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# Attorney

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Rare Breed of Business Lawyer

# Rare Breed of Business Lawyer

Burkhalter Kessler Clement & George LLP's Partner Greg Clement is hard-working, dedicated, insightful, and brings a wry sense of humor (and delightful accent) to the practice of business law.

by Jennifer Hadley

“My clients have businesses to run, and they want to focus on their business. They come to me because they need help with legal obstacles. They don't generally care what the law is per se; they just want to know what they should do. They're not interested in getting a 10-page memo, they're coming to me to help them decide should I do A, B, or something else, or how do I get out of this awful contract?” Too many business lawyers forget to step back and realize that business owners just want practical, workable solutions to their legal issues. That's where I come in,” says Gregory Clement, AV-Rated Attorney and Partner at Burkhalter Kessler Clement & George LLP.

Along the way, Clement says that a bit of levity during stressful situations can go a long way, and he jokes that he doesn't charge extra for providing a modicum entertainment value, which he attributes to his dry and irreverent British humor. “My hourly rate includes not just excellent legal advice, but some laughter, as well.”

Clement's noticeably down-to-earth demeanor stems from growing up in post-industrial Britain, before moving to the U.S. in 1985, right after graduating from Aston University in Birmingham, England, with a Bachelor of Science degree in Business Administration and French. “My mother was from Philadelphia, and was a successful and well-known singer, entertainer and radio celebrity on the East Coast in the 1950's. My father was an introverted, clever British mechanical engineer who was a career Ford man. They met at an Auto Show in Chicago where my mother was a car model, and my dad was attending as an auto industry executive. I thank my lucky stars I got my mother's personality and my father's intellect and not the other way around,” he jests.

## Journey from Across the Pond to J.D. in America

Clement says that the opportunities and choices afforded by the U.S. led him to move to Philadelphia after college. “There was a lot of strife in Britain during these Thatcher years and things seemed pretty grim. I remember always wondering why in the U.S., you had Baskin-Robbins, with its 31 different flavors of ice cream, yet in Britain we only had chocolate, vanilla and strawberry.” This desire for more opportunity led Clement to emigrate to Pennsylvania, and obtain a real estate sales license, following in the footsteps of his maternal uncle and grandfather who were real estate brokers there. Clement worked as a full-time real estate agent for several years, but kept encountering clients who were unwilling to take action without their lawyers' approval. “I began to see the role that a business/real estate lawyer could play, and it appealed to me more than my original plan, which was to continue on to get my MBA.”

Thus, he applied and was accepted at the National Law Center at George Washington University in Washington, D.C., where he served on The George Washington Journal of International Law and Economics. Before graduating with honors, he also confirmed—through a powerful experience that still makes him emotional—that his goal in life was to help others.

“In law school, I participated in the only immigration clinic in the entire Washington, D.C., area. While working there, I helped a Burmese man facing imminent deportation and an Ethiopian immigrant who had been persecuted and tortured by the Communist military junta then in power, to obtain political asylum. This experience enabled me to see how the work





Joshua A. Waldman, Amanda V. Dwight, William C. George, Alton G. Burkhalter, Rosamund M. Lockwood, Daniel J. Kessler, Gregory M. Clement, Suren N. Weerasuriya, Michael Oberbeck, Amber M. Sanchez

of a lawyer can have a profound and truly meaningful effect on someone's life.

"It imbued me with a real sense of purpose and a burning desire to use my legal knowledge and skills to help others. It also made me realize the massive difference that even a little legal advice can make to the outcome of a situation, whether it be personal or professional," Clement says.

Confident that he'd chosen the right career, Clement admits that his timing was less than ideal, due to the East Coast legal market tanking in 1990, with many firms on a hiring freeze. "My parents were considering moving to California from the U.K. at the time and I knew that the California Bar was reported to be the most difficult so I decided to take it fresh out of law school before taking the Bar in Maryland. After I was admitted, I started working for a sole practitioner business litigator in D.C. until my girlfriend at the time—she's now my wife—was offered a job at the Riverside County District Attorney's Office, which inspired me to "Go West, young man."

