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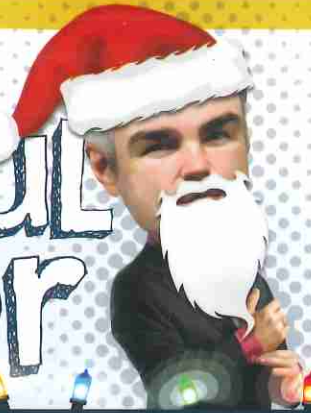
MARC WHITEHEAD & ASSOCIATES
ATTORNEYS AT LAW, LLP
A NATIONAL DISABILITY CLAIMS LAW FIRM

Vol. 3

Issue: 05

\$uccessful Barrister

THE NEWSLETTER
YOU'VE BEEN WAITING FOR...



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WELCOME to the HOLIDAY 2017 Edition of the Successful Barrister!

The team at Marc Whitehead and Associates know all the secrets of how to wrap this year and get ready for a successful 2018 and are here to share those secrets (lucky you!!). 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.

INSIDE THIS ISSUE

- Word of Mouth Marketing pg. 1
- Law Firm Growth & Success: Part II pg. 3
- When Your Strengths are Weaknesses & Your Weaknesses are Strengths pg. 4
- Building Your Dream Home pg. 5
- Introverts in the Law Firm pg. 6
- Lawyers Need A Laugh! pg. 8

WORD of MOUTH Marketing



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When reviewing your lead acquisition expenditure, it's no secret that referrals are always going to be the most cost-efficient tactic - they are absolutely free!

Thus, it is crazy to think that we spend so much time and energy analyzing our most expensive

advertising methods and don't give referrals a second thought, aside from a thank you card or small gift to those who are kind enough to refer us the business.

There is an actual strategy and methodical steps you can take to increase your referrals, as laid out in a book I recently read by Andy Sernovitz called Word of Mouth Marketing. In a nutshell, Word of Mouth marketing is all about creating happy customers and making them your best advertisers.

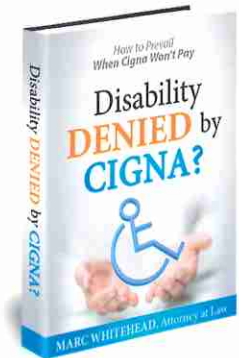
Your current and past client base are real people.

Why would those real people want to talk about you and your firm? In our world, this could and should be a slam dunk, as we are solving life-changing legal problems each and every day.



CONTINUES ON PAGE 2

FEATURE BOOK



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

PAGE 1 OF 8

For word of mouth marketing to be successful, a solid foundation needs to be laid of having satisfied clients. After all, satisfied clients are the most powerful marketing asset you have (aside from a stellar web site, see page for more information) and you and your firm should be doing everything possible to create a positive experience for your clients.

Yes – you and your firm. Every single member of your team needs to be 100% onboard with delivering excellent client service. To ensure this, I recommend writing a client service manual that:

- Clearly defines the standards for client service, such as how soon will your team return phone calls and messages.
- Addresses how your team will respond to irate or dissatisfied clients.
- Identifies a client service liaison whose job is to ensure the firm is providing stellar customer service.
- Identifies who needs to be involved in all client service decisions.
- Define the documentation protocols for each client.

4 Rules for Word of Mouth Marketing

Providing excellent client service then makes the 4 rules for word of mouth marketing easy to carry out:

1 Be interesting and worth talking about

What success stories does your firm have? What innovative approaches have you or your attorneys taken recently to win a seemingly unwinnable case? Create an editorial calendar to plan out what you want to talk about, how you're going to talk about it, and to whom your content is directed.

2 Make your clients happy

Cases aren't always going to go your way, as there are lots of twists and turns in the legal system. How you resolve those problems and how you communicate the solutions to your clients, is really going to be the differentiator in how your client feels about you following the conclusion of their case.

3 Earn the trust and respect you want

You can't outspend a bad reputation. This must come from within, from the daily actions you and your employees take, and the interactions clients have with your firm.

4 Make it easy for people to talk about you

We live in a world where almost everything is easily shareable on the internet. If strategic thought is put into your content planning process, and your firm

has done a great job of providing stellar client service, then it will be easy for that satisfied client to share your content, talk about how you improved their life, and send their friends and family your way.

Word of Mouth Marketing Tools

While word of mouth marketing is a very organic process, there are tools out there to help facilitate it.

If you don't ask, the answer is always no.

