

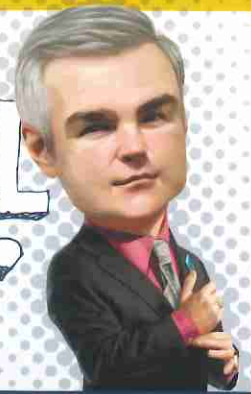
Jul/Aug 2018

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

Vol. 4

Issue: 04

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



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

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Look no further than the pages of this, the July/August edition of **The Successful Barrister**. This issue we are delivering some valuable lessons on how to make more money and are educating on all things law and marketing. If anyone else wants in on this superior substitute for an MBA, please drop me a line at marc@marcwhitehead.com ☺

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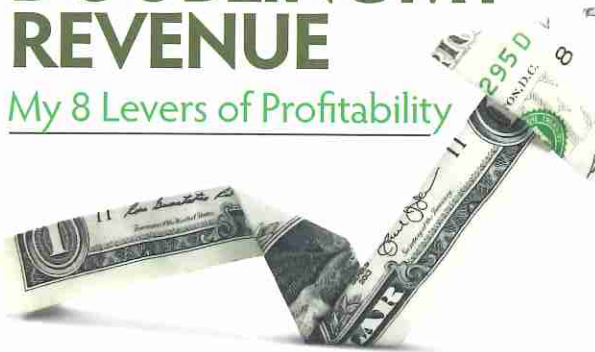
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MARC WHITEHEAD
BOARD CERTIFIED - PERSONAL INJURY TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
BOARD CERTIFIED - SOCIAL SECURITY DISABILITY LAW
NATIONAL BOARD OF SOCIAL SECURITY DISABILITY ADVOCACY

DOUBLING MY REVENUE

My 8 Levers of Profitability



Thinking back on some of the most productive programs I have ever attended, I can't help thinking that the "Double Your Revenue" (DYR) workshop conducted by Atticus is one of the best. In fact, it was so good that I have attended twice, first in 2010 and again in 2015. And yes, each time I was able to double my revenue within about three years.

BRAINSTORMING

The first part of the program was to do a self-assessment of what was working for you, what was not working for you, what the good news is and what was the bad. Then began the ideation or brainstorming process.

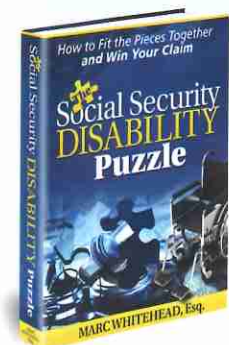
The rules were simple:

- Give yourself permission to have really bad ideas
- There are no wrong answers
- Think BIG!
- Do not edit your thoughts
- No idea is stupid
- Don't try to remember it, write it down

We were taken through a series of brainstorming sprints on 17 or so different levers of revenue.

CONTINUES ON PAGE 2

FEATURE BOOK



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

PAGE 1 OF 8

As primarily a contingency fee lawyer, some applied to me and others didn't. Some were exciting revelations, others "been there done that."

In the end, I found the following eight concepts that really worked for me:

LEVER 1 - INCREASING THE AVERAGE FEE PER CASE

As a contingency fee lawyer, particularly one with a large docket of Social Security Disability claims, it was difficult to see how I could increase my average fee per case.

For those who don't know, attorney fees in SSD cases are capped at \$6,000 per case. I had always worked under the assumption that the only way to increase revenue was to increase the volume of SSD cases we accepted. However, a close evaluation of our SSD docket revealed that we devoted a large amount of time to poor quality cases that couldn't be won. 25% of nothing is still nothing! Further, we were carrying a lot of cases that couldn't possibly reach the \$6,000 cap.



To a lesser extent, I found the same thing with our disability insurance and veterans disability claims. The short answer, I can't be everyone's lawyer. I had to become more selective in the cases we accepted. I did, and our average fee shot up without any extra work or expense on our part. It's sometimes hard to say no, but it is necessary. I suggest reading the book Necessary Endings by Henry Cloud to really bring this idea into focus.

