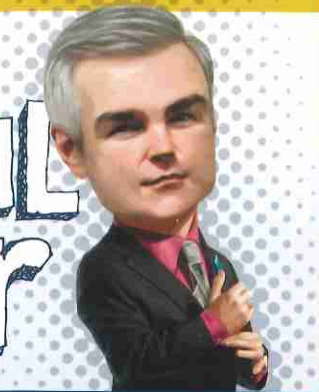
May/Jun 2018

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

Vol. 4 Issue: 03

THE NEWSLETTER YOU'VE BEEN WAITING FOR...

$uccessful Barrister



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

Yes... it's still the same price as last time! 😜 **Price:** ~~$199.99~~ $89.99

Crickets!

We might not have an audience right now, because summer vacation season is in full swing and hopefully you all are out there enjoying a beach or gambling all your money away in Vegas.

But if you're stuck in the office like we are, enjoy the latest issue of ***The $uccessful Barrister***. If there is a colleague of yours who would appreciate getting smarter and richer because of us, please send a line to ***marc@marcwhitehead.com*** ☺

The GAME of WORK

MARC WHITEHEAD
BOARD CERTIFIED – PERSONAL INJURY TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
BOARD CERTIFIED – SOCIAL SECURITY DISABILITY LAW
NATIONAL BOARD OF SOCIAL SECURITY DISABILITY ADVOCACY

There are many similarities between business and sport.

The strength of any organization is derived from established goals and the ability of each individual to deliver on those goals. Each day is practice to become better than your competitors.

One might draw the conclusion that scorekeeping and continuous performance analysis is a glorified version of micromanagement. While micromanagement is often erroneously viewed as a negative *(that should be an article for another day...)*, scorekeeping and analysis are essential to ensure the health and growth of your firm.

All of these are concepts discussed at length in the book ***The Game of Work*** by Charles A. Coonradt. People work harder at sports than they do at work – because sport has feedback. The athlete keeps score and knows if they are winning or losing. In fact, people will often pay money to work harder at sport than they do at work.

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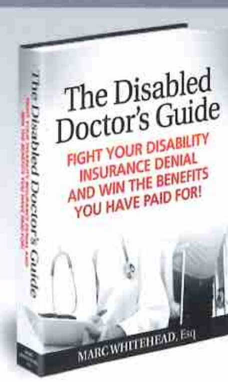
FEATURE BOOK



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Managers thus should view themselves as coaches and provide continuous, quantifiable feedback to their athletes. It's really the only way to measure progress, successes and failures.

Characteristics of a Champion

Consider this: 3% of Americans are considered wealthy. The main difference between this group and the peasants is wealthy people have specific, written goals.

To reference more specific examples, we would just need to take a look at the lives and habits of some of the greatest athletes to have existed:

- Tiger Woods tracks everything – driving distance, putting average, birdie average, total driving, longest drives, eagles.
- Michael Jordan tracks everything – baskets, most points, assist, blocks, % free throws, % 3 points, steals.
- Darryl Strawberry tracks everything – Bats, AB, runs, hits, 2nd base, steals, catches, base hits.

Likewise, a successful business person tracks, knows and masters ALL of their activity and ratios.

Scorekeeping for Legal Success

It's easy to define the success of your intake team. Some metrics you might consider would be:

- Conversion rate
- Contact percentage
- Quantity of calls
- Number of "lost" contracts
- Percent to goal for signed contracts

However, other departments in the firm need scores kept on their activities. After all, how frustrating is it to spend time and money to get cases in the firm just to have them bungled when the actual legal work is being performed?

Some metrics to consider here:

- Number of positive (or negative) reviews
- Number of won cases
- Number of times a deadline was achieved or missed
- Percentage of time a paralegal proactively reaches out to their clients, rather than reactively
- Average call back time
- How well overtime is managed

Lastly, you should also keep score on your vendors. You've hired outsourced resources because they can perform work that your firm doesn't have the skill, time or resources to perform. Loads of money can go out the door if you have inefficient vendors who aren't holding their end of the deal. You need to measure their performance like you would your own employee.

What's in a Goal?

