Be Clear About What You Do and Offer

Have you ever pulled up to a menu board where there were too many options or the writing was too small or unclear? You feel flustered and hurried when you’re asked to place your order, unsure if what you’re ordering is really what you wanted.

The same can be said for the lawyer who doesn’t take the time to educate his or her client about the law that governs the case, the possible routes to a satisfactory outcome, and the potential speed bumps along the way towards resolution. Also, lawyers can frustrate their clients

with 15-page memos filled with intricate and confusing legal analysis that can go well beyond the understanding of even the most sophisticated purchaser of legal services. Clients in either scenario end up feeling very unsure of what they’re getting into, what may happen, and why it may happen. As a result, they become frustrated with both the process and their counsel.

As radio host Dave Ramsey implores those providing professional services, have the “heart of a teacher” when it comes to communicating with your clients. Spend the time necessary with your clients to ensure they understand their case.

Moreover, strive to do what you can to be clear and concise with your clients. While detailed reports and memoranda are often necessary, know that in most circumstances your clients – no matter how sophisticated they are – have no time or need for a law review article. Boil things down. Get to the heart of the matter in a hurry. Make it obvious what the potential

outcomes are in their respective litigation, what the exposure is, their chances for success, and how much your services are going to cost. Clients appreciate brevity and cut-to-the-chase candor.

3. Give Great Value

I am impressed with the business model employed by a QSR like Five Guys Burgers. I am especially enamored with how Five Guys strives to demonstrate value for the dollar. Have you ever ordered a small order of french fries there? It’s the equivalent of two orders of large fries from any other restaurant. It’s monstrous. Customers remember those portions and consider a place like Five Guys to be a great value.

For lawyers living in the world of the billable hour and collections goals, they sometimes fail to see that all those .1s and .2s add up to real money for the client. No one likes being nicked and dimed and they really don’t like feeling cheated; accordingly, be judicious in your billing practices. Is what you’re putting down on your billing sheet adding true or real value to the file? If you were the client, would you agree to all the charges that find their way to the bill? Are you doing things as efficiently as possible? Does the case really need three lawyers, two paralegals, a law clerk, and a herd of project assistants? Do you need to travel for that deposition or can you do it by telephone? Think about it and be fair. In fact, be more than fair. Clients – just like Five Guys customers – want to get more for their dollar. Give it to them.

4. Let Them Know If There’s a Problem

Sometimes, things don’t go so smoothly in a drive-thru. They’ve run out of a menu item you wanted or there is a delay for your food.

The angriest I have been recently happened several months ago when I was told to pull forward at the pick-up window and wait for my food to be delivered to the car. I was told that what had I ordered wasn’t ready and would take several more

minutes to complete. Hence, I moved up. And then they forgot about me.

I waited for ten minutes before getting out of the car and going into the restaurant. That was pretty aggravating. However, what got me really mad occurred once I got inside and engaged someone at the counter. It was there I heard for the first time the QSR did not have the item I ordered. Needless to say, between waiting for an extraordinary amount of time and then being told – after I had paid – that the food I had ordered was not available, I was seeing red.

A definite way to get a client fired up is when they feel caught off guard by a problem with the case they knew nothing about. As your client's agent, you need to provide as much distant early warning about circumstances going on in the client's case. Accordingly, if you know about something bad in a case, which the client should know about, tell the client. Don't hesitate. Holding onto information that is adverse and potentially affects the exposure in a case doesn't make things better. In fact, the situation likely gets worse. Come to grips with the fact the client needs critical information – good, bad, or otherwise – as soon as possible. Remember, it's the client's case, not yours. Give your clients the tools to make informed and careful decisions. That means report everything, even the problems.

5. Deliver What's Been Promised

There are fewer worse feelings than pulling out of a drive-thru and back into traffic and realizing that what you ordered did not find its way into your bag. The same can be said for having assurances made by counsel that specific activities or events concerning case management would transpire, but ultimately do not. That is the epitome of disappointment. Don't disappoint your clients. Deliver what's been promised. Whether the promise involves a fee, scheduling of something, the timely transmittal of a requested report, or something else relating to client service, do it.

6. Remember the Little Things

When your order doesn't include napkins or a straw, dashboard dining becomes that much more of a challenge for the customer. While those things may be little, they're nevertheless important to the enjoyment of drive-thru meal. In the legal context, while consideration of client requests like observance of particular billing guidelines or preferred methods of communication may seem little to counsel in relation to defending the client's big lawsuit, these requests are still very important. Thus, make special note to identify and observe matters like this. As well, ensure your staff is well aware of particular requests made by your clients concerning the logistics of case handling. In a marketplace saturated with competition, it is fair to say that remembering the little things and making your clients' lives easier can separate you from the firm down the street vying for the same work.

7. Show Your Appreciation

A good way to get on my bad side in the QSR setting is to take money from me without expressing some sort of appreciation for the transaction. A simple "thank you" or "come again" is all I need. If the truth be told, clients feel the same way. I know from talking with them that is the case. I once had a client complain to me about counsel in another jurisdiction that "just expected" the next case would always come to his firm. He never said "thank you" for assignments, nor acted at all interested in the client unless there was a billing opportunity to be had. The client recognized that counsel was very capable and had historically obtained favorable outcomes for her; however, she resented her attorney's expectation and sense of entitlement that she would keep sending cases to her.

Simply stated, you need to express your appreciation to your clients. Perhaps a lunch visit every now and then. The demonstration of an earnest interest in them as your friend. At the very least, say "thank you." No one likes to be taken for granted or taken advantage of. Make sure you don't make your clients feel that way.

The tie that binds successful drive-thru management with the practice of law is the idea of service. The QSR is there to serve its customers. Law firms exist to serve their clients. Whether they be drive-thru customers or legal clients, put them first before all others – including yourself. Do what is in their best interests and treat them right. If you do, they'll keep coming back. **■**

