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

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THE NEWSLETTER
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\$uccessful Barrister



"MARKETING, MANAGEMENT & LIFE SKILLS THAT PROBABLY WON'T GET YOU DISBARRED"

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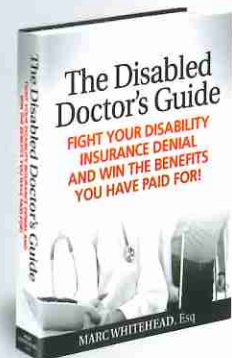
WELCOME to the August issue of the \$uccessful Barrister!

This monthly newsletter is a treasure trove of marketing and management advice for any lawyer looking to improve their practice, make more money and lead a better life. This issue we explore improving your golf game, cutting the dead weight from your practice, and focusing on your clients. If you know anyone who would enjoy this newsletter, please email me their contact information to marc@marcwhitehead.com and I will be happy to add them to the list.

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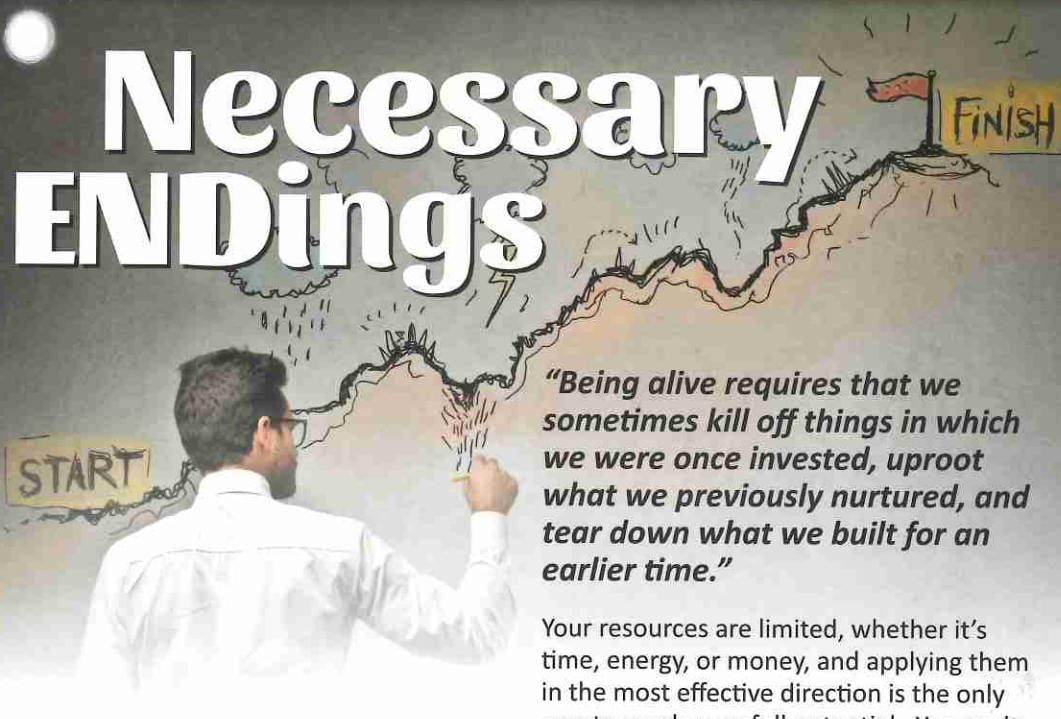
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FEATURE BOOK



Call Us For a Free Copy of Marc's Latest Book!

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Necessary ENDings

"Being alive requires that we sometimes kill off things in which we were once invested, uproot what we previously nurtured, and tear down what we built for an earlier time."

Your resources are limited, whether it's time, energy, or money, and applying them in the most effective direction is the only way to reach your full potential. You can't have everything (*where would you put it?*) and, by the same token, you can't do everything, or else you won't be exceptional at anything. Overindulgence, even in good things, breeds mediocrity. But how do you decide which good things you need to drop?

