

December 2019

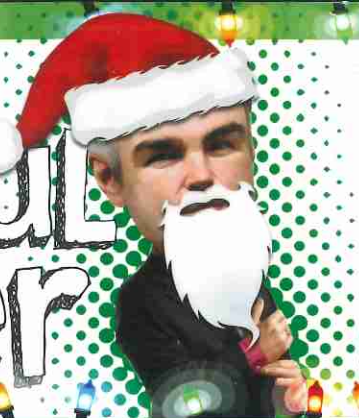
MARC WHITEHEAD & ASSOCIATES  
ATTORNEYS AT LAW, LLP  
A NATIONAL DISABILITY CLAIMS LAW FIRM

Vol. 5

Issue: 05

THE NEWSLETTER  
YOU'VE BEEN WAITING FOR...

# \$uccessful Barrister



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

Enjoy our special holiday pricing with NO price change! 🧑‍🎄 Price: \$199.99

## HO HO HO, Merry Christmas!!!

This is an *extra special edition* of the Barrister, because I am hosting my very first conference and I want every person who receives this newsletter to attend! Mastering Your Law Practice will be a fun and informative day filled with everything you need to make your law practice an even bigger success.

Give yourself the gift of more money and less stress. Go to [MasteringYourLawPractice.com](http://MasteringYourLawPractice.com) today to get your ticket.

And send me your disability referrals. ☺

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## THE ADVANTAGES OF MARKETING TO ATTORNEYS

One of the key marketing strategies at Marc Whitehead & Associates, LLP is marketing to other attorneys. *Gee, why do you think you get this newsletter...*



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The advantages of marketing to other attorneys are numerous, especially if you target those attorneys whose practice serves your target market but in a slightly different way.

### THE PRIMARY ADVANTAGE ARE AS FOLLOWS:

- You have credibility. You are one of them. You know the business and dare not try to sell them something.
- Loyalty. Once they trust you, you have to work hard to get rid of them.
- They are always looking to expand and upgrade their client base so they will appreciate a new possible referral relationship with you.

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## SAVE THE DATE

### MASTERING YOUR LAW PRACTICE

The Roadmap to  
Profitability and Success

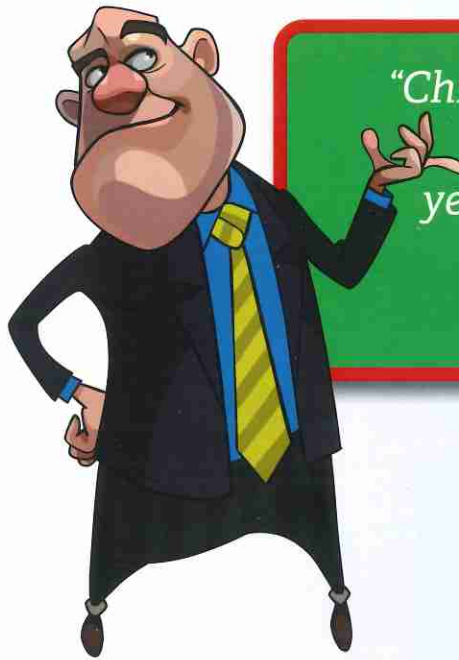
March 5th, 2020

Houston Marriott West  
Loop Hotel by the Galleria

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- There is more room for grace on client service issues. Why? -They already know that most of their clients are **crazy!**
- They have a network of referral sources that you can leverage.-CPAs: financial professionals, etc.
- They know other attorneys they can introduce to you, allowing you to quickly expand your referral portfolio.
- Their referrals to you will be presold, prequalified and have a solid level of credibility.
- The great ones will help you and watch your back. They will not throw you under the bus. The key, of course, is building a network of great ones.
- They may need your services in return.
- They're just as scared of you as you are of them... Because they don't like other attorneys, either! Make a friend of a colleague and you will have a referral source for life.

**BIG INSIGHT:** For many of us, we have an undistinguished referral network of attorneys we send work to unconsciously. This is a major asset if we can groom them into attorneys who refer to us.



*“Christmas is the season when you buy this year’s gifts with next year’s money.”*

*– Author Unknown*

Because I am feeling extra jolly and generous, here are a few more nuggets of wisdom to aid in your attorney referral marketing efforts:

**THE GOLDEN RULE PRINCIPAL**

Helping others-you must look to refer, help, support, encourage others on your way to building your referral portfolio.

