

BUSINESS MANAGEMENT

Write It Down

A CLEAR ORG CHART AND JOB DESCRIPTIONS WILL STREAMLINE OPERATIONS AND ALIGN EXPECTATIONS—JUST MAKE SURE YOU PROVIDE ENOUGH DETAIL

MY BUSINESS PARTNER AND I STARTED SOBO Homes in 2003. Today we have 10 employees and do 12 to 16 projects per year with a little over \$3 million in revenue. We're a boutique company that provides an intimate experience for our customers.

In 2015 we decided to join Remodelers Advantage. Our impetus was a retired builder we knew and respected who told us that the single best thing he ever did for his company was to join that group. We were like, "OK then."

Most remodelers start out in business wearing every hat, and it's easy to just keep completing tasks as they come up without a formalized reporting structure and clearly defined jobs. One thing we got out of Remodelers Advantage was the practice of creating a detailed org chart and job descriptions. Both documents have streamlined our organization and help to keep everyone aligned on expectations.

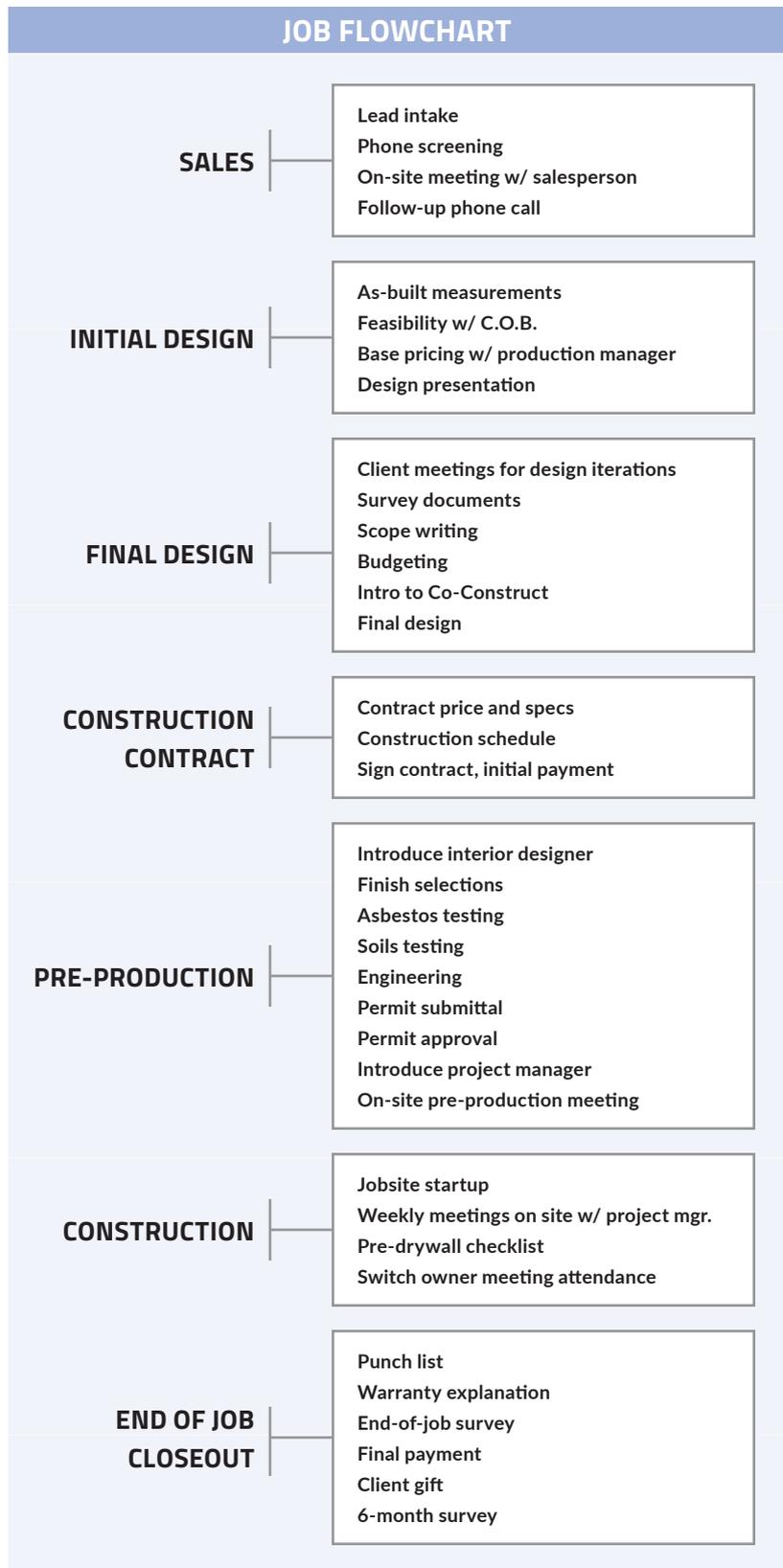
The documents can look a number of different ways. Recently we hired an office manager and created a two-page job description that maps out each of her duties, what percentage of time is spent on each, and who she reports to for each particular part of her job.

As an example, here's the marketing portion:
Marketing (30 percent, 12 hours per week)

- Website: Misc. updates as needed.
- Pinterest: Manage SoBo account.
- Facebook: Manage SoBo account.
- Houzz: Manage SoBo account.
- Car/vehicle logos and jobsite signs.
- Swag: Clothes, coffee cups, etc.
- Client and trade partner parties.

We also have documents that go through a remodel from the homeowner's perspective. Say Kevin and Joanne are clients. What is their experience starting from the initial contact all the way to the final payment? When and how do they interact with each member of our team?