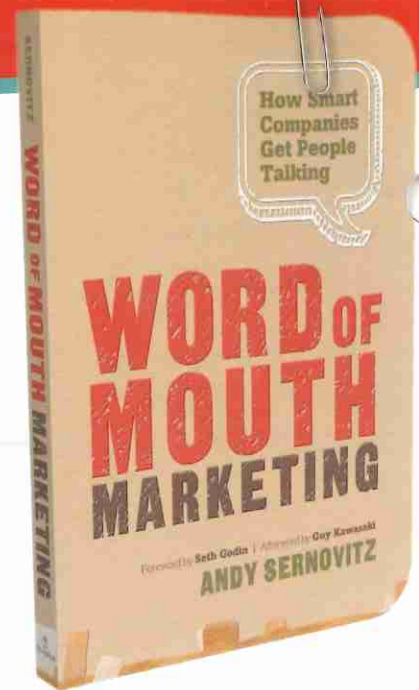
Ask for feedback and referrals!

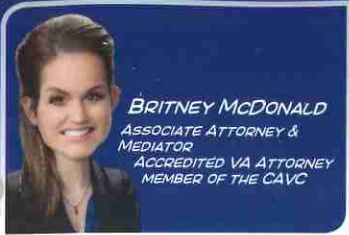
A few ideas:

- Create a short message in your email signature line asking for referrals, or provide a link for reviews.
- Send handwritten thank you notes to clients who refer business.
- Utilize online reputation management software such as Birdeye to request, monitor and respond to online reviews.
- Put forms, comment forums, and share buttons on your blog posts and promote those posts on your social media.
- Create an email blast highlighting a case study or success story.
- Send a survey to all clients asking them what kinds of communication they want to hear from you.
- Create a Facebook audience list based off the emails of your current clients and create videos about the firm targeted specifically to this audience list.

"Get a Potentially Positive Legal Experience with a Good Probability of Positive Results!"

– Paul Gold





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

Law Firm **GROWTH** and **SUCCESS** PART II

I feel sure that you have been anxiously awaiting the second installment of this **“Law Firm Growth and Success”** piece as much as I have been pining to write it, but alas, new motherhood and **“mommy-brain”** have until now interrupted my progress. In **Part I**, we explored the stages of firm growth, as well as some of the typical challenges attorneys face as that growth occurs. Now, **Part II** of this piece provides a focus on the breakdown of the stages of growth and tips for facilitating healthy and steady growth in your firm’s practice.

Many of you are thriving (*possibly even drowning*) in that first stage of growth, the solo practice stage, where you are calling the shots and the weight of the practice is on your shoulders. Many solo practitioners struggle to find the balance in funding growth, where your business needs money to grow, but needs to grow to produce money. At this point in your venture, it is important for you to have a solid

understanding of your firm’s client capacity—meaning, how much work can you take on and realistically do right by your existing clients. As you are likely the sole **“head honcho,”** you are probably not only acting as the firm’s lawyer, but also as the firm’s manager, coordinator of court events and client interactions, intake specialist, marketing executive, drafter, funder, and often even the firm’s receptionist (*or as we like to call this position, the “Director of First Impressions”*). In order to grasp this understanding, you will need to know the numbers associated with your fees/expenses and costs for client acquisition and maintenance. This intimate knowledge will help you make calculated decisions about your plans for growth and the timeframe in which you are aiming for that to occur. You will also require some sort of auditing of your tasks to determine which are actually productive and making you money versus what is simply wasting your time or not producing the fruit you attempted to sow. However, in the end,

setting your vision and sticking to its resolution is what will get you to your dream of expansion.

For those of you wanting to expand in that small-practice phase, there are a number of helpful ideas that you can

implement to generate growth. Some of the most helpful tips that I have come across are simply to increase your media exposure

and get good referral sources. Using tools within the realm of social media can often be cost effective and provide exposure to groups of potential clients that you otherwise would be unable to tap into. As for referral sources, the easiest way to find these is to attend local Bar organizations and get your name out there. Talk to enough people repeatedly so that those individuals know to call you when they get cases specific to your area of practice (*for example, Marc Whitehead—that guy knows ERISA!!*).

When you reach mid-size firm status, you may experience a whole new set of issues in firm expansion. Suddenly, you have a bigger pool of employees to manage, as well as a larger client base and likely triple or more of the engagements you once managed as a solo practitioner. At this phase, the management of your employees needs to be specifically targeted in addition to implementing the ideas you used as a solo and small firm boss.