LEVER 2 - PRICING STRATEGIES

Along with increasing our average fee, we came up with new pricing strategies for our non-contingency fee work. I avoid hourly work like the plague. I always lose money when I work hourly. I suck at billing. I just want to get results. So, we came up with a series of bundled service offerings with set progressive flat fees. Clients loved them. They loved the certainty. I loved them. You'll love them. Trust me!

LEVER 3 - STRATEGIC DELEGATION

The concept is simple. You should only spend your time on things that are the "highest and best use" of your time. Everything else should be delegated down to a lower cost employee or outsourced to a competent vendor. This applies to all members of your firm. Paralegals should delegate to clerks and so on. As a leader of your firm, your highest and best use is to strategically manage, and marketing the

firm and make the complex decisions necessary to represent your clients. Everything else can be delegated either to your All-Star Team or outsourced to appropriate vendors. In other words, just

because you are good at it doesn't mean you should do it.

LEVER 4 - HIRE AN ALL-STAR TEAM

Directly related to the concept of strategic delegation is hiring an All-Star Team. You want to delegate to the A team, not the B team. If you don't have an All-Star Team, you will become hesitant to delegate and the whole concept will die on the

vine. Put your best people on your best opportunities, not on your worst problems.

LEVER 5 - MAKE USE OF TECHNOLOGY

Most lawyers make poor use of their already existing technology. I was no exception. Our case management system has remarkable capabilities, but if you and your staff don't understand its full capabilities, you and your clients will never realize the benefits.

In short, you don't know what you don't know. Well it's time to find out.

Most software vendors offer in-person or online training programs and the cost is well worth it. But don't stop there. There are other technologies out there that you don't know exist. Spend the time and effort to research the technology out there by going to the exhibit hall at conferences or, at the very least, Google it.

LEVER 6 - FOCUS MANAGEMENT/ INCREASED EFFECTIVENESS

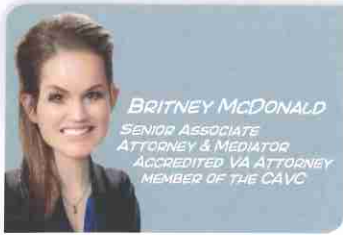
You often hear the term "time management" but, as they say, "time waits for no one." The reality is you can't manage time, you can only manage yourself.

A better term to use is "focus management." Focus management starts with understanding what priorities you should be focusing on. As a law firm leader, your priorities should be strategic management of the firm, developing firm systems and processes, marketing and making critical client decisions.

Once you understand your priorities, schedule them on your calendar and stick to it. Your effectiveness will be doubled and so will your revenue.

LEVER 7 - MARKETING

A no-brainer, right?! You can't double your revenue without bringing in higher quality clients. You can't bring in higher quality clients unless you market yourself and/or your firm.



UPDATE: Work-Life Balance as a Mother with a One Year Old.

As many of you know, I have been navigating the waters of full time professional work as an attorney and being a mother. Please hear me: I realize being a mother is nothing novel. Our mommas have been around since the beginning, and at least since the 1960's with more and more women joining the workforce and taking on these dual roles in their households, ladies have been both struggling and dominating in their careers and their duties as a primary caregiver. I know many you receiving the Barrister are women or at least work with one who is also a mother. So, in the hope of giving advice to new moms, helping the seasoned moms get a laugh, or simply to enlighten those of you who still don't have a clue what the working women in your lives deal with, I write to you all. As "Elle" is about to turn one in July, I thought it would be a great time to give an update on what I wrote as I was transitioning back into the demanding world of work with an extra-tiny daughter at home. I can honestly say that the cliché "it takes a village" absolutely rings loud and true.

It Takes a Village

While I may have better days than others, I have been able to find a balance that works well for me to be successful in juggling the demands of both my professional and home life. However, it certainly would not be possible without the many people embracing my family while helping to take on our revolving door of basic needs, responsibilities, whims, stress, and the somehow unforeseeable issues that inevitably arise. While several special family members and friends help directly by caring for Elle when I cannot and taking care of me when I can only care for her, most of the people I depend on in navigating these times help me (us) by showing a little understanding and patience with my newfound responsibilities.

