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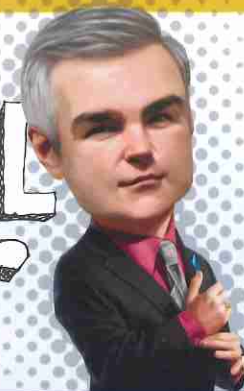
MARC WHITEHEAD & ASSOCIATES
ATTORNEYS AT LAW, LLP
A NATIONAL DISABILITY CLAIMS LAW FIRM

Vol. 5

Issue: 01

THE NEWSLETTER
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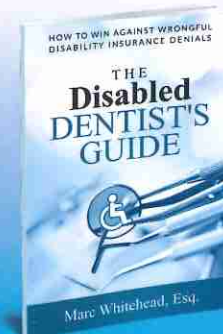
We here at Marc Whitehead and Associates like to be fashionably late.

...okay, we couldn't come up with a good reason for releasing our February issue in March. We are just late. So enjoy the issue all about relationships and relationship building- in March. Email me if any of your friends or colleagues would also like to receive **The Successful Barrister**... sometime this year. ☺

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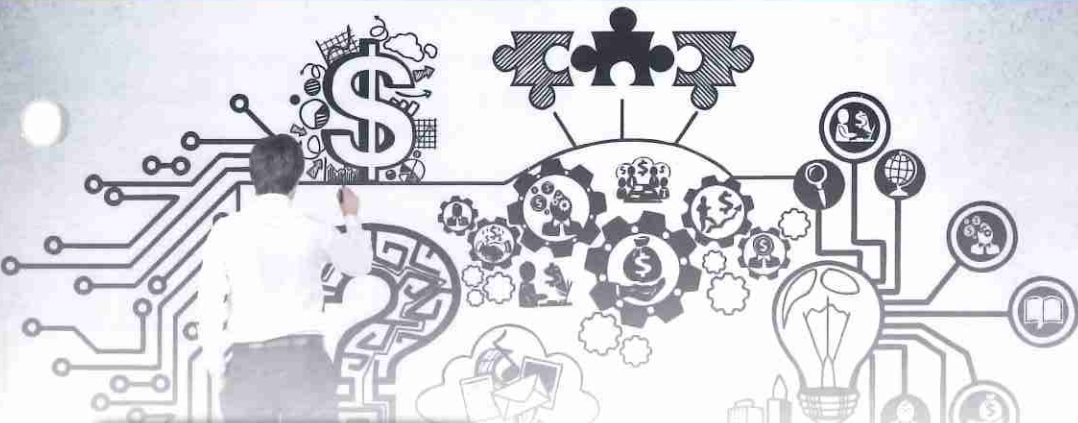
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FEATURE BOOK



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Marc's Latest Book!

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Strategy is Making CHOICES

In business, only the paranoid survives- consider what Netflix did to Blockbuster. A disruptive rival emerged and eliminated the incumbent player.

Think this can't happen in the context of the legal profession? Think again. What if John Morgan, of Morgan & Morgan, moved into your market one day? PI lawyers would be having a cow!

Oh, and don't forget about Rocket Lawyer, Legal Zoom and (scarily) Walmart!

This article is a summary of ideas from Professor Michael A. Roberto in his lecture, "*Critical Business Skills for Success*" (Found at thegreatcourses.com and is also available at Audible.com).

I'll discuss how you can sustain a competitive advantage in your field of law or how, as a new entrant, you can plot a strategy to knock off the top players.

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THE FIELD OF BUSINESS STRATEGY

In the modern field of strategy, it is argued that strategy is a pattern of choices that reveals the purpose and goals of an organization.

The choices you make about systems, organizational structures and processes drive your firm's future. These can be characterized as how efficient a firm runs.

A law firm also makes choices about what geographic locations it serves, what types of clients you choose to represent, what types of law to focus in, etc. You can't be all things to all people, so take the time to decide what makes the most sense for you and your firm.

ORGANIZATIONAL PERFORMANCE

The fundamental question to ask about law firm strategy is simple: Why do some firms perform better than others?

To answer this question, we must look at two factors: **practice area attractiveness** and **competitive advantage**.

Practice area attractiveness simply means that some law practice areas are more profitable than others. (Note, we are talking areas of law, not geographic areas in this context.)

Some law practices have more opportunities for more firms to make healthy profits. In other practice areas, it's much more difficult for firms to make money. Thus, one part of explaining a firm's performance is understanding the environment in which it competes. (Think high end PI firms vs. criminal defense firms as an example.)

