

Speaker 1 00:00:05 Welcome to the Clear Impact Podcast brought to you by PGTI University. Thanks for joining us today. My name is Sherri Connor, and I am your host.

Speaker 2 00:00:19 If someone feels cared for and that you're listening to them and trying to take care of them, it's always going to lead to a better result. Right? Apologies don't cost nearly as much as hiring an attorney and going to court.

Speaker 1 00:00:25 Why is it that calling an attorney is the last thing you want to do? Not us! On today's episode of the Clear Impact Podcast, we actually phoned in with our Corporate Counsel, Ryan Quinn. Ryan shares some great tips when dealing with the legal side of running a successful business. You'll learn how to avoid trouble in the first place. Ryan also shares where you might find a good lawyer and yes, they do exist.

On today's Clear Impact Podcast, we are chatting with Ryan Quinn. Ryan is our Corporate Counsel, is that your title?

Speaker 2 00:01:00 General Counsel, but yeah, it's just a fancy title for the company's in house attorney.

Speaker 1 00:01:05 Tell us a little bit about yourself, maybe some of your background and how you landed here and what you do on a regular basis.

Speaker 2 00:01:13 Absolutely, Yeah. So prior to coming to PGT, I was General Counsel at Lending Tree, which is sure a lot of people have heard of that before. It's a big brand name, but essentially they are an online marketplace for all sorts of financial products. Prior to Lending Tree, I'm from Cleveland grew up there. Pretty much, I went to law school there, and then went into private practice. And what I did in private practice was, we can basically call it, corporate law. I did contracts, mainly when companies were buying or selling. I represented them in those transactions and also some public companies, securities work. Then I went in-house when I was in Cleveland to an industrial manufacturing company and they were looking for someone to head up their M & A, mergers and acquisitions. They were acquiring a lot of companies. They wanted someone to know legal function and experience with that. So that's how I got in-house.

Speaker 2 00:02:00 But that role grew to where I do the M and A contracts, real estate, trade compliance, securities, employment work. There was very good generalist experience. And from there, I went to Lending Tree, made the move with my family from Cleveland to Charlotte, we were tired of the winters up in Cleveland anyway. So we went down to Charlotte and at Lending Tree, they were also acquiring a lot of companies at the time. They wanted someone who did M and A. So that was the draw for them to hire me. When I was at Lending Tree, obviously my role grew there. And then eventually I moved up to lead the legal department at Lending Tree. And then after a few years there at Lending tree, actually a friend of mine, who is a general counsel in this area, found out about the PGTI opportunity. She asked me if I was interested in it. My parents actually retired down here.

Speaker 2 00:02:43 So we wanted to be closer to them. I have three kids. So that was a big draw and I talked to PGT, loved the company, the executives, the management, thought the opportunity was really good to establish the legal department here. And so I've made the move to Florida and I've been at PGT for about five months now. And my role here is I do a little bit of everything. So if it's contract, litigation, employment law, our public company filings, if it's securities work, M and A. If we're acquiring

a company, I'll lead that from the legal side. And then also, you know, for our earnings calls and things like that, I'll look at the script, I'll review it, make sure that we're complying with security laws and things like that. So kind of a potpourri of everything is how I would describe my role here, and my career before that.

Speaker 1 00:03:27 Wonderful. That was a great description. You know, attorneys have terrible reputations, but I am friends with several and they're all wonderful people. So I don't know why they have such a bad rap, but anyway, I'm glad that you're taking some time. The series that we're in right now is Running a Successful Business. And usually people think of contacting an attorney when they're in trouble, when they get a notice or they are being subpoenaed or someone threatens them with a lawsuit. And so we're speaking to our dealer audience specifically, and most of them are not going to have the luxury of an in-house attorney. Most companies probably don't, but what would a good arrangement look like between a dealer and an attorney? Should they have somebody on retainer? What would you say to a dealer who is, you know, maybe just getting started or had a threat posted to them or something they're a little nervous about calling an attorney and, and getting, you know, some giant bill for consultation. What would you say to them?

Speaker 2 00:04:25 Yeah. Well, first before I answer that, I want to thank you for sticking up for attorneys. I also agree. I think most of them are very good people and maybe a few bad apples, you know, ruin the bunch. But, uh, to answer that, I would say, you know, I don't think a retainer is necessary and what a retainer is, right, it's essentially, you're paying probably a monthly fee to the attorney so that they are available for you. A dealer that's just starting out, probably isn't going to have that volume of legal work, you know, they would need retainer, but I would say, you know, what you really want to do is find counsel that you trust that will provide you with practical, reasonable advice and who shares your values. I think that's the most important thing. It's also important to note that, you know, there's a lot of attorneys, right?

