

May/June 2020

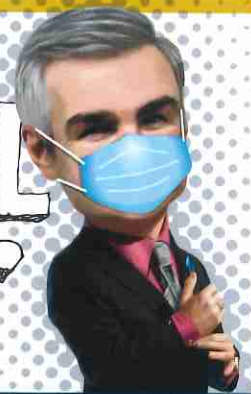
MARC WHITEHEAD & ASSOCIATES
ATTORNEYS AT LAW, LLP
A NATIONAL DISABILITY CLAIMS LAW FIRM

Vol. 6

Issue: 03

THE NEWSLETTER
YOU'VE BEEN WAITING FOR...

\$uccessful Barrister



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

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Welcome to the Covid-delayed issue of The \$UCCESSFUL BARRISTER!

Our team is scattered across the city of Houston yet still working hard, helping our clients and earning money for the firm.

Now more than ever is the time to be organized. We couldn't continue to efficiently run a remote operation without clear expectations, goals and organized and coordinated communication. Our team members who have been forced to work remotely for the last 4 months couldn't do it without a clear space in which to function from their homes.

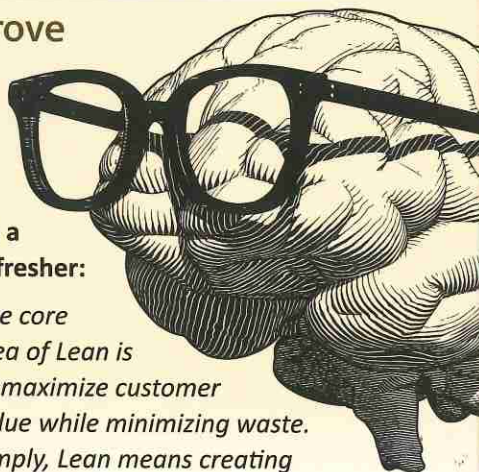
We hope you find this issue to be timely and relevant to the current challenges facing our business landscape. ☺

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THE ABSURDITY OF... "OUT of SIGHT, OUT of MIND"

Using Lean Principles to Improve Your Workspace



As a refresher:

The core idea of Lean is to maximize customer value while minimizing waste. Simply, Lean means creating more value for customers with fewer resources.

All the principals discussed in this article, as well as the previous two articles on the topic, can be found in "A Factory of One" by Daniel Markovitz.

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PODCAST

FEATURED GUEST ON



Download in the Apple store to listen to Marc's episode

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MARC WHITEHEAD

BOARD CERTIFIED - PERSONAL INJURY TRIAL LAW
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NATIONAL BOARD OF SOCIAL SECURITY DISABILITY ADVOCACY

Here we are... the world is still turning, people still have legal problems that need resolving, lawyers still need guidance in how to successfully and efficiently run their law practice. This brings me to the conclusion in my three-part series on how to apply the principals of "Lean," the focus in this article on how you should organize your desk and workspace to achieve maximum efficiency.

ONE THING AT A TIME: BUSTING THE MULTITASKING MYTH!

Concentrated, focused, uninterrupted work on one thing is the best way to do a task well. Multitasking is attempting to do two things simultaneously. It is not doing one activity while waiting for another process to finish. Multitasking is going to slow you down and increases the chances of mistakes. The brain can't do two things at once; rather it rapidly switches between two activities.

Serial tasking (*i.e. doing one thing at a time*) is the solution to the problem. It will improve your work processes, reduce waste, improve flow, and allow you to continually improve performance. Also, grouping similar tasks to blocks of activities will reduce the time lost to switchover.

problems and create customer value. It is not a place for you to put papers that you have not yet had a chance to read or put away. In short, you should only keep what you need on your desk.

