

Jul/Aug ??? 2020

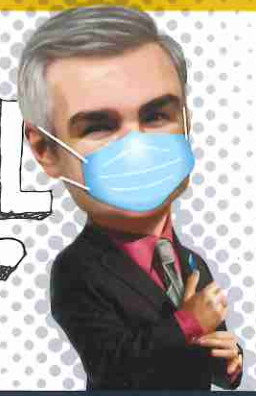
MARC WHITEHEAD & ASSOCIATES  
ATTORNEYS AT LAW, LLP  
A NATIONAL DISABILITY CLAIMS LAW FIRM

Vol. 6

Issue: 04

THE NEWSLETTER  
YOU'VE BEEN WAITING FOR...

# \$uccessful Barrister



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

Same as usual... enjoy this issue with no price change! 😊 Price: \$199.99

## Welcome to another COVID-DELAYED issue of The \$UCCESSFUL BARRISTER!



We are still in 2020 and everyone here at Marc Whitehead & Associates are still standing. This issue is filled with sage wisdom about how to treat each other and yourself to continue to plow through this difficult year. Your therapist will thank me.

Your clients, friends and family who may have trouble receiving their disability benefits will thank YOU for referring them to a firm specializing in getting those benefits paid. Please email [Marc@marcwhitehead.com](mailto:Marc@marcwhitehead.com) for referrals and to discuss referral fees and co-counsel arrangements. ☺

## IMPROVING YOUR MINDSET WITH DAILY AFFIRMATIONS - For the Love of Stuart Smalley



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Last issue, my associate Madison Donaldson wrote on the topic of your Mindset, specifically talking about Carol Dweck's book by the same name. Dweck defined two competing types of mindset; A growth mindset vs. a closed mindset: She defined them as follows:

• **A 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.*

• **A Growth mindset:** *The belief skills can be cultivated with effort.*

I think we would all agree that a Growth mindset is more beneficial to entrepreneurial lawyers such as ourselves. Fortunately, as Dweck points out, with work you can change your mindset from a closed mindset to a growth mindset.

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## PODCAST

### FEATURED GUEST ON



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

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**But how Marc? For the love of Stuart Smalley, I'm glad you asked!**

Which brings me to the most recent book I have really enjoyed, **The Miracle Morning by Hal Elrod**. Elrod's book goes through the 5 or 6 things you need to do in the morning to have a "miracle" morning and day for that matter. I am only going to focus on one, saying daily "affirmations," as I think it can directly relate to improving your overall mindset.

**But Marc, that sound so touchy/feely? And I don't look good in a pink sweater!**

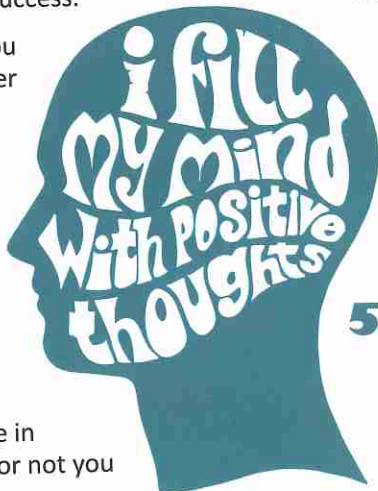
Yea well get over it because it works! Try it for two weeks and you will be hooked.

## WHY AFFIRMATIONS WORK

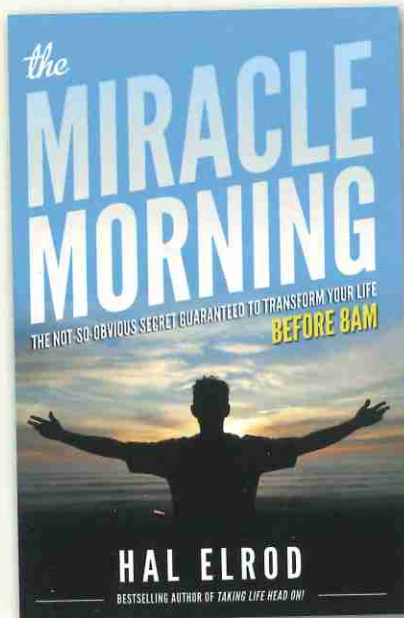
An affirmation is simply a verbal declaration that something is true. It sounds simple, but actually the art of affirmation is more powerful than most of us realize and it is an art. Affirmations used incorrectly can be useless or even self-defeating.