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MARC WHITEHEAD
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I recently finished "Necessary Endings" by Dr. Henry Cloud. In a nutshell, this book covers the concept of something having to die (or end) in order for something to be born, elicit change, or allow a new result to blossom.

PRUNING THE ROSE BUSH

Dr. Cloud uses the analogy of pruning a rose bush. To truly thrive, you must not only prune away the dead buds and branches, but he explains you must also prune away the so-so branches, allowing only the best to thrive. The first question to ask is: What does a good rose bush look like? We must know what we are pruning toward. A clear vision of the outcome of what you want your life, or business, to be like is vital to knowing what is unnecessary. Then, no matter how painful it might be, or worthwhile the effort is, you must prune. Use the three categories as guidelines, but also, just as you shape a tree or rose bush by cutting off good branches that are going in the wrong direction, you will need to end some activities or habits that are not getting you to where you want to go.

1 Endings: The Good Cannot Begin Until the Bad Ends

When the world and the market are changing, improving what you are already doing will not bring a bright future. It will require some difficult decisions. Some things die and some need to be killed. The good cannot begin until the bad ends. There is a season for things. Although endings are crucial they are often difficult and we do not do them well. Crises often bring to the fore longstanding problems that have not been addressed. Leaders get stuck in the past because of false hope or they are simply unable to make difficult endings. If we fail to end things well, we repeat the mistakes that hold us back.

2 Pruning: Growth Depends on Getting Rid of the Unwanted or the Superfluous

Gardeners prune the buds or branches that show less promise, those that are sick, and those that are dead. Pruning is cutting away the superfluous parts and this is a central metaphor for necessary endings.

"The areas of your business and life that require your limited resources – your time, energy, talent, emotions, money – but are not achieving the vision you have for them should be pruned."

Pruning has to do with focus, mission, purpose, structure, and strategic execution. Just cutting back resources to do the same activities will yield less, not more. Prune in three categories: things that are suboptimal, not working well, or dead.

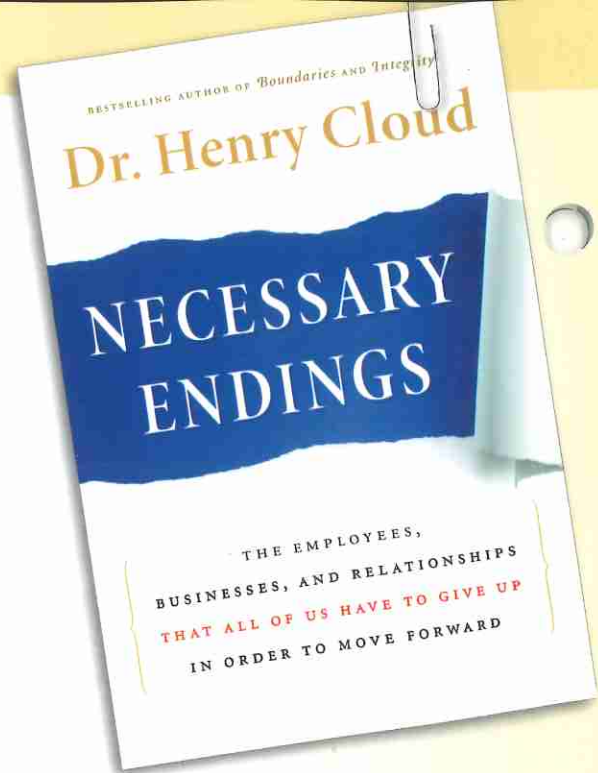
3 Normalizing Necessary Endings: Welcome the Seasons of Life into Your Worldview

Endings are a normal part of business and life. If you are uncomfortable with endings, it will be more difficult to see what needs to be done and you will recoil and resist. Embrace endings as a good thing. When it becomes clear that more effort will not bring about a different result, recognize reality and take action. It is easier when you believe endings are normal. Align with reality. *"Am I hanging on to an activity, product, strategy, or relationship whose season has passed?"*

"Some things die, and some things need to be killed!"