A year later, Clement was working for the business litigation firm of Whitcombe, Makin & Pentis, in Long Beach, but within just two years, an opportunity would present itself which Clement couldn't pass up.

"My father-in-law wound up sitting next to the owner of a trucking company on a flight. The company had been a victim of insurance fraud and the owner was desperately looking to hire an in-house lawyer to handle the resulting undefended personal injury lawsuits. My father-in-law volunteered my services, actually called me from the plane, and I ended up getting the job," Clement recalls with a chuckle.

The opportunity to help the business owner in a hands-on capacity immediately appealed to Clement. He became General

Counsel for Golden Eagle Express, Inc., a regional transportation company based in Pomona with offices in multiple states. In this role, Clement was responsible for managing all contractual, litigation and employment matters, along with insurance and risk management. All told he spent five years at Golden Eagle on the management committee and the experience proved invaluable, giving him in-the-trenches experience of the hard day-to-day dilemmas that business owners face. "My job was to keep the company out of legal peril. They didn't want to know all of the legal stuff, they just needed to know how to proceed," Clement explains.

Suffice it to say, Clement solved those problems, which was incredibly fulfilling, especially getting an insurance company to pay out on a \$1 million commercial general liability policy to settle a vehicular accident injury claim, even though he admits he ultimately worked himself out of a job. "I was hired to solve these problems, and I did. Once I had done so, there really wasn't enough legal work for me to do to justify my salary as in-house counsel."

The experience was nothing short of invaluable. Clement had a clear vision of how he wanted to practice law, and sought to find the right venue to be able to do so. A stroke of luck, or perhaps serendipity would provide the perfect opportunity in 2000.

## Chance Encounter Leads to Right Fit in Right Firm

"There was an opening for a transactional lawyer advertised in the Daily Journal. I applied, and Alton Burkhalter contacted me. His background and firm intrigued me, and we hit it off



right away. My previous in-house experience allowed me to see how my business acumen, coupled with my analytical abilities and writing skills, could help businesses to make smarter decisions and avoid legal pitfalls.”

Clement found he immediately fit in at the firm, in which he would ultimately become a name partner. Certainly, his adeptness at bringing in business didn't hurt his elevation from associate to partner, and he credits a lot of that to his diverse network of friends, contacts and associates. “My circle of friends range from people with multiple degrees to two childhood friends who drive taxis in London, I get on well with people from all walks of life. I started helping restaurants I frequented. My daughter's swim school needed help. I knew how to cost-effectively help small businesses minimize their exposure to risk, and Alton trusted my judgement,” he says.

As the first attorney in the firm to be elevated to partner through the traditional route of working his way up, Clement has watched BKCG continue to evolve, and differentiate itself from other firms, thanks to firm traditions and policies the partners developed and still adhere to today.

“Our typical clients include professional service providers, and diverse business with annual revenues typically in the \$5-\$25MM range, who have transactional needs, including contracts needing to be drafted or reviewed, or those with potential business, real estate or employment disputes,” Clement says. However, Clement explains that the firm goes above and beyond to ensure that each client feels more like a friend or a family member than a client. “We are hyper responsive to our clients' needs and maintain scrupulously transparent, fair and reasonable billing practices.”

“We treat our clients' money like our money and this guides and directs everything we do. We are very business-minded and practical, even if that means sending a client to another lawyer or professional because that person can do something that we could do ourselves, but perhaps more efficiently or cheaper, without

sacrificing quality. We won't take on a transaction or a lawsuit unless we genuinely believe we can do an outstanding job for the client. We keep top of mind the fact that our clients have businesses to run and their goal in hiring us is to assist them with that, so the solutions we offer to them must be pragmatic and achievable. Far too many business lawyers lose sight of that key fact,” he says.

To that end, Clement is specific in ways the firm insists on going the extra mile while providing value to clients. “We only charge for time actually billed, to the second, and we don't charge for any items under six minutes. The last thing we want is a client to be afraid to call with a question because they are worried about how much a quick call will cost them. We also pass through out-of-pocket costs, without a markup, and we do not charge for in-house copies. We further cap lawyer time at 12 hours per day, even during trial when our lawyers regularly work more than 12 hours. We even take it upon ourselves to reduce our bills without being asked, if we didn't set our clients' expectations properly. As a result, we lose virtually no clients due to billing issues.”