The Team Player

I rely greatly on my husband to share the day to day responsibilities and logistics of having a child. Don't get me wrong, I would love to say that I'm superwoman and handle everything effortlessly or even on my own. My pride for being that strong type of lady has long disappeared. As soon as I was working I quickly relinquished it with the understanding that you CANNOT do "mother" and "attorney" all on your own. Most

people have a strong support system; I have my husband who graciously splits the responsibility with me. He is much like myself, a full time practicing attorney whose work schedule often dictates how we will handle each day. Sometimes one of us has an early hearing or court appearance, which means that the other person needs to be the one who waits for the nanny to arrive at our house, and we are lucky that both of our jobs allow us the ability to do so.

The Nanny Who I am Sure Didn't Know What She Was Getting Into, but is AMAZING

This brings me to the next person who provides immeasurable support in our day to day lives, our nanny. This person has become a part of our family; a part that keeps our family going and let's us lean on her when work and family things collide. Being an attorney means that I don't work exactly set hours every week. We are constantly updating our nanny's daily schedule to fit with our work schedules which can mean coming early in the morning or staying late in the evening. The text messages between the nanny and my husband and I are part picture updates and part updating each other on our schedules, hearings, and plans. We are truly blessed to have found a nanny that is completely understanding of this issue and is able to handle our variable work schedules with ease. Without her, we would have a very difficult time making this all work.

Though my parents don't live in Texas, I get support from them in the form of many visits to come see their granddaughter and general advice. Looking at how they were able to build a life with 3 children gives me all the motivation I need to continue doing what I'm doing for my family.

I also rely heavily on my friends and coworkers in town who have children.



"My recollection is - and I'd have to confirm this - but I don't recall paying any money to go to law school."


- Joe Biden

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5 Crazies

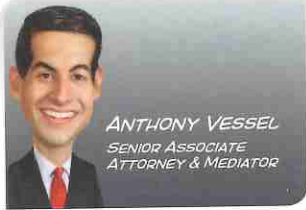
They Didn't Teach You About in Law School



So you've finished your final semester of finals, then you study for months and crush the bar exam! "Welcome to the bar" they say! "I'm now entering a temple of professionalism and learned barristers" you assume.

Then you turn your keys to the door, take a step in, and realize you're being fitted for your straight jacket, because our profession can be a down right looney bin sometimes.

If you can't already tell, this article offers very little in the way of enlightenment or helpful information. It does however, contain some of my top hits for craziness in the legal profession so feel free to enjoy and commiserate.



| Crazy Clients

In law school they taught you how to research, write, and interpret the law. They did not teach you how to communicate with an unreasonable person whose best interests you dutifully serve, despite their greatest efforts. It seems like everyone becomes Atticus Finch (*more like Charlie Kelly*) once their name is on the style of the case.

Do you ever feel like Jerry McGuire with your clients? Your inner-monologue screaming "Help me... help you!"

How about when you win a client's case, timely and professionally securing a maximum recovery and they still try to slap you with a grievance?

A good mentor once told me that you're not a real lawyer until you've had someone try to file a grievance against you. Well, thanks to a dear former client of mine, I'm officially an attorney. Hurray.

| Crazy Opposing Counsel

I've heard the practice of law described like a doctor in surgery, but after every stitch sown, another evil doctor is waiting with a scalpel to undo it.

Contrived gamesmanship, taking weeks for a 2-minute email response, delaying settlement or a joint filing needlessly, or just down right lying through their teeth... all these puzzling actions and more are head scratchers my professors never covered.

| Crazy Judges

I don't know what they put in the coffee pots down at the courthouse some days but boy, have I had some strange experiences.

At a scheduling conference, I had a federal judge project her anger at me because opposing counsel completely forgot about the conference. Then the judge ordered me out into the hallway to track down the space cadet and told me not to return until I had her on the phone, as if I was her keeper.

I've also been before judges who were subscribing to a "liquid diet" for their lunch... and presumably breakfast. In a Social Security Disability hearing, one of my favorite judges decides to routinely yell at and demean claimants (*generally for being poor*) and the only way to get him to stop is to yell back at him so he directs his anger at you.