– Henry Cloud

While this concept isn't necessarily new or ground breaking, it does serve as a good reminder to trim the bad,



ugly, waste in order to grow and thrive. This concept can be applied to many operations within a law firm.

UPDATE YOUR MARKETING STRATEGY

25 years ago when I started my firm, yellow pages and bus benches were still very relevant and common advertising vehicle to bring in new leads.

As discussed by my marketing director later in this newsletter, these things may still have a place in your business plans. However, in order to keep up with the constantly changing shifts in consumer behavior, it would be best to review all your marketing tactics and evaluate how they support the overall objective.

Still running a ton of radio because of the lead volume it generates (or because of the free tickets your sales rep dutifully brings you)? If quality over quantity is the new mantra of the firm, you may want to consider trimming that radio budget and re-allocating those dollars towards digital tactics that allow for precise audience targeting parameters.

Want to invest time and energy into cultivating relationships to keep fresh referrals flowing?

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FOCUSING ON YOUR CLIENTS



BRITNEY McDONALD
ASSOCIATE ATTORNEY &
MEDIATOR
ACCREDITED VA ATTORNEY
MEMBER OF THE CAVC

In our profession, these days it is easy to find lawyers who tout their professional degrees and spend much of their time talking over the heads of their clients. After all, we each spent years preparing in academia to attend law school, then spent a great deal of time in school and interning to learn how to practice, and now have spent many years fine tuning that practice. The clients rarely have much legal knowledge when they seek us out, as they are hiring us for our knowledge, skill, and experience. Naturally, because we are surrounded by courts, judges, and rules of law day in and day out, we tend to let these technical legal experiences influence the way we think and the manner in which we interact with our clients.

Of course, having a lawyer speak about court, precedence, and using other legalese can be quite intimidating (*even off-putting*) for our clients. The law is typically uncharted territory for most clients until they find themselves in need of our education and skills; for many, the idea of being wrapped up in a legal battle is quite scary. When lawyers talk down to their clients, it compounds an already unsettling situation. Just like doctors are expected to communicate with and comfort their patients on some level, successful lawyers should be able to similarly interact with their clients.

Show the people who drive your business compassion; empathize with them and engage in candid discussions about their situations. Remove the fear and unknowns; focus on building a relationship based in mutual trust. After all, you need them as much as they need you to find success. Your clients hold the keys to information that can make all of the difference in their cases; it is simply our touch that skillfully brings favor to that information.

You should aim to illuminate the issues within each of your clients' cases. Help them to understand the options they have and how those different options may affect

various areas of their lives. Educate your client.

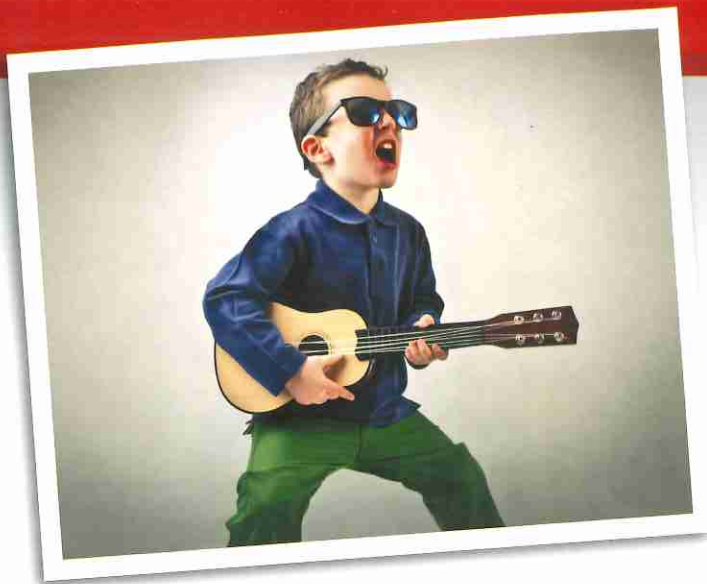
It is also just as important to follow up with your clients on these very important conversations, as clients' number one complaint tends to be focused on communication, or lack thereof. The way in which we communicate to our clients, the frequency, consistency, and manner, affects how the relationships between you and your clients grow. Your clients need all of the important details and similarly need the opportunity to be heard. They often are aware of particular pieces of information that you, as the lawyer, may have overlooked or deemed unnecessary. Obviously it is up to the lawyer to decide what is pertinent to the case with the client's end-goal in mind; however, maintaining a good relationship with your clients means that you address each of their concerns so that they feel "heard."

