

December 2016

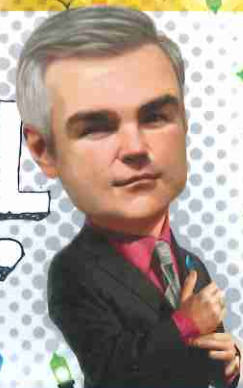
MARC WHITEHEAD & ASSOCIATES
ATTORNEYS AT LAW, LLP
A NATIONAL DISABILITY CLAIMS LAW FIRM

Vol. 2

Issue: 07

THE NEWSLETTER
YOU'VE BEEN WAITING FOR...

\$uccessful Barrister



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WELCOME to the last 2016 issue of the \$uccessful Barrister!

This monthly newsletter is jam-packed with advice and guidance for lawyers seeking to excel in their practices and their lives while making tons of cash and still staying sane. In this issue, I share some ideas on how to hire the right team, continue the study on the importance of empathy in your practice and explain the value of mentorship. If you know anyone you think would enjoy this newsletter, please email me their contact information at marc@marcwhitehead.com and I will be pleased to add them to my mailing list. *Have a Wonderful Holiday!*

Want to Make Your Firm Look the Best Possible? Hire a Stellar Marketing Team



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Over the summer, I attended the PILMMA annual convention and listened to Jay Henderson talk about his method of hiring marketing superstars for any law firm. His presentation touched on all the aspects of hiring, training and firing but his description of the different types of marketing people rings pretty true. In order to grow your practice, you need a strong marketing presence. This isn't something you can do by yourself for 15 minutes every day. You need employees devoted to the task of branding your firm and getting your name out to the masses.

If you ever wondered how to get the right marketing person for your firm, Jay has the perfect breakdown:

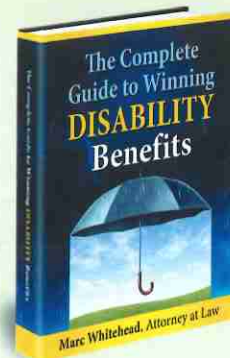
Four Types of Marketing People

1. Jack-of-all-Trades

This person holds more of a general coordinator role and is best for firms with very limited budgets. These candidates are usually recent college graduate, good writers and quick learners and fall within the \$30,000-\$40,000 range. They would do (almost) everything in-house and not usually considered a decision maker, so be aware that... *CONTINUES ON PAGE 2*



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Marc's Latest Book!

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...you will still be handling all the major decision making.

Finding entry level candidates (Jack) is easier than most. Look to the following places to find your "Jack":

- University department head contacts
- Marketing I communications I journalism majors, etc.
- Alumni association publication ads
- Internet employment site ads
- Career Builder, Indeed, Monster, Craig's List

2. In-Between Betty

This person will generally hold more of a manager position and will already understand the nuances of working in a law firm and will be able to develop follow a marketing plan budget. These candidates are educated, have management experience and will fall within the \$45,000 - \$50,000 range. In between Betty is a good writer, task manager, and trouble-shooter and will command a position that is mostly hands-on.

3. In-Charge Marge

In-Charge Marge is more of a director level position who will oversee all vendors and marketing staff.

Though this person does little hands-on marketing they will be educated, experienced, and more of an ideal candidate. Their duties will include developing a marketing plan, marketing budget, and tracking reports. This candidate is respected by lawyers and will command a salary in the \$75,000 - \$100,000 range.

Finding more advanced candidates (Betty and Marge) is trickier. Consider these places when seeking out your Betty or Marge:

- MBA alumni
- Legal Marketing Association ads
 - American Marketing Association ads

- LinkedIn, Facebook, The Ladders ads
- Industry conferences, seminars

4. One-Job Jennifer

This person is more of a specialist position that does one thing really well, such as social media campaigns, blog writing, book writing, etc. You may end up with a couple of these on staff at any one time. They will be a College graduate with degree in specialty area have solid job-specific experience This is typically a luxury hire with a salary range of \$35,000-\$65,000 but know that these candidates will make it far easier for you to see successes and failures.