CONTINUES ON PAGE 7

PAGE 3 OF 8

When Your **STRENGTHS** are weaknesses and Your weaknesses are **STRENGTHS**



I recently read *David and Goliath: Underdogs, Misfits, and the Art of Battling Giants* by Malcolm Gladwell. This book, in classic Gladwell fashion, strings together a number of anecdotal examples to support

the overarching theme: perceived weaknesses are not always weakness, and looking at them and the situation differently can often reveal strengths.

In the introduction, Gladwell gives a historical summary of the classic upset known as the story of David and Goliath. On paper, Goliath is the clear winner, he was a war-seasoned giant of a man, who out-matched David in nearly every perceivable category. David, conversely, was a young shepherd boy with no battle experience; no one could have guessed that he would have won that battle, much less with relative ease and completely unscathed. How did this happen? And how does this kind of thing happen every day in the world around us?

This battle was won by David, not because he was bigger, stronger, or even a better warrior, but because he was realistic about his weaknesses and the strengths of his opponent. He knew what strengths he DID have, and how to gain advantages through positioning and strategy.

Goliath's strengths, in some ways, were actual weaknesses. His size and strength made him a great target for a ranged weapon. His obvious positive attributes made him over-confident, and a one-dimensional threat. Yes, in hand-to-hand Goliath gets the Vegas odds, but no one said that David couldn't bring a ranged weapon to the fight and Goliath never anticipated defeat at the hands of any man, much less a shepherd boy, so he was not ready to defend against David's fatal blow.

I read passed the introduction (*congratulatory emails and letters accepted,*) and read of a youth basketball coach getting his daughter's team to a championship with zero basketball experience, T.E. Lawrence (*"of Arabia"*) and his historic victory over the mighty Turks in World War I, and Dr. King outwitted the "above the law" political leaders of the segregated South. I pondered how these themes could apply to the practice of law. As a plaintiff's attorney, going up against multi-billion dollar insurance conglomerates, sometimes it feels like I'm David going up against Goliath trained



by Mike Tyson and backed by Darth Vader. However, there are almost always weaknesses. Sometimes the forest is lost in the trees, but a good attorney can continue to examine a case (*and themselves*) and look outside the box to find a way to breach the Defense's defenses. In this book, Gladwell also writes about an attorney who did just that.

David Boies is a famous attorney who was born dyslexic. This sounds almost impossible; as we all know a major part of the job is reading and writing. However, due to this deficit, Boies honed other skills that became invaluable in trial practice. Principally, Boies used his ears, not his eyes, to gain his advantage over the opposition. David Boies became a great listener, so much so that he could hear subtle tonal differences in the opposing attorney's arguments that would ultimately reveal weaknesses in their case and where to attack. Think of a pitcher unknowingly tipping their pitches. This is one of many examples given that further the point: just because you've been handed a perceived weakness doesn't mean you're at a disadvantage.

So keep this message in mind when you feel like you may be David in a case: always use what's available to you, try to see what your opponent is missing, and turn the circumstances as much as you can in your favor. ☺

"Christmas is a time when everybody wants his past forgotten and his present remembered. What I don't like about office Christmas parties is looking for a job the next day."

- Phyllis Diller

BUILDING Your Dream Home



NATALIE
HIGHTOWER
MARKETING & INTAKE
DIRECTOR

Real talk: a website is the number most valuable marketing asset one can have, and it blows my mind the number of firms who want it cheap and fast.

The root of the problem is that most people don't understand everything that goes into a properly built website, so I am here to tell you how websites should be built – like they are homes.

HOSTING AND DOMAIN SELECTION – Selecting your hosting environment and domain. This is like picking out the neighborhood where your house will be built, and the address. Does your neighborhood have gated access with a security guard to tell you when someone tries to break into your home? Or do you want to be in a trailer park in a shady area of town?

Using GoDaddy for your hosting would be like picking the latter. It was really meant for basic “hobby” type of sites, not high-volume business sites. My suggestion would be ModX Cloud, Host Gator or something that is specific to your website's needs. We use WP Engine, which is a hosting solution specifically for Word Press sites.

GoDaddy is adequate for domain management. Choose your primary address, something that is easy to remember and marketable. You might want to buy other domains so someone else doesn't use those addresses, but use this tactic sparingly. You don't need 200 domains.

SITMAP – This defines the site navigation. What pages will be on your site? How are they going to link together? Do they all flow together in a way that makes for quality user experience? What are your calls to action, and to where do they lead? This would be like grading and site preparation of a house.

