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

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Issue: 02

# THE NEWSLETTER YOU'VE BEEN WAITING FOR... Successful Barrister



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

Yes... we had a price increase from \$69.99! 😞 Price: ~~\$199.99~~ **\$89.99**

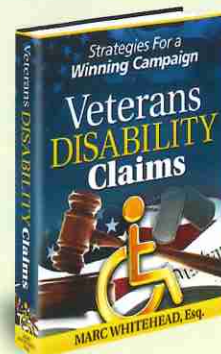
## LUCKY IN LAW – it's time for another edition of the **Successful Barrister** for our *lucky* readers!

Down on your luck in business and/or life? Never fear, the team at Marc Whitehead & Associates is here to put a pep in your step to help you spring forward towards a more fruitful 2018. Shoot me an email at [marc@marcwhitehead.com](mailto:marc@marcwhitehead.com) if you know of someone who would like to receive the newsletter. 🍀

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### FEATURE BOOK



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

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## ALL-STARS

# Why Attorneys DON'T HIRE ALL-STARS

**All-star: A wholly outstanding performer or player.**



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You've poured your heart and soul into building your law firm to be the absolute best it can be, and now it's time to consider adding associate attorneys to handle your ever-increasing workload. Why wouldn't you want to hire all-stars to support your firm?

Truth is, many attorneys don't and this was a recent topic of conversation at my last coaching session with Atticus. There are many fears associated with hiring all-stars, a handful of which I will dissect and debunk for you.

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As is best practice with most things in life, documentation and systems in place is critical to managing your firm and having these in place when you hire an associate attorney is no exception. **The Key here is creating your own written hiring and separation agreements when bringing associates into your firm.**

## An **ALL-STAR** Will Steal My Clients Once They (Inevitably) Leave

This is an easy fear to address. If your state allows for it, get the associate attorney to sign a non-compete agreement.

If this is not possible, discuss the process and limitations of soliciting your clients with the associate attorney when they leave your firm. Create an agreement at the inception of their employment spelling out the split-fee if they take clients when they leave. Also, require that they reimburse any cost fronted by your firm on cases they take within 30-60 days. This will discourage the associate from stealing your cases and even if they do, your firm is protected financially.

## An **ALL-STAR** Will Have Seen Me at My Worst and Could Potentially Bad-Mouth Me

In an employment agreement, include a clause covering non-disparaging language to protect your reputation. Beware, if the associate attorney, unprovoked, discusses their previous employer in a negative light – chances are they will do the same to you in the future.

## An **ALL-STAR** Will Steal My Staff

This can be addressed on both sides of the aisle.

Require your associates to sign a non-solicitation agreement and require your non-attorney staff to sign a non-compete agreement.

## An **ALL-STAR** Won't Follow My Processes and Procedures

It's your firm. Be clear that no changes to processes and procedures are acceptable without acquiring permission first.

That's not to say you have to rule with an iron fist and squash any innovation. But your rules are there for a reason, and it's the appropriate thing to do to address any changes they think should be made with you first.



## Hiring an **ALL-STAR** Will Wreck My Finances

This requires some preparation from you on the front end.

Don't hire an associate attorney until you're sure there is at least 3 times the amount of their salary worth of work, and that said work can't be performed by a paralegal.

Then, establish with your attorney the financial expectations you have of them, and document.

## An **ALL-STAR** Will Automatically Assume They're Entitled to Partnership

Two words. Revenue production and business origination. *(Those are technically 4 words, but who is counting...)*

Establish your metrics and discuss thoroughly your expectations and what needs to happen before an associate attorney could even begin to be considered for partner.

## DISC test 'em.

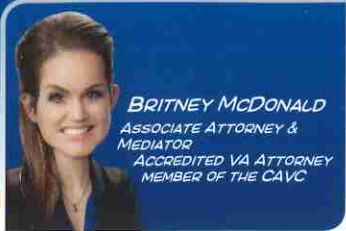
A useful tool for predicting the propensity of an all-star candidate to engage in any of the aforementioned behaviors is the DISC test.