**Why should you do affirmations?** It's simple, they constantly remind us of our objectives for ourselves and our lives. They hammer our goals into our subconscious so that those goals drive us in ways we don't even realize. They create a success mentality which will ultimately lead to success.

The affirmations you use can be whatever you want them to be. But remember when creating and using your affirmations, even minor variations in the wording of the affirmations can make a big difference in whether or not you



get the results you want. After all, the entire purpose of an affirmation is to use certain words to shake your consciousness and circumstances.



It's worth it then to put some time and effort in crafting your affirmations.

### HERE ARE FIVE GUIDELINES TO FOLLOW WHEN CREATING YOUR AFFIRMATIONS:

1. Always use present tense. Take the condition you seek and declare it to already be true.
2. Use positive language. Affirm what you do want, not what you don't want.
3. Stay concise. Short simple language is best and most powerful.
4. Use action words. These are the words that inspire you to movement.
5. Use feeling words. When you include your positive emotions in your affirmation you get to the heart of why you want what you want.

*"First rule of leadership: everything is your fault."*

*- A Bug's Life*

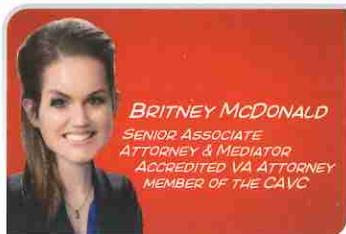
There's a saying the teacher appears when the student is ready. Along those same lines, success appears when you are ready and affirmations prepare you for success.

### AFFIRMATIONS TO TRY:

- 👉 I ATTRACT SUCCESS IN WHATEVER I DO.
- 👉 BEING SUCCESSFUL IS MY NATURAL STATE OF BEING.
- 👉 I AM SOLUTION ORIENTED, ALL PROBLEMS I WILL EVER FACE ARE SOLVABLE.
- 👉 ALL MY ACTIONS ARE GEARED TOWARDS REACHING MY GOAL. I ACHIEVE MY GOALS ONE AFTER THE OTHER.
- 👉 I USED ALL ETHICAL CHANNELS TO BECOME SUCCESSFUL. I LEAVE NO STONE UNTURNED TO FIND SUCCESS.
- 👉 I CONSISTENTLY SPOT OPPORTUNITIES AND UTILIZE THEM. NEW DOORS ARE ALWAYS OPENING FOR ME.

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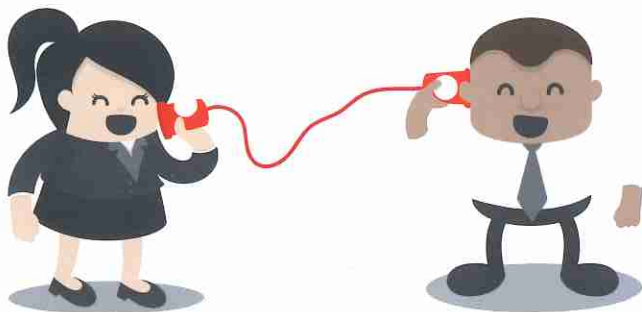
# GOAL Realization through Communication



Lawyers, deservedly or not, have long been recognized for their excellence in written and verbal communication skills. Whether we work primarily behind a desk or in the courtroom, your

objectives are lost unless you are keen to utilize your sharp skillset in persuasive communication. But attorney communication directed at achieving some judgement or settlement goal is not where the practical use of your refined communication skills ends.

Effective communication between attorney and client is major part of your vocation. When you look at those attorneys who have been imposed problematic sanctions, the overwhelming bulk of these actions are based on challenges in communication and willfully disregarding the interests of a client. Lack of goal-oriented communication with your client concerning their ideas about the direction a claim should go or why a client's claim value conflicts with your calculation/estimation is a hard conversation to have, but it is one that must happen. Not having it means the case and the attorney/client relationship can very quickly turn sour.



