

Article from Dealer Magazine (http://www.imakenews.com/dealercomm1/e_article001536130.cfm?x=b11,0,w)

September 8, 2009

Do you remember?

by Gil Van Over

Recently, my wife and I visited the cemetery where her grandparents and an uncle who died in the Second World War are buried. She had not been to the cemetery for a couple of decades, but after calibrating her directional scope, she found the gravesites. I was shocked and amazed that she was able to find them, but chalked it up to the uniqueness of the situation.

Conversely, when Managers are asked to testify, it is probably difficult for them to remember the circumstances surrounding the transaction. They are probably better off admitting that they don't remember the transaction and rely upon the paperwork in the deal supporting the dealership's policies and procedures.

I Don't Remember!

Think about it, a typical F&I Manager will process 75 transactions each month, or 900 deals a year.

Depending upon when the lawsuit is filed, that is an awful lot of transactions to try to sort through and remember the specifics of the transaction.

The Manager can't be expected to remember the transaction and should readily admit that he does not remember the deal's particulars. Instead...

I Know My Processes

You want your Manager to testify to your processes and policies and procedures. She should outline the way deals are done, describing the paperwork the dealership uses to negotiate the deal and transfer information on the deal from sales to F&I.

You will want her to tell a jury that "I process nearly a thousand deals a year. This deal was three years ago. I don't remember the plaintiffs or the deal, but here is how I do things."

A competent defense attorney will then draw out the process and show that the paperwork in the specific transaction supports the testimony.

A Few Things

Here are a few things to have in place to support this defense strategy:

- Written policies and procedures. Having this supports the testimony of "I know how I do things."
- Train employees on the policies and procedures.
- Regularly audit results to ensure the employees are following policies and procedures.
- Annual review of your forms by an attorney for appropriate defense and consistency.

Putting these components into place will help support your Managers' testimony and help to defend your dealership against claims of wrongdoing.

© 2009 by gvo3 Consulting, LLC. All rights reserved.

Published by [Dealer Communications](#)

Copyright © 2009 Horizon Communications Inc.. All rights reserved.

Information in this newsletter is provided by both proprietary and public sources. Dealer Communications makes no claims as to the accuracy of information provided by third party providers.

Powered by [IMN](#)