Now consider **competitive advantage**. We must understand how a firm competes against its rivals. Does it have an advantage over rivals? Is it able to generate profits above the average for the type of law practice? And can it do so year after year? That's what we mean by competitive advantage. For example, is your marketing better than your competitor or are your results for your clients better, do you get bigger verdicts?

We can also identify two

key questions related to competitive advantage:

1. How do you establish a distinctive competitive position and create advantage over your rivals?
2. How do you sustain that advantage against a variety of external and internal threats?

We live in a world where information is readily available. Anyone can get on the Internet and research competitors. Consultants can be hired to help benchmark a firm against the competition. Without question, if you've proven that you have a successful law practice, if your clients are happy and your partners are getting to live in big houses and drive fancy cars, others will try to imitate you. They will look for a slightly better way to do what you're doing-and they won't stop.

For this reason, understanding how to *sustain* competitive advantage is crucial to a law firm's business strategy.

Strategy formulation should focus on *where* and *how* to compete.

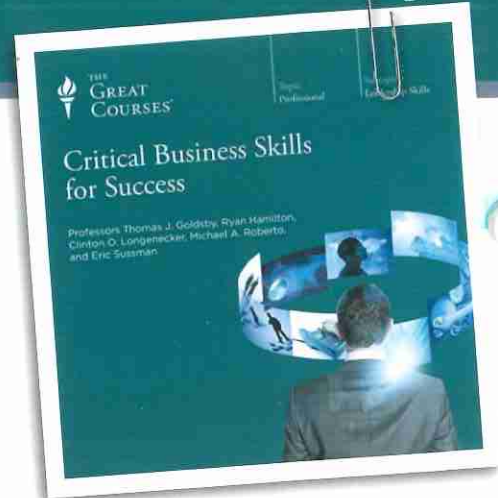
Strategy ultimately comes down to making choices about what to do and what not to do. You must start with a clear direction; from there, you must scan the market, potential clients and the competition.

Be ready to flex the strategy appropriately.

It's generally not the case that strategy formulation is explicit, conscious, and purposeful. More often, strategy emerges and evolves over time. It's important to think about strategy as a process rather than an event; a pattern in a stream of decisions and actions

Professor Roberto quotes the book **Playing to Win** noting five key questions to ask yourself when plotting strategy:

- What's your winning aspiration? In other words, what are you trying to achieve?
- Where will you play-in what practice areas, markets, segments, and geographies?



- How are you going to win? That is, what are you going to do that will give you an advantage over the competition?
- What capabilities must be in place to execute your strategy?
- What management systems are required to implement your strategy?

COMPETITION

Four facts about competition will set the stage for your analysis of competitive environments.

- Different law practice areas vary widely in their profitability. That is, in some legal practice areas, it will be difficult to make money no matter how smart the management team or how great the strategy.
- Your type of law practice matters because sometimes there are forces beyond your control driving your profitability. Those in the workers comp and medical malpractice arena, for example, have learned this lesson as tort reform was passed in the Texas legislature.

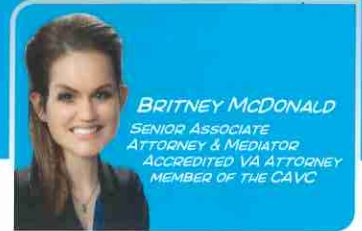
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"The only true wisdom is in knowing you know nothing."

- Socrates

PART 2 | Giving Back:

How to Maximize an Internship for Both the Intern and the Practice.



During the Thanksgiving and Christmas holiday I wrote about the importance of internships; how interns are the future of our vocation's employment. Now, in this season of love and relationships, I feel compelled to share with you how to maximize the intern-relationship for both you and your intern

The Intern: Benefits

In providing an internship, not only will your intern get that much desired foundational experience and a "foot in the door" — but they'll also have the opportunity to refine their skills, shape their resumes, network with the right professionals and improve their chances of scoring future *paid* employment.

"This internship may be the start of a long-standing career in the industry," says Ryan Kahn, a career coach, founder of The Hired Group, and author of "Hired! The Guide for the Recent Grad," which is worth consideration when those interns may one day soon be your colleagues.

Yes, interns learn while pushing paper, but they learn invaluable lessons from value-added activities. They will each need mentorship and counseling on the ways of the working world, especially if they are younger without office experience.

You will need to challenge the intern, teach them to network, and help the intern learn to be flexible and seek guidance when they need it. Prepare meaningful activities, activities that are an integral part of the job they are working in.