Instead, Clement says, “Our clients have us attend their Board meetings and often become our friends. Many of us socialize with clients outside of work, and are considered good friends by our clients, and not just their lawyers.”

By way of example, Clement recounts a client who came to BKCG with an unsolicited stock buyout offer from his 50% business partner, complete with a purchase agreement and a professional appraisal, all of which looked to be in order. Rather than merely reviewing the documents and approving them, Clement says his team took the time to go further and delve more deeply into the client's familiarity with the company's finances.

“Our client said that he had access to everything, but he was the sales guy, and he deferred to his partner, the financial guy, who had an MBA, whereas our client had no post high school qualifications. We advised him to make himself a copy of the

company's QuickBooks file, and we referred him to a highly competent CPA to review the file. The audit revealed that his partner had skimmed hundreds of thousands of dollars of profit off the top of the company over several years, to pay personal and household expenses, which he had disguised as business expenses. Not only was he skimming the company money for personal use, but the business had been appraised lower due to the reduced profits. It was a double whammy. The discovery resulted in our client obtaining a sale price for his shares for nearly \$500,000 higher than he had originally been offered, and was ready to accept when he first came to us."

With results such as these, it is no surprise that BKCG, LLP also receives many referrals from fellow attorneys. "We punch well above our weight in both the litigation and transactional areas. We regularly take on—and beat—large national and regional firms at trial, and litigate complex business cases super efficiently, using up-to-the-minute technology, at a cost perhaps 1/3 less than so-called 'big firms.' In short, we make the lawyers who refer to us look good."

## The Firm's Future

With 10 attorneys, several paralegals and legal assistants, Clement expects that the firm will grow cautiously in the coming years. "We may add 2-3 partners, and probably a maximum of 5 more associates. The quality of our practice, and having the right collegial mix of lawyers and staff, is far more important to us than pure growth. We have something very special at our firm, and maintaining that specialness is paramount to us. When we expand, we will do so carefully. We stick with the things we do well and aren't afraid to tell clients if we can't meet all their legal needs. We are honest, and we always put our client's best interests ahead of our firm's interests.

As for the present and immediate future? Clement is happy with his role as a legal problem solver, especially in the case of clients who are working on innovative projects in online sales and marketing. "I'm drafting all sorts of unique agreements dealing with business relationships of first impression, which is fun, and challenging," he says.

In his spare time, he spends time with his family, including his two daughters (ages 17 and 20), and his wife who has been a career prosecutor in Riverside County. He's also a runner, and hiker, who has completed several half-marathons. Incidentally, he also happens to have been a teenage table tennis prodigy in England, which he admits isn't necessarily the first thing one thinks of when they think of a business lawyer. Likewise, he has no shame in admitting he is an "unabashed lover of British 80's music."

All told, Clement is having a ball, as Partner in a highly reputable firm, doing what he loves to do. "My goal is to help my clients identify, understand and conquer their business-related legal risk. If I get to make them laugh along the way, so much the better." ■

### Contact

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## EXPERIENCE



### » EDUCATION

- George Washington University National Law Center, Washington, District of Columbia
  - J.D. – 1991
  - With Honors
  - Law Journal: The George Washington Journal of International Law & Economics, Member – 1989–1991
- Aston University, Birmingham, United Kingdom
  - B.Sc –1985
  - With Honors
  - Majors: Business Administration, French

### » HONORS & AWARDS

- Martindale Hubbell AV Preeminent® rating, the highest rating attainable, in the Business Law category, 2017

### » PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- State Bar of California – Business, Labor & Employment Law Sections, Member, 1991–Present
- Maryland State Bar – Business, Real Estate, Labor & Employment Law Sections, Member, 1992–Present
- District of Columbia Bar – Member, 1992–Present
- Association of Transportation, Law, Logistics & Policy, Los Angeles Chapter, Former Board Member

### » LANGUAGES

- French
- English
- German