Finding Specialist Candidates (Jennifer)

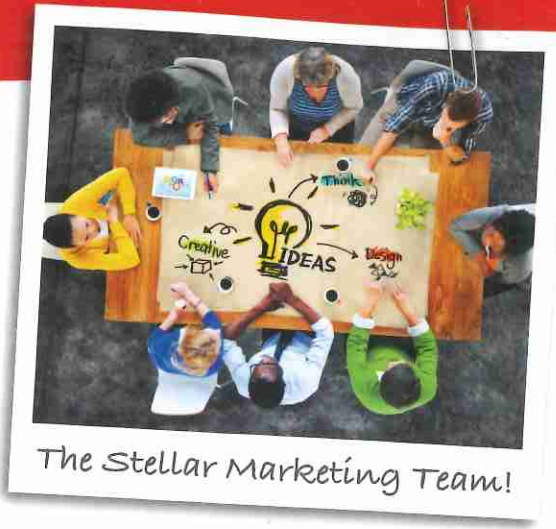
- Trade associations
- Business outreach
- Design Schools
- Media outreach
- Assignment editors, producers

Things to Keep in Mind When Looking for Your Perfect Candidate

Approach your search in a multifaceted way, don't just place employment ads. Keep an eye on your results and make adjustments throughout the process. Be proactive; one great idea to consider is looking for good people when you're not actually hiring and then keep a database of marketing candidates. This will keep you ahead of the game when you DO look for someone.

So You Have Placed the Ads- What Now?

When you begin looking for your perfect marketing candidate, make sure you have a plan of attack in place. Set aside time each day/week for resume or candidate review and keep on top of the influx of responses. Don't just wait until the last minute and have to look through 100 resumes in an hour. This is the person that will get your name out there, don't flub the process right at the start.



Here is a good breakdown of how to control your process:

RESUMES

Initial review- DAILY

You should only need 30-seconds per resume

1. Where does applicant live?
2. What did they do (position type)?
3. How long were they employed?

Categorize into two piles: Maybe or No

Secondary review- WEEKLY

Review the resumes in your Maybe Pile

1. Look at their Job tasks
2. Places of employment
3. Review Cover Letters
4. Look over their personality and story
5. Spelling, grammar

Cross-reference your resume database

Adjust as needed—take your time
Don't be afraid to start over (if trends are not favorable)

Save every resume in your database
Choose 5 to pursue

INTERVIEWS

Schedule for the time the position would start

Give the candidate specific instructions

CONTINUES ON NEXT PAGE

The First Interview (45 Minutes)

Use a conference room- Goal is to create a casual, relaxed interview
 Explain the interview process, timing

Request 15 minutes of listening

1. Introducing yourself, your role, and the firm
2. Describe the job and why you are hiring
3. Turn the resume over...

Next 15 minutes is about the candidate

- Family
- Friendships
- Entertainment and hobbies
- Personal Passions

With 15 minutes to go...

Flip the resume over focus on three areas such as:

1. Why are you looking for a new position?
2. Can you bridge the gap in-between past positions?
3. Can you clarify past job responsibilities?

THEN go over Compensation

- Don't be afraid to be honest
- What were you making at your last position?
- What is your expectation?

The Second Interview

This is a more formal. Consider holding this interview in your office.
 Supervisor and other marketing staff should be present
 Review job description responsibilities

- Ask for specific examples of past projects
- Most successful special event you've coordinated?

Discuss deficiencies with the job description

Do they have the capacity and willingness to learn?

References

Contact 3 professional references (supervisors, preferably)

- Can you confirm how long you've known Jenny, and in what capacity?
- What made Jenny a GREAT (position title)?
- What one area could she improve upon in her next job?



Jay's Advice:

Don't rush the process
 Involve others, get buy in support
 Limit the negotiations

ONCE THEY COME ABOARD

Training

Create a Firm-wide commitment

63% of new employees knew whether they would stay at their company long-term after being on the job for one month (Ultimate Somware)

Have Daily meetings with your new Marketing employee

Give them monthly reviews to make sure everyone is on the same page

Things to Consider:

- Requiring a professional organization membership- keep them proud of their position with you

"I once bought my kids a set of batteries for Christmas with a note on it saying, toys not included."