WIREFRAMES – taking your site map, the wireframes of each type of page are created. Wireframes are black and white images and shapes that show you how the house lays out, like an architectural blueprint. Typically, you want a homepage, interior page, blog page, and contact us page. Wireframes will show you where your forms will live and how your navigation will render.

You also want to have wireframes to show how your site will look in tablet and mobile view. **Mobile and tablet views should not be an afterthought; they should be carefully planned from the inception of the project.**

DESIGN AND CONTENT – Eye candy time. Here's where you get to do the fun things like pick out the colors, fonts and types of photography. This is the time to ensure your firm's image is accurately depicted on your site.

Your content should be written properly for search engine optimization, or in other words, in a way to make the gods at Google happy. This should be completed before the designer starts so they know with how much space they are working.

Think of this step like you're approved the blueprint, now you're making decisions like hardwood floor or tile? Grey or beige walls? The end result is a painted, flat picture of what your house will look like.

DEVELOPMENT – time to build the house. The developer will take the design files, sitemap and wireframes and build your website, code by code. CSS stylesheets ensure the right paint color is applied throughout the house. The drywall and the wood floors you picked out are properly installed.

USABILITY TESTING – probably the most rushed through or forgotten step. After the last bit is finished on the house, you wouldn't just grab the keys and start inviting people to come over. A good website team will walk with you through each room of the house, multiple times. Do the toilets flush? Do the doors open and shut? Do they lead you to the right room?

It is imperative you take your time with this step, so your clients and prospects aren't the ones telling you about the typo on the homepage, or figuring out weeks later that your forms are being sent into a black hole of nothingness instead of your inbox or CRM.

LAUNCH PLAN – you've worked hard for the last few months and are proud of the end product, so invite people over! Press releases, email newsletters and a call out in your email signature line are all great ways of spreading the good news and inviting people to see the site.

All of this takes an average of 90-120 days and should cost between \$10,000 and \$50,000, depending on the sophistication of the site.

Could a website be built cheaper and in a shorter amount of time? Sure. I've seen a website built in 2 weeks for \$1500. It also looked like a dilapidated shack that has broken windows and cracking paint.

Don't be cheap and fast. Take the time to create a quality, lasting website that will serve you and your firm well for years to come. ☺

INTROVERTS in the Law Firm



MADISON
DONALDSON
ASSOCIATE ATTORNEY

First thing's first, a short lesson on what being an introvert actually means because there are a lot of uninformed extroverts running around in our law offices.

Introverts are often described as shy, antisocial, and boring. There is a MAJOR misconception that introversion is somehow a weakness and extroversion is a strength that can be learned.



Personality

The reality is introversion has nothing to do with your comfort level in social situations and everything to do with from where you draw your energy. Extroverts are energized by being around other people and feel less fulfilled when spending time alone.

Introverts are the exact opposite. They can go to a party or networking event and feel just as at ease as an extrovert; the difference comes after the party when the introvert feels completely drained and ready to go home and recharge alone. Simply put, an introvert

draws their energy from within, and an extrovert draws their energy from external stimuli such as other people. The labels make more sense now, huh?

While being an introvert is by no means a flaw or something to be embarrassed about, it does present a few challenges when it comes to the legal profession.

First and foremost, the legal profession is full of extroverts against whom introverts have to compete. Because introverts have such internal processes, words can roll through their head several times before they actually come out.

I personally have a problem of rehearsing what I'm going to say in my head so many times that by the time I finally say it, the moment has often passed and my comment is out of context. That issue is only exacerbated when there is a filter-less extrovert blathering away, sucking up all the energy in the room.

Another challenge we face comes when we have a morning chock full of meetings, hearings, conferences, etc. This is a recipe for a completely unproductive afternoon for an introvert. All of those meetings will suck all of the energy and concentration right out of the introverts, leaving them exhausted and in need of respite; not exactly ideal for quality work product.

Despite these challenges, having an introvert on your team can be an asset. When they do speak up their contributions are often well-thought-out, and they believe

it will be of value to the meeting; otherwise, they wouldn't have said it at all.

Introverts won't ever mind having a completely in-office day, they'll just shut their door and get to grinding.

Finally, and probably most importantly, you won't ever have to get onto them for hanging around the proverbial water cooler for too long, and they definitely won't bore you with a detailed play-

by-play of their weekend every Monday morning.