Even more importantly, as you may likely be only one of many people interacting with the clients at your firm, empower your team to focus their efforts on the clients, as well. From the individual who greets the clients at the door or on the phone, to the file clerk who takes care to handle the clients' files in a professional and meticulous manner, to the attorneys and case managers who strategize theories and have direct contact with these people, all team members must be able to show empathy, a willingness to help, and maintain a goal of client satisfaction.

Set a standard of care for each of your departments. When it comes to client communication, make known to your clients that standard so that you are held accountable. Communicate early on what the client can expect from each of your team members, e.g. the case manager will always call back within two hours, the attorney will set conferences to discuss the case before each hearing, etc. Instill in your client base that your team is reliable and trustworthy.

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HAMMERS, HAWKS, AND ROCKING OUT...

Flamboyant Marketing Techniques to Stand Out in The Legal Field



ANTHONY VESSEL
ASSOCIATE ATTORNEY
& MEDIATOR

In Texas, we do everything bigger, including legal marketing. I'm sure some of you may have considered the age old question: Does being a big loud boisterous advertiser of yourself and your firm

translate into viable case leads? Answer: I don't know, but it gets people talking about you, and that's certainly a big part of it.

Have you ever wondered why there are so many older companies blandly named "AAA heating" or "A plus plumbing?" It was so that they would alphabetically be at the top of yellow pages back in the olden days of phone books and horse drawn carriages. Marketing has evolved and certainly has many facets. Being memorable is certainly at the top. At the same time, being unique, specialized, and reaching your client base is also key. Let people know and remember who you are, what your firm can do for them, why your firm is the right choice, and, if you can, make people feel something. These days, businesses must be much more aggressive in self-promotion, and stand out from the rest if they are to be successful.

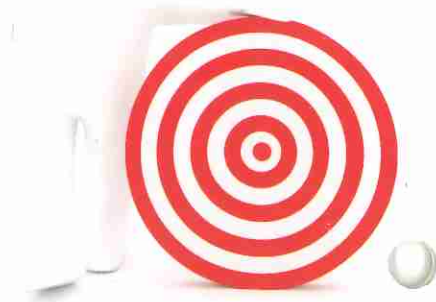
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Speaking of, who remembers the first time they saw Jim Adler on television declaring himself "The Texas Hammer?" I'll never forget one of Mr. Adler's adverts where he exclaimed "I'm meaner than a junk yard dog! I don't growl or bark, I bite!!" At the time, I thought that was both the most incredible and ridiculous thing I've ever seen. I was mesmerized. He was a lawyer, in a suit, actually filming in a junkyard. My family and I laughed on as we would repeat lines from the commercial. However, years later, I still remember Mr. Adler and his firm. I was at a trial lawyer function a few weeks ago, and amidst a throng of trial lawyers, I remembered and spotted Mr. Adler. I also felt the need to meet him. That, my friends, IS marketing. (...and I did meet him, he's very nice.)

The lawyer that rocks, David Komie, is an attorney out of Austin, Texas that looks part rockstar, part Rastafarian, and 100% stereotypical Austinite. He dons long dreadlocks, a hearty overgrown goatee, and even wears eyeliner in some advertisements. He has signs all over our state's capitol stating "The lawyer that rocks." One of his commercials is set at a concert, with him jamming out and abruptly ends with him saying, "I'm David Komie, if you want a lawyer that rocks, call me!" In another one of his commercials, he

humbly admits that he "... [doesn't] look like a lawyer, but it helps [him] sneak up on them." Austin is famous for the phrase "keep Austin weird," and for being a live music mecca; this image logically plays into his message and client base. I'm sure most of Austin could pick him out in a sea of your typical clean cut lawyers that stand in front of homogenous book cases droning on about "fighting for you" and "having ___ years of experience" in their commercials. Not only does he rock, but so does his marketing person.