Goals must be:

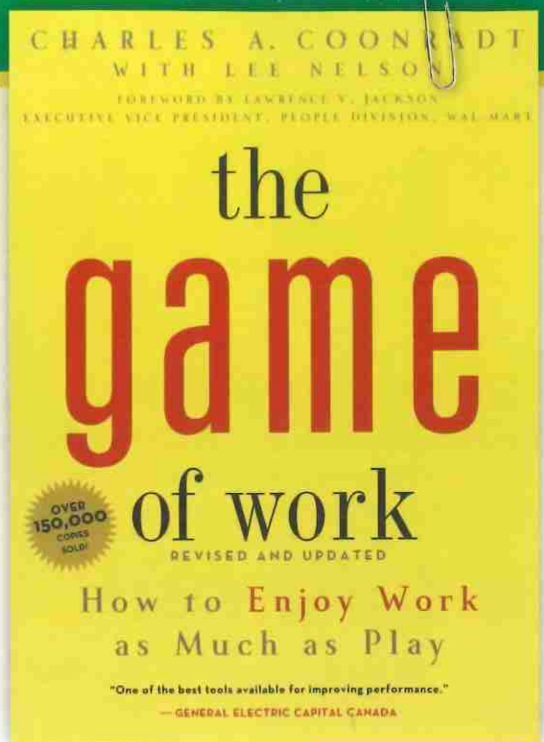
- Written in succinct terms
- Original
- Positive
- Challenging yet attainable

And perhaps most of all... *goals must have a deadline.* If everyone knows what the stated goals are, and how their activities and metrics play a role in achieving the goal, then your firm will work together in a more cohesive manner for a common purpose.

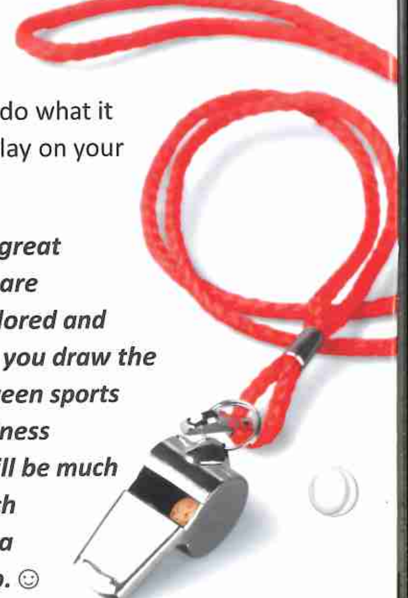
Hiring for Your Sports Team

Achieving your goals is a much easier endeavor if you have solid athletes on your team. In general, you're looking for:

- Coachability. How receptive are they to coaching and feedback and their score, and how do they take that feedback and make efficient changes?



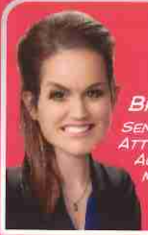
- Attitude. You can't outcoach a bad attitude, and you don't want negativity swirling through your firm like the plague.
- How good of a teammate they are. Assists are just as important as points made.
- Past winning behavior. Do they have a track record of success?
- Skill. One must have a degree of natural skill, such as organization and knowledge, but they must also be willing to drill and hone their skills for continuous improvement.
- Work ethic. Are they willing to do what it takes to play on your field?



Sports are so great because they are universally adored and uniting. Once you draw the analogy between sports and your business strategy, it will be much easier to coach your team to a championship. ☺

Happily Ever After

What it's like to be a lawyer married to another lawyer



Britney McDonald
Senior Associate
Attorney & Mediator
Accredited VA Attorney
Member of the CAVC

Married to your lawyer. That's me, he is mine. I married a lawyer, and yes, I have heard all of the jokes and warnings about marrying a lawyer, much less another "shark" when you, yourself are one.

We Aren't that Bad.

I kid. To be fair, we aren't all "sharks," lawyers are simply people trained to think differently than most others, and we all have different personalities. People often ask me what it's like to marry another lawyer—most cringe at the thought of a marriage full of argumentative one-uppers. I happen to know about 9 or 10 happily married lawyer-couples, personally, and hear about others like us often. Either they met in undergrad, law school, traveled around in the same circles and succumbed to the inevitable, or they just simply worked together at one point early on in their careers—most of us find the common ground in our careers more than refreshing—it's comforting to date and ultimately commit yourself to a person who understands you, your challenging academics, and what you face every day and week.