Which I know is ill-advised, but curiously effective.

| Crazy Bosses

I have ZERO experience with this. My boss is 100% certifiably sane and doesn't peddle some weird lawyer rag to feed his ego. Doing great, Marc!

| Crazy Staff

Going back to the parallels to the medical world, just as surgical teams assist surgeons, legal staff assists the attorneys... in theory.

"Law school teaches you one thing above all: how to speak while saying absolutely nothing."

- Krysten Ritter

I clerked at a firm during a summer in undergrad, and on my first day they were cleaning out the desk of a woman who just stopped showing up that week. Among other treasures, including half of Costco's snack section and white wine cleverly disguised in a water bottle, they found the runaway paralegal kept more weapons at her desk than Dwight K. Schrute.

BONUS- I added two night sticks to my arsenal that day. ☺



NATALIE HIGHTOWER
MARKETING & INTAKE
DIRECTOR

My **F** in Marketing

When asked about one's profession, people are most likely to rattle of their greatest accomplishment and all the benefits that poured in as a result. **I'm here to tell you about how I failed miserably.**

Many years ago, I was a marketing manager for a regional foundation repair company who had been in business for over 80 years and offered a lifetime warranty on their work.

A woman used the company when she and her husband were a newlywed couple in the 1950's. Now an elderly widow, she needed to repair her home and sell it. She called in the lifetime warranty (which was handwritten), and our company honored the warranty and performed the work for free.

To make a good story even greater, a current vice-president of the company was the son of the salesman who sold her the work and the warranty back in the 50's.

This was truly marketing gold, and I botched the opportunity.

My boss wanted me to go out and interview the woman, film it, and we would repurpose the video on our various marketing channels. Armed with only a half-charged smartphone, I drove an hour out to this woman's home to film.

I asked her my questions, filmed her responses, snapped a few photos of her home, and drove back to Houston.

When I got back to the office and uploaded the footage to our computer, my boss could barely conceal her

horror. The lighting was awful and dark, you could barely hear the woman, and worse the footage was so shaky.

Shaky is being generous. I don't know what the hell I was thinking. I'm literally turning red as I'm typing this article, reliving the episode.

As the woman was elderly and going through a lot of life changes, we decided it was best to not go out and reshoot it. The good that comes out of this story benefits me as a marketer (and you as a reader...).

What I learned:

Preparation is Key.

This is probably a no-duh, but here are some things I would have done differently:

- Charged my phone
- Practiced filming in an actual house rather than the office.
- Assessed any technology needs I might need. **Like a tripod.**

Mapped Out My Content Strategy.

Aside from the primary purpose of filming the video, I should have assessed how we were actually going to use the video.

- Blog
- Social Media
- Email blast
- Landing pages
- Press release

Never is a singular piece of content suitable for deployment as-is on all these channels, so deciding how it would be used would have helped me formulate better questions, film in a different manner, request supporting interviews with the

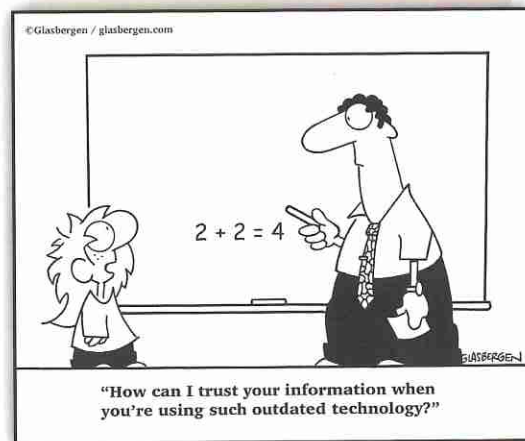
aforementioned VP, the crew working on her home, the employee who processed her warranty claim, etc.

Request Budget

At the time in my career I was a tactician and not a strategist, so it didn't even occur to me to ask for budget or for additional support for the task at hand.

Outsourcing the complete project to our agency would have been a pricey endeavor (although now, looking back on it, I think the expense would have been justified). A few things though that would have helped:

- Outsourcing the editing
- Asking for another employee to come with me on the day of the shoot.
- An hour consult with our agency with ways to use the video
- The purchase or rental of more sophisticated equipment to use. Or at least just a tripod...



The next time an opportunity like this falls in your lap and you think to take advantage of it, really think it through. Something that seems so small and so easy to complete could really cost you in the long run.