But Marc... if I don't see it, I will forget about it and it won't get done. Hmm... me thinks if seeing the item on your desk actually helped you get it done, it probably wouldn't still be sitting there. More importantly, if the item was really that critical, how does it help you to have it buried under a pile of papers? If seeing the item on your desk is necessary, how do you hope to handle any work that arrives electronically? Keeping everything in sight at all times does nothing but ensure that it eventually **will become invisible** to you.

FREQUENCY-BASED ORGANIZATION

The main reason paper documents metastasize on your desk is because most people's filing systems are inadequate to manage the different types of information that flow through them.

The solution is separating and sorting the information you're keeping by the frequency with which you use it. You can do this by

creating three groups of files:

- Working
- Reference
- Archive files

This process is designed to eliminate the time you waste looking for information. Second, it allows you to invest your mental energy into something really important, like solving client problems and improving your law practice.



Working files must meet one of the following criteria:

- Frequent use, usually one or more times per week; or
- They have predictable retrieval.

Reference files must meet one of the following criteria:

- Infrequent use, usually less than once per month; or
- They have unpredictable retrieval.

Archive files are files you never plan on using again, but you must keep for legal or policy reasons.

The cardinal rule: don't co-mingle working and reference items. This causes the giant stacks of paper on your desk. Also, don't keep the files on your desk. The desk should remain clear of all files except the one you are currently working on. The rest should be put away or at least on a separate table or credenza. Improving flow enables you to deliver higher quality work more frequently.

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Eliminating multitasking not only creates more value for your client, it will also have a profound psychological benefit for you.

THE CLEAN DESKTOP

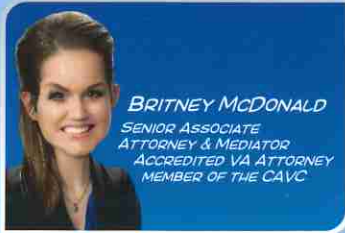
In the **Lean** system, there should only be one thing in front of you at any time and that is **only** whatever the client or project you are working on requires at that moment. That means getting all the unnecessary crap off your desk!

The desktop is a workspace, not a storage space. It is a place for you to think, analyze, solve

"Organizing is just one big game of Tetris"

- Alejandra Costello

Team LEADERSHIP in Uncertain Times



Okay 2020, enough is enough. First, widespread fires and a global pandemic, and now whisperings of murder hornets?!

Wish we could all just go back to the way things were going when everything was normal and easy last year (obviously, that's relative). This uncertainty spreading over the world is far reaching, affecting businesses in all industries, even the legal profession. With employees and clients worried about jobs, their families' health, wellbeing, and financial security, we feel immense pressure to rise above the chaos and demonstrate effective leadership in this constantly evolving and uncertain situation. After doing a bit of research and speaking with those leaders I look up to, myself, I can offer some advice as to how to handle your role with sound direction and grace.

1 Be aware of the task at hand. You need to recognize now that even while you may still be trying to grasp onto something firm and figure out how this situation will affect you personally and your career – understand that you are the person that your team is going to look to for guidance and answers for their own situation. You are the leader. You have that role for a reason, and that reason is ever important in this pandemic.

2 Make a plan for your team. Not only do you need to “man up” (or “woman up”) about your position as a leader, it is your job to guide them using the tools you hopefully already have in place. Reassure the team that the use of established procedures should continue. If you do not have those established procedures in place for continuing business as close to normal as possible, start to make a plan. Tell them how and when you will communicate and when they need to be communicating with you. What is their role. How is everyone going to be held accountable when working from home. Will there be

team meetings, one on ones, team happy hours? Figure out how to keep them engaged and motivated.



3 Fine tune your plan as you carry it out. As the situation changes, so will your plan. You may find that roles need to be switched or that duties may need to substitute for others that work better for the current situation. If you can make your process as streamlined and procedurally driven as is possible, you have a better chance of catching problems or mistakes before they affect your clients and your team members. Fine tuning your plan will demonstrate some desperately needed control in a situation where little control can be found outside of your office.