The McDonald "Meet Cute"

In my case, my husband and I knew of each other in undergrad at Baylor University, had the same friends, and ended up in the same section in law school 1L year (GO section B, STCL class of 2012!!). Not kidding, he helped me carry my 50 lb box of the semester's textbooks on the first day of orientation. Being already familiar, we naturally rallied together as we faced the straight confusion and turmoil that that first year of law school brought us. Luckily for us, our personalities complimented each other. So here we are, two lawyers, in our 6th year of practice, 5th year of marriage, one working for the people, one working for the man (he is a defense attorney, I'm not working for the man, I'm working for Marc, and we are working for the people!).

The Bad.

I'll admit, there are components to our relationship that I have to believe other couples do not constantly face. Lawyers tend to have solid, reasoned opinions and don't relinquish those easily (e.g., our daughter's name). No lawyer likes to lose an argument, so you can imagine how trivial disagreements can be in our house. We are two strong willed people and we lay the ground work for our own positions in a big way. Luckily, most of time we give the other the benefit of consideration and end up reaching some agreement. I imagine most non-attorney couples argue differently.

In our careers, we have each had different positions at other firms. Throughout some of those periods in our lives, things did get difficult when one of us had a more demanding job, working long hours, even weekends, without any real chance for continuous communication. Those times were hard. The fact that work always came first was a hard reality to swallow, even while knowing that the foundation of our relationship is strong. Yes, juggling a family and career, especially two highly demanding, mentally, and at times emotionally exhausting careers can be difficult. I, however, remain convinced that the "bad" is heavily outweighed by the "good"!

> *"I'd like to dial it back 5% or 10% and try to have a vacation that's not just e-mail with a view"*
>
> *– Elon Musk*

The Good.

Aside from the more obvious jokes (demanding "Habeas Corpus!!"), there is quite a lot of good in the dynamic of our relationship that holds true for most lawyer-couples.

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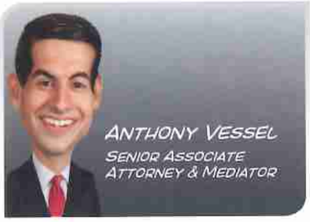
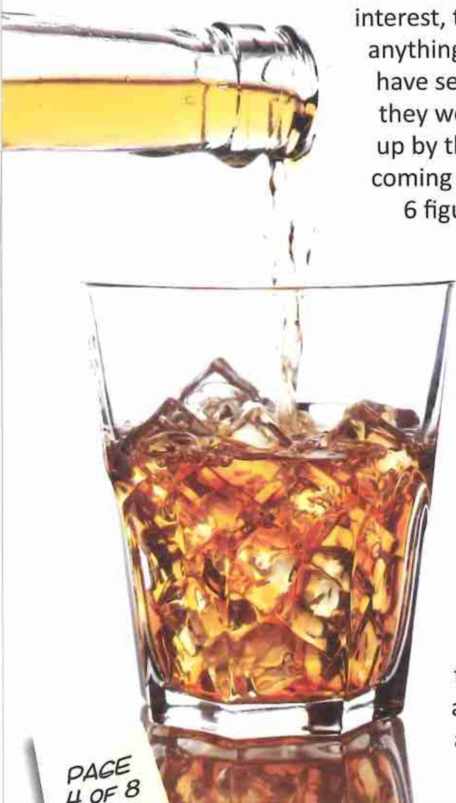
Student Loans...



Pass Me the Bourbon

Today's topic is student loan debt, or as I refer to it "the house I pay for but don't get to live in." Instead of paying the note of a nice new home, or a sexy red Ferrari, we have these lovely loans to crush our financial and materialistic dreams. With decades of deregulated academic costs, and loans soaring upwards of 8% or 9% interest, these behemoths aren't anything previous generations have seen or dealt with when they were "pulling themselves up by the bootstraps." We up and coming attorneys have to fork over 6 figures for the damn boots before we get any bootstraps to even pull.