Also, I hope by this point Marc isn't reading this article thinking, "Why did I hire this idiot who didn't even think to charge her phone or bring a tripod?" 😊

OOPS!



MADISON DONALDSON
ASSOCIATE ATTORNEY

My 3 DAYS at TTLA's Trial Advocacy College of Texas

In April, Anthony, Britney and I spent 3 full days at TTLA's TACT College which was basically 3 days of baptism by fire for me. In April I had barely been licensed for 6 months. I had never conducted voir dire, given an opening statement, or crossed a witness; by the end of TACT, I had done it all.

TTLA describes TACT as a "no-holds-barred, hard-hitting trial 'boot camp' designed to test your trial skills and prepare you for battle in the courtroom" and honestly, that's putting it lightly.

TACT is designed to simulate the tumultuous experience that is trying a case in front of a jury. There are very early mornings and even later nights, surprise motions to argue with little to no time to prepare, and so many curveballs thrown at you that the chosen venue of Minute Maid Park begins to make more sense. However, behind the ensuing chaos is a STACKED faculty that honest-to-goodness cares about teaching each student and molding them into better trial lawyers.

TACTS isn't just for baby lawyers though; in fact, the students pretty much ran the gamut as far as age, experience, and skills. I was definitely on one end of the spectrum but learning alongside older, more experienced lawyers only causes one to step their game up. There really is no reason every single trial lawyer in the state of Texas shouldn't attend this program at least once in their career. Here are the top 3 reasons why:

#1 THE EDUCATION

During these three days you are systematically stripped of all your bad habits and hesitations about "performing" in front of your peers or a jury. Then, this incredibly talented and caring

faculty work to build you back up to better than you were before. The three days mimic the process of a trial, starting with voir dire and opening statements, and proceeding through witness examination, cross examination, closing statements, and a few little easter eggs thrown in for good measure. At every step along the way, you are given live feedback from the faculty members observing you. They help with everything from body language and nervous habits, to the content of your opening and closing statements, to strategies on how to get exactly what you want out of a hostile witness. There is just no other program short of a mock trial team in law school that allows licensed lawyers to learn in this sort of environment.

#2 THE FACULTY

The faculty is impressive to say the least. They are all tried and true trial lawyers with résumés for days. However, the most extraordinary thing about this group of people is how they are all dedicated to sharing all the things they have learned with the students. This is an incredibly selfless act when you think about the competitive environment in which we work.

To really exemplify what you're getting when you work with the faculty of TACT, you need to know a little about me. I am devastatingly introverted. I've worked very hard to turn this into one of my strengths as an attorney. But in public speaking, there's just no hiding it. I hate public speaking so much I was prescribed beta blockers in law school just to get through recitation and on-campus interviews.

So just imagine my panicked-self trying to give an opening statement in a room full of more experienced attorneys. Let's just say I was a hot freaking mess.

But this didn't even phase the faculty. They jumped right in and started helping me, not only with my techniques, but also with my confidence. No joke, at one point they had me giving my

opening statement while standing like Superwoman to boost my confidence.

By the end of the 3 days, there was a noticeable difference. I was still sweating like a pig while standing in front of everyone, but I also knew that trial work was something I could be good at one day.

#3 THE NETWORKING

Finally, the networking. As much hot air as I've just blown up the skirts of the TACT faculty, the other students deserve the same.

Being one of the younger attorneys there, I could learn something from just about every other student I was grouped with, and they were all willing to share. During the closing argument phase, I got up to give mine with a defeated kind of attitude. It was the last day, I was tired, and frustrated with my performance thus far. I mumbled through my statements just ready to get it over with.

But after I was done, every single student in the room found something positive to say to me. While there was plenty of room for improvement, they made me realize I wasn't completely hopeless and, in fact, had a few things I should really be proud of. When I got up to give my closing a second try everyone noticed I was holding my head a bit higher and speaking with more confidence. That, in a nutshell, is what TACT is about.

At the end of the 3 days, you are sitting with the other students and (I know this sounds dramatic) you feel like you've been through a battle together. It's a weird bond that will follow you to each TTLA and CLE event you'll go to throughout your career. You'll see these fellow students at events and have immediately start regaling the trauma that was TACT. It's like a secret club within TTLA.

