

# The Four Keys to Protecting Yourself in the Cleaning and Restoration Industry

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**A**s a cleaning and restoration expert, you will be called upon to deal with catastrophic damage or loss scenarios that need resolution under time and cost constraints. Some might think that these situations are the only ones that will give rise to legal claims. Yet, even the simplest jobs can lead to lawsuits. The good news: You can protect yourself with these four keys to reducing liability.

## 1. Know the Law

Far too often, restoration experts assume that if there are no federal regulations that dictate the protocol for a situation, the company has discretion to act as it sees fit. This assumption should never be made, as states and municipalities sometimes have regulations of their own. Most regulations are readily available online; however, knowing how courts

still must know the “standard of care” by which a judge and jury will assess your performance should you be sued. When defending a negligence claim, your actions will be compared to those of your peers.

In some instances, the standard of care is laid out for you — for example, in the deleading industry where procedures are often spelled out in detail. But what do you do if the standard is less clear? Follow these guidelines:

- When in doubt, ask your peers how they would proceed in a given situation to determine whether you are acting “outside the lines.”
- Read industry publications that provide good, practical advice on best practices and advance warning of changes in industry standards.

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and regulatory bodies have interpreted these regulations, they may not be as easily discernable. It is best to contact an attorney to determine what regulations are applicable and whether you need to know anything beyond the black and white text. The old phrase “things aren’t always what they seem” very much applies to regulations.

## 2. Know the Standard of Care

Once you understand the laws and regulations that apply to your work, you

- Acquire industry certifications such as Certified Restorer, Water Loss Specialist or Certified Mold Professional. These can provide a marketing advantage as well as an education in the latest industry standards.
- Follow your gut. If you are asked to do something that does not feel quite right, it probably isn’t. Do not rush your decisions, no matter how much pressure your client or an insurance company tries to apply.



### 3. Know the Scope of the Contract

In breach of contract lawsuits, a contract with imprecise language is the most commonly seen avoidable mistake. It is a delicate balance to draft language that is specific enough, yet not too specific (as even that can lead to legal issues). Vague or over-specific language in a contract can lead to a claim by a customer for acting outside the scope of the contract. Ensure that the scope of work defined in a contract is properly worded to avoid legal headaches. Check with your attorney if the situation does not “fit” with your usual work, as what is good for one job may not be good for another.

### 4. Know Your Insurance Policy

The wording of your insurance policy could be the difference between the cost of a lawsuit being covered and your company taking a serious hit to its bottom line for legal fees and settlement costs. Know the exclusions in your policies and what they really mean, the gaps in coverage that your policies could create and the full scope of coverage for different situations that may arise. Insurance policies are complex — know when to ask for help. Work with a knowledgeable insurance professional and stay within your area of expertise.

### YOUR KEYS TO SELF-PROTECTION

Knowing the law, the standard of care in your industry, the scope of your contract and the full breadth of your insurance policy can not only help you avoid legal headaches, but also increase your attorney’s chances of nipping lawsuits in the bud as they arise.

**One final key:** Pay attention to how your employees treat your customers. As in most service industries, customers who feel that you are caring, considerate and competent are much less likely to file a lawsuit. Focus on these steps to reduce the chance of a claim, as it is much easier to stay out of trouble, than it is to get out of trouble.

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