- Bernard Manning

- Require continuing education – foot the bill- this keeps you and your marketing team on the cutting edge

Hiring the person that will essentially be the gate keeper of your brand to the world is somewhat daunting but with the right process and planning, you can find that Marketing needle in the haystack that takes your marketing to a whole new level!

If you want more info, check out Jay's website: www.realtalenthiring.com ☺

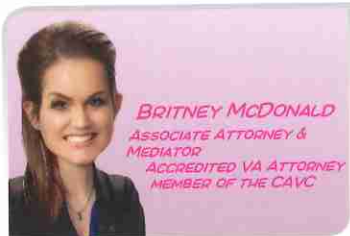
Virtual Humor

by Kevin Duffy



Santa's sexual harassment trial takes a dramatic change for the worse

A Discussion on Empathy and its Importance in your Practice (Part Two)



As discussed in my last empathy-focused entry, empathy is central to human relations and has been referred to as “the cornerstone of not only professional interpersonal relations, but also any

meaningful human relationship.” Prominent legal scholars have said that empathy is the real mortar of an attorney-client relationship.” I briefly touched on the ways in which empathy brings essential value to your casework and vocation in the last installment, but I will discuss these points more in depth now, along with some more interesting information about the “practice of empathy.” Kristen B. Gerdy provides valuable insight into these issues through her discussion of empathy through her work *“The Heart of Lawyering: Clients, Empathy, and Compassion.”*

Initially, the relationship between a lawyer and client is built upon good rapport and mutual trust. Empathy is the key to establishing those elements with your clients. If a client feels understood by his attorney, he will likely be motivated to assist with the needs of his case. With trust in the attorney’s skills displayed through empathetic behaviors, the client’s anxiety over his case is eased. In turn, the attorney is able to provide better representation as more focus is then directed to the needs of the case.

Secondly, through empathy, the lawyer-client relationship is strengthened with finding improved communication. Active listening is an empathy-technique professionals use with their clients to demonstrate that they are truly participating and digesting the information their clients relay to them. This technique helps to demonstrate empathy, as well, and is considered by many professionals to be the key to legal interviewing and counseling. It helps to encourage lawyer-client trust so that the communication line stays open with frank, free-flowing information. Gerdy preaches that since expressions of empathy help to reduce clients’ anxiety, the ease can “lead to increased accuracy and relevancy in what the client tells the lawyer, and can prevent, or at least diminish hostility toward the lawyer.”

Additionally, aside from empathy enhancing a lawyer’s legal skills for better in-depth analysis (as

discussed in the last article), employing empathy is good for the profession in general. Even though the great majority of lawyers submit to this vocation because they genuinely want to help other people, lawyers obviously get a bad rap. Lawyer jokes are second to none as we get labeled as greedy and opportunist in our profession.

Even Shakespeare felt compelled to include such a jest in his *King’s Lear*, as Lear tells the Fool that his speech is “nothing, fool,” with the Fool replying, “Then, ‘tis nothing like the breath of the unfee’d lawyer.” This line is the equivalent to the modern aphorism, “A lawyer’s opinion which costs nothing is worth nothing.” We can always do more to improve the public’s perception of our line of work. Just as any occupation that takes the individual’s time and money to learn and practice, we have to charge for our knowledge of the law and the strategies we employ to defend it. Instilling empathy into the relationships that fund our practices helps to expose lawyers as caring individuals, dedicated to clients and our practice, instead of less virtuous targets.

With this understanding that empathy is essential to a successful practice of law, you need to know how to develop effective empathetic behaviors. Gerdy recommends “participating in role-playing and other simulation scenarios with [your] colleagues.” She notes that this type of participative experience is essential to gaining true empathy because “studies indicate that learning to care must be situated in concrete learning rather than in general, abstracted learning.” Further, she urges that this practice must be continually repeated throughout your career because, like a muscle, “it atrophies unless it is continually used.”

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“Anyone who believes that men are the equal of women has never seen a man trying to wrap a Christmas present.”