Speaker 2 00:05:06 So, you know, if you start working with an attorney and maybe you don't get along with them, or you get a bad feeling for whatever reason, it doesn't work out. Know that there's a lot of attorneys, you can be picky. You can find, you know, different attorneys until you find that one that you trust. Then once you find that, that relationship, then I would say, you can really look at their fees, right? Lots of law firms now offer different fee arrangements, whether it's a fixed fee, you know, maybe you have a particular project, like let's say you, you want to have all your employees sign non-compete agreements. You can negotiate with a law firm to give you a fixed fee to do that project so that you're not surprised by the hourly bill. That said, a lot of law firms are still going to charge you an hourly rate, but what you should try and negotiate off of that as a discount, a lot of times they'll discount you at least 10%.

Speaker 2 00:05:49 So ask for that aspect discount. And maybe depending on, you know, you start to get busy, you start to grow. If your volume picks up, you can have a step discount, right? So 10% for the first X amount of fees and maybe 15, 20, et cetera, after that, definitely that's something worth exploring. And then you hit the nail on the head. A lot of times, small business owners will only seek attorneys when they're in trouble. They've been threatened, there's litigation. I think it's very important to use outside counsel for, not just litigation or disputes, but you know, if you're entering into a material contract, if you want to trademark something, or maybe you have a patent, you've invented something, you know, contact an attorney then. Like I said, if there's a material project that you're doing, I think it's

important to talk to a firm then. And definitely with your employment matters, employment law can be complicated sometimes, it's not always intuitive. So I think it's definitely helpful to talk to attorney for that. And I'll always say, attorneys are always more helpful when you talk to them on the front end, rather than getting them involved once a dispute has played itself out and there's a lawsuit.

Speaker 1 00:06:48 Be sure to tune in for upcoming episodes to help you understand the fenestration industry, what you need to know when buying windows and doors and other related topics, you can find out more about us at [pgtiuniversity.com](http://pgtiuniversity.com). You can also find us on Facebook and LinkedIn.

So being more proactive instead of reactive from a legal standpoint.

Speaker 2 00:07:12 Yeah. Remember you control your attorney, right? You don't even have to have them come in and take control of your situation. You can just ask for advice. You can say, Hey, I'm handling this dispute or this issue's come up. And, um, this is my plan, right? This is my ABC plan, and get their advice, see what they say, how they would do it. And if a dispute does arise down the road, you'll probably be better off just for that consultation.

Speaker 1 00:07:33 Well, that's a great segue into my next question, which is that, you know, you can often avoid legal problems altogether if you have the proper protocols in place in advance. So again, being proactive instead of reactive. What would you say the top three things that a dealer would need to know about protecting themselves, in general, as business owners?

Speaker 2 00:07:55 That's a great question. So if I had to boil it down to three, I would say that the first one, I don't even think this is a legal answer, but the first one is to find good partners who share your values. I think the old adage holds true. You should work with people who'd you be willing to do business with, on a handshake. I think that's a good guiding thought. Obviously you still protect yourself with written agreements and things like that. But I think you can avoid a lot when you work with people who share your values and who you trust. So that would be one. My second one would be good record keeping, good record keeping can be a godsend sometimes. And what I mean by that is saved fully executed contracts. And maybe you're just doing deals on terms and conditions or purchase orders and invoice.

Speaker 2 00:08:35 And maybe there's some discussion or email save all of that. If a dispute arises, you're going to want to be able to access that and have that handy. Create employee files, and that includes if there's any type of, you know, a review you do, maybe it's an informal thing. Again, I would document that. Obviously, if there's some type of disciplinary action, you're also going to want to keep that with the file. And this is all for, if things go south down the road, you'll be able to protect yourself with this paper trail. And finally that, you know, also that means with the record keeping, document customer complaints and your follow-up. So again, if a customer (issue) leads to a dispute, what you'll have is, you will have the purchase order, you'll have their complaint, you'll have how you followed up. And you'll be in a much better position there by having that paper trail to back up your side of the story. That's good.

Speaker 2 00:09:19 And then I'd say the third thing is focus on good customer service. And what I mean by this is, if it's your guiding principle to do right by customer, I find that that greatly reduces the number of complaints and litigation that you're going to be involved in. Typically it also means treating your employees well, right? Because if you're going to do right by the customer, you want to make sure

that you have good employees who are happy and performing their jobs to the best of their ability. So that's also important. So that's going to reduce customer complaints, but it's also going to reduce employee complaints and disputes, right? And what I have always found, whether this is in, say it's with a window company, a manufacturing company, or even with a tech company like Lending Tree, companies that emphasize good customer service usually have strong, legal compliance as a result, because many times laws are driven by doing right by the customer. And so you'll see if you talk to an attorney and say this, I'm thinking of handling this, a lot of times you're going to be taking the right course of action. So I think that really goes a long way.