DISC is an acronym for four different behavioral traits: dominance, inducement, submission and compliance.

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*"We are all a great deal luckier that we realize, we usually get what we want – or near enough"*

*- Roald Dahl*



# WHAT I WISH I KNEW AS A BABY LAWYER

## SURROUND YOURSELF WITH GOOD PEOPLE

Surround yourself with good, reliable people. Whether that means finding the right firm for which to work or hiring well qualified and able paralegals and support staff, it is important to surround yourself by those who you can trust to meet deadlines, help you pursue your goals, and have you and your clients' interests at heart.



I have worked with people who are absolutely wonderful (thanks Marc Whitehead and Associates) and people who simply cut corners and were more concerned with billing, figures, or themselves. You are not doing yourself any favors by working with the latter type of people; these unreliable co-workers put your bar card at risk, and consequently your reputation as an attorney—something you don't want following you in your career.

## YOU DON'T HAVE TO KNOW EVERYTHING!

You don't have to know everything—you just have to be willing to put the time in to figure out how to do it. When I left law school and finished the Bar exam, I remember feeling inadequate, hopelessly inexperienced and nervous about my abilities to practice law competently and earn the trust of my clients. What I found out over the first 5 years is that you will constantly be presented with new ideas and challenging situations in your cases. In my experience, as I faced these challenges, I eventually learned to welcome them with anticipation and curiosity. You are an attorney. It took a lot of education and natural skill for you to earn your Bar card and you are smart and capable. You can figure out how to tackle any situation if you spend the time to educate yourself and invest your abilities into the issue

## DON'T WORRY ABOUT THE OUTCOMES, LEARN FROM THEM!

Don't consume yourself with successes and failures—you are still learning and even failures have their place in your development. It won't do any good to spend parts of your limited and busy day worrying about unfavorable judgments. Instead, use those experiences to plan for your next move in those cases and in others. Experience tends to be the best teacher.

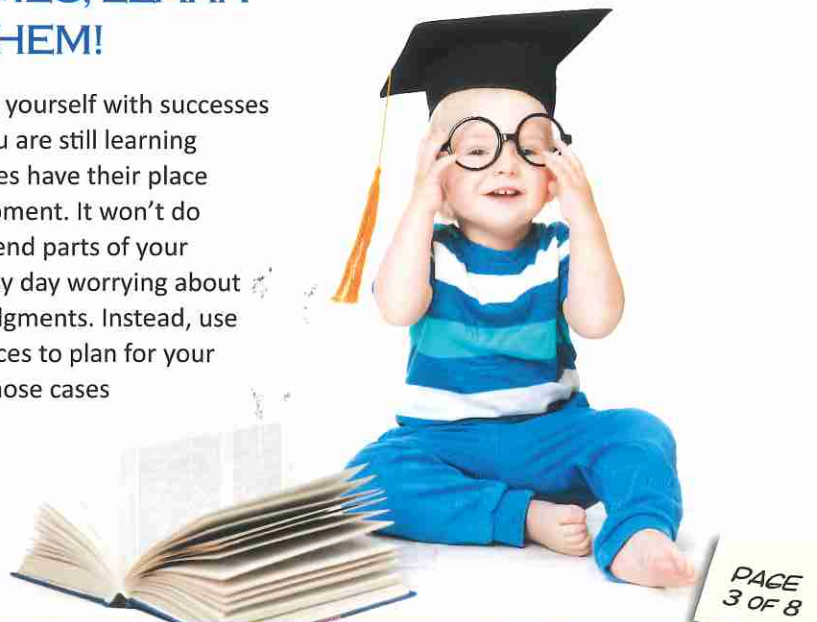
## PARALEGALS ARE VALUABLE, BE THEIR FRIENDS!