Now hand me a nice bourbon and I could sit and carp about student loans all day (I often do.) Nevertheless, this article was aimed to provide some quick considerations on how to start carving up this parade of elephants we've got to eat one bite at a time. BIG DISCLAIMER: I am a plaintiff's disability attorney and am in no way qualified to give financial advice. (In fact, I just spent over $50 on patches and tailoring for my 2017 World Series Champion Houston Astros Jersey.. Go Stros!). This article is meant to provide topics of consideration, not specific legal or financial advice. Now some areas to consider:

#1. Refinancing-

There are a lot of private companies out there that offer refinancing options to consolidate loans and offer reduced interest rates. However, it's worth looking into a co-signer, because if you don't have one, I've seen that the interest rate won't drop too much. Also, when you consolidate/refinance through a private company, your loan could lose its federal student loan status, and the protections that come with it. Choose wisely and ask a lot of questions before going this route.

#2. Public service jobs-

Some public sector occupations allow for loan forgiveness after a certain period of time. Of course, you have to make payments until you fulfill the time requirements, but if your career path aligns with a job that offers loan forgiveness, it could be a match made in loan repayment heaven... I sound like a total (oxy)moron

#3. Tokens-

Be strategic about your extra payments. Tax season or year-end bonus time are particularly cheery times for me. I go to the liquor store, buy a bottle of bourbon, then get my laptop fired up to dump the rest of my hard-earned extra cash into Fannie's fat pocket. However, my loans have "tokens" which are like micro-loans within a single loan. If you can pay off tokens individually (instead of spreading loan payments evenly across all your tokens evenly) you can proportionally reduce your interest rate with each token you kill off. Happy hunting.

#4. Snowball method-

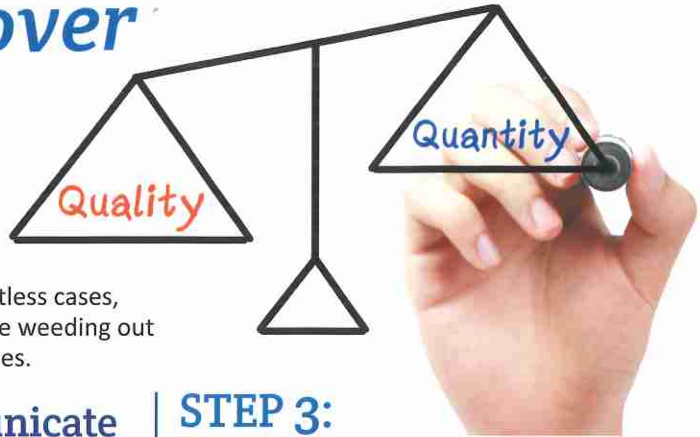
Assuming you're a poor shmuck like me that has to knock them out the good old-fashioned way, read up on strategy. You should consider putting most of your resources into the smallest balance loan or, ideally, the one with the biggest interest rate. Then once paid off, roll what you were paying from the paid off loan into the next smallest balance/highest interest rate loan to build momentum and to cut down on principle growth.

#5. Have rich relatives-

If you have rich parents or relatives, be nice to them and ask them for money... then tell them to send me some. Oh, and some bourbon.

Watch out for the dreaded "gift tax" though. Even if your folks pay off your loans and then accept your payments for the principle, if they don't charge you interest at a comparable market rate, that could be considered a "gift" and we all know Uncle Sam always gets his cut. ☺

Adopting a Quality over Quantity Mentality



Downsize Your Leads Funnel & Make More Money Doing So

It's no secret that y'all are "go big or go home" kind of people, and legal vendors are more than happy to cater to this mentality. My email inbox is littered with messages from the latest and greatest lead generation machines, promising me 500 Social Security leads for $3000 a month or exclusivity in the disability category accompanied by an avalanche of leads as a result.

Problem is, that's not appealing to me and not worth my time to vet if that's the sales proposition they are using to reel me in.