**THE INVESTMENT PRINCIPLE**

Rainmaking is an investment of time and money into simple actions that can be systematized into your calendar and life. Like all investments, you have to put something into it.

**THREE KEY PRINCIPLES OF GREAT RAINMAKERS**

- The exclusivity principle: the intention is to attract good referral sources and high-value clients on a predictable basis. Period.

Also, learn to say no with grace and compassion. You cannot, should not, and will not work with everyone!

- The authenticity principle: all marketing actions must be consistent with your personality, beliefs and interest. You gotta be you.
- The commitment principle: no excuses, no victims. You are fully responsible for your success, or lack of it, as a marketer.

On the flip side, attorneys can sometimes make excuses for avoiding marketing to other attorneys such as:

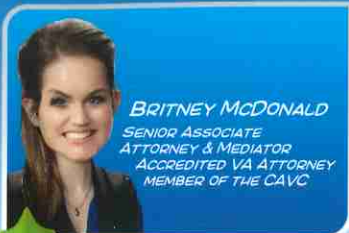
- They will know more than me
- They will think I'm a fraud
- They are too busy
- They don't have the time
- They will send me poor quality clients
- They will still migrate clients
- They will still migrate referral sources
- Think I won't know what to say
- They will not like me
- I will not like them

Like everything else management and marketing, every endeavor needs to be a process in place in order to optimize for success. Lucky for you, Atticus has one for you to implement in your firm today.

**THE ATTICUS REFERRAL DEVELOPMENT PROCESS IS AS FOLLOWS:**

- Accountability
- Who to talk to
- What to say
- How and when to say it
- Tracking





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

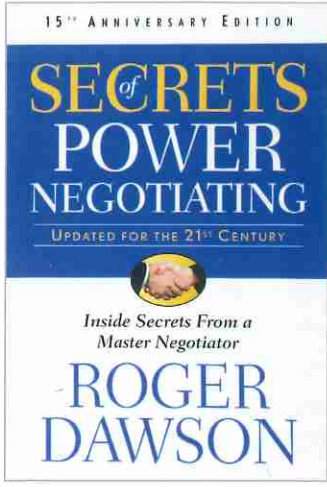
# Power Negotiating

(Part III of III)



This is the final discussion on the topic of negotiation tactics. While it may have been awhile, remember how my previous

two articles explored how to begin and continue a negotiation? Finally, and I could say most noteworthy, is this installment which will focus on how to effectively complete a negotiation and reach an agreement that is beneficial to your client. Your client's happy, you did your part and get paid, everybody celebrates! Again, I must give credit where it is due, because many of the ideas detailed here are found in the book called "Secrets of Power Negotiating" by Roger Dawson.

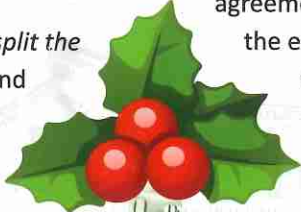


### POINT 1: Asking for more after the deal is essentially done.

This point hits at how to get a little bit more after both sides have agreed, as well as how to protect against it. Occasionally, one side wants to "nibble" more after you've reached an agreement. Once the tension and stress of actually making a deal is done, the other side is more likely to give a little more. Keep in mind though, if the other side asks for more, protect yourself with higher authority. "Oh...wish I could get that done for you Bob, but my client has already stressed to me that he's not going to give more than the terms state." However, ambiguous terms occasionally exist where people can "nibble" even after the deal is done, so make sure everything is in writing and clear so each party is aware of where the lines are drawn.

### POINT 2: Taper off concessions.

We've all been there with our negotiations. "Let's split the difference!"—after you have reduced your demand significantly, how convenient for your opposing counsel. Do not give equal sized concessions or a big concession at the end; instead, taper those



reductions down. This will temper expectations for the other side, who will be less likely to ask for bigger concessions as you move forward. Never concede your entire negotiation range because the other person wants your final offer. If you taper off, let them know you are doing so to give them the best possible deal.

### POINT 3: Make it easy for other side to accept.

Giving a small, well timed concession at the end will make the offer attractive. This may only be a small change on the settlement terms, and make an impactful statement given the timing. Congratulate other person on their negotiation and getting a deal done, even if you think they did a poor job! Keep the relationship friendly, counsel (if you can)!