4 Be flexible. Understand its not just your clients who are experiencing hardship right now, your employees likely are too. Even if they are still working (*from home or at the office*), schools are closed, social isolation is at the highest we have ever seen it, and people are struggling to deal with the effects of this pandemic both mentally and physically. While personal problems are ultimately not a good excuse for failing to do a job, remember that if ever there was a time to show compassion, now is that time. Work with your team members to create a system for them to continue their duties and maintain the system already in place at your office. Not only will they be happier in the end, but they will likely respect and appreciate you much more for showing some kindness during this time.

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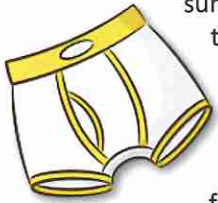
VIDEO CONFERENCING: ZOOMING INTO THE FUTURE!



ANTHONY VESSEL
SENIOR ASSOCIATE
ATTORNEY & MEDIATOR

What once was a hair-raising nightmare is now an everyday reality. No, I'm not talking about the pandemic, I'm talking about showing up for court in my underwear. Never did I think I would be attending so many meetings and even court appearances without

pants on, but here we are folks, this is the future. There sure are a lot less flying cars and capsulized meals than the Jetson's portrayed... oh well, at least there is video conferencing. I thought instead of giving you some meaningful advice or tips about how to best utilize this great tool, I'd rather write another rapid top 5 list. This time it's about my favorite features, uses, and even comical moments from my videoconferencing so far.



1. VIRTUAL HAPPY HOURS

I was skeptical and hesitant at first. I already drink with my friends on screen when I watch Mad Men or It's Always Sunny in Philadelphia, why do I need to actually interact with other people?! But come to find out, as a full-on extrovert, staying quarantined for months and not talking to 100 people a day leaves a void to be filled. Enter the virtual HH. I organized one for some high school friends that haven't been in the same conversation for at least a decade, and we had a blast. It was great to see how fat, gray, and bald everyone is becoming. Here's to the next decade!

2. ELDER FAMILY MEMBERS AND CO-WORKERS LEARNING NEW TECH

I've got to say, it's endearing, and even inspiring, to see some folks who have several decades on me still challenging themselves and learning new things. The inevitable holding the camera too close and yelling into the mic never gets old to me. Plus, this will save me gas and time by not having to drive to my hometown to see my folks as much. Win-win.

3. VIRTUAL BACKGROUNDS

Virtual backgrounds are hands down my favorite feature. I try to boost morale with my team huddles by changing my background each day from movies, events, and places for guessing games and lighthearted banter. My favorite has been George Costanza posing seductively on the chaise lounge, or Jerry Stiller yelling about Festivus (RIP to a great comedian). Marc and I compete in our meetings for who has the most creative background.

I always win; Marc isn't funny and should keep his day job. I just hope I get to keep mine after this article.

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4. HAWK-LIKE SUPERVISION

This technology lets me watch over my staff working from home like the Eye of Sauron stalking the Hobbits. I hold twice daily meetings for check-ins, so I at least inconvenience my staff before they go back to watching the Price is Right and eating cereal.

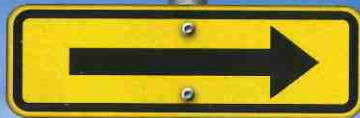
5. MEETINGS ARE LESS SOUL CRUSHING

How many meetings have you sat through where you're rolling your eyes and wishing the creator would have just sent an email? All of them? Yeah, me too. With the different features like mute, virtual backgrounds, private messaging, and even blacking out your video, you can just let your Zoom meeting go on in the background while you pass gas in comfort and march forward with your productive day. ☺

*"The best way
to get something done
is to begin"*

- Unknown

A Season of Reinvention



NATALIE
HIGHTOWER
MARKETING & INTAKE
DIRECTOR

This past year has just been downright terrible, just one bad nightmare from which society can't wake up.

