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

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Issue: 05

THE NEWSLETTER
YOU'VE BEEN WAITING FOR...

\$uccessful Barrister



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

Nope... not the same price as last time!



Price: ~~\$199.99~~ **\$199.99**

HAPPY HALLOWEEN!

Welcome to the latest issue of the **Successful Barrister**, witch has become so ghoo*d* it's scary. (Hardy har har).

If any one else is chomping at the bit to be included in our distribution list, send a line to Marc at marc@marcwhitehead.com ©



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MARC WHITEHEAD
BOARD CERTIFIED - PERSONAL INJURY TRIAL LAW
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BEST \$295.00 YOU WILL EVER SPEND!

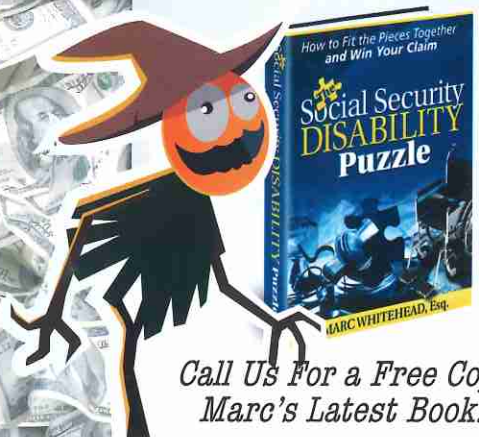
Are you working as hard as you can, but your practice isn't as profitable as it should be? Have you ever asked yourself any of these questions?

- How can I maximize my cash flow and income?
- Can I build a productive, self-managing team?
- Can I increase my firm's efficiency and get my life back?
- Can I get more clients-the kind I want to work with?
- Can I grow my law firm and reduce my stress?

These were all questions that were bugging me about 10 years ago. The personal injury practice was changing. I had relied on yellow pages to market my business for so long, I didn't know what to do when they started to go the way of the dinosaur. Tight fist insurance companies wouldn't pay fair money on cases anymore and it seemed like every case had to be litigated. That meant I was now a slave to the trial calendar. No more freedom to do as I pleased.

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FEATURE BOOK



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

PAGE 1 OF 8

Add on tort reform, conservative juries and tight cash flow and my life was one big ball of stress. I was looking for answers. Fortunately, I ran across a company called Atticus, a company that provides business training and management skills necessary for practice owners to build and maintain profitable law firms. Atticus provides programs, workshops, webinars and one-on-one coaching for solo and small law firm owners that are designed to:

- Create a true work/life balance while earning a higher income
- Reduce stress and the number of hours in the office
- Allow for more time for family and personal interests.

Atticus teaches the **"The Four Foundations of Practice Growth"** (Marketing, Time Management, Profitability and Staffing), which are the keys to creating the practice you desire. Atticus describes on their website the three different *"comprehensive, quarterly programs designed to show you how to run your practice at optimal efficiency, increase revenue and growth, and help you balance a healthy personal and professional life."*

your communication and management styles impact your business."

That insight begins with the Practice Growth Diagnostic test. For a mere \$295 investment, you can determine which Atticus program may be right for you. Or at least you learn a lot about yourself and what you need to work on.



THE 4 KEY BENEFITS OF THE PRACTICE GROWTH DIAGNOSTIC ARE:

- **FOCUSED DISC ADVANTAGE**
A behavioral profile that examines your communication and management strengths and style.
- **PRACTICE ASSESSMENT**
An in-depth examination of your firm's key operations and processes.
- **ADVISOR GROWTH ANALYSIS**
One on one consultation providing insights, ideas and recommendations for improvement.

➤ 3 MOST IMPACTFUL ACTIONS

Actions that tailored suggestions on what you can do now to move your practice forward, immediately.

IN CONCLUSION...

A Plug for the Practice Grown Diagnostic Test.

I started my journey with the Atticus program and one-on-one coaching 10 years ago. They have reshaped my thinking and my practice so much that I have now become an Atticus Certified Adjunct Practice Advisor. Check out what Atticus has to offer at <http://bitly.com/dyrmarc> 😊

"You never becoming a howling success by just howling."

- Bob Harrington

Each program is focused on lawyers at their particular stage of their legal and professional career. I am currently in the highest level "Dominate Your Market" program.