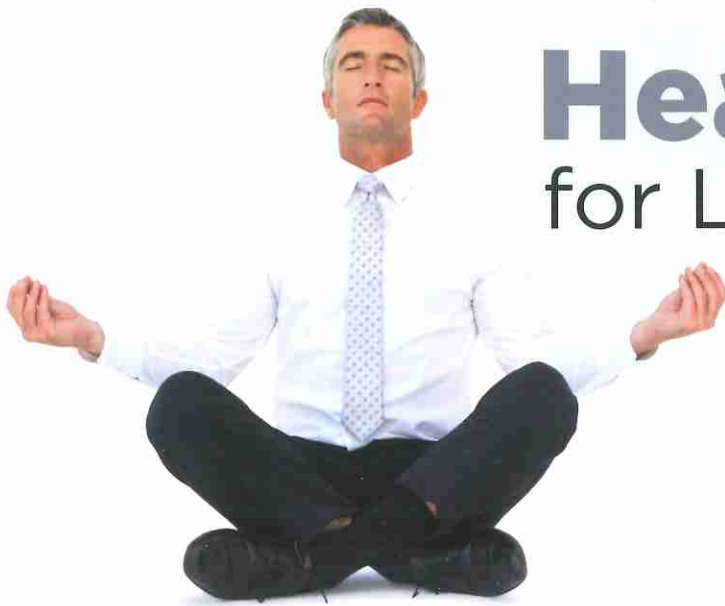
Paralegals are your good friends. It is fine to rely on them for many things. These co-workers often know more than the more senior attorneys because they are often given the bulk of the work. They are usually the ones digging through files and catching client calls while you are in trial, in meetings, and in calls with the courts and opposing counsels. My paralegals search for and check my case law, write thorough and winning arguments, and much more—they are essential members to our team and I know that I would be far less organized, less up to date, and less able to serve our clients without their relentless help.

## YOU HAVE TO SET BOUNDARIES

As a baby lawyer, you will be thrown into numerous projects, often be subject to several rotating deadlines, and have a lot of self-learning to do.

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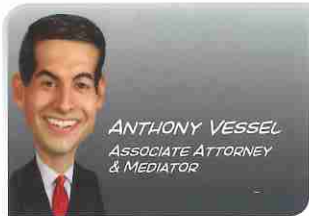




# Healthy Ways for Lawyers to Relax:

**The legal profession is almost synonymous with stress.** Most days it feels like there is a constant barrage of emails, deadlines, calls, meetings, court appearances, and voicemails. Especially in this day and age, we are always within

the reach of anyone who wants us. This is why it is incredibly important for us to manage our stress and relaxation just as we manage our case load. Below are some tips for healthy stress management:



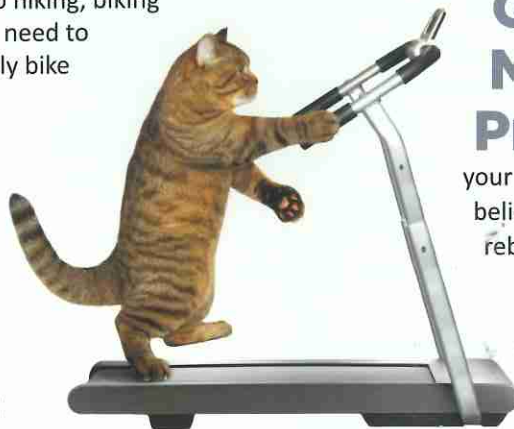
ANTHONY VESSEL  
ASSOCIATE ATTORNEY  
& MEDIATOR

**Exercise:** This one is huge. It can also keep you from being huge!

Think about how many hours we sit inside, practically motionless (besides our fingers typing or our jaws flapping). Everyone reading this (yeah, all 17 of you) has heard that exercise provides a myriad of both physical and mental benefits. It also has a strong correlation with reducing stress and elongating your life.

The beauty of exercise is you can chose the activity that works for you. If you're able and adventurous, go hiking, biking or join a recreational sports league. If you need to take it easier, a nice walk, swim, or leisurely bike ride may be a better fit. Anything helps!