I'm sure that lowering your lead volume may seem intimidating to some, but I can promise you that taking a few strategic steps to downsize your funnel will reap a multitude of benefits in the end.

STEP 1: Analyze Your Most Profitable Cases

Establish the common denominator(s) between all your best cases:

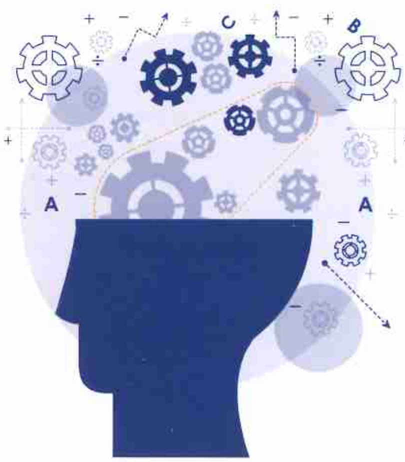
- *Do they meet a specific age criterion?*
- *Did they all come from a specific referral source?*
- *Do these people live in a specific geographic region?*
- *Is there a target market that is more valuable to you than others? Thinks housewives versus truck drivers versus doctors.*

After analyzing your best cases, write out all the criteria one would need to meet to even entertain your interest. You want to establish criteria narrow enough to weed out the fruitless cases, but not so narrow that you're weeding out winnable yet challenging cases.

STEP 2: Communicate Your Criteria with the World

This isn't Maw-Maw's secret spaghetti sauce recipe your wife is hoarding until she's 6 feet under. Communicate your criteria!

Save the most thorough explanation for your intake staff and those who have decision-making authority on case acceptance. Explain what they're looking for, and why. Then have someone who is monitoring case reviews like a hawk to ensure your criteria is appropriately implemented.



Less thoroughly, share your criterion and the "why" behind it with your referring attorney network. They don't necessarily need to have the recipe to the secret sauce, but it would be a waste of both of your time for them to send you leads that don't even remotely meet your standards.

Establish your top 5 have-to-haves and communicate it with the annoying leads generation vendor who is salivating to make you their next client. If they can't accommodate your needs, then adios. There are plenty of other marketing tactics that can be leveraged to find your needle in a haystack.

STEP 3: Review and Re-Evaluate

Unfortunately, in a contingency law firm, we are not going to know if tightening up our intake criteria leads to an uptick in profitability until months (and sometimes years) down the road.

But there are ancillary benefits that arise out of prioritizing quality over quantity, including:

- *Increased efficiency from your intake staff when triaging incoming leads*
- *Increased efficiency from your intake staff when extending contracts and following up on them*
- *Better client experience once they come into the firm as clients. Most client dissatisfaction arises from unrealistic expectations, and this can be mitigated from the inception of their relationship with your firm.*
- *An increased ROI on your advertising spend.*
- *Higher employee morale*

> *"Summer vacation: where you drink triple, see double and act single"*
>
> *– Unknown*

This isn't a set it and forget it strategy. You're encouraged to discuss and re-evaluate your case criteria as time goes on to improve it for your needs and goals – after all, I'm sure Maw-Maw's secret spaghetti sauce didn't include actual wine in the sauce. ☺


Madison Donaldson
Associate Attorney

THE 5 DYSFUNCTIONS OF A TEAM

Teamwork is a major key to a successful business, but forming a cohesive team is HARD. Often times we find ourselves becoming complacent with the drama and toxicity of a dysfunctional team. Patrick Lencioni's book, The Five Dysfunctions of a Team, aims to dispel these inadequacies and help team leaders form a functioning and efficient team.

Lencioni lays out the 5 dysfunctions in a triangle. The first dysfunction is the base of the triangle, and each dysfunction plays off the dysfunction before it. Thus, the first dysfunction is the most important, mastering it will set your team up for success with the other four. So, let's start at number 1.

#1 ABSENCE OF TRUST!

"Team members who are not genuinely open with one another about their mistakes and weaknesses make it impossible to build a foundation of trust." Team members should trust their teammates to have the team's best interest at heart. When team members look out for themselves first and foremost, and not the team, trust breaks down, people start hiding mistakes, and there is no safe place for members to air ideas or complaints without fear of retribution.