As stated on their website *"A healthier practice starts with an accurate diagnosis. Growing a thriving firm requires a deep understanding of how*



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

The Art of **SELF PROMOTION**

Whatever your gender, your position, you need the skills to effectively market yourself. Self-

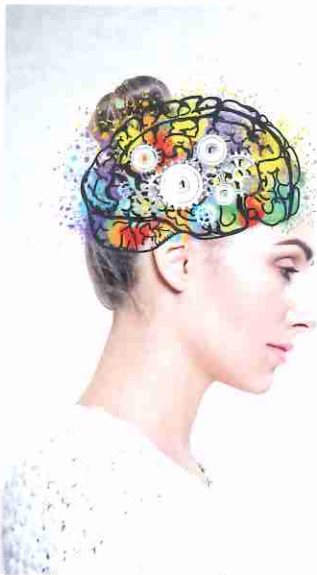
promotion is exactly that — marketing yourself to promote your interests and the advancement of your career.

However, if you are like most people, self-promotion does not come easy. It can be uncomfortable and in some cases come across as too forceful or off-putting if the “art” is not mastered. Conversely, neglecting self-promotion can have serious consequences to career advancement.

This past July, my colleagues and I attended the **American Association for Justice Annual Convention 2018** in Denver. While our male counterparts spent the day covering our court appearances (*and maybe played a little golf*), the female attorneys had the benefit of attending the **Women’s Caucus Leadership Summit**. A group of incredibly influential attorneys and judges imparted their experiences and inspirations to our group and demonstrated effective self-promotion. Knowing that not all of you were able to attend, I decided to share here the important pieces of their advice to our barristers.



It is imperative you discover for yourself how you contribute to your firm. Consider what qualities you have that you consider to be your strengths — are you good with negotiations, case law research, explaining complicated terms to clients? When initially nominating these skills, you may find it helpful to gather a “kudo’s file” or “success log” of all of your accomplishments. Keep track of what you have done for the firm or at other firms, even if you are the sole practitioner promoting yourself to referral attorneys or potential clients. This method can be incredibly effective in helping you pinpoint your talents.



Self-promotion, of course, can be uncomfortable. Especially for women and minorities, but in general, lawyers have competing interests in marketing ourselves with all of our accomplishments while not wanting to seem over proud and/or conceited. We don’t want to have to “sell” ourselves; we simply want someone to appreciate us each for our skills.

Some of us may even feel like we don’t deserve the praise we receive. Society compels women and men to view themselves in different ways and those ideas and values are often misguided or even self-deprecating. If we internalize those thoughts, we are harming our potential.

When we become uncomfortable pitching ourselves to others, those pitches can often come across as lacking authenticity, defeating the entire objective of effective self-promotion. You need to recognize that it takes serious skill to even be an attorney — and even more so to be an effective advocate for your clients. Try to own your attributes!!

When you have an objective for your self-promotion, you cannot let yourself be a self-doubter.

Know that you are worth more and make a case for yourself! Statistically, people, especially women and minorities, tend to undervalue themselves. Do some research into your area of law and geographic area — chances are you not only are underestimating what you are worth, but you actually ARE getting paid less than you are worth. Each of us needs to increase our confidence and self-worth in order to demonstrate to others we are deserving of more.

“Why join the navy if you can be a pirate?”

– Steve Jobs



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Take Me Out to the *Courthouse!* (First Inning)



ANTHONY VESSEL
SENIOR ASSOCIATE
ATTORNEY & MEDIATOR

When talking trades or transfers in baseball, or professional sports in general, I so often hear “It’s just not like the good ole days when players were loyal and stuck with their team!”

Nostalgia aside, the “good ole days” weren’t always so good. In fact, players sticking to one team for their career wasn’t always born out of undying loyalty or love for their team. Actually, players historically have had few labor rights and were treated somewhat like an asset of the team rather than an employee.

“Take Me Out to the Courthouse!” is a multi-part look at litigation and the evolution of law in baseball (and in turn, all professional American sports).

Reserve Clause

Reserve clauses were universal throughout the National League and they kept players under year to year contracts bound to the owner, who (solely) had the option to renew the player’s contract for the next year. If players tried to leave their team and the owner didn’t allow it, they were blackballed by all the other National League team owners by way of a collusive “gentleman’s” agreement.

The Brotherhood

John Montgomery Ward was a player for the New York Giants and an 1885 graduate of Columbia Law School who was fluent in 5 languages.

He also formed “The Brotherhood of Professional Baseball Players” in the same year. The Brotherhood was the first player’s union in American sports history. In 1890, Ward and The Brotherhood created the “Players League” out of resistance to the reserve clause and other injustices forced on players in the National League.

As Ward attempted to lead his band of players to their new league, the National League owners resorted to bribery and legal action in order to maintain their oppression over the players.

