

Fear-free legal for small business

Creekmore's new Small Business Plan

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—Keith Finch, attorney with The Creekmore Law Firm

BY CLIFF GLICKMAN

If small businesses are the true engines of our nation's economic growth, perhaps The Creekmore Law Firm is onto something.

The Blacksburg-based firm, with another office in Botetourt County, has just launched an unusual marketing strategy to target potential small business clients. It has eliminated hourly fees for most of its services and replaced them with an initial one-time fee of \$750, plus a \$75 monthly retainer.

"We're trying to stop problems before they start," says Keith Finch, a lawyer who joined the firm last year after a decade in Japan. "Small businesses don't understand billable hours. The concept of charging for a phone call—where does that come from?"

Charging a small business a customary fee for a consultation over the phone might follow longstanding practices. Attorneys and other professional service people sell their expertise by the hour. But small businesses that don't use attorney services much are often surprised when they get the bill, Finch says.

"The result is that they don't make that second phone call," Finch says. "The next time, they unload a contract off the Internet or don't use a contract at all. Then they really get into trouble."

Creekmore already has converted a few of its existing small-business clients to its new arrangement, which it calls the Small Business Plan, and is preparing to send out brochures and other communications to reach potential clients in the near future.

"It's been very helpful to us," says the director of operations for a Roanoke Valley firm that's about to launch. (Because of the sensitive nature of opening a new business, including attracting investors, she asked that her company's name not be used.) The company had occasionally been getting advice from Creekmore, but now it's able to trade e-mails with attorneys two to three times a week on questions such as organizing a limited liability corporation and the role of the company's partners.

"We could never have afforded this," she says. "It has



Keith Finch at Creekmore's Blacksburg office

really accelerated our launching. And it's given us a lot of confidence in our decisions."

Finch says the down economy was not a major factor in Creekmore's new offering. Formed in 2006, the firm has served a mix of large and small businesses, as well as individuals. Its principal practice area is business litigation,

with a focus on intellectual property, including the extension and protection of trademarks, service marks, copyrights and patents. The firm also handles a number of cases involving business torts, contract disputes, theft of trade secrets among other areas.

The firm's lawyers were interested in building their small-busi-

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ness client base, and they knew the typical hourly fee charges were a roadblock for many potential clients. Plus, it was a roadblock to building long-lasting relationships.

“Friendly conversation—that’s important to the relationship,” Finch says. “If the client feels he’s being charged for it, he’s not going to do that.” But friendly conversation, the general “How are you doing?” talks not focused on a specific task—that is often where Finch will sniff out potential legal issues that might arise down the road. In the legal profession, as in many others, an ounce of prevention is a lot cheaper than a pound of cure.

Small businesses, particularly in tight economic times, look to save money wherever they can, and the range of do-it-yourself legal work seems to grow every day. Finch says he has heard of businesses that have tried private placements—selling investment stakes to a limited group—without using a lawyer.

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types of arrangements—say, a contract written off an Internet template—are the kinds of arrangements most likely to lead to expensive litigation if something goes wrong.

That’s just the kind of cost that Creekmore is hoping to help its clients avoid. The Small Business Plan does not cover litigation, but Finch believes businesses that use legal advice up front will encounter fewer disputes that end in expensive litigation. Business purchases and sales, securities law advice while soliciting investors, and other services are not included under the plan. And, of course, there are some practice areas, such as real estate closings and estate planning, in which Creekmore doesn’t specialize, so the firm’s lawyers would provide no more than general advice and offer referrals on these matters.

But legal fine print aside, Finch says the goal of the Small Business Plan is pretty simple: “We want to make it so that people are not afraid to call a lawyer.”

(Cliff Glickman is a freelance writer based in Lynchburg.)