Despite the potential for attracting business through colorful advertising, lawyers can also fear damaging their image or reputation as well. To some, it boils down to risking your professionalism just to stand out. Sure people would remember you if you wore a luchador mask or yell from the top of an 18 wheeler, but do your potential clients and referral sources think that you're professional? reliable? or have a screw loose?



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Marketing PAR for the Course



NATALIE
HIGHTOWER
MARKETING & INTAKE
DIRECTOR

When it comes to marketing your firm, it's likely been drilled into your head that digital is the way to go. Your next client is hiding behind a computer (or mobile) screen, and there are tons of creepy

creative ways to find the perfect case that will bring you lots of revenue.

However, I am here to tell you that traditional media and methods of marketing are not dead. Most tactics are still quite relevant, usually when used in conjunction with other tactics.

Unfortunately, marketers get so caught up in labeling tactics as digital or traditional. Many large corporations even separate their in-house marketing teams into digital and regular or traditional.

"The biggest thrill wasn't in winning on Sunday but in meeting the payroll on Monday"

– Art Rooney

Really though, you should view all marketing tactics as various clubs in your singular golf bag and then select the club best suited to sink the ball in the hole.

My golf bag is quite heavy, and includes the following clubs:

- Social media (LinkedIn, Facebook, Twitter, Instagram, Snapchat)
- Email
- Tradeshow / networking
- Out of home (Billboard, mall directories, bus benches, airport signage, movie theaters)
- Network television
- Radio
- Cable television
- Display & retargeting ads
- Native advertising
- Yellow Pages

- Pay-per-click
- Direct mail
- Experiential marketing
- Influencer marketing

I have used every single club on this list at various points in my career for different marketing plans, and all have enjoyed varying degrees of success.

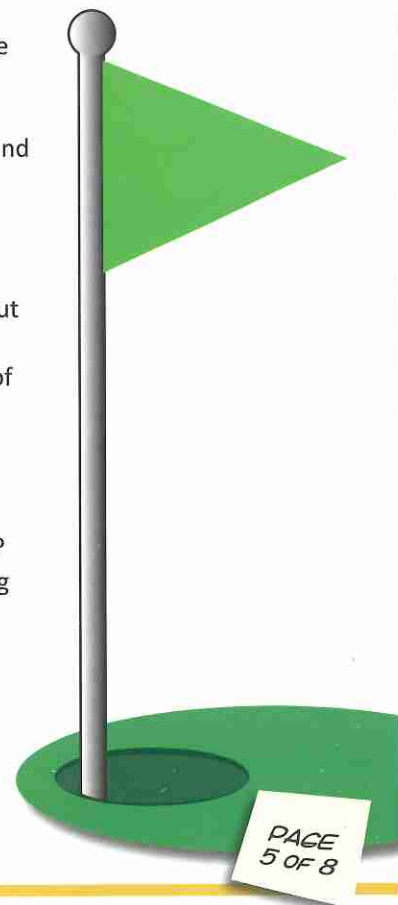
Yes – even yellow pages. If you are an attorney in Laurel-Hattiesburg, Mississippi, yellow pages might still be a relevant club for you to use.

You're not going to hit a hole in one every single time, so you have to select multiple clubs, that serve different purposes in order to get the ball closer to the green and the ultimate goal – the hole.

That is why it is so critical to define and really know who your target audience, or golf course, is so you are using the right mix of drivers and putters to bring in a qualified lead in the shortest amount of swings possible.

You might even want to think about investing in a caddy to help guide you in the selection and strategy of your marketing program. Do you want an experienced marketing director or consultant confidently handing you the right clubs and coaching you through each swing? Or do you want a rookie marketing coordinator who knows what the clubs are called, but only pulls out the ones you request with no input or insights to give?