In *Metropolitan Exhibition Co. v. Ward*, the court sided with Defendant John Ward and ruled the contracts lacked mutual bargaining and language was typically vague, uncertain and without clearly defined terms and conditions for the reserved year. For example, the owners could terminate the contract with only 10 days’ notice while the players were bound indefinitely.

This case served as a pseudo-bellwether case for other related cases at the time; many other players were successful in similar cases. This provided the much needed legal precedent for player’s rights and emancipation from the reserve clause, which allowed the players to pursue the Players League.

Back to the National League, Enter American League

The Players League, while a great milestone, did not last long due to mismanagement and investment woes. The players retreated to the National League and found a new “option to renew” clause. This replaced the reserve clause.

Enter the American League, which formed out of attempts to draw players away from National League owners given the players’

newfound freedom from the reserve clause.

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“I choose a lazy person to do a hard job. Because a lazy person will find an easy way to do it.”

– Bill Gates



NATALIE HIGHTOWER
MARKETING & INTAKE
DIRECTOR

How to **Make Money** with the **SKELETONS** in Your Closet

We are moving offices in less than a month, which has forced me to clean out my office.

Office is a generous term; it is more like a marketing storage closet with a desk and computer thrown in for good measure. *Marc, when do we move again?...*

As I'm moving through file cabinets, bookcase shelves and drawers, I keep unearthing lots of marketing materials that were probably gems at one point in time but have seemingly lost their luster. My knee jerk reaction was to toss them but, with a little thought and a nice spit-shine, these assets can be brought back to life and put to good use.

Marketing Brochures

We have a marketing folder/brochure that was used for a campaign many years ago. I personally dislike the aesthetic of the folder. It's not consistent with our current branding, the insane number of different fonts used throughout the piece give me a headache, and the quality of the print job is not up to par.

However, the actual content of the piece is wonderful and still relevant information to share with other attorneys who are not as privileged as you are to be on our Barrister mailing list.

The revival plan:

- *Marc and I discussed other attorneys outside our normal trial lawyer circle with whom we could share these brochures, and I came up with a mailing list.*
- *Navy blue envelopes, which are on-brand and will stand out in the mail, were ordered*
- *Some research was performed, and personalized letters written to the recipient of each piece. Because you attorneys all have egos to be stroked and who doesn't like a personalized letter?*

Video Content

Before my arrival at the firm, Marc shot his videos in-house. They are lying dormant in a sarcophagus, also known as Marc's Mac, in my office.

Most of these videos were produced well over 2-3 years ago, when a 2 minute plus long video of

Marc ~~rambling~~ talking about a specific topic related to disability law was the mainstream practice in legal marketing.

Today, you really need videos of varying lengths for Facebook ads, YouTube ads, email campaigns, square videos for Instagram, etc. There is software on the market that allows you to easily edit and trim your existing video content into the exact length and size you want, as well as to insert captions into your videos. **After all, 85% of Facebook videos are watched with the sound off.**

Honoring the Dead

Many marketing materials, books and assets I am finding are puzzling- at least to me. Why did we do this? Who created this? Why the hell did we order so many?

All these assets served their purpose at one point in time. Many marketers get so caught up in the newest technologies, digital techniques and campaigns that they completely abandon the very things that brought them so much success in the past.

Are you an attorney in a rural area, serving an older demographic? It might not be a bad idea to revisit that Yellow Pages ad placed eons ago and see if it can be improved.

OOHHHH, the reason we have 50 million of these brochures is because they were sent out to attendees of a specific conference and it was a big marketing win.

Do we still talk to these attendees? What did we do to keep ourselves top of mind for disability referrals with them? Are there any other conferences we can attend with a similar attendee base?

So throw open that closet door and dance with your skeletons. Let me know if it yields some scarily good results ☺





MADISON DONALDSON
ASSOCIATE ATTORNEY

Why Women Suck at SELF-PROMOTION

(aka Go Read Britney's Article)

This issue I am piggy-backing off Britney's article, so if you haven't had a chance to read it take five minutes to enlighten yourself, I'll just wait here....

Ok, now that you're up to speed, here's why Britney's article and the book it's based on is absolutely critical for us female attorneys:

1 We're not good at owning our accomplishments. We often feel as if we are unworthy of any praise given, even if we absolutely are.

Think about the last time someone gave you a compliment. Did you smile brightly and say thank you? Or did you try and brush it off, or even immediately give the other person a compliment in return?

It only gets worse when the compliments involve work product. Male team leads will accept a compliment on behalf of the team itself because they had led the team to produce a successful work product. Women, on the other hand, will defer any credit to the rest of the team and ascribe none of it to themselves. While we may feel this is the noble thing to do, it only hurts you in the long-run.

