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

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Issue: 06

THE NEWSLETTER
YOU'VE BEEN WAITING FOR...

\$uccessful Barrister



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

In the spirit of the holidays, we are offering this at full... Price: ~~\$199.99~~ **\$00.00**

BAH. HUMBUG.

That might be what you're thinking this time of year with all the money going out for Christmas and other end of year expenditures. Get yourself set up to make so much money that this won't be your attitude next year by reading this issue of **The \$uccessful Barrister**. Give someone the gift of The \$uccessful Barrister by emailing Marc at marc@marcwhitehead.com ☺

Merry Christmas and Happy New Year from the team at Marc Whitehead & Associates, Attorneys at Law LLP!



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THE 4 DISCIPLINES of EXECUTION

APPLYING IT TO A LAW FIRM

When asked about his football teams' execution after a loss, Head Coach John McKay said with a straight face, "I'm in favor of it!" He added, "We didn't tackle well today but we made up for it by not blocking."



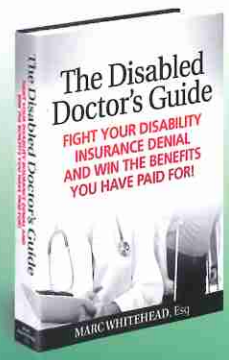
Such is the lament of many law firm owners that can't get their team to perform to the level they expect. For our purposes, execution is having the necessary employees required to support your firm's strategy and making sure they are doing what your firm needs them to do to achieve your goals. Shockingly, unless YOU direct your employees to focus on YOUR wildly important goals, they won't.



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FEATURE BOOK



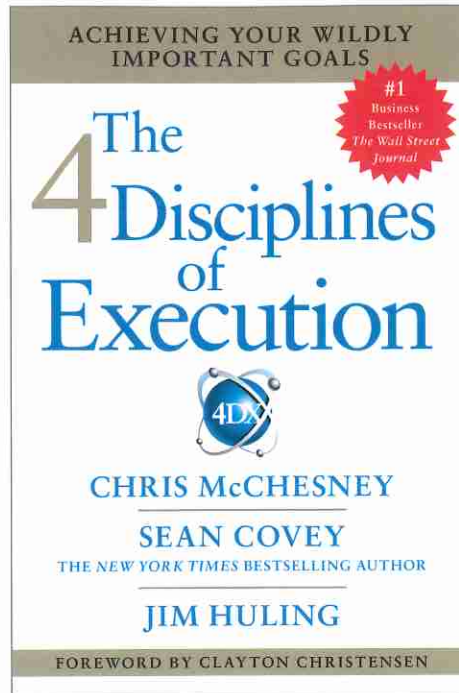
Call Us For a Free Copy of Marc's Latest Book!

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They will inevitably wander off and do what THEY think is important or worse, nothing at all.

Recently, I read *The 4 Disciplines of Execution (4DX)* which attempts to show employers how to improve the execution of their employees. Chris McChesney, Sean Covey & Jim Huling lay out how you can grow and improve your law firm through setting wildly important goals (WIG) that involve your entire staff. The problem is that law firms get bogged down in the daily tasks of running a business, and the idea of setting lofty goals seems daunting and time consuming. This article will focus on how to apply 4DX to a law firm to achieve your WIGs.



PRINCIPLE #3 KEEP A COMPELLING SCORECARD

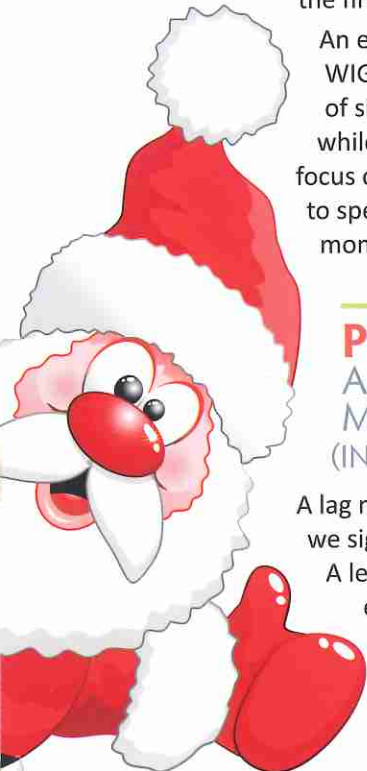
Make sure your employees know the score at all times, so they can tell whether or not they are winning. This is the discipline of engagement.