Explain to the intern what they are doing, why they are doing it, what the firm hopes to accomplish by the work, and how that work affects that team, the other departments, and the firm as a whole.

These actions will instill trust and confidence in the interns, and in-turn, then these individuals will be worth more than their work product at the time.

The Firm: Benefits

While the interns are gaining more than just experience, the firm and practice itself usually gains quite a bit more. Aside from what can be cost-effective work if the intern is instructed and mentored properly, the firm can benefit from a wide variety of cultures, perspectives, and experiences brought to the table by fresh faces. Interns can challenge the way things are always done. Because they are naturals at questioning processes, these inquiries can raise issues about the best method to accomplish certain tasks.

Often times interns, especially millennials and younger, are more computer savvy as their worlds revolve around social media, the internet, and computer programs learned early-on in school. These skills are an integral part of the practice of law and, quite frankly in the new age, are the foundational skills for most tasks involving research of case law, public opinion, current events, and medical issues afflicting our clients. Need a hand researching current events? Interesting issues are sure to be an easy target for interns in tune with pop culture.

Among what is really an extensive list, of course, I find the internship leading to future employment at your firm or in your vocation to be one of the most important. By hiring and training the wide-eyed, experience-seeking intern, you are influencing the field you work in every day.

At our firm, we have had several individuals discover their talents and enroll in law school. These individuals graduate and either work for our competitors, our friends, or even hang their own shingles and help us with cases from time to time. What we are doing by hiring interns, truly the most important point of all, is we are shaping the future of our practice of law.

The relationship between a firm and its internship is a beautiful "give and receive" type-bond. If you are conscious of the benefits you have for each other, you can maximize the potential for each of these individuals and gain so much more than an extra set of hands—you may be employing your future colleague or judiciary! 😊



GET OFF YOUR BUTT!!!

A Lawyer's Guide to Making a Difference.

I don't know many lawyers who lament over having too much free time. We're typically a weary group that's doing our best just to balance work and family life. Nevertheless, get a bunch of Type-A warrior people hopped up on enough caffeine to make an elephant's teeth chatter and anything is possible. **Note: My office**



unanimously decided to ban me from making coffee...

Whether it's to build your resume or your karma, there are so many ways that we lawyers can get out there and make a difference in our local and legal communities.

JOIN LAWYER ORGANIZATIONS

Despite our fiery stereotypes, lawyers are some of the most compassionate and caring people you could ever know. I learned this most truly through joining the Houston Trial Lawyer's Association. (#shoutout)

Groups like these provide great networking, resources and a great tap into important information that could affect your practice. There are so many great regional, statewide, and national organizations in which to become involved; you're really selling yourself and your community short if you do not take advantage.

MENTORING

My dad (*not a lawyer*) always said "Son, you can learn at least one thing from every person you meet; make sure to learn from others' mistakes so you know how to avoid your own."

I don't know of a statement that could do a better job of summing up the mentor-protege relationship, but what can I say- the old man is full of wisdom.



Baby lawyers are always reaching up to the sky

praying to the legal gods for guidance. THAT COULD BE YOU! You can find plenty of opportunities through your alma mater, legal groups, or simply take a young lawyer to lunch periodically. Just the presence of a more senior attorney could have a huge impact on an up-and-comer.

"Assumptions are the termites of relationships."

- Henry Winkler

PRO BONO

I remember once I asked a friend if he did any pro bono work in his spare time. He replied, "*pro bono?! I work on contingency fee. I do pro bono work every day!*" While we do too, and it certainly seems that way sometimes, it's still a great feeling when you take on a case knowing serving your client's well-being is the only thing to be gained.

Admittedly, I was reluctant to do my first pro bono case. However, once it was wrapped up, I felt the greatest satisfaction of my career.

SPONSORSHIP

I tell you what, after knocking out a 12-hour workday full of lawyering, you know what I really want to do?? Go do more lawyering.

I get it, sometimes our most scarce and precious asset isn't the money we're earning, but the time we devote to earning it. That's okay, you can volunteer your money in place of your time! **Note: my family law colleagues sternly warn not to try this trick at home...**

Sponsor a class room, a youth sports team, an event, or even a family. **There are so many ways to reach out and touch the lives of others in our communities, don't let the opportunity pass you by!** ☺

VENDORS ANONYMOUS



NATALIE
HIGHTOWER
MARKETING & INTAKE
DIRECTOR

Hello, my name is Natalie and I was a vendor.