**Gardening/  
Nature:** the Japanese have a practice known as "shinrin yoku" or "forest-bathing." Believe it or not, our natural state as humans wasn't hunched over a key board at a desk chugging coffee. There are known benefits to being amongst greenery, so you can go to it, or bring a little to you. Again, go as nuts as you want... but a few plants on my patio does the trick for me.



**Reading:** I know in our profession sometimes it feels like all we do is read. But try this trick: read something that interests you, unrelated to work, that's not off a bright screen. Which leads me to my next point...

## Put the Device Down!

Phone, computer, tablet and anything in between. There are a lot of studies showing that these things are really hurting our physical, mental, and social health. I'm guilty of compulsively checking my phone as soon as the alarm sounds from it in the morning... you might as well call me Pavlov. Working and checking email from these devices isn't the only culprit, social media and app use can be just as bad.

Studies show that checking email and social media light up the same parts of our brain as drugs and other addictive substances. Besides, life offers you much more in person than could ever be given through a screen.

*"Careful planning is no substitute for dumb luck"*

- Arthur Bloch

**Friends/Family:** Making time for friends and family is one of the best investments you can give yourself. Time spent with loved ones allows us to recharge and refocus on why we work so hard in the first place.

## Quiet Time/ Meditation/ Prayer:

whatever suits you, get your mind out of the briefs and into your beliefs. Just like computers need to be rebooted periodically, so do our brains.

**Do You!** At the end of the day you know yourself better than most; do whatever activity helps you feel relaxed and whole again. If you like cooking, crocheting, or even writing corny articles for a lawyer rag... you do you boo-boo, just make sure to take time for yourself and your health! 😊

# 5 Best Practices in Email Marketing

*Email marketing, when done well, is the most effective and cost-efficient way to deliver your message. One could potentially expect a **YUGE** return on investment, up to 4000 percent.*



However, when executed poorly, email marketing can have quite devastating effects on your firm and have you looking like a bad hombre.

Follow these principles and you will see a noticeable difference in the results your email marketing generates.

## Invest in Email Marketing Software

There are so many products on the market these days, but you want to have a program that:

- Integrates with your website form submissions, social media channels, Google Analytics and CRM system
- Allows for users to preview and test send emails
- Stores, tracks, segments and manages contact lists (more on this in a minute)
- Allows for the creation of email templates. See if they have a graphic design department who can create a custom template for you
- Provide campaign-based reporting and analytics
- Bonus features: creation of landing pages and allows for personalization

We use Emma, but I also highly recommend MailChimp, Campaign Monitor or Hubspot.

## Audience Segmentation

One of the things that makes email marketing so effective is its ability to deliver content tailored to a specific person or audience. To do so, you need to create multiple groups.

I have 33 groups in our Emma account.

Yep, 33. I have a list for attorneys, personal injury attorneys, medical malpractice attorneys, Social Security potential clients, LTD potential clients, VA potential clients, a list specific to each social media campaign I have run, a list for doctors, for TTLA members, for contacts made at our local chamber of commerce events... you get the picture.

Now, when I write a fabulous white paper about proving service connection in VA disability claims, I can ensure delivery to the most relevant audience(s) possible.

There is a time and place for sending the same email to your entire universe, but this should be used sparingly. After all, what's another word for the same message sent indiscriminately to a large number of recipients?

Spam.

## One Clear Call to Action

Each email blast should have one (1) clear call to action. One. Uno. Ein. Yksi.

Do you want people to go leave a review? Like a Facebook page? Watch a video? Download a white paper?

If you are having two different CLE events, each event should have its own email blast with a clear call-to-action of signing up for that specific event. Don't squeeze them both into one email. After all, it's likely that each CLE event has different audiences. In which case, each email blast would need to be sent to the audience most relevant to the event. These audiences should be already be separated into groups.