Scoreboards can be created on whiteboards, posters, or displayed on a TV. No matter how they are set up, scoreboards need to be displayed where everyone on the team can see it daily. The scoreboard needs to be clear, concise, and with one look everyone should be able to see the progress each team member has made towards their team WIG. Keeping one scoreboard per team might also help create some healthy competition and personal accountability for team members.

PRINCIPLE #1 FOCUS ON YOUR WIG

The firm should have no more than one or two WIGs at a time. An example of a WIG would be to increase the profit for the firm by 20%. Each department should follow by setting one or two departmental WIGs that will help the firm to achieve its overall WIG.

An example of the intake department WIG might be to increase the number of signed client contracts they receive, while the litigation department might focus on improving the litigation process to speed up verdict and/or settlement money coming into the firm.



PRINCIPLE #2 ACT ON THE LEAD MEASURE (INSTEAD OF THE LAG)

A lag measure is the end result, i.e. we signed up more cases this month.

A lead measure is what causes the end result, i.e. we increased the speed of calling back prospects and made repeated calls if the prospect was not available.

Always focus on the lead measures, not the lag measures.

This principle basically boils down to working proactively to achieve your WIG instead of reactively.

PRINCIPLE #4 CREATE A CADENCE OF ACCOUNTABILITY

The glue holding all this together is the creation of a "cadence of accountability", i.e. a frequently recurring cycle of accounting for past performance and planning to move the score forward. Team members should set personal goals for the next week adjusting based off their performance the previous week. These constant check-ins and adjustments are an essential process in ensuring the team's focus remains on the lead rather than the lag. Scheduling a team meeting weekly to discuss the WIG will ensure WIG's don't get lost in the other daily tasks.

As Coach McKay might have said, "First downs to touchdowns — that's how we roll!" The most important thing is staying focused on the WIG. This type of focus will help to ensure meaningful growth over the years.

"Aren't we forgetting the true meaning of Christmas. You know, the birth of Santa?"

— Matt Groening

As a reminder, those interested in learning more through the Atticus attorney coaching program, go to <http://bitly.com/dyrmarc> ☺

PART 1 | Giving Back: The Importance of Utilizing Interns in Your Practice.



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

Getting experience and finding your place as a lawyer has certainly changed over the years. Whereas some of our bosses were recruited out of law school with attractive offers and lifestyles promised to them like something out of a mid-90's lawyer film, that type of hiring atmosphere has for the most part completed a 180-degree switch since 2008, at least in the small to mid-size firms.

Remembering the Past Decade of Hiring Trauma.

When I graduated law school in 2012, my classmates were thirsty for work, experience, and pay. To get pay, you had to have work; to get work, for some twisted reason, you had to have experience.

After 2008, the legal job market dramatically shrunk. We were caught in a circus where the changing economy led to employers not readily hiring new graduates, and instead hiring lawyers for entry level jobs with 3-5 years of experience minimum. This atmosphere led to some of my friends and bar-mates not landing employment until 3 years after they received their Texas Bar licenses, instead doing questionable contract work that never lasted more than a few months at a time.

That memory stings.

Internships: The Gift that Really Gives.

For that reason, I am acutely aware of the importance of internships, even the unpaid kind, and how they are a generosity offered to the future of our own employees.

Many firms make use of interns for one reason or another few. Some take the more altruistic approach, hiring interns for the good of the young and upcoming talent. The interns that companies choose to mentor will end up being our future employees. Other firms choose to hire interns because they are a cost-effective way to get work done without having to pay



workers with consideration to their years of experience.

Regardless the motive, the intern-relationship is typically one that benefits everyone involved.

Cristo Rey Jesuit College Preparatory School of Houston

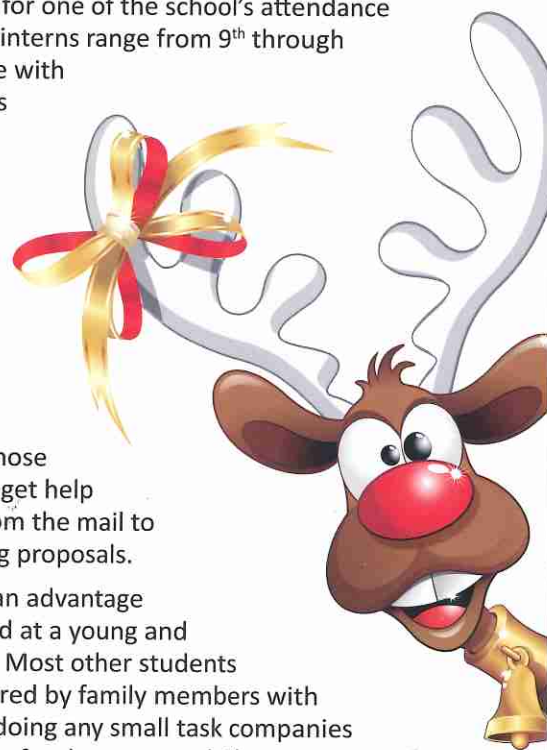
Our firm recently began a relationship with the Cristo Rey Jesuit College Preparatory School of Houston. Cristo Rey Jesuit offers a rigorous college prep education available to students from Houston-area, low-income families. Its unique corporate work-study program places students in professional environments to develop the knowledge and skills students need for college and the workplace. Cristo Rey arranges for four students to come work in our firm in assigned departments alternating each day of the week.