Happy golfing! If you need me, I'll be riding around in the golf cart with the beer. ☺



Look into what exactly is wasting you or your marketing director's time, and decide if these activities can either be delegated or contracted to someone else, or completely take it off the plate.

EMPLOYEE PRODUCTION

Every firm has them – problem employees who can negatively impact the firm's bottom line, whether that be from negative social interactions with other employees, or by poor and inefficient work output of their own. Necessary Endings heavily relies on the analogy of trimming of a rose bush. More specifically, it calls out that *"dead branches (that) are taking up space for the healthy ones to thrive."*

While I am certainly not advocating for a kneejerk cutting of those dead branches that are drain on your checkbook and your sanity, there are policies and procedures you can let go of in order to let other (and new) employees thrive:

- Are there people who are not-so-honorable on the timesheet honor system? Abandon that way of calculating hourly pay and look into biometric options for tracking time.
- Evaluate job titles and roles. Maybe it's not in the firm's budget for mass raises, but a change in job titles or reallocation of responsibilities may breathe fresh life into your employees.
- If a radical trimming of the rose bush is indeed what your firm needs, ensure you make better hiring decisions. There are many tests you can make candidates take, like the DISC personality test, to evaluate how a candidate may interact with you and your firm.

TECHNOLOGY, SYSTEMS, TOOLS

Dr. Cloud dives deeper on the Einstein quote *"The definition of insanity is doing the same thing over and over and expecting different results"* (or something like that).

Technologies are being upgraded every day, and most software is now offered in application form, living life in The Cloud and designed to integrate and talk to other apps. A fully automated firm is a happy firm.

What are tools you currently using that is a drain on productivity and the checkbook? What tools are needed to be faster, more precise, and still turn out quality work?

Every firm's needs are different, so designate someone to be the project manager and review the firm's technologies and put together an action plan with pricing, deliverables, training schedules and deadlines.

Hopefully by now you've caught on to the ongoing theme of the article, and can easily identify

the things in your life that need to "end" in order to be a happier, more productive individual and firm. Stay realistic and motivated in your assessment and hopefully you will find this exercise to be a fruitful endeavor.

ONLY KEEP THE PRETTIEST ROSES

You don't have to take every case that comes in the door. Establish specific criteria with your intake specialists that claimants must meet for you to even consider their claim.

While the initial drop in case volume may be alarming to everyone else in the firm, the paralegal and attorney's ability to focus their attention on the fruitful cases will pay dividends in the end.

Think larger settlements and a higher "win" rate. This will in turn give a great morale boost to your employees when their time and energy isn't being wasted on cases in which you will make little (or negative) impact.



CONCLUSION: IT'S ALL ABOUT THE FUTURE

- 1 Do the very best you can at every step in your life.
- 2 When it is time, have the courage to take the next step.
- 3 Pour yourself into the new situation and make it all that it can be. 😊

I think that's the gamble. Do you risk your professional image and reputation for some youtube clicks? Yet, (*flamboyant*) legal marketing can range from just standing in front of the... camera saying silly/catchy things, singing to your client base with general legal tips "*don't eat your weed*," to doing wheelies on a 25cc mini bike with dynamite explosions and hawk screeches. Bryan Wilson, the "*Law Hawk*," flew across the screen during the last Super Bowl and graced the cover of the April 2017 ABA Journal thanks to his advertising antics. It's hard to argue that his marketing persona is not effective.

Another thought: looking into the future when more and more lawyers are riding jet skis off ramps and appearing on party boats to save scantily clad women from overreaching police officers, how much further must someone go to still be the exciting funny lawyer that stands apart when more and more are doing it?