See how all this is related?

Having one clear call to action also allows for more precise review of the analytics, giving you guidance on any changes needed to your content and marketing strategies.

Additionally, your call to action should have a short but strong message.

"Read More Here" "Reserve Your Seat Today" "Sign Up for Your Consultation" are infinitely better than "Submit" or "Click Here".

## Less is More

Your email should be clean. Think one main image, no more than two fonts. Place the logo in the upper left-hand corner or center of your header banner.

Create a big call to action button in a contrasting color.

Basically, nobody wants to read a junky, cluttered email. Send a test email to a friend who doesn't know anything about the email you are composing. They should be able to surmise the purpose of your email in less than 30 seconds.

A cleanly designed email, with one clear call to action, sent to the right audience, will yield exponentially higher conversion rate and return on investment. It's science.

## And Lastly... Don't Be That Person

Proofread your email. Check every single link and make sure they work. Make sure there are no typos or issues on the landing page. Spend some time on your subject line.

If you can't guarantee a near flawless execution, don't use the personalization tool. An email addressed to someone that's missing a last name, has the wrong gender prefix, or a misspelled name is going to wreck your credibility in their eyes.

*As always, I'm always happy to address any specific marketing questions you may have. Send me a line to [Natalie@marcwhitehead.com](mailto:Natalie@marcwhitehead.com).*





MADISON DONALDSON  
ASSOCIATE ATTORNEY

# PODCASTS FOR LAWYERS



Podcasts have been around since the early 2000s, but it wasn't until recently that they became wildly popular. Nowadays you can find a podcast on just about any topic, and all iPhones come with a preinstalled podcast app.

What is a podcast you say? For the technologically-challenged among us, a podcast is basically a pre-recorded audio show that's available for download on your phone or iPod. Think about those old timey radio programs that families in the 1920s-1950s used to gather around their radio to listen to. Podcasts are like recorded episodes of your grandparent's radio shows, except they're available on demand and can be carried around in your pocket by downloading them on your smart phone.

For attorneys, podcasts can be an invaluable tool. They can be used to learn about something new, to pass some time on a long commute, or to keep up with what mind-boggling actions were taken by the oval office this week. To help you dummies break into the podcast world, I've provided the following list of suggested podcasts broken down by possible topics of interest.

## FOR THOSE WHO BINGE WATCH MURDER DOCUMENTARIES:

**SERIAL:** How could any respectable podcast list NOT start with Serial. This chart-topping podcast takes investigative journalism to a whole new level. It follows the story of the murder of a high school student, Hae Min Lee. Her ex-boyfriend, Adnan Syed was tried and convicted of Lee's murder, but the show delves into the errors made not only during the investigation of the murder,

but during Syed's trial itself. Prepare yourself for a new addiction.

**DIRTY JOHN:** This podcast is the story of a beautiful, successful interior designer who meets and falls in love with John, a man she thinks is a doctor who previously served in Iraq. Needless to say, John has some secrets. The story takes some MAJOR twists and turns, and in the end someone winds up dead. It. Is. Amazing.

## FOR THE POLITICIAN:

**POD SAVE AMERICA:** Produced and hosted by former Barack Obama staffers, this podcast covers all up-to-date news relating to politics. The show also frequently features interviews with the who's who of the hill, including Obama's last interview as president. The show is seriously funny, at times will make you want to throw your phone at the wall, but most importantly, it will make you sound smarter than all of your friends.

**TRUMPCAST:** A podcast self-described as "trying to understand the real Donald Trump." This clever, witty podcast muses over such topics as the possible outcomes of the Mueller investigation, justifications offered for various Trump actions, and, of course, the overall sanity of the Commander in Chief. \*Warning\* Not for the Alt-Right or those with a particular aversion to lisps.