– Anonymous



The PROTÉGÉ-MENTOR RELATIONSHIP:

The Best (Free) Tool Available to Every Attorney

In her recent article *"The Value of a Mentor"*, in the latest issue of *The Houston Lawyer*, Jill Yaziji wrote about the varied opportunities in our Houston legal community regarding participation in mentor-protégé relationships. I have been contemplating this very topic and so following in Jill's lead, I too will talk about my positive experiences with this valuable relationship that every young professional should have, and every veteran attorney should seek to be.

I think we can all remember that sinking feeling in your stomach the first time you sat at your bright shiny new desk as a baby attorney. Half filled with excitement and zeal, the other half filled with fear and anxiety. I recall some of the thoughts that ran through my mind: "YES! I'm an attorney, finally!"; "Oh man, what if I screw up?! There's so much on the line!"; "My firm, my clients, my family are all counting on me to be successful."; "What do I do if [insert any tiny problem that I've blown way out of proportion]?"

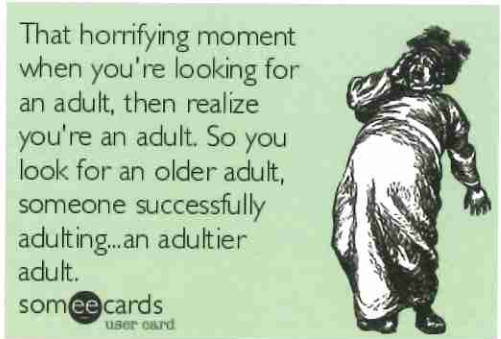
I've been assured by friends and other attorneys that these were all natural feelings, and if not, perhaps I should have sought out counseling. Either way, I'm well on my way now. I supervise my own department of the firm, I haven't suffered an irreparable catastrophic screw up just yet *firmly knocks on solid wood mahogany desk," and now I've even found myself giving advice and words of comfort to those who have stepped into my anxiety-filled shoes of a years ago. Looking back, it's almost like those internet pictures (meme's are what the kids are calling them these days) that say things like "when I was a kid, I thought being a grown up meant I had everything figured out... I'm an adult now and I figured out that I certainly don't."

So soon we forget that when you're a baby attorney, you look up at other attorneys in wonderment and think "how are they so good at this? How do they know so much? How do they always know the right thing to do?" When you get a few years of experience, despite what a baby attorney might think when they see you, you don't always have an instant answer to a problem, but the difference is you know how to look for one and you know that eventually you'll find one.

To me, gaining this confidence and learning how to work through problems was in great part due to my mentors.



The great thing is that you don't have to have just one mentor in your career. I have one mentor who I look up to because he is tough, assertive, and has the work/life balance that I wanted to achieve, while still giving exceptional representation to his clients. We grab lunch about quarterly, and he gives me an outsider's perspective on how to handle anything that's going on at my office. I have another mentor, Judge John Stevens, who showed me what hard work looks like in the legal field. I clerked for him over two summers and besides explaining to me how the court system works, he also taught me that hard work, strong ethics, and compassion are key to this profession. We keep up less frequently, but he still has played an instrumental role in my getting to where I am now.



At some point in our lives, we all feel like we have to shoulder the stresses of work, personal life, and family, all by ourselves. Sometimes it seems as if we're the first and only person to deal with a certain problem or situation. That's why the mentor-protégé is such a great tool! It's as much about seeking counsel and encouragement, as it is having someone to help you strategize and plan how to attack these problems. Even if your paths

are a little different, a protégé can dip into a different pool of experience and knowledge to evaluate the problem and put it into perspective.

So my call to action and the long-winded point to this entire article is get out there and develop a mentor-protégé relationship! It's never too late or too early to become one or the other, and who knows, you might just help someone... particularly yourself. ☺

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Your Law Firm's Business Card: How to Snag New Clients



SARAH AKIN
MARKETING
DIRECTOR

If you want more clients and referral sources you can have your business card do that for you. Don't wait until your current cards are gone. Take action now. After all, shouldn't your business cards get you new business? You may or

may not have to throw out your current cards. That is not important. What is important is what results you can expect from your business cards. Let me list for you some guidelines for your business card strategy that will improve your results.

You probably need more than one type of business card.