Hi, Natalie

Vendors have a rough life. They have to at least pretend they like you, while at the same time catering to your every demand and whim. And let's face it, doctors and lawyers have a negative reputation amongst service providers for a reason. They can be unreasonable, rude, and have a know-it-all attitude for days.

I empathize with my vendors on many different levels because I've personally felt their pain, but at the end of the day I am the client and I am spending Marc's hard-earned money on services that are supposed to improve our business operation.

Here are a few things to keep in mind while working with your vendors to maintain a harmonious relationship while still receiving the full value of the goods or services for which you've paid.

Work/Life Balance

Many account managers and sales representatives are worked to death, especially if they work for a small business or a start-up run by a tyrannical 20-something year old. They're often grossly underpaid and expected to work 80-hour weeks, like it's a life or death situation.

Case in point: at my last job before MWA, at a small digital agency, I worked up until 4 hours before my daughter was born and once billed a client 32 hours while I was on my 40-hour vacation.

Signs of this include:

- Emails regularly sent very late at night (or early in the morning)
- Business communication while they are clearly on vacation
- Over-the-top communication from their company boasting about their quantity of clients, amount of sales, or lofty goals achieved on the backs of their hard-working employees

Be nice to your contact at this company and understanding (to a degree). They care deeply about their clients, or they



wouldn't be putting in that kind of work.

However, if missed deadlines and less-than-acceptable work product become the norm, it's time to bid out their service.

The Best Partners are Incredible Listeners

In the beginning, your vendor should not do most of the talking. They should be asking probing questions, listening, asking more questions, note-taking, and listening some more. Then recap everything you've said.

If your vendor comes in the door shouting from the rooftops how great their product and service is going to be for you (or worse, rattle off how they're going to get you some uhh-mazing P.I. cases when you clearly only do disability work), run away as fast as you can.

Nothing good can come from working with these types of vendors, and they have no vested interest in achieving YOUR goals.

Setting the Agenda

A large source of discontent with a vendor comes from not being on the same page about your priorities, or when you are constantly unclear about the status of a project.

Prior to any meeting with your vendors, send a detailed agenda to them with the items you want to discuss. This helps keep the meeting succinct, efficient and ensure the items you want to discuss are at least acknowledged.

Agendas also allow the vendor to come to the table prepared with answers to your questions, rather than fumbling around with "I'm not sure - I'll research this and let you know."

In the end, vendors should be making your life easier- not an additional source of stress. *Keeping the above things in mind will help create a more harmonious, fruitful relationship between you and your vendors while allowing your goals and business needs to be met.* ☺

The Four Hardest Clients to Deal with and Tips on Dealing



We all have our war stories of dealing with difficult clients. After a little over a year in practice, here are my top four client “personalities”, and how I’ve learned to deal with them.

“You can’t outsource relationship building.”

– Scott Stratten



1. NEEDY NANCY

These kinds of clients usually have nothing else going on, so they focus all their attention on their case. That means Nancy is calling you once a week wanting to know if there are any updates on her case.

The reality is that it may be weeks or even months between any sort of update. These kinds of clients can try your patience and test your ability to remain friendly and professional on the phone after having to tell Nancy for the 5th time that month that no, nothing has changed on her case and yes, you will let her know as soon as something does.

Tips for dealing with Nancy: Put yourself in her shoes. Chances are, this lawsuit is the most important thing in her life at this point. For our client, their very livelihood depends on the outcome of their case with us. When you keep that in mind, it suddenly becomes much easier to listen to Nancy fret about her case.

Also, ensure that from the beginning of their case, your clients have a firm, realistic grasp of just how fast/slow their claims will move; this might help temper expectations.



2. CONFUSED CAROL

Carol doesn’t remember ANYTHING, especially not the 1.5-hour long phone call you had with her last week explaining the next few steps in her case.

She doesn’t understand why you need to keep updating her medical records, or why you need her to sign that piece of paper you sent her last month, even though you painstakingly explained it to her before you sent it.

This is another type of client that will challenge every fiber of your tolerance.

Tips for dealing with Carol: Treat her with the same patience and sympathy as Nancy. Try to put everything in writing so Carol can reference it at a later date. Follow each phone call up with an email summarizing what you spoke about, so you can simply point Carol to this email next time instead of explaining everything over again.



3. PISSED OFF PATTY

Patty is MAD. She’s hostile on the phone, probably calling you a few mean names and accusing you of being stupid or bad at your job. Nothing you do is good enough and if, god forbid, you do screw something up Patty will go for your jugular.