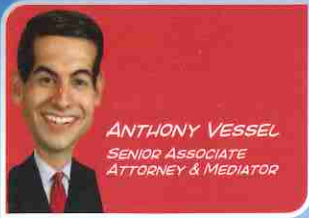
### GENERAL POINTS:

- Get other side to commit to a position first.
- Appear empathetic to the other side's position to diffuse the competitive spirit associated with negotiations.
- Don't let the other side write the terms—that will lead to additional terms in the agreement that weren't previously discussed. If you write it yourself, you can instead write the terms in your favor.
- Concentrate on the issues—don't be distracted by other things or become emotionally involved.

All three stages of a negotiation are important and skillfully conducting those stages is necessary in reaching celebrated agreements. Where you start, how you continue the talks and eventually how you end the negotiation in agreement can all effect

the end result. **You want to always be doing things that will move the negotiations in your favor.** 😊





# How to WIN FRIENDS and INFLUENCE PEOPLE (AS A LAWYER)

One of my favorite books I encourage everyone to read in their life is Dale Carnegie's "How to Win Friends and Influence People." In this classic, we find some great canons to build up our interpersonal skills and how to become a better communicator and frankly, better people.

According to Mr. Carnegie, there are 3 important ways to "handle" people. They include avoid criticizing, condemning, or complaining, give honest and sincere appreciation, and arouse an eager want in another person.

We can apply these to most of the people we interact with in a personal, professional and legal setting. For example, in the courtroom, always show appreciation to the jury for showing up and doing their civil duty, try to avoid getting into petty fights and complaints with opposing counsel and instead objectively communicate your needs and wants. Also, instill an aligned want or need with your client and with the jury.



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

Please see below for some other nuggets of interpersonal gold from Carnegie.

## HOW TO MAKE PEOPLE LIKE YOU:

- Become genuinely interested in others
- Smile
- Remembering someone's name is the sweetest music they can hear
- Be a good listener. Don't just pause between your thoughts, show genuine interest in what others have to say
- Talk in terms of the other person's interests
- Make the other person feel important, but do it sincerely

## HOW TO GET PEOPLE ON BOARD WITH YOUR WAY OF THINKING:

- Being friendly and cordial
- Appeal to the nobler motives
- Show respect to the other person's opinion and avoid flat out saying "you're wrong."

- Listen while the other person does the majority of the talking
- Try honestly to see things from the other person's point of view
- The hardest one for a lawyer: if you're wrong, admit it quickly and honestly

## BE A LEADER:

- Begin with praise and honest appreciation
- Try to mention your own mistakes when mentioning those of others
- Ask questions before demanding orders
- Avoid direct criticism for criticism's sake, allow the other party to save face where possible.
- Praise. Praise even slight improvements. *"Be hearty in your approbation and lavish in your praise."*

## SECRET OF SUCCESS:

Lastly, Carnegie writes that it lies in the ability to get the other person's point of view and see things from that person's angle as well as from your own. Could there be a more helpful skill in the practice of law? I struggle to find one.

I understand that not all of these suggestions fit within every setting or person you contact in the day and life of a lawyer. Obviously, I will not be lavishly praising opposing counsel for screwing over my client. But finding the right opportunities to employ these tactics will pay dividends in your professionalism, persuasion, and general work satisfaction or I'll give you your money back! Oh, wait, this publication is already free... *well, enjoy the free wisdom and happy holidays anyway folks!* 😊

# All I Want for Christmas...



Marketing folks live and die by their digital tools, software and apps. I call them my marketing toys. Some are basic toys and others require batteries and other are super deluxe editions with all the bells

and whistles that would make anyone in your marketing network seethe with jealousy.

**In 2011, there were only around 150 marketing technology companies worldwide (MarTech for short). In 2019, there are over 7,000. That's a lot of toys.**

I bet many of you right now are wrapping up or in the midst of planning for 2020. This article aims to function as your holiday gift guide for MarTech toys that will make for a more efficient and prosperous 2020.

## Social Media

Ain't nobody got time to log into each individual social media platform, write out a post, and hit submit. Plus, Facebook, Twitter, LinkedIn, YouTube, Pinterest, Snapchat and Instagram all have very different audiences and the content you post shouldn't be cookie cutter across the board anyway.



We currently use Sprout Social to schedule out our posts across Facebook, Twitter or LinkedIn. Your content can post right away, or you can schedule for a specific time and date. I like to schedule out 30 days worth of foundational content so our postings are consistent, on-brand, and then I fill in with day-of postings as needed. Sprout also provides comprehensive reporting on your social media channel performance, competitive comparison reports, Twitter listening for specific keywords and looking at your reviews.