The Interns.

While the interns work for the firm, the firm pays for one of the school's attendance scholarships. The interns range from 9th through 12th grade and come with a variety of interests and previous experiences. Each intern is included in our firm's goals, procedures, and values. They gain experience in an office environment with educated professionals who render services to those in need. In turn, we get help doing everything from the mail to organizing marketing proposals.

These interns have an advantage that even I never had at a young and impressionable age. Most other students work in positions, hired by family members with unregulated hours, doing any small task companies can give them for the few hours a week they are present to help.

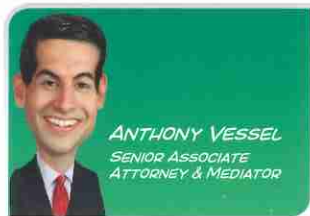


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Take Me Out to the *Courthouse!* (Bottom of the 9th)

Antitrust Law and Baseball



In 1913, the Federal League began and was short lived but impactful on the legal cases to come.

After a series of case decisions discussing reserve clauses, *American League Baseball Club*

of Chicago v. Chase shed light on an issue that would be debated for the next 75 years regarding anti-trust law and negative covenants in professional baseball. The Supreme Court in *Chase* found baseball did not involve production (*clearly they weren't stats guys...*).

Several other cases came before the Supreme Court challenging their previous holding (Eg. *Gardella v. Chandler*, *American League v. Pasquel*, *Tolson v. New York Yankees*) and each time the Courts found that antitrust laws did not apply to professional baseball.

Flood v. Kuhn

Although the Supreme Court had held over and over that antitrust laws didn't touch professional baseball, oddly enough, in *Radovich v. NFL*, they found that they did apply to professional football, or any other professional sports besides baseball.

Kurt Flood, a player for the St. Louis Cardinals, asserted the inconsistencies in *Radovich* decision and yet again, the Supreme Court held strong to their previous decisions.

But this continued fight paved the way for the 1970 Basic Agreement, where the Major League Players Association and the Major League Baseball Players Relations Committee finally opened discussions for the players to challenge the reserve clause through arbitration.

In a 1975 arbitration case involving players Andy Messersmith and Dave McNally, the arbitration panel declared they were free agents after playing one season with their former teams without a contract the year prior, and were no longer "reserved" by their former owners. The Messersmith/McNally arbitration decision has been called the MLB players' "Emancipation Proclamation."

In 1976, the Basic Agreement strengthened players rights again, and was the final blow to the owner's control over players throughout their career. This decision turned the free agency market on its head; players average salaries soared and contract negotiations toughened

Pete Rose v. Giamatti

Pete Rose, one of the most infamous sports figures in American history and arguably one of the greatest and grittiest baseball players of all time, had a to take his grit to the courthouse as well.

Commissioner of Baseball Bart Giamatti attempted to conduct a hearing over Rose's notorious gambling allegations. Rose sought and received a temporary restraining order in state court, but Giamatti overstepped him and filed in federal court. Rose eventually took the commissioner's offer of dropping the case if Rose agreed to a lifetime ban from MLB and dropping his countersuit against the commissioner.

"I stopped believing in Santa Claus when I was six. Mother took me to see him in a department store, and he asked for my autograph"

– Shirley Temple

Pete Rose, admittedly one of my favorite athletes of all time, can now be found hocking autograph balls for \$100 OBO, and popping up in Sketcher's shoe commercials.

From John Montgomery Ward all the way to Pete Rose, thanks to their continued fight, MLB players now enjoy a fair free agency system and equitable bargaining and have said goodbye the virtual indentured servitude of old.

Play ball! 😊

The Power of Thank You



Thank you.
Gracias.
Grazie.
Eskerrik asko.

An amazing Christmas present will be mailed to the first person to email me at natalie@marcwhitehead.com and identify the language of that last thank you.