Tips for dealing with Patty: Chances are good that Patty is actually suffering from other kind of emotion which is manifesting itself as anger.

In our practice, most of our clients are upset they are sick or hurt and frustrated with the toll their impairments have taken on their lives. These frustrations can come out sideways as anger towards us.

When dealing with Patty I’ve had the best luck just asking them straight up: *“You seem to be very upset, what is it I’ve done you are unhappy with?”*

In my experience, they often do not have a real answer and, once they realize it, they tend to back off a bit.

Additionally, with Patty you need to document EVERYTHING, that way you have proof you handled their case correctly should they happen to file any sort of complaint.

Also, ensure that from the beginning of their case, your clients have a firm, realistic grasp of just how fast/slow their claims will move; this might help temper expectations.



4. INAPPROPRIATE IAN

Inappropriate Ian has forgotten that you are his lawyer and has crossed that lawyer-client relationship boundary. He makes inappropriate comments, looks for any reason to call or email you, and suggests that after his case is finished he's going to "treat you to a nice dinner just the two of you."

He's officially creeped you out and you don't know what to do.

Tips for dealing with Ian: *Re-assign his ass!* Talk to another attorney in your firm, tell them the situation and ask for help. If no one wants to deal with Mr. McCreepy, look into referring him to another firm entirely.

Sometimes neither of these are options, and in that case, you need to draw some hard lines with Ian. Firmly remind him that you are his attorney and that as such he needs to treat you with respect. Explain that his advances are unwanted and inappropriate. Finally, tell him that if he continues to behave this way you WILL drop his case.

BUT, the most important thing with clients like Ian is to be smart. If you get a creepy vibe, don't meet the client alone, make sure you never give them any sort of personal information, and if they continue to disrespect you, have enough respect for yourself to drop them like a damn hot potato.

(P.S. Male attorneys can experience harassment too and you guys shouldn't put up with it either.) ☺

*"I was married by a judge.
I should have asked
for a jury."*

- Groucho Marx



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Goff

"We see a lot of money on the horizon, but we also see a lot of competitors already there, in trucks, hauling it away."

FROM PAGE 2

Strategy is Making CHOICES

- Competitive advantage may be fleeting. Anyone can start advertising on TV at the drop of a hat.
- The practice of law varies widely around the country. It's true we live in a more global world today, but competitive environments can look very different in different parts of the country.

PRACTICE AREA ADVANTAGE VS. COMPETITIVE ADVANTAGE

That's the key comparison we need to make. When everyone is making a good profit in a particular practice area, that's practice area advantage. When you see a few law firms that generate wild profits relative to the average firm; that's competitive advantage.

The fact that you're in a practice area that's low profit doesn't mean you can't make money. It means you must find a competitive advantage.

I am at the point in my life that I am pretty well set- I will practice disability law for the rest of my life. I like it and I don't feel like changing. Therefore, finding a competitive advantage over my competition is my primary strategy.

But maybe you are young or restless. Seeking a practice area advantage could be a strategy for you going forward. In either event, good luck! You will need it because someone or something will always be lurking around the corner.

Remember, only the paranoid survives! ☺

Lawyers Need a Laugh!

Perhaps one of the most painful aspects of relationship building in business is the interview and hiring process. Management of Marc Whitehead & Associates is here to commiserate on some of the most memorable things said in interviews or put on resumes.



Marc

Someone said they just wanted to sharpen up their interviewing skills for next summer.

Anthony

When asked "Why do you want this position specifically/what attracted you to our firm specifically?" the candidate responded "... well I'm casting a wide net."

Britney

Someone said they spoke fluent Spanish but they only took it in high school and don't really speak it.

Madison

A candidate wrote a personal statement saying they're looking for a job in the medical field while applying to a job with a law firm.

Natalie

Someone listed "Microsoft Paint" as one of their software proficiencies. ☺



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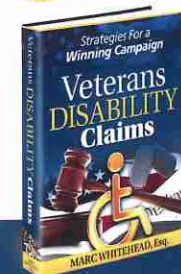
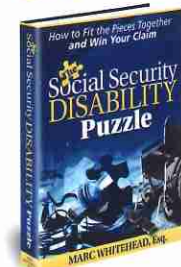
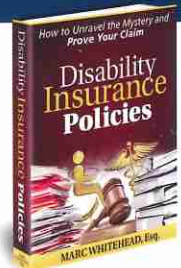
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