While it's been a long 6 months of gloom and doom, I also see a lot of hope. People are much more resilient than I previously thought and much more adaptable. Now is a great time to learn new skills, re-evaluate partnerships and the value they add to your life and work, and determine what is working for you and what is not.

It's Not You, It's Me

When our lives came to a crashing halt in mid-March, we needed to quickly assess our firm's remote working capabilities, our marketing and our messaging to our clients so they had every confidence in our ability to continue fighting the good fight on their behalf.

Our SEO company stepped up to the plate in a big way. They had our Covid response up on our website within hours, without me even having to ask them to do it.

They also had our messaging up across all our social media channels and were providing me updates daily on not only our own website traffic and conversions, but that of our competitors and industry as a whole. I felt supported and like our marketing was in good hands with them.

In contrast, other legal vendors were blasting blanket Covid messaging, webinars, "meetings" and pushing a cookie cutter agenda and "tips". A more valuable activity to me as a client would be personal outreach and insights specific to our law practice that would be useful in ensuring we kept a steady stream of leads coming in.

This experience has led me to question... "Could I do this activity myself? Could I bring different outsourced activities in-house and generate a better return on investment?" After all, no third party will ever be as emotionally invested in our firm's success as me or another employee. Such musings have led me to immerse myself in learning new skillsets. Not that I'm going to fire all our partners, but now the option of doing it ourselves is on the table for consideration when evaluating which vendors to keep and which ones are not adding value to the firm.

To the attorneys reading this article, a more realistic action item for you would be to consider hiring someone with marketing expertise so you're not chained to your marketing agencies and vendors.

Teaching an Old Dog New Tricks

Not every firm has the budget to implement fancy software to automate tasks and spit out reporting with a click of a button. However, there is a wealth of educational materials out there on the internet for little to no cost that will help you do what you need to do. A few examples:

- **R** is a computer programming language that can automate and visualize reports with data from something as simple as an Excel spreadsheet. The software is free (!!!) and there is no shortage of videos, online classes and books you can consume to learn the language and use it to generate business insights for you. I highly recommend going to Coursera.org to enroll in some classes, or browse videos on YouTube on the subject.
- Speaking of YouTube... purchase a ring light and an iPhone tripod stand and get to work filming short videos about a topic your clients would be interested in hearing about and post it online. There are cheap online apps (like Wave.video) where you can quickly and easily edit your videos with text, graphics and stock imagery and music. Creating video content doesn't have to be time consuming or expensive.
- Do your eyes glaze over when your SEO company talks about the technical SEO activities they perform for you? You could identify just one activity, like backlinks campaigns, and utilize all available online resources like videos, blogs to craft your own campaign. Best of all, you could hire a college intern or recent graduate (this is the perfect option for an intern to do while working remotely) do the legwork.

Hopefully I've spurred your creative juices and inspired you to learn something new and turn roadblocks into simply a different path to success. 😊

START LINE of
NEW LIFE STYLE





MADISON DONALDSON
ASSOCIATE ATTORNEY

Another non-fiction book review coming in hot. This time we're looking at **Mindset, The New Psychology of Success**, by Carol S. Dweck. This book is all about recognizing and changing your closed mindset to one of

growth. It helps you reframe what it means to be successful, and what your setbacks or "failures" say about you. First, the two mindsets:

1. **Closed Mindset:** The belief your qualities are carved in stone. It is the belief some people are innately gifted or born with qualities such as intelligence and some people are not.
2. **Growth Mindset:** The belief skills can be cultivated with effort.

That part seems easy enough, right? However, even if you fundamentally believe you can get smarter by studying, or become a better athlete with practice, the book points out your mindset can still be quite closed when it comes to perceived successes or failures.

SCENARIO: You just failed a math test.

CLOSED MINDSET: I'm not a smart person. I'm not good at math.

Reaction: They stop trying. They don't study any harder because they think there is no use. Their grades stay the same or get worse.

GROWTH MINDSET: I did poorly on the test, let's look at reasons why and see how I can improve.