Sprout is around \$100 a month. Other toys with the same and/or slightly different

features include Hootsuite, Buffer and Zoho Social. I'm thinking about asking Marc to trade in Sprout Social for Zoho, because I can also manage Facebook lead generation campaigns from there.

## Email Marketing

Email marketing platforms are a dime a dozen. I've been using My Emma for three years – honestly, because I felt like their interface was much cleaner and marketing friendly.

I think email marketing software should be decided based on your level of comfort with designing an email blast, or possibly your budget for having someone else design and upload a branded template for you to use. I personally think Constant Contact is awful and clunky. I'm thinking about switching to MailChimp, as that's what I usually recommend to friends with small businesses.

## Marketing Automation Tools

This is the big Santa gift I really want to ask Santa Marc to purchase for me, and honestly if you get the automation platform with the right features it will negate the need for many of the MarTech toys I've already discussed and others we already have. It's something I'll be looking at when I work on the 2020 marketing budget.

Things a marketing automation platform can do for you:

- Social media schedulers and analytics
- Email marketing and automation workflows
- Lead nurturing
- Drip campaigns
- Analytics and reporting
- SEO, paid media and digital advertising management

The MarTech toys I'm looking at include Hubspot, Active Campaign and Pardot,

Obviously, investing in marketing automation requires someone in-house who knows how to play with the toy, but it would behoove any lawyer to invest in some basic toys to make their lives easier and make them more money. I'm happy to chat with any of you about your needs and what mix of toys would make sense for you to have. Drop me a line at [natalie@marcwhitehead.com](mailto:natalie@marcwhitehead.com).

**Hopefully Santa Marc has me on the nice list. Now to decide which toys to trade in for new, shinier toys! 😊**



# QUIET!



MADISON DONALDSON  
ASSOCIATE ATTORNEY

My latest foray into non-fiction (I usually live in the mystery/horror section of the library) was to read Susan Cain's *"Quiet: The Power of Introverts in a World That Can't*

*Stop Talking."* EXTROVERTS DON'T TUNE OUT, this book is completely relevant to you too. In fact, if you own a business, manage a team of people, or are trying to parent an introverted child, this book is an absolute must read.

HERE ARE THE BASIC IDEAS:

## 1 AMERICAN CULTURE VALUES EXTROVERSION.

There are studies showing extroversion is correlated in our minds with confidence, intelligence and, yes, even attractiveness. *The ideal self is gregarious, alpha, and comfortable in the spotlight.* Introversion is seen as being *between a disappointment and an ailment.* As a result, ideas from extroverts are coveted and adopted even though they may in fact be downright awful ideas. This is what Cain dubs the "Pitfall of the Extrovert Ideal."

## 2 THERE IS NO CORRELATION BETWEEN BEING A GOOD SPEAKER AND HAVING GREAT IDEAS.

If an extrovert speaks up at a meeting (as they are apt to do), we value their charisma and confidence and attach erroneous value to whatever they are saying. In the meantime, introverts who find the courage to speak up may have a much better idea but, because *the delivery* is lackluster, the idea is often overlooked. Additionally, humans are incredibly susceptible to group-think - meaning, bad ideas can actually be unanimously adopted. Cain gives the example of juries *in which the desire for social cohesion can sometimes short-circuit justice.*



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*"Santa has the right idea. Only visit people once a year"*

- Victor Borge

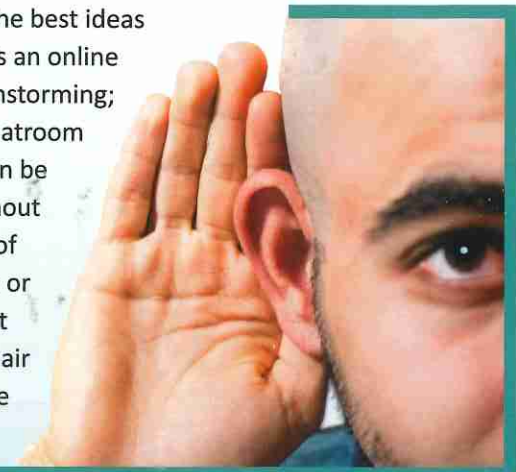


## 3 INTROVERSION/EXTROVERSION IS CORE TO OUR TEMPERAMENT.

Cain discusses studies which show that extroverts are actually more responsive to dopamine, which makes them less risk averse and more impulsive. Introverts are less responsive to dopamine and more governed by the neocortex, *the part of the brain responsible for thinking, planning, language, and decision making.* I mean, which one would you want to take gambling?