- **Practice tip:** Before each meeting, take some time for members to complement one another. This helps build comradery and morale. You can also have each team member discuss their perceived strengths and weaknesses. By having team members open up and be vulnerable, they will see the positive responses and support they receive from other members and will build the trust between them.

#2 FEAR OF CONFLICT.

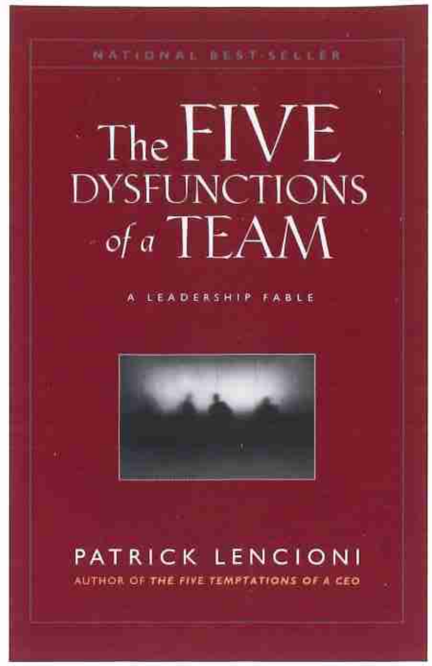
"Teams that lack trust are incapable of engaging in unfiltered and passionate debate of ideas. Instead, they resort to veiled discussions and guarded comments." An environment which lacks trust makes it impossible to give or receive constructive criticism because team members will always think they are being thrown under the bus. When trust is established, the team members will know that any criticism is coming from a good place of wanting to fix mistakes or mend broken systems. Additionally, when a team is incapable of having a productive conversation about new ideas, the team leader or manager might shy away from having such conversations (totally guilty of this one), which leads to our next dysfunction...

- **Practice tip:** shut down any negativity during meetings. If a comment is made purely to embarrass a team member and has no positive impact on the discussion, stop that person in the middle of their sentence and make it clear that that kind of negativity is not acceptable on your team.

> "A vacation is what you take when you can no longer take what you've been taking"
>
> – Earl Wilson

#3 LACK OF COMMITMENT.

"Without having aired their opinions in the course of passionate and open debate, team members rarely, if ever, buy in and commit to decisions."



Fearing conflict among team members and opting to spring changes on your team instead of giving them a forum to discuss their thoughts and objections will lead to your team feeling as if they had no part in these changes (because they didn't!). When I was little I wanted to dress myself. The problem was that I put together outrageous outfits that completely embarrassed my mom in front of the other parents. Instead of simply picking my clothes for me, my mom would give me two options and let me pick. I still felt like I was in control of what I was wearing, and my mom didn't have to drop me off at school with a bag over her head. The point is, giving your team input and really listening and addressing their concerns will leave them feeling invested in the new changes and will make it easier for your team to commit to them.

- **Practice tip:** Encourage your team members to bring any ideas they have on changes the team could make to a team meeting. Facilitate positive and respectful discussion and make team members for and against such changes defend their stances to you without attacking the other person.

#4 AVOIDANCE OF ACCOUNTABILITY.

"Without committing to a clear plan of action, even the most focused and driven people hesitate to call their peers on actions and behaviors that seem counterproductive to the team." If a team member doesn't fully adopt a change or plan of action, they are way less likely to do what needs to be done to ensure the plan succeeds, including holding others accountable.

• **Practice tip:** Hold yourself accountable!!! Any changes MUST be exemplified by the leaders at the top.

#5 INATTENTION TO RESULTS.

"Inattention to results occurs when team members put their individual needs or even the needs of their division above the collective goal of the team." This puts a nice little bow on our triangle and brings it full circle. If you don't trust your team to be putting in the same effort as you, or to have the same passion for the job, you stop focusing on team results and focus only on your individual results. This breeds competition within a team (the unhealthy kind) which there's not enough time in the world to discuss what this does to the functionality of a team, and makes it quite difficult to reach team goals.

• **Practice tip:** set up a bonus system that revolves around team successes, not individuals.