Reaction: They talk to the teacher to get some feedback. They learn from their mistakes and try even harder to get it right next time. Their grades improve.

People with a closed mindset take in information and use it to form judgments. "This means I'm a loser." "This means I'm a better person than they are." "This means I'm not good at my job." In contrast, people with an open mindset use that same information but instead of forming judgments about themselves and others, they use it

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for learning and constructive action. "What can I learn from this?" "How can I improve?" "How can I help my partner do this better?"

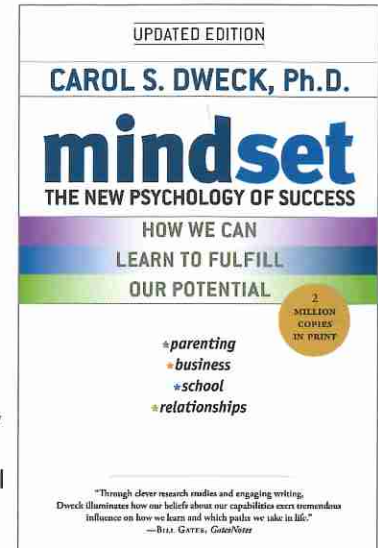
This idea really hit home with me when reading one of the anecdotal stories included to exemplify the differences between a fixed and growth mindset. Dweck talks about a student of hers who, after submitting a research paper for publication, had received copious critiques from the editor. Dweck's student initially looked at the sheer number of suggested revisions and decided she had failed. The student didn't even read the critiques, let alone try to revise her research for possible publication. When the student discussed her disappointment with Dweck, Dweck responded:

"It's not about you. That's their job. Their job is to find every possible flaw. Your job is to learn from the critiques and make your paper even better."

This was a sucker punch because I'm exactly like that about judges' decisions. I pour my heart into these lengthy and labor-intensive motion for summary judgements and I do the very best job I can do for my clients. So when a judge rules against me it feels personal. The first MSJ I lost, I broke down in tears and didn't read the decision until two weeks later (after two healthy glasses of wine).

After reading this book, I realize now that the judge wasn't personally attacking me (even though he did entirely decimate a few of my arguments), he was just doing his job. I have since returned to that same unfavorable decision and read it with a growth mindset, looking at it as an opportunity to work on my writing skills and add to my knowledge of the law. For the next MSJ, I'll be even smarter and more prepared.

Love, love, love this book, however, the middle portion is boring as hell. Do yourself a favor and read the first two chapters then skip to the last; the first two teach you about the mindsets, the last helps you make changes to your own mindset. The middle chapters essentially reiterate the same point over and over again. **Closed mindset = bad. Growth mindset = good. Cheers, nerds. ☺**



"Clutter is nothing more than postponed decisions"

— Barbara Hemphill

THE ABSURDITY OF... "OUT of SIGHT, OUT of MIND"

Using **Lean** Principles to Improve Your Workspace

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PROCESSING THE WORK ON YOUR DESK-THE 4 D'S

From a Lean perspective - procrastination is waste. To improve flow, when you dive into the paper on your desk (or electronic inbox), you have to apply one of these 4 D's to each item (and eliminate procrastination as a legitimate course of action). I suggest you start with the thing you dread the most.

1. Do it.
2. Delegate it.
3. Designate it - schedule time on your calendar to do at a later date.
4. Discard it.

NEXT STEPS

After you finish reading this issue of the Barrister, put it down and go do these things:

- Throw out all the crap in your office.
- Make inbox, outbox, and reading trays for all new incoming papers and files.
- Put all desktop papers in the inbox.
- Create working, reference, and archive file drawers.
- Do the same for electronic folders.
- Make a recurring "maintenance" appointment in your calendar to keep your new system in order.
- Notify staff of this organizational method and ask them to do the same.
- Ask your staff to ask themselves before putting something in anyone's inbox - "Why does <their name here> need to see this?"