What are you waiting for? If you're a trial lawyer in the state of Texas you need to go sign up for the next TACT college right now. No excuses, play like a champion. Join our club.

Also, we have booze. ☺



However you choose to market yourself, it will take your time (*i.e. focus management, technology & strategic delegation*) and money (*i.e. increased average fee & pricing strategies*). Get an ATM mindset, "always think marketing."

LEVER 8 - EFFECTIVE IMPLEMENTATION

Effective implementation starts with a written plan with deadlines and accountability. I suggest a planning retreat and possibly even a business coach. Don't be afraid to involve your spouse, partners and key staff. What is obvious to you may not be obvious to your team. Share it. Create a time budget, a financial budget, assign project leaders, find outside help and, above all, set a target completion date.

"The mark of a true MBA is that he is often wrong but seldom in doubt."

– Robert Buzzell

WARNING!

Doubling your revenue may not correlate to doubling your profit! However, it's been said, "*people can only see as far into the future as their current cash flow allows,*" and revenue equals cash flow. Managing your increased cash flow correctly can move you towards increased growth and profitability. The levers needed to support and grow your firm may be different than mine, but investing time in brainstorming these levers and others will pay dividends in the long run.

IN CONCLUSION... A PLUG FOR ATTICUS

I'd like to think that my ability to double my revenue had a lot to do with me and my skills, not just the DYR program. In reality, some good fortune (translated-dumb luck) also had a part to play. In any event, DYR was a big part of putting me in position to take advantage of my good fortune.

Atticus is a business coaching program for attorneys that is designed to help increase revenue, decrease stress, and provide support to achieve your short and long-term goals. I owe much of my success to the programs and coaching received through my years of involvement with Atticus. So much, in fact, that I have now become a Certified Atticus Adjunct Advisor. Check out what Atticus has to offer at <http://bitly.com/dyrmarc> ☺

UPDATE: Work-Life Balance as a Mother with a One Year Old.

They are here to answer all my questions and ease my fears when I have concerns about my child. Some of them are also working moms, so we are able to relate easily to each others problems and stress. Spending time with them keeps me grounded.



And finally, to those you at work and to those who are in and out of our day lives in different ways. To my opposing counsels who know not to wait until the final day to settle

cases with me because I will need to leave work on time to get home to help with my baby. To my team who works with me seamlessly when I need to make an appointment or work remotely. To my local counsels and clients who offer me encouragement to get through this phase in life. The compassion you have shown this working mother has been some of the greatest help of all.

Like I said, it take a large group of people supporting me to allow me to accomplish my goals professionally and as Elle's momma. The above people and my coworkers and boss all understand that while what I'm attempting to do is difficult, it is completely possible where properly supported.



I thank all the people in my life and especially my colleagues and coworkers at Marc Whitehead & Associates for showing me support and for understanding over this past year. I am truly grateful. ☺

Lawyers Need a Laugh!

Draw lines to match the school with the description that best describes it.

The first one to email me at Marc@marcwhitehead.com a photo of their finished word match wins a prize! ☺



My town is so conservative that anyone who kisses on the mouth before three years of marriage is dragged through the center of town, stoned, and hung to death.

I am open-minded and spiritually in tune - except towards people who are closed minded and spiritually out of tune.

I don't go to many football games. I don't go to any organizational meetings. I don't really go to anything. Not even class.

I believe it is cool to do something because they tell me it's tradition; if we get drunk and accidentally do something, it then becomes tradition.

DISABILITY & INSURANCE DENIALS



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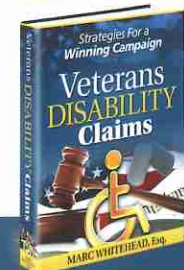
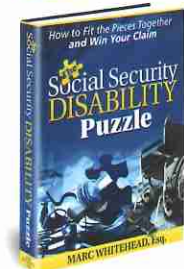
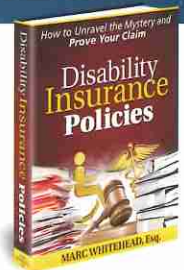
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