Actively thanking someone for their action, patronage, or simple words is such a small, yet powerful action but it's overlooked all the time. When I was a child, my mother would hide my gifts and I couldn't open one and start playing with it until I showed her the hand-written thank you note for it. Similarly, I made my two-year-old scribble on each of her thank you notes I wrote for her birthday gifts and then I opened up each gift after I wrote the note for it. That's how seriously I take thank-yous.

I digress. Here are a few ways thank-you's are applicable in your marketing and intake operations that might not be so obvious as a thank you note.

Automated Thank You Emails

Have you ever sent a gift to someone and sat there wondering if they received your gift because they never acknowledged receipt or said thank you for it?

The same principle applies to when someone fills out a form on your website. After a prospect sends you the gift of their contact information and interest in retaining your services, make sure they receive an automated email acknowledging receipt of their form submission along with a timeframe in which they can expect to receive a response. This is also a good opportunity to highlight something of value about your firm – a video, a link to a white paper, ebook or blog post.

Email automation is something that can be easily achieved, no web developer needed, with the right email software application. Feel free to reach out to me with questions or if you need recommendations on which software to use.

The Gift of Reviews

Around here online reviews, particularly positive ones, are a very valuable currency. I don't think I need to remind you people about the dividends paid in SEO and firm image from online reviews.

It's easy to forget just how difficult and cumbersome writing an online review can be. A Google review requires a Gmail account. It takes time out of one's day to compose their thoughts for a review.

After a review is left, make sure you respond to every single one with a thank you- even the negative ones. Thank you for a positive review leaves a warm and fuzzy feeling for everyone involved. Usually a negative review brings to light an opportunity to better yourself and your firm. Thank them for that too.



Hand-Written Thank You Notes

I debated if I should include this in my article, but I decided that an act that seems so common sense to me isn't so common.

I require a thank you note for every contract we receive, hand-written by the intake specialist who screened their case. Obviously, our cover letters have the obligatory "Thank you for choosing Marc Whitehead & Associates" line in them. The thank you note just adds an extra touch to start our relationship with the client on the right foot.

Thank YOU

I end this article with a big thank you to YOU, the reader. Your continued patronage of The Successful Barrister steadily inflates Marc's ego, which in turn makes this a happy and prosperous place to work. ☺

A RECAP OF MY FIRST YEAR AS AN ATTORNEY



Last November, I endured that dreadful rite of passage that all attorneys go through. That is, I suffered a sleepless night, chewed my fingernails to the nubs, wore a hole in the carpet pacing the halls, and clicked refresh on the BLE website about a thousand times.

And then the list was posted! And then the website crashed... But 20 agonizing minutes later literally none of it mattered because my name was on the list. I cried(ish), hugged my mom, Face Timed my sisters, then rushed back to the list to check on my friends. All but one had passed, but not finding that one

name crushed me. I cried (*for real this time*) at what this meant for one of my best friends, and all the difficult choices and hard work he had in front of him. But I am immensely proud to report that this story has a happy ending; my friend sat for the bar again and on October 29th of this year we found out he passed. In that spirit, Acorn, here's what you should know about your first year as a Texas attorney.

“The Supreme Court has ruled that they cannot have a nativity scene in Washington, D.C. This wasn't for any religious reasons. They couldn't find three wise men and a virgin.”

– Jay Leno

1 Law school didn't prepare you for anything. Yes, it taught us things like time management, how to read a case, blah blah blah. But the everyday things you do as an attorney are not covered in law school. So, you must get over whatever fear you have of asking “dumb” questions or looking for help. You're going to need it.

2 You will screw some shit up. It's going to happen, no matter how hard you try to avoid it. The only thing you can do, or indeed should do, when this happens is to fess up ASAP and look for a solution. Chances are that you're not the first idiot baby attorney to make that same mistake and someone will know what to do.

3 You MUST network. It sucks and it's uncomfortable. You'll feel like everyone in the room is smarter and more experienced than you and that you have nothing to bring to the table. Know this isn't true and those feelings will go away the more you force yourself to network. Go to the events, bring your business cards, meet new people. Just do it.

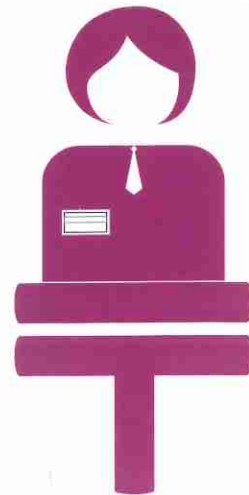
4 Take advantage of learning opportunities. Go to as many CLE's or workshops as your firm will allow. I know I talked your ear off about my experience at the Trial Advocacy College of Texas (TACT), but it was truly one of the most valuable experiences of my first year. TACT pushed me outside of my comfort zone and made me grow as a young attorney. Find things that will do the same for you.