## Your Client is Probably a Legal Novice

Your client is likely seeking legal representation on this issue for the first time. While you have a wealth of experience in your client's cause of action, you must understand that there is a broad spectrum of emotions,

motivations, and objectives for why clients are taking legal action to remedy their problems. Remember that as you zealously represent each one, each client may require a different approach in order to reach the goal, and each goal may vary.

## Align with your Client's Greater Goal

While you and your client objectively have some similar interests in the outcome of a case, you need to communicate with your client to ensure your goals are aligned for you to employ effective tactics achieving your client's goals and objectives.

Some attorneys recognize no bounds in pursuing a rightful win for their clients, and they will watch the world burn as they stake it all for that win. We love to show our clients that we are phenomenal at our jobs; we represent them zealously and take pride in them realizing that. But this approach is not for every client. There are a multitude of cases where the client has long suffered and just wants the emotional and mental tax to end. Your client may instead be concerned with the aftermath of the litigation or how the public will perceive their reputation following a suit. In every instance within the attorney client relationship, your representation is the means to achieve some purposeful goal extending outside the borders of litigation. That end-goal may require a different approach with each client you take on.

## Honest Conversations

You need to have honest conversations with your clients at the outset to understand what their objectives are for the representation. Clients are not happy when they are kept out of the loop, sure, but they are equally unhappy when they feel as if they are not being heard.

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# VIRTUAL MEDIATIONS



**ANTHONY VESSEL**  
SENIOR ASSOCIATE  
ATTORNEY & MEDIATOR

Well, the 2020 apocalypse has affected nearly every industry. From curbside pickup and contactless delivery, to incessant mask wearing and hand sanitizing, this has been a very strange year. One law enforcement officer was visiting his local bank that required

masks and he jokingly remarked that he had arrested people for far less. I can't decide if that's really sad, really funny, or both.  
*The times, they are a changin' -Bob Dylan.*

While pondering strategies on how to succeed in the current state of things, I'm drawing another famous quote from Mr. Charles Darwin: "It is not the strongest of the species that survives, nor the most intelligent. It is the one that is most adaptable to change." We must adapt to this new crazy world if we want to retain the (heavyweight) title of "successful barristers." One area in which we have to do that is mediation. As an attorney representing parties and as a mediator serving parties, I will walk you through some tips I've found helpful in my practices.

## 1. CLIENT PREPARATION

I had a client just a few weeks ago that has seemingly never used a computer before, and the mediator required us to use TWO different platforms to facilitate the mediation. I spent several hours on the phone working as low-level tech support with my client as he frustratedly cussed and fumed. It was the most productive time I spent on that case, because had I relied on my client to just show up day ready to go, we would have had a disaster. Now the real all-star was my client's 13-year-old daughter who saved the day and taught him how to download apps, but none of this would have come together had we not prepared well in advance.



## 2. BACKGROUND CHECK

No, this ain't TSA, no one is subject to a pat down. "sir, please put your pants back on." But you have to scope out what's being picked up by your webcam in the background. Now, this initially felt silly and vane, but I started a test session by myself before the mediation began to check what everyone could see. Do I have confidential information laying in the camera's view? Do I have a statuette of The David with Marc's face taped to it fanning a wad of cash? Not after I did my test session. That could have been embarrassing for Marc, as it's often cold in my office.

## 3. TEST THE TECH!

After you've got your client all setup and ready to go, be sure to test the tech! technology is notorious for failing on you when you need it most. So, the best thing you can do is test it well before the big day, and also account for potential mishaps. I had my client from before download the meeting apps on his laptop and phone. Of course, day of his laptop failed, but we were good to go and seamlessly switched gears.

## 4. ENSURE CONFIDENTIALITY

Last but not least, do a confidentiality check. Make sure your area is secure, but also that of your client and other parties. You will likely be discussing important confidential information that no one wants leaking into the wrong hands.