One card that is conservative and is used in situations or with people you think will respond best to a more conservative card like other attorneys, court personnel, bankers, and the like. You need a more "sales oriented" card for other environments to be used in situations where you are dealing with some referral sources or with your prospective client. Particularly if your practice areas are personal injury, family law, criminal law, personal injury, elder law, immigration law, residential real estate, etc. In fact if you market to an ethnic market like Hispanics then you need a third card that works for them and preferably has been done by a vendor who specializes in Hispanic work.

Consider hiring a graphic artist to design your business card.

Be sure it is readable for your market. For example; older people need larger and easy reading fonts. Have them design a logo if you don't have one as well. If you have a logo, maybe it's time to revamp it! The web is full of eager graphics artists that are looking to fill their portfolio so this isn't an expensive venture.

Don't be afraid of color.

It is probably better if your business card is at least a two-color card (maybe even a four color card for some practice areas like criminal law or personal injury for instance). In a world of graphics, you need something to make the card more visually interesting. It doesn't have to be "busy" looking, just give yourself an edge over your competition. And be sure to always use a quality paper for the card.

Website & Social Media are key.

Be sure your website address is on the card. You may want to add logos for Facebook, Instagram, and Twitter etc. so those with your card can research you online. Let's face it, most people want to look you up before they contact you. Naturally add your name, address and phone number as well on the card. If you want to add your email, be sure you have an email address that is your own domain name and not AOL, Hotmail, Yahoo, Gmail or a vendor at your home like Comcast, Road Runner, Bell South or the like. Why? You don't look like someone who is a solid business unless your domain name is one you own and is business/keyword related.

Consider putting your "slogan" on your business card.

Our slogan is "Our Single Focus is Disability. Our Results are Exceptional". If you don't put a slogan, at least put something that indicates your major practice area focus on the card. You want the card holder to know what you do and preferably that you are good at what you do. If you don't have a tagline or slogan, this may be a good time to brainstorm. Think about putting your picture on the front of the card. Research on business cards shows those cards with a picture on the fronts are noticed, kept and remembered better than other cards without a photo.

Give something away.

An effective way of using your business card to increase online traffic is putting an offer for something free, such an e-book or article title, on your business card. The article title needs to be very appealing to your market. Usually the article needs to be a "how to" or "7 ways to" or "secrets of" type of title. Maybe saying on the card "call or email me for my complimentary report on XXX" on the card or even "download at xyz.com" which also doubles as putting your website address on the card. If you have no room on the front for this...keep reading.

Don't forget the rest of the card.

Up to this point you probably have been thinking only about the front of your business card. Let's think about the back of the card. How about that long slogan, the quote or the complimentary free offer on the back? Maybe photos of your staff, your logo or books/reports? Just do be careful not to have the card cluttered.

They are such little things and yet they bring us that much closer to a potential new client. There is much to consider when designing business cards that really makes a difference in getting you new clients or not. Think it through! ☺

EMPATHY

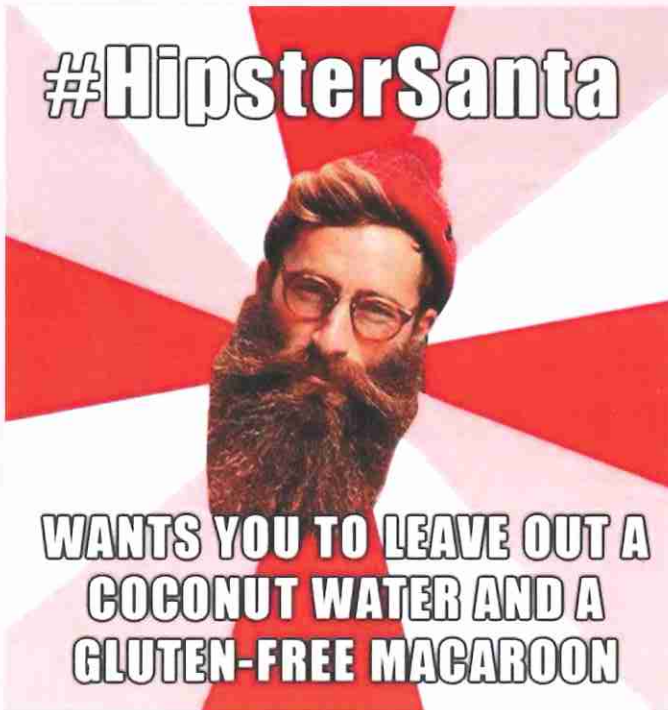
It is likewise important to make yourself aware of actions that detract from empathetic expressions, as the awareness will stand to prevent you from falling into these behaviors.

