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Want to Stay Out of Court? Communicate!

by Lenny Giteck

For nearly 30 years, veteran pool builder Skip Philips has served as an expert witness in hundreds of lawsuits involving swimming pools and spas. In his courtroom role, the owner of Questar Pools in Escondido, California, and one of the founders of The Genesis 3 Design Group has been in an excellent position to observe how members of the pool, spa and hot tub industry can reduce their chances of being sued.

According to Philips, proper communication may be the most important key to keeping clients from hauling pool builders and subcontractors into court. "In the majority of cases, the problem is either a lack of communication or miscommunication," he says. "It often starts when builders or their salespeople misrepresent the pool-building process or the outcome."

To avoid that pitfall, Philips' company always holds an initial, on-site meeting with the homeowners and the professionals who will be involved in building the pool. Notes Philips: "It's a great opportunity to cover the questions and complications that may arise. For example, instead of just having the excavator show up at the home with a tractor idling outside, you can ask the homeowner where the pool is supposed to go."

During the meeting, Philips displays and discusses a complete set of plans—both presentation renderings and working drawings. "This is an extremely important step that must not be overlooked," he says. He introduces the homeowners to the major players on the construction team. Finally, he says, "we reconfirm all the significant details about what's going to happen."

Following the meeting, those agreed-upon details are clearly spelled out in a letter the company sends to the clients. And according to Philips, his company's emphasis on communication is not just during the initial meeting; it continues throughout the project.

Philips admits communication is not a panacea: Even with a company's best efforts to communicate well, litigation can take place. Large projects may be the most vulnerable, he points out, "especially when there are multiple players involved, some of whom have limited or no actual interaction with the pool."

Still, he insists, "there's no doubt proper communication helps enormously."

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