



DON'T TAKE 'NO' FOR AN ANSWER

TIPS FOR GOING STRAIGHT TO THE TOP TO RESOLVE PROBLEMS

BY JACK GARSON

December 2013 – As seen in the Huffington Post.

Imagine it is the busiest time of the year for your company. There's one week left before New Year's Eve, and you are negotiating deals and closing transactions at lightning speed to meet year-end deadlines.

With a lot of hard work and a bit of luck, all the pieces will fit precisely into place. You'll get everything done and make your clients very happy. But then, a few minutes after 9 a.m., you get a call on your cell phone. A client tells you he can't reach you on your business telephone lines. In fact, all of your incoming phone lines are down and a recorded message says that your phones have been disconnected. You pay your bills, so that's not the problem. Something has gone horribly wrong. Not only is it difficult for your clients to reach you, but you fear what they must be thinking.

Your outgoing phone lines are working, so you call the phone company and get a recorded message. Finally, after an excruciating wait on hold, a live person answers. But she can't help and transfers you to another person. You are put on hold again. I can't help you, but let me transfer you to someone who can. Transfer. Hold. Can't help, but... Transfer. Hold. Again and again — the agony goes on. All of this happened to me and my law firm at the end of 2012.

We were battling a behemoth. And plenty of businesspeople do every day. You could be a restaurant that loses power on a sunny day without the slightest of breezes and then watch the food in your freezer rotting away with no relief or response from your power company. You could be flying to a critical business meeting only to find your flight canceled and the airline does not tell you until all of the competing airlines' flights have left. You could be audited by the IRS and, even though you have paid all of your taxes, the examination drags on for months and you must respond to repeated requests for vast amounts of documentation. Or you may simply be seeking to renew a business license or file a document with a government agency, and the time for processing your request is so long it prevents you from getting your work done. It is as if the motto of these mammoth enterprises is "We're not happy til you're not happy!"

But you can do something about it.

Escalate, Baby Escalate

If you're not getting the help you need, go to the top of the organization. In one situation, I had a client with a problem with the Motor Vehicle Administration. The MVA erroneously believed his car was not registered. We spoke to half a dozen employees, none of whom could or would fix the problem. So I said I was calling about an important legal matter. I was put through to the head of the MVA — who must have been curious about why I was calling. I explained the situation, and in less than five minutes, the problem was permanently fixed.

Normally, though, you don't get through to the heads of government agencies or large organizations. But if you call them, you will usually get someone eager to make the problem go away. For example, I once called the president of GEICO. I didn't get him on the phone. But a problem that had seemed impossible to solve — to his rank and file employees — was quickly fixed by the executive assistant who took my call.

Mention Big Brother

The biggest of businesses may not be afraid of you. But they are afraid of some people, especially the officials that regulate them. In several instances, I have reminded an insurance company that would not pay a client's claim that my next call was to the insurance commissioner of the state. Amazingly, these claims get paid — especially if you are in a state with an insurance commission who is tough on insurance companies.

In another case, a bank lost a six-figure sum of money belonging to a client. After four months of patiently working with the bank to try to recover the funds, the client contacted me. I called a senior executive at the bank and let her know that if she didn't return my call that day, my next call was to the authorities to report the missing funds. I received a call within minutes. With the threat of government officials getting involved, she found the missing money — that had been deposited into another business account — and returned it to my client within a couple of days.

Leverage, Not Rage

What do you do about a company that does not care about your business or a government agency that does not even consider you a customer? Find out what motivates these organizations to act. In a recent case, a business client was cheated by an international credit card company, which ignored my client's complaints until he turned the matter over to me. I researched all of the ways that the credit card company had violated the law — and the potentially severe fines and punishment that could be imposed for their conduct. Then, I wrote the company's general counsel a detailed letter outlining their

wrongful conduct and the potential penalties. Once he received the letter, we immediately began a settlement discussion that produced a favorable resolution for my client.

On the other hand, some aggrieved parties turn to venting their rage both to the behemoth they are battling and the public at large. But bashing a big business can be dangerous. Yes, it can be tempting to turn to public protest, including complaints on the internet and social media, to slam your Goliath-sized opponent. However, some large companies react aggressively. You might be sued for defamation or other reasons. These lawsuits are so common that they have even been given a name: “SLAPP suits,” which stands for strategic lawsuits against public participation. These lawsuits are typically used by large businesses that want to burden their critics with overwhelming legal expenses to stifle and punish the criticism. The lesson is to target your opponent with an effective strategy that gets results but does not create even more problems for your business.

Enlist Your Elected Representatives

Whether you’re battling big business or bureaucracy, your elected representatives can be indispensable in aiding your business. Depending on the nature of the problem, everyone from your local council member to a state official to your Congressional representative might be able to make the right phone call or write a letter that is indispensable in solving your problem. In one case, a county official’s call was enough to get a county inspector to provide some relief in approving a client’s plans to renovate its store. So get to know your elected officials and then call on them for assistance when you have no choice but to fight these large organizations.

Hire Experts

You’ve heard the line: “These stunts were performed by a professional. Don’t try this at home.” Well, the same applies to battles with big businesses and the government. If you’re facing an IRS audit, stay out of it. Hire an accountant or tax attorney experienced in handling audits. The same concept applies to plenty of other difficult situations. You may need a lobbyist, a litigator or another professional. The key is to find someone who has repeatedly and successfully solved the same problem you’re facing.

So what happened to my disconnected phone lines? Given the stakes and urgency, we took no chances. One colleague worked through ordinary channels, while another insisted on speaking with a supervisor. The supervisor researched the matter and found out that the phone company disconnected the wrong phone lines — ours — by mistake. He then took charge of fixing the problem. At the same time, we reached out to an elected official who put us in contact with a senior executive of the phone company. He also lit a fire under the rears of a few people to get our phone service back. In a few hours, our phone lines were reconnected.

Problem solved. But, yes, my hair is even grayer now.

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