## FOR THE LAWYER RUNNING HIS OR HER OWN BUSINESS:

**PLANET MONEY:** The economy explained... that's it.... Only not boring.

**THE LEGAL TOOLKIT:** This podcasts provides interviews with lawyers discussing strategies, services, and ideas that have improved their practices. It also covers news related to important legal developments and interviews with legal professionals who share their thoughts on how these developments will impact the legal field. Not quite as addicting as the murder podcasts but definitely more educational.

## FINALLY, FOR THE HISTORY NERDS/ ANYONE WITH A LAW DEGREE AND HALF A BRAIN:

**MORE PERFECT:** A particular favorite of mine, this podcast takes an in-depth look at the Supreme Court decisions that shape our everyday lives. The talented staff of this show dive into the history behind landmark cases of the Supreme Court; they explain how the cases came to be heard at this level, and what effects the decisions could have on the American people. Listen to this podcast and 2 this are guaranteed: 1. You will never look at the NRA, adoption, or "The Reasonably Prudent Person" the same way, and 2. If you didn't already love the notorious RGB, you will now!



Used in many different industries aside from our own, the DISC test is a behavioral assessment tool that profiles one's behavior in a natural setting, and their "adapted" behaviors in a work environment. For example, my marketing director has a low "C", or compliance, in her natural behavioral state and a high "C" in her adapted work state – in other words, she might not care for rules and regulations but she respects them and will follow them.



Hiring associates with a DISC profile that demonstrates cooperation and compliance helps mitigate much of the risks in hiring all-stars. It also helps identify the best ways to communicate with your associate attorneys and elicit the best response and work out of them.

***In conclusion, don't fear the all-star. Do your due diligence, lay the groundwork for bringing one aboard, and then leverage their talents to become even more profitable than you already are. 😊***



Likely, no one (*except a great mentor*) is going to stop piling work on you unless you speak up. Additionally, you may feel pressured to say "yes" to everything thrown in your direction for fear that rejecting will make you look like you cannot handle yourself under pressure. It's important to pace yourself so that you don't burn out or make mistakes you could easily otherwise handle. You have to set yourself up for success by being mentally and emotionally healthy.

***"You never know what worse luck your bad luck has saved you from."***

*- Cormac McCarthy*

### SWALLOW YOUR PRIDE, ASK FOR HELP!

On that note, it's increasingly important as a "newb" to **ASK FOR HELP WHEN YOU NEED IT**. More experienced members of your firm or area of practice have likely been faced with similar, if not the same problems in the past. Oftentimes, they have tried theories and will have answers to help you reach your goal, whatever that may be in your practice. Short of trying a case of first impression, again, experience is the best teacher; if you don't have the experience, likely someone else does!

While some of these things may seem obvious, actually keeping them close to heart as a young lawyer was difficult for me—it's easy to become fixated on the pressures of practicing and forget to set yourself up for success by setting a solid foundation first. Luckily for me, I have had some

amazing coworkers and mentors in my life keeping my eye on the right targets and looking out for my well-being as a person and as a younger lawyer.

***I wish my experience on all baby lawyers; hopefully you guys will find your place as easily and happily as possible. 😊***

# Lawyers Need a Laugh!

Why Lawyers Shouldn't Do Meth

A few of us here at MWA just wrapped yet another binge marathon of **Breaking Bad**, and were reflecting on the numerous reasons why people, specifically lawyers, shouldn't quit their day jobs and take to the streets. If anyone needed reminding, here are a few of our favorite reasons to why attorneys shouldn't do meth:



1. Saul doesn't represent attorneys or addicts anymore.
2. Your disability carrier will be of no help when your addiction finally prevents you from working.

3. Briefing and tweaking are mutually exclusive.
4. So you don't get your artwork ruined.
5. You also don't want to end up on a billboard in Livingston, TX.
6. Lady Justice may be blind, but a lawyer on meth speaks with no teeth.
  - a. Along these same lines, juries find meth mouth untrustworthy.
7. It's hard to fight the injustices suffered by your clients when you can't tell which monsters are real. ☺

## DISABILITY & INSURANCE DENIALS



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