Yeah, Starbucks is a bad idea for virtual mediations, and for decent coffee... you know it's sugary crap, come at me Karen!

*Thanks for taking a break during your very fulfilling and fun global pandemic to read our rag. I hope you found these tips helpful. TL;DR: make sure your clients can operate a computer and don't have nude statues in your background. Until next time! ☺*



# Love in the Time of Coronavirus

To say 2020 has been a stressful year is clearly an understatement. In addition to the obvious stress of Covid-19 and the plunge in our economy, I would argue the sudden transition to a remote workforce was just as big (if not bigger) of a stressor for attorneys and managers alike. Something about not being able to physically lay eyes on an employee as they click away in their cubicle gives attorneys anxiety.

Obviously, having a remote workforce is most ideal when you have the right infrastructure in place (i.e. cloud-based system and VOIP phones). But this article isn't about that. This is about some old-fashioned, common sense communication and people-skills critically needed in this current environment.

## Get on the Same Page

In the office, there are three primary modes of communication. Picking up the phone, email/instant messaging, or picking up your butt and walking to talk to another person.

From home, the physical part is out of the equation. There are personal cell phones, office lines (if your firm is equipped to do that), Zoom, text messaging, instant messaging. It might seem if someone is "not working" if they're not using their office-issued device and choose to use their cell phone. Or you

have people like me who live in Zoom purgatory, forgetting to even log into the office phone system.

Your firm needs to define specific criteria for how to communicate. That could be "no use of personal cell phones", always be logged into your system to accept instant messaging, etc. If you are all on the same page about approved methods of communication, the chance of miscommunication significantly declines.

## Designate Regular Times to Meet

Our intake team has a 15-minute Zoom call at 9:00am every morning and I have a standing 10:30 marketing meeting with Marc every day at 10:30 to explain why the Barrister is late again. I would argue these regular meeting times while we've been away make me and our teams more efficient, as it is scheduled time when I know for a fact I can see specific people to get status updates and feedback on whatever I need.



Additionally, Zoom happy hours to do wonders for morale. I mail my team \$25 gift cards to purchase their drinks for the happy hour. Not only does this give them the obvious break from work, they are quite appreciative of the gift cards.

## Grant Some Grace

It has been over 6 months since we sent our workforce home, but the stresses accompanying Covid are still ever-present. Many women in our firm are also forced to educate their children from home with little or no help. Some people have spouses with reduced (or no) income as a direct result of Covid and have no relief in sight. Other people are spending more out of their own pocket for stronger internet and higher electricity bills to work from home more efficiently.

*"People who enjoy meetings should not be in charge of anything."*

*- Thomas Sowell*

***These are unprecedented times and every storm runs out of rain. Grant your team the grace they need now, and they will bounce back stronger than ever once this storm passes. ☺***

# THE 5 LANGUAGES of Appreciation in the Workplace



MADISON DONALDSON  
ASSOCIATE ATTORNEY

Well apparently I've pigeon-holed myself as the resident non-fiction reader so Marc has requested I share latest read with you good people.

### *The 5 Languages of Appreciation in the*

*Workplace* is remarkably similar to *The 5 Love Languages* (those of you who had your significant other force you into taking that quiz know what I'm talking about). In fact, it's so similar one might say the author took the exact same content, changed the word "spouse" to "co-worker" and repackaged it for the corporate world... clever. Anyways, here's what you need to know.

Appreciation, like love, is best received if expressed in the language preferred by the recipient. There are five major languages of communicating appreciation: words of affirmation, quality time, acts of service, tangible gifts, and physical touch.

For the sake of avoiding future lawsuits I will forego any discussion on physical touch (*you know who you are*). "Although we will accept appreciation in all five languages, we will not *feel* truly valued unless the message is communicated through our primary language."

The next layer is the way in which you speak an employee's language of appreciation. For example, you can speak positive words of affirmation to someone in private or in public, depending

on the employee and their personality one way may feel more significant to them.