For now, I think if this tells you anything about marketing, it's to find your niche, display who you are (*or what you want your persona to be*), what your firm is about, and make sure your potential clients can see and remember that. Even if your advertising scheme is to make some



cheesy rag with your silly caricature in it, give it a shot! I can't tell you how many times I've been approached at networking events and conferences about our magazine (*p.s. see front cover, it's now available at a huge discount!*) In any event, find what sets you apart from the rest, then go forth and prosper! ☺

"It's what you learn after you think you know it all that really matters"

— John Wooden

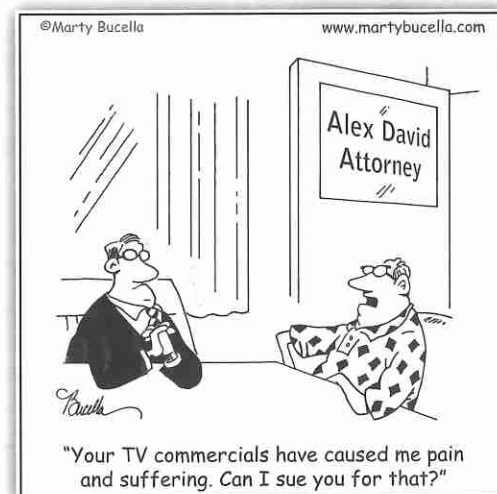
Make sure to document your dialogue with clients so that the next time a team member speaks with them; everyone is on the same page and can seamlessly pick up where you last left the conversation.

Similarly, when a mistake is made or a client is unhappy with the firm's service, set standards of care that your clients can rely on to be heard and issues corrected. Listen to the concerns fully. Document the problems. Let them know your team is working on a solution and actually make that happen!

The client needs to be heard and understood, but even more than that, the client needs to be respected. The people who reach out to us are enduring a difficult period in their lives and likely are uncomfortable with the lack of control they have over their situations. Ensure that they find that

control with you and your team members, that they are able to place trust in you to do your best for a better outcome.

After all, this is a service industry and we are here to help people who desperately need it! ☺



Lawyers Need a Laugh!

Bar Exam Horror Stories

Our soon-to-be newest associate attorney, Madison Donaldson, recently took the bar exam and it got us thinking and reminiscing on that special time in our life when we had to take the exam. *Enjoy...*

- **MARC:** I accidentally washed my hard contacts down the drain the night before the exam, and didn't have a backup pair of glasses. I used a wrench to get in there and fish them out, soaked them overnight, and popped them in the next day. Good as new!

*"Winning isn't everything,
but wanting it is"*

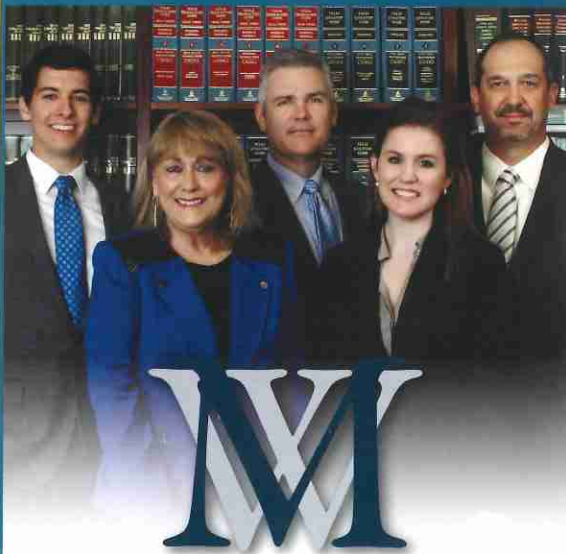
- Arnold Palmer

- **ANTHONY:** My bar exam horror story is that I keep having nightmares that I have to keep taking the exam, time and time again... but in my underwear.



- **BRITNEY:** I didn't feel great going into the exam and had several coughing episodes. I made it through the exam without disturbing the peace with a coughing fit. Come to find out a month later, I had walking pneumonia and a pulmonary embolism at that time. I could have died taking the exam!
- **MADISON:** There was a girl in my exam room whose computer crashed halfway through the essay portion of the exam. She had to rush and get a blue book, and start all over with half the time left. She was literally crying as she wrote out her essay... from the beginning. ☺

DISABILITY & INSURANCE DENIALS



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