Gerdy recites an extensive list of these behaviors as told by Smith and Nester in their work "Lawyers, Clients, and Communication Skill," including using clichés, distorting client communications, ignoring client clues about inaccuracies, feigning understanding, being longwinded, using legal jargon,

asking only leading questions, and parroting clients' words back to them.

As discussed before, many lawyers mistakenly believe that engaging in empathetic behaviors will detract from their ability to effectively practice law. Some may think that compassion doesn't correspond with the dynamic personality they feel is desired in court. I would argue that it is difficult to display such a personality without expressing compassion for those whom you are advocating. As Gerdy says, "Compassion deeply engrained in a lawyer can provide the reason and the motivation for the hard work, long hours, and personal dedication necessary to succeed in law practice." I wholeheartedly agree with her understanding. I believe it is part of the unique skill set of a lawyer to be able to provide strategic, legal analysis while staying true to the foundational lawyer-client relationship that spawned that legal analysis.

"Once again, we come to the Holiday Season, a deeply religious time that each of us observes, in his own way, by going to the mall of his choice."
- Dave Barry



There you have it. Empathy in the practice of law; helpful in so many ways, vital in so many more. I'll leave you with some strong words spoken by an individual whose experience in this area far outreaches my own. Maryland Lieutenant Governor Michael Steele, speaking at the Catholic University Law School urged students to "Be a lawyer, yes, be a good lawyer, but be a man or woman...whose words and deeds are touched by... compassion and love." ☺

Lawyers Need a Laugh - WILL ROGERS

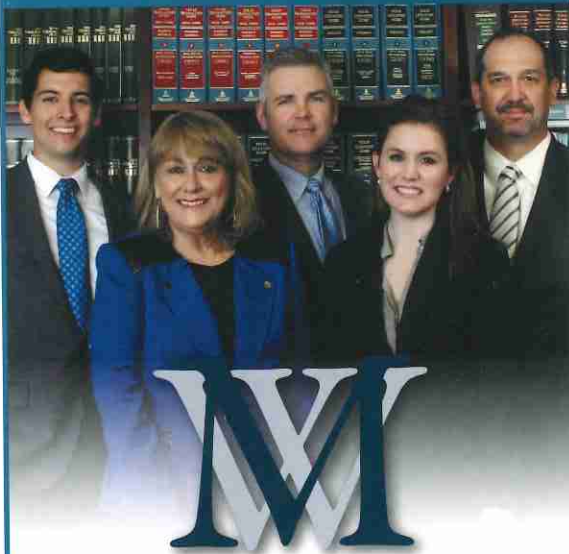
Will Rogers, who died in a 1935 plane crash with bush pilot Wiley Post, was one of the greatest political sages this country has ever known.

Here are some of his sayings, Enjoy!



1. Never slap a man who's chewing tobacco.
2. Never kick a cow chip on a hot day.
3. There are two theories to arguing with a woman, ... Neither works.
4. Never miss a good chance to shut up.
5. Always drink upstream from the herd.
6. If you find yourself in a hole, stop digging.
7. The quickest way to double your money is to fold it and put it back into your pocket.
8. There are three kinds of men:
 - The ones that learn by reading.
 - The few who learn by observation.
 - The rest of them have to pee on the electric fence and find out for themselves.
8. Good judgment comes from experience, and a lot of that comes from bad judgment.
9. If you're riding' ahead of the herd, take a look back every now and then to make sure it's still there.
10. Letting' the cat outta the bag is a whole lot easier'n puttin' it back.
11. After eating an entire bull, a mountain lion felt so good he started roaring. He kept it up until a hunter came along and shot him. The moral: When you're full of bull, keep your mouth shut. 😊

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