Here is brief breakdown of the languages and the different ways of speaking them:

## WORDS OF AFFIRMATION

- Praise for accomplishments
- Affirmation of character
- Praise for personality
- How/When to affirm:
  - Personal, one-on-one
  - Praise in front of others
  - Written affirmation
  - Public affirmation

**ACTS OF SERVICE** – this most often takes the form of helping someone with their work

- Ask before you help
- Do the task the way they want it done
- Check your attitude
- Complete what you start

## QUALITY TIME

- Focused attention
- Quality conversation
- Shared experiences
- Working together on a task
- Small group dialogue

## TANGIBLE GIFTS

- Food
- Gift cards
- Experiences
- Time off

**"Bottom Line:** authentic appreciation brings positive results to your organization and mitigates the negative consequences that result when your employees don't feel valued." If you communicate appreciation to your employees in the language and the method they prefer it will go much further and mean more. I highly recommend reading this book and having all employees participate in the appreciation assessment in order to better speak their language. **Cheers, Nerds.** ☺

**Real life example:** *if you call me out in front of any sort of crowd I will turn as red as the cover of this book.... And hate you for it. Best to say anything to me in private.*

## IMPROVING YOUR MINDSET WITH DAILY AFFIRMATIONS

- For the Love of Stuart Smalley

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- 👉 I AM IN CHARGE OF MY LIFE. I ALWAYS TAKE THE CORRECT DECISION AND THAT DECISION ALWAYS LEADS TO SUCCESS.
- 👉 THE POWER IS WITHIN ME. I LEARN FROM THE PAST, LIVE IN THE NOW AND PLAN FOR THE FUTURE.
- 👉 I AM IN CHARGE OF MY EMOTIONS AND DESIRES AND ABILITIES. I FOCUSED ONLY ON SUCCESS.
- 👉 I REALIZE THAT SUCCESS IS A RESULT OF RIGHT THINKING AND HARD WORK. I EXCEL IN BOTH.
- 👉 I AM ALWAYS PREPARED SO LUCK ALWAYS FAVORS ME.
- 👉 I AM FREE OF NEGATIVE THINKING. I EMBRACE ONLY POSITIVE THOUGHTS.
- 👉 I ENJOY EVERY MOMENT OF THE DAY.
- 👉 I PERFORM MY RANDOM ACT OF KINDNESS REGULARLY. KINDNESS BREEDS LOVE AND LOVE RESULTS IN HAPPINESS.

I love the 14 affirmations above but I don't say them all every day. Pick a few and make up some of your own. I would love to hear what you come up with. **May Stuart Smalley be with you!** 😊



*"You can build a throne with bayonets, but you can't sit on it for long."*

- Boris Yeltsin

## GOAL Realization through Communication

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Whether the client is using your representation to set an example of a defendant or they just need a financial victory, remember to match those objectives with your own during the course of the representation. In fact, it is best to discuss these prior to agreeing to be their representative—if you cannot in good faith further their larger goals because of your perception of the direction the claim should take, you may want to let that potential client find somebody who can.

### Further Ramifications

Failure to implement goal-oriented communication can have effects reaching beyond the confines of your client's displeasure at the turn a case has taken. It will certainly do more than effect the client's judgment of you and your practice. You could miss important information material to a claim or settlement. You may develop a reputation for callously disregarding your clients' input. Broadly, this type of behavior can lead to business setbacks, something that can easily be prevented by combing the client's desires with your legal expertise. Combining and refining these objectives should prepare each party for what's to come and will keep the relationship open and honest.

**Good luck in your ventures, remember to have those hard conversations and flex your compelling interpersonal skillset!** 😊

# Lawyers Need a Laugh

## WHERE'S THE \$ Successful Barrister



The \$uccessful Barrister is hiding somewhere in this newsletter. And it's up to you to find him.

My marketing director wanted to do a Where's Waldo-esque illustration but that would take a lot of time and money to produce. What didn't take a lot of time to produce was hiding my caricature somewhere within the pages of this newsletter for you all to find.

**The first 5 people to find him and email a photo to [Marc@marcwhitehead.com](mailto:Marc@marcwhitehead.com) wins a prize!!**

## DISABILITY & INSURANCE DENIALS



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