Try this: accept praise without justification. Start small, accept a compliment without trying to explain it away. You'll be surprised at how hard this is. Then start testing this out in the work place.

2 Women are much more likely to ascribe to the "good girl" line of thinking: "If we keep our head down and work really hard someone will notice."

The fact of the matter is people just don't. It doesn't mean they don't appreciate our hard work, but professionals, especially lawyers, have so many balls they're trying to keep in the

It's your job to promote yourself and MAKE others realize what exactly you bring to the table, and why you're an integral part of the team.

air they barely have enough time to pay attention to their own workload, let alone yours.

It's your job to promote yourself and MAKE others realize what exactly you bring to the table, and why you're an integral part of the team.



Try this: keep a "Brag Folder." I keep one with all the client compliments or thank-you letters I receive.

I also keep track of all the cases I have worked on over the year, their outcomes, and how much money I have brought to the firm. That way, when it comes time for my yearly review/ to ask for a raise, I have hard evidence of what exactly I contribute to the firm.

Men's minds naturally lean to a more logical line of thinking, so it's hard to them to ignore raw data. Make it hard for them to ignore you.

3 ASK FOR WHAT YOU WANT.

The absolute worst thing that can happen is someone tells you no. So what? Then you're just where you were before you asked, except now a seed has been planted in that person's mind that you're seeking a raise/promotion/big new case, and they might think of you next time one arises.

Moral of the story is open your damn mouth and stand up for yourself. After all, if you don't vote for yourself, why would anyone else? ☺

However, the players were not out of the woods yet.

When immensely talented Philadelphia Phillies second baseman Napoleon "Nap" Lajoie attempted to leave the Phillies for the Athletics (*an American League team*), the Phillies sued Nap and sought injunctive relief.

After a lengthy procedural history, in *Philadelphia Ball Club v. Lajoie*, the Pennsylvania Supreme Court ruled in favor of the ball club finding that Lajoie's skills were irreplaceable and his departure would cause the Phillies irreparable harm both in performance and financially, due to his popularity with the public.

The National Agreement

The *Lajoie* ruling was a major step back for the players, and the owners manipulated the language of this ruling to tailor their player contracts.

A few years after the *Lajoie* ruling, the "National Agreement" brought the American and National league owners to the table together to bring back the reserve clause and insulate the leagues from trouble enforcing them.



This attempt to monopolize professional baseball and consolidate the two competing leagues into one unit, gave birth to another opposing force. Enter the Federal League and arguably the most impactful court decision in sports litigation history... **but more on this in the second inning!** 😊

The Art of SELF PROMOTION

More work, more complicated issues, more pay, more respect, more referrals, and more value!



Remember, content may be KING, but delivery is QUEEN. The presentation of your ideas matters immensely. Maintain eye contact and connect with each person in your audience. Imagine handing one line or thought to each person in the room—the effect will make you appear as confident and credible as you mean to be. The volume of your voice is equally important. Project outward, use intonation to get noticed. Flat delivery quells enthusiasm and suppresses your objectives.

Owning your content and owning your audience will have a radiating effect on you as you practice the art of self-promotion. Don't be afraid to **"put yourself out there!"** You are special. You deserve what it is you are trying to achieve. **Mastering the art of self-promotion will convey the goals you seek are indeed deserved.** 😊



Lawyers Need a Laugh!

(Hopefully) you're receiving this issue just in time for Halloween! You're welcome for entertaining you with the following fun

HALLOWEEN FACTS:



- ◆ Americans spent over \$300 million on Halloween pet costumes last year.
- ◆ Halloween is the second most commercially successful holiday after Christmas.
- ◆ 90% of parents admit to sneaking candy from their kids trick or treat bags.
- ◆ Harry Houdini died on Halloween in 1926.
- ◆ In Medieval Europe, owls were thought to be witches, and to hear an owl's call meant someone was about to die. ☺



DISABILITY & INSURANCE DENIALS



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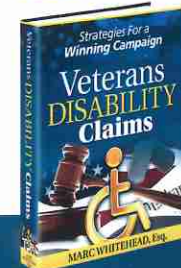
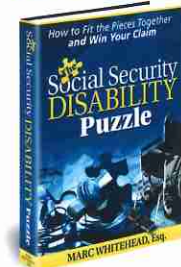
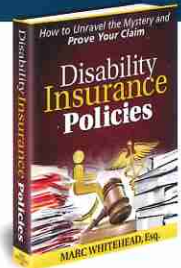
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Marc Whitehead

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