An example of this is kitchen cabinets. They are a high-dollar item that everyone touches, and there



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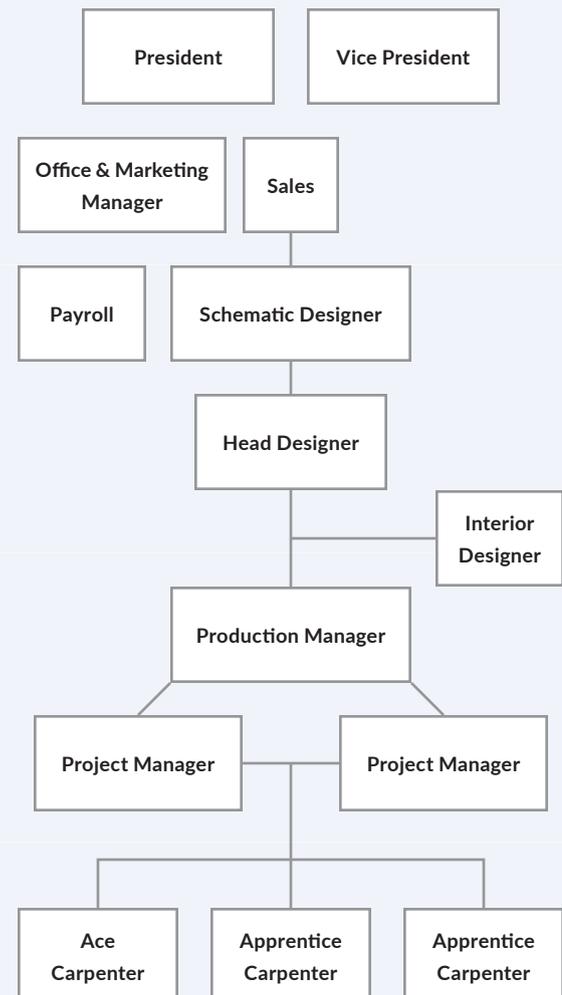
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are a lot of details and options. With that in mind, who is responsible for the final order? Who is responsible for what the cabinets look like? Who needs to make sure they are in exactly the right spot, and how does that get communicated? Who looks over the shop drawings? Who makes sure rough plumbing and electrical will all fit?

Our charts and descriptions are invaluable to us, but they're not set in stone. Instead, they are living documents that we tweak twice a year to reflect any changes. Each one took about an hour to create, but they're worth that much many times over.

Mike D'Onofrio is cofounder of SoBo Homes, in Boulder, Colo. He is a graduate of Northwestern University with a civil engineering degree.

ORGANIZATION CHART



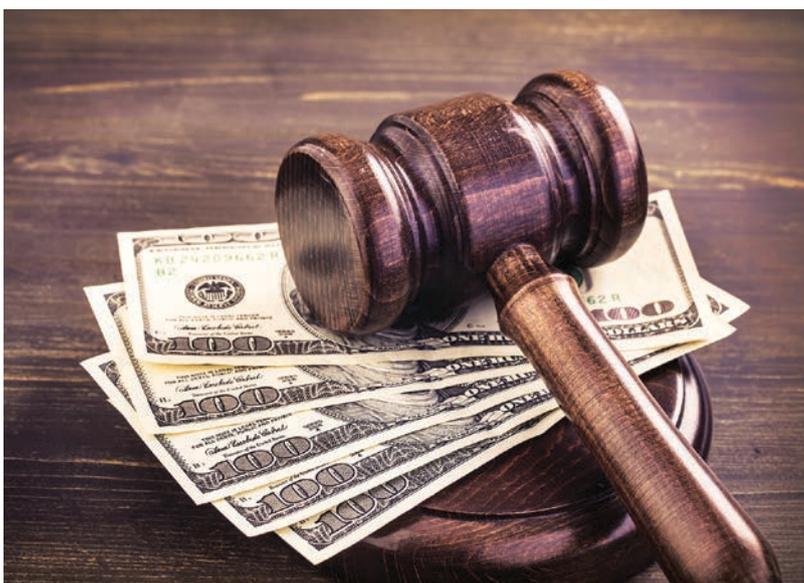
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LEGAL

Can You Recover Your Legal Fees?

MAYBE, DEPENDING ON CIRCUMSTANCES

THE GENERAL RULE IN MOST STATES IS THAT a party in a civil action is not entitled to recover attorney's fees unless the claim is based on either a contract or statute that authorizes such a recovery. But in some jurisdictions there is a lesser-known way a party may recover fees: The Wrongful Act Doctrine, which permits



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the recovery of attorney fees when one incurs such fees as a result of unnecessarily having to maintain or defend a lawsuit with a third party.

For example, let's say Seaside Condominium sues Able Contractors for defective work, and Able Contractors, in turn, brings a claim against one of its

subcontractors, Strong Pipe Installers. Let's also say it is eventually shown that the wrongful acts of Seaside (such as lack of proper maintenance) were the

real cause of the problem and not anything having to do with Strong Pipe. It would then be possible under the wrongful act doctrine for Strong Pipe to lodge a claim against Seaside for the legal fees it incurred.

To be clear, one cannot recover fees under this doctrine if one's own wrongful acts contributed to the litigation. And because fees under the Wrongful Act Doctrine are considered an element of damages, they must be pled within the initial pleadings.

Before you give up on the idea of recovering legal fees, take a closer look to see if the Wrongful Act Doctrine could be applied to the facts of your case. It won't make litigation any less stressful or time consuming, but it could reduce the expense. ^[PRO]

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Patrick Barthet, founded The Barthet Firm, an 11-lawyer construction law firm in Miami, and regularly contributes to TheLienZone.com construction law blog. pbarthet@barthet.com

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