Now that you've been properly introduced to us introverts, hopefully law office introverts and extroverts

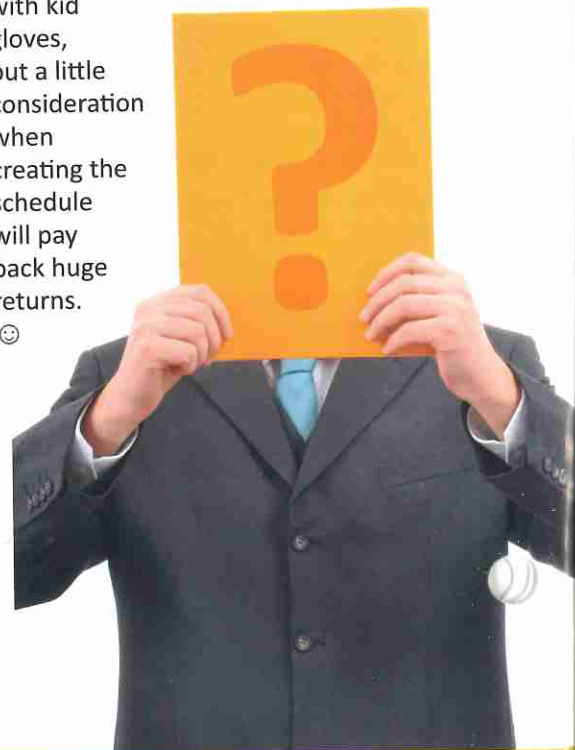
can unite. Extroverts, take a seat every now and then. Check the urge to say everything that comes to mind and try to listen to your more introverted colleagues.

Introverts, **SPEAK UP**. Try to trust your gut more so you don't miss so many opportunities, your team will thank you.

Bosses, keep your introverts in mind when scheduling meetings and conferences. We don't need to be wrapped in bubble-wrap and treated with kid gloves, but a little consideration when creating the schedule will pay back huge returns.



"This is the message of Christmas: we are never alone"
- Taylor Caldwell



Track It!

Figure out a benchmark number of your current percentage of leads that are referrals. This number will be used to gauge the level of success you have with a focused Word of Mouth marketing effort.

Keep a spreadsheet of all the referrals that come through the door, who sent them, if you accepted the case. You can take this a step further and look up the original lead source of the referrer, so you can see how much your expenditure grows from that specific lead.

Soon you should start to see patterns, or "frequent flyers", and thank them appropriately.

Measure the year over year growth every 90 days, and calculate the projected revenue off each new referred case. Once the revenue amount is quantified, you will be amazed at how much additional dollars you earn just from providing stellar client service, and asking for that business.

And Remember... Other Attorneys are Your Best Friends.

In general, the book *Word of Mouth Marketing* is geared towards business to consumer industries. In our world, we can not only tap into our existing client base for referrals but to our fellow attorneys as well.

One could argue that attorneys are an even more valuable referral source than clients for your firm. They are receptive to education on your most ideal client, and can be spiffed to refer only the most valuable potentials to your firm.

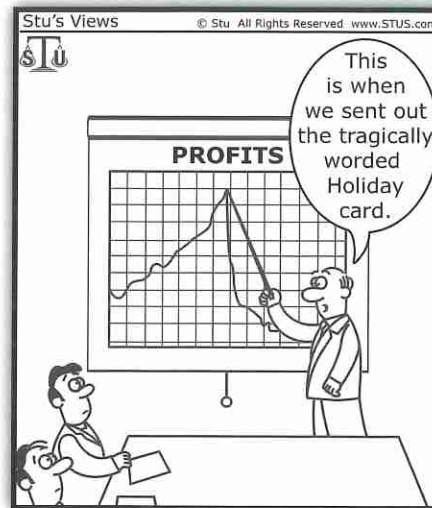
A few ideas on how to do so:

- Create an amazing, award-winning publication (such as *The Successful Barrister*) that educates other attorneys on what it is you do and positions you as a thought-leader in your area of expertise.
- Create content that is written specifically for other attorneys that highlights the great work you do is for your clients. This creates trust in what you do, particularly with attorneys who aren't familiar with you on a personal level.
- Arnold Palmers and lunch. Or send your marketing director out to wine and dine. Face to face contact and food go a long way in creating fruitful relationships.
- Establish a referral fee or co-counsel agreement that makes sense and use it with partners that have the potential to send you the best cases.
- Chocolates and cookies are tasty ways of saying thank you for referring business your way, even if you ultimately don't accept the case.