THE IRONY OF OUT OF SIGHT, OUT OF MIND

With visual cues in the form of stacks of paper scattered everywhere, it's impossible to stay on top of all the information flows and spot any problems. Ironically, by keeping everything in sight, it all eventually becomes invisible. The key to effective visual controls is to create a system that makes your work (*your projects, your ongoing commitments, and your responsibilities*) easily visible so that you can, at a glance, know what's supposed to be done.

Now's the time for you to put this down, go to Amazon, and get to shopping. **Cheers to more productive days ahead.** ☺

Team LEADERSHIP in Uncertain Times

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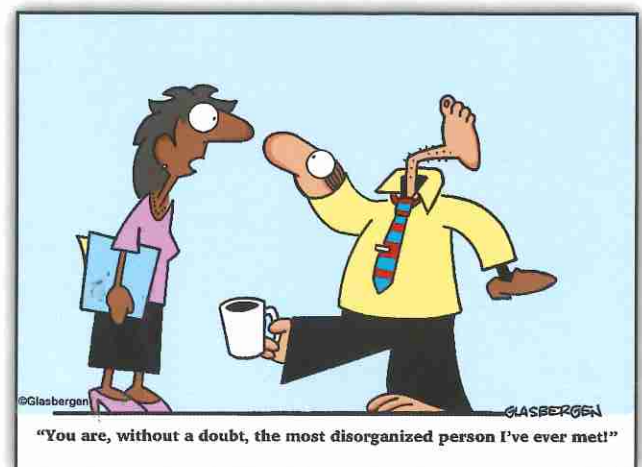
PRINCIPLES TO REMEMBER

DO:

- Understand the leadership challenge you face — you're teaching people how to succeed in a crisis.
- Consider your employees' perspective and think about what you would want to hear if you were in their shoes.
- Encourage your team through rousing, inspiring language. Your message is, "We can do this together."

DON'T

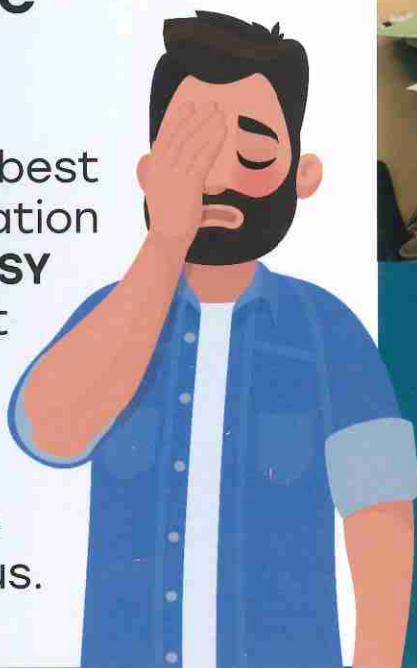
- Trade in speculation. Be honest and truthful about the facts on the ground.
- Sugarcoat the situation. Otherwise, you'll come across as a liar or someone who's out of touch.
- Ignore the personal touch. Meet with your team members one-and-one and in small groups and offer support. ☺



Lawyers Need a Laugh

Let's see you put
my advice
to work!

The best
transformation
FROM a MESSY
desk set
up **TO** the
CLEANEST
wins a
fun prize
from us.



Send the
before and
after
PHOTOS

to Marc@marcwhitehead.com

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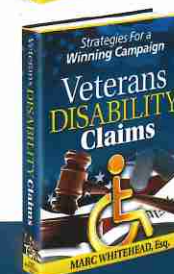
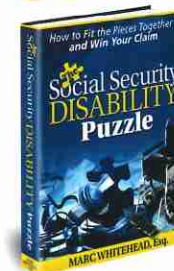
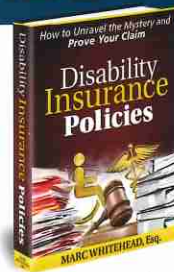
Veterans Disability Claims

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