Speaker 1 00:10:13 Hmm. So find good partners that you could do business on a handshake, if you needed to, keep good track of conversations, records, sales, contracts, those kinds of things, and take good care of your people inside and out. So there's

Speaker 2 00:10:27 A much more eloquent way of saying that.

Speaker 1 00:10:31 I just sum it up. It's just a little side note, one of the things I heard about doctors getting sued for malpractice is that, if a doctor does something wrong and is worthy of a lawsuit, the patient will not sue them, if they feel like the doctor cares about them. But if a, if a patient feels like the doctor doesn't care about them, whether or not there's reason for a suit, they will still sue the doctor. So it's really about the relationship and about the interaction and about the customer or in this case, patient, feels like they are cared about.

Speaker 2 00:11:05 That is a hundred percent, right. I have found that just in my, you know, in my practice. And also I got to tell you that very similarly, when I took, all the way back to law school, dispute resolution, where we were learning about mediation and arbitration and things like that, the number one thing that you saw come up the most when parties were in dispute, you know, these nasty litigations that had been drawn out, and they get to mediation, and you finally have a mediator talking to the party about what they want. The number one thing that most plaintiffs wanted was just an apology, just an acknowledgement and saying, I'm sorry. So I, I think you're a hundred percent, right. If someone feels cared for, and that you're listening to them and trying to take care of them totally is going to lead to a better result.

Speaker 1 00:11:45 Right? Apologies. Don't cost nearly as much as hiring an attorney and going to court. They might cost a little bit pride wise, but it'll save you a lot of money out of your bank account. That's awesome. Where would somebody find an attorney? Do they just like, we don't have yellow pages anymore, so do they just go online and, you know, do they call Morgan and Morgan? Like who do, how do we find a decent attorney if we don't know one or do we just like, throw it out on LinkedIn? Like, Hey, I need an attorney. How would someone go about finding a good attorney?

Speaker 2 00:12:14 I'm a big believer in references. So I wouldn't really do a Google search for an attorney. You know, you'll, you'll notice, you'll find, I think every firm has won an award for something. So what I would suggest is any type of industry group that you're in, maybe even like a, a local chamber with other small business owners, that's where I would start. I would talk to other small business owners or people in your industry group or a local chamber and ask them, Hey, do you guys have any attorney references? Have you used an attorney and get a reference that way. And you'll probably find a better attorney that way, rather than doing a Google search.

Speaker 1 00:12:47 That's a great point. So this series is really about leveraging some of our in-house expertise to share advice with our dealer audience. What is a piece of advice that maybe you have received that would be helpful to share with them?

Speaker 2 00:13:01 Sure. Yeah. Yeah. So it basically reinforces everything that we just talked about. But from, you know, right when I got into a law firm, I can sum this up. Proactively budgeting money for a regular use of outside counsel will save you a lot of money in the long run. Don't wait until you get sued to talk to a lawyer. And as soon as I went into a firm, you would see these lawsuits and lawyers would always say, I wish they talked to me before they got in this. If they would've just talked to me upfront, I could have given them 30 minutes of advice that could have avoided this whole dispute, and now you're in litigation, and you're incurring a lot of, a lot of money. And so I just got to say, attorneys are like I said, this to start off, attorneys are always more useful on the front end and usually cheaper, right? Because like I said, a 30 minutes or an hour consultation call with your attorney can avoid a long drawn out litigation. So that would be my advice always think about talking to counsel proactively rather than waiting for something to go wrong.

Speaker 1 00:13:53 Right? Well, Ryan, I know that a lot of people avoid attorneys like the plague and you know that I know that some charge, you know, rates up to like \$500. So I'm super grateful that we took some of your time today to share some of your wisdom and insight with our dealer audience. So thanks for your time. Thank you, I really enjoyed the conversation.

Speaker 1 00:14:12 Awesome. Have a great day, Ryan. PGTI University is the customer education team for an entire family of brands. We began with the original, Eze Breeze porch enclosure line, then became PGT, America's leading brand of impact resistant windows and doors. We then added CGI, CGIC, WinDoor, Western Windows, New South Windows and Eco Windows and Doors. We create products built to withstand major storms, keeping people safe, secure, and prepared. Our exceptional brands give you the protection you need without compromising design or functionality. PGTI University is here to educate you our listener so that you can be a more informed consumer of window and door products.