As you spend time this December putting together your 2018 firm goals and marketing plans, keep in mind that cultivating referrals deserves just as much time, if not more, than your expensive advertising methods. Reach out to me if you'd like more ideas on how to do so. ☺

Your employees are always going to be the key to creating firm advocates. Set clear expectations,

develop effective training programs, and obviously hire superstar employees in the first place that will be able to handle those expectations. Additionally, at this phase, spend money where you will see payouts. For example, you can provide scholarships to youths or sponsor activities related to your firm interests. Either way, you are creating positive exposure for your firm and this, in turn, will help you expand.



As you have probably guessed, each time your firm size and presence in the legal marketplace increases, you should be adding onto the already long list of responsibilities of management from the proceeding stages mentioned. Further, at both the large-firm and preminent-practice phase, you should now have the funding to back larger and more expensive activities concerning growth. That may include something like educating yourself and your associates on a new area of law and advertising for clients to represent under those claims, creating an exclusive and top tier intake department to filter your calls, or simply purchasing exposure in the media to further fuel your firm growth. The key here is to try new things that you now have access to with your larger size and deeper pockets. It's also a grand idea to take on more pro bono cases to show the community your good will. Further, remember to invest in your employees so that they will be primed to produce pristine work unparalleled by other firms.

Again, there are endless ways to facilitate growth within your firm—these mentioned are simply tips that I have personally witness accomplished that result. In a world that is ever-changing, it can be intimidating to put yourself and your Bar card out there. But fear not, you can create a name for yourself people are proud of, you just have to be willing to put in the effort it takes to take your firm to the next level. ☺

Lawyers Need a Laugh!

SHOPPING FOR YOUR LAWYER...

If you need a nudge for that special someone in our life to buy you just the right gift this holiday season, may we suggest taking a copy of this esteemed publication and leaving it open to this section for them to find and take notice.

Marc

- Gift certificate to a custom clothier.
- Nice dress shirts with French cuffs for cuff links. Don't go spend a small fortune on a custom-made suit and then buy a \$20 dress shirt from Target to go with it.
- Macallan 30 Year.

Anthony

- Every (male) attorney can always use more nice white dress shirts... I hear Target is having a great sale!
- A crystal decanter/tumbler set.
- A delicious bourbon or scotch to top it off (1835 Texas Bourbon is an affordable, yet drinkable, option).

Britney

- For the newer attorneys (baby lawyers as we affectionately call them/were once called), nice watches, engraved fountain pens, and professional business card holders or wallets are always thoughtful gifts that last years into your attorney's practice.
- Some budget friendly gifts that I have discovered help me to de-stress after a long day/week at the office are spa and bath products. Check out LUSH products. Never underestimate the

power of a long, hot soak to relieve tension and stress.

- While I would like to say buy your attorney a nice bottle of "whatever" for the holidays, I will just say this—any alcohol will do.

Madison

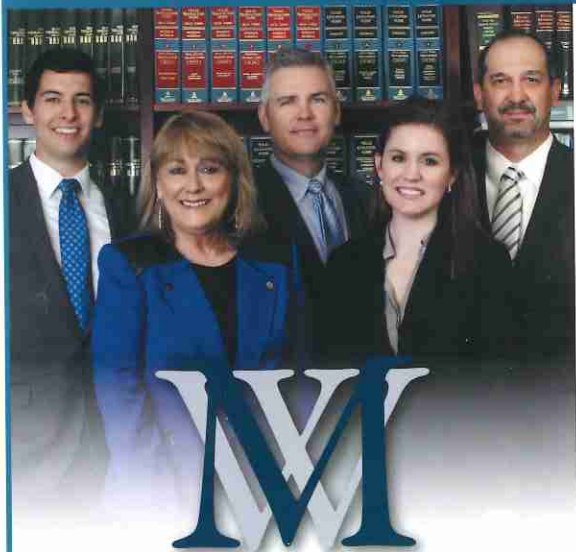
- Personally, as a baby lawyer, I am still building my professional wardrobe, so any gift that helps me with that is greatly appreciated. I could never get enough good lined blazers, statements necklaces, or quality high heels. And obviously you can never go wrong with a crisp white blouse. But something to keep in mind is that quality over quantity really does matter.
- If you have a lawyer that likes to read, an interesting book is always a good idea. I'm always looking for to read that is not work-related; it's a nice respite.
- Alcohol. ☺

"The proper behavior all through the holiday season is to be drunk. This drunkenness culminates on New Year's Eve, when you get so drunk you kiss the person you're married to"

— P.J. O'Rourke



DISABILITY & INSURANCE DENIALS



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