This book is a must read, not only for team leaders and managers, but for anyone that is part of a team, period. Creating a functioning team starts with becoming a better team member yourself, and this book is just the place to start. **Good Luck!** ☺

"I'm going to recuse myself because I could really use a few days off."

As I mentioned above, our stressful, deadline driven, client-focused lifestyles mirror each other's, making them familiar and comfortable. We can lean on each other when we get stuck and edit and perfect each other's work. We bounce ideas off each other and provide support where we can.

We compare court stories, experiences with judges, trade ideas on how to improve our approaches, and how to deal with co-workers and opposing counsels. Hey, studying together over late, late hours was pretty fun in law school, and man, you know you've found your mate when he has seen you at your absolute worst and still loves you and finds you attractive (I'm talking gross hair, four days from a shower, obsessively stress-eating sweet tarts while reciting torts and the intricacies of personal and subject-matter jurisdiction; on that note, hello Pennoyer v. Neff a, and International Shoe as a baby law student, what fun). Sometimes, I find it feels like my husband is an extension of me doing different areas of legal work in Harris County because we share a common love for law and our own clients. Some of the most fun I have at work is when our paths cross or are in the same courthouse for a morning. I love including him in on what I do, because I am passionate about it, and he supports me in my endeavors and takes pride in my zealousness and achievements.

Because we each know what the other is generally dealing with, we can pick up the other's slack and try to make this often stressful lifestyle a little less so when it comes to being an advocate, employee, homeowner, neighbor, parent, friend, and spouse. We have developed a system to tackle it all and still somehow have time to enjoy life with each other.

With trust, respect, love, and a whole, whole lot of humor, we are actually making this whole crazy vocation work for us. Our life is busy, but I wouldn't trade it for anything else. ☺

Lawyers Need a Laugh!

Summer is here and vacation season is upon us. If you need help deciding where to go, read on for some awesome ideas from the team at MWA.

Marc: *I enjoy spending time at a Dude ranch with skinny horses for my old hips, or cruising to Little French Key off of Roatan Honduras.*

Best of all, neither have internet.

Anthony: *I'm in a two-way tie between skiing in the Rocky Mountains and hitting the ranch to wrangle some hogs with my hunting buddies. Something about flying down a mountain at breakneck speed and tracking nasty stinking varmint through the woods really brings me back to center.*

Best of all, no internet to be had in either location. Or if my phone rings or buzzes I can just shoot it.

Britney: *Always, my favorite vacation spot is at my family's house on the beach in Seaside/Watersound, FL.I spent summers working there at the beach with my brothers and now our families gather there several times a year.*

Best of all, it's a utopian, no worries, breeze in your hair kind of place where you can truly relax, unbothered by constant phone calls, social media, and the internet—mainly because of the tin roofs blocking the signals.

"I'm all out of exotic vacations but I can grant you a pile of clutter and an unreasonable deadline."

Madison: *My favorite vacation spot is the lake house up in Livingston, TX. It's nice and quiet, you can take the boat out when it's warm, and sit by the fire when it's cold. I love sitting on the porch with my puppy, a cup of coffee, and a good book that has absolutely nothing to do with the law.*

But best of all, THERE'S NO INTERNET, so no, I can't respond to your 1,000 emails, sorry 'boutcha.

Natalie: *The most magical place in Texas is Big Bend National Park. It offers stunning views, interesting and challenging hiking trails, and the stars at night are big and bright (deep in the heart of Texas).*

Best of all, Marc can't find me because all cell phone and internet service cuts out an hour before you enter the park. ☺

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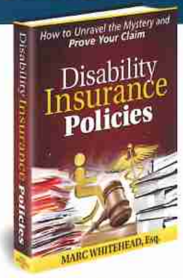

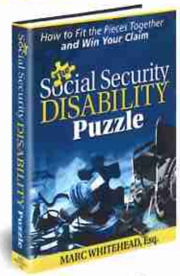

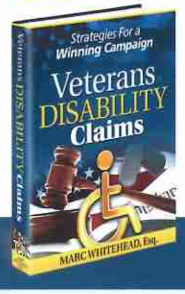

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