5 Finally, know you will hit a breaking point. And that's ok. It's totally ok to cry in the shower in your hotel room in New Orleans at 11 p.m. when you have 4 MSJs due the next day and no clue what you're doing. It's cool. Everyone does it at some point. My advice for that moment is three-fold:

1) Reach out to your support system, they will know how to put things into perspective. **2)** Put your work aside for the night. You probably need a break. **3)** GO TO SLEEP, YOU IDIOT. Tomorrow is a new day, you'll wake up refreshed and ready to back your ears and run at things.

This past year was a journey of challenges and self-revelation for me, and I'm excited to watch you embark on your own. Embrace failure, learn from your mistakes, enjoy your successes but, most importantly, don't forget to exercise because lawyers eat and drink A LOT and if you get fat I will never stop making fun of you.

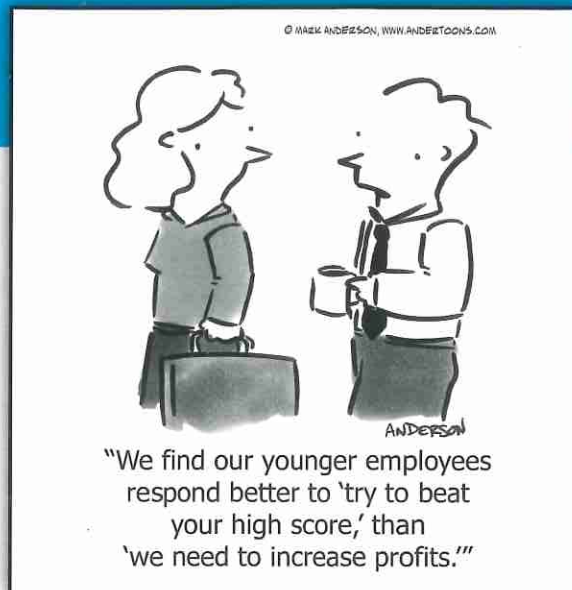
Good luck to all the new Texas attorneys, enjoy the ride. ☺



PART 1 | Giving Back: The Importance of Utilizing Interns in Your Practice.



Many never truly learn office culture and go onto college without *really* understanding how to use the system programs utilized by regular staff members, not knowing the full-weight of responsibility of true employment, and without understanding how to interact with the patrons of a practice, as they are typically behind the scenes, usually shredding paper.



Our Future Employees and Employers.

I have seen personally through this internship program with my firm, and through my own experiences with internships how valuable the relationship can be. Simply having someone willing to mentor you, teach you what to expect in the next 4-8 years in employment, and trust you with responsibilities that many kids cannot comprehend the importance of having is instrumental to their future employment opportunities, as well as our own opportunities for who we end up hiring.

“Santa Claus has the right idea. Visit people only once a year.”
– Victor Borge

Providing students, at whatever age, with the opportunity to develop into reliable and proficient professionals is something that cannot be understated. You need them as much they need you.

Try to keep that in mind with your charitable spirit as we enter this holiday of giving. ☺

Merry Christmas & Happy New Year!



Lawyers Need a Laugh!

All I Want for Christmas is...

MARK



ANTHONY



BRITNEY



MADISON



Can you guess what the attorneys of Marc Whitehead & Associates want for Christmas?

Correctly match the attorney with their Christmas wish, email a photo of your newsletter to Marc@marcwhitehead.com and you will receive the best present ever! ☺

A dog that doesn't shit in my house

A cure for diabetes

A Harley-Davidson

Big booty hoes



DISABILITY & INSURANCE DENIALS



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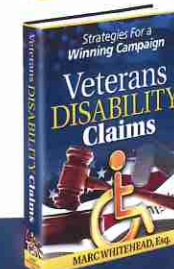
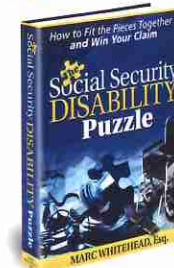
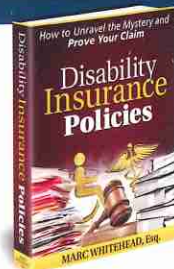
Veterans Disability Claims

Regional Office Hearings • Board of Veterans' Appeals Hearings • U.S. Court of Appeals for Veterans Claims Appeals

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