## 4 THE LATEST TREND TO OPEN OFFICE SPACES MAY ACTUALLY PROVE DETRIMENTAL.

Today's emphasis on collaboration has led to barrierless offices. However, studies in Cain's book show that brainstorming often *leads to lower quality ideas and the more vocally assertive extroverts are the most likely to be heard.* Some of the most creative people often require solitude and a less imposing way to present ideas. One of the best ideas Cain presents is an online version of brainstorming; essentially a chatroom where ideas can be populated without the possibility of social rejection or embarrassment or the fight for air time among the extroverts.



# QUIET!

## THE ADVANTAGES OF MARKETING TO ATTORNEYS

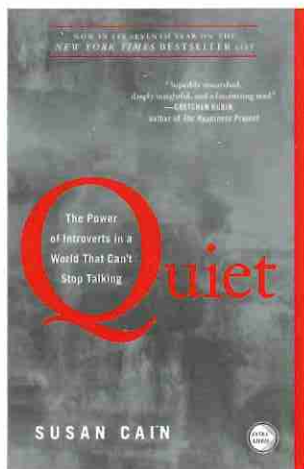
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### 5 BALANCE IS BEST.

The best companies have a balance of introverted and extroverted leaders. Cain discusses studies that show *introverts are better at leading proactive employees because they listen to and let them run with their ideas, while extroverts are better at leading passive employees because they have a knack for motivation and inspiration.* If you only have one type of leader, half of your employees are not being developed to their full potential.



*I seriously cannot stress how important this book is for leaders. How often could you be passing over qualified employees for promotions or hires simply because they are less charismatic? Charisma does not equal intelligence (just ask my boyfriend). Seriously. Go get this book. 😊*



And if all this isn't enough to convince you to put attorney referral marketing at the top of your 2020 goals, here is a little more context to push you in the right direction.

- Value per case on a client referred from another attorney is higher
- Less acquisition costs over time
- Less sales involved because the PC is presold
- Makes you look good and feel good if you are known to others as the best
- The referral sources are like endless annuities for our practice
- Makes it difficult to unseat you as a dominant player

### WHAT WOULD HAPPEN IF...?

- You built a network of 100 individuals that saw you as a trusted relationship-as the go-to person?
- They saw you as someone they could trust with their best clients, friends or colleagues?
- And, 20% sent you one case a quarter,

20x4 per year  
equal 80 referrals

+

80% sent you one case per year  
for an additional 80 referrals =

**160 referrals per year!**

*What would that do to your bottom line?*

***Ho Ho Ho and Merry Christmas from Marc Claus and his elves! 😊***



# Lawyers Need a Laugh Conference

My attorneys wanted to put out what they wanted for Christmas again this year, but I felt it more important to talk about what I want instead.

## MASTERING YOUR LAW PRACTICE

The Roadmap to Profitability and Success

March 5th, 2020

Houston Marriott by the Galleria  
1750 W. Loop S. Houston, TX 77027

I am hosting my first conference and I want all of you to attend. It's **Mastering Your Law Practice: The Road to Profitability and Success**. It is a jam-packed day full of useful information on how to run your law practice and make a lot of money easier, faster, and more efficiently. Much like the information I send out in this newsletter.

**GO GO GO, GET YOUR TICKET TODAY!!**

The website is live at [MasteringYourLawPractice.com](http://MasteringYourLawPractice.com) and are only \$100. ☺

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# DISABILITY & INSURANCE DENIALS



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800-562-9830 • 713-228-8888

[marc@marcwhitehead.com](mailto:marc@marcwhitehead.com)

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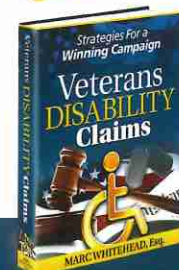
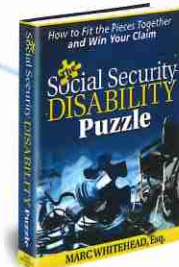
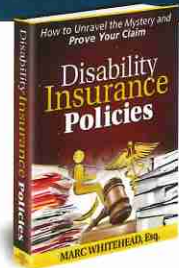
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