

Sept/Oct 2020

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

Vol. 6

Issue: 05

THE NEWSLETTER  
YOU'VE BEEN WAITING FOR...

# \$uccessful Barrister



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

We've decided to keep the same SCARY price as usual!



Price: \$199.99

## YOU'VE BEEN BOO'D!



I know you just finished receiving our previous edition, but we simply could not pass up the opportunity to dress up (if even just on paper). As always, this issue is filled with some sound advice on how to run your law practice and run it well. So sit back, open the boos of your choice, and enjoy (and send a LTD referral my way).

Please email [Marc@marcwhitehead.com](mailto:Marc@marcwhitehead.com) for referrals and to discuss referral fees and co-counsel arrangements. ☺

### INSIDE THIS ISSUE

- Even Michael Jordan Needed a Coach! ..... pg. 1
- Firing Problematic Clients (When You Must).... pg. 3
- The Pomodoro Technique: The Sauciest Time Management System! .... pg. 4
- What to Do When a Potential Client Ghosts You ..... pg. 5
- A Tribute to RBG..... pg. 6
- Lawyers Need a Laugh ... pg. 8



**MARC WHITEHEAD**  
BOARD CERTIFIED - PERSONAL  
INJURY TRIAL LAW  
TEXAS BOARD OF LEGAL  
SPECIALIZATION  
BOARD CERTIFIED - SOCIAL  
SECURITY DISABILITY LAW  
NATIONAL BOARD OF SOCIAL  
SECURITY DISABILITY ADVOCACY

## EVEN MICHAEL JORDAN NEEDED A COACH!

Leading a law firm is simple. All you must do is cast your vision, craft and execute your business strategy, develop talent, allocate resources, set the pace of progress, promote and protect your core values and finalize difficult decisions. Huh what? Oh, and also,

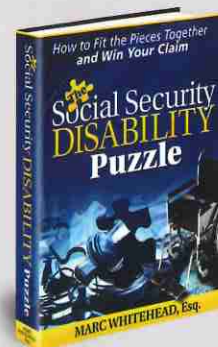
you need to manage the day to day of your firm, market the firm to find new business and babysit your clients while you try to solve their problems. Holy Shit Batman! I can't even get my kids to school on time!

**HOW DO I DO ALL OF THAT?**

CONTINUES ON PAGE 2



### FEATURE BOOK



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

PAGE  
1 OF 8

## WHAT?

With your liberal arts degree and a J.D., you can't figure it out (sarcasm intended)? What if I told you, you don't have to figure this out all by yourself? Michael Jordan is generally acknowledged as the greatest basketball player of all time. But did he develop his talent all on his own? Of course not! Jordan was fortunate enough to have some of the best coaches to bring out his talent. **So why not you?**

## BUT MARC?

What can a coach do for me? I'm going insane with all the pressure. Don't I need a therapist instead? Good question. First, my wife is a therapist, so I am not knocking that idea. But if the reason you are going insane is your law practice, let's work on that first.

## WHAT DOES A GOOD BUSINESS COACH DO?

A good business coach focuses on your future. (A therapist focuses on the past). A coach is paid to ask the right questions, to focus on changing your behaviors in order to improve your performance in a business context and to help you set your goals. A coach will make you tackle your difficult issues. All coaching is about taking a player (you) where he can't take himself. Even the best need coaching.

A good coach will guide you in running your business by helping you clarify your vision of what you want your firm to be and how your practice fits in with your personal life. They will help lead you from where your firm is now to where you want it to be. A coach can assist you in creating goals and plans and keeping you accountable for executing your plan so you can achieve your definition of success.

I often preach that you should strive to build a law firm that serves your lifestyle and your passions, not the other way around.



PAGE 2 OF 8

I often preach that you should strive to build a law firm that serves your lifestyle and your passions,



not the other way around. You need to have a reason to get up in the morning. You need to discover your "Why". A business coach will usually talk with you regularly, sometimes weekly or monthly to keep you on track with the business and personal commitments you previously made. They become what I call your "accountability buddy."



*"Just because I cannot see it, doesn't mean I can't believe it!"*

*- Jack Skellington*

Many coaches bring years of experience to the table. Their job is to help you figure out what your goals are and to help you create a road map to reach them. They can help you see the forest from the trees and help you see your own personal blind spots. Remember, it is not your coach's job to do the work for you. It their job to keep you focused on the end result you plan to achieve. You and your coach may work together to develop goal tracking metrics or key performance indicators (KPIs) to track your progress.



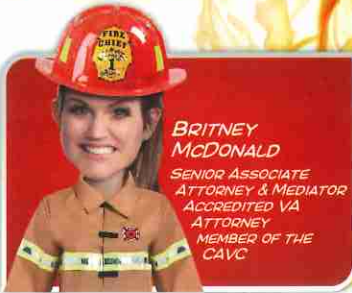
## SO WHERE DO I FIND A COACH THAT'S RIGHT FOR ME?

Well glad you asked. Full disclosure, I am an "Adjunct Practice Advisor" (i.e. a coach) for Atticus, a firm specializing in "helping law firm owners focus on what's really important in life."

CONTINUES ON PAGE 7

# FIRING PROBLEMATIC CLIENTS

(When You Must) 



When we sign up a client, we are agreeing to zealously represent him or her, come what may, to protect and pursue the client's legitimate interests. Simultaneously aligning with that "ethical lawyer" mantra that we hold near and dear to our hearts is the promise that if we work our butts off, we see a financial benefit in the end, right? Not always, of course. But the pursuit to get our clients paid along with our contingent interest in their victory keeps us going even on cases where we wish we could just close the book or where the ethical rules require it.

## FIRING YOUR CLIENTS IS A MUST-DO...

Let me tell you something that may sound counterintuitive to many lawyers—sometimes, even where there is a great deal of money hanging in the balance of justice, you need to cut your client loose (*albeit, through the proper means, but loose nonetheless*). Why would we fire a client, especially one with the potential to pay well, when we have worked so hard to market and sell ourselves as the lawyer they needed? And while clients generally have an absolute right to fire a lawyer with or without cause, attorneys don't share in that broad power.

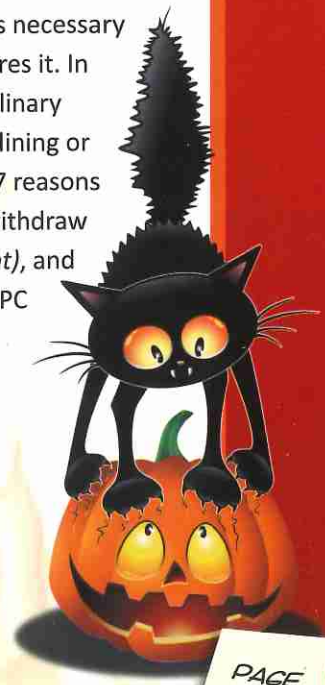
Firing your clients is a must-do where there is breakdown in your relationship affecting your representation of that client or where professional conduct rules require it. Sometimes, you may need to fire that client to avoid muddying up a potential malpractice claim; sometimes you each have fundamental differences in

the way you view a claim or its value. In Re

Admonition, 533 N.W. 2d 852 (1995), the court found that a client's letter sent to his attorney saying "**this whole thing has turned into a bunch of CRAP!**" constituted adequate justification for the attorney's withdrawal from representation. Practical reasons also exist; maybe you are seriously or have an unmanageable caseload. Maybe the case itself is making you ill. Maybe you are realizing that the claim is not what you expected, that it holds no merit. Where our lawyer-minds tend to tell us to take our medicine and put into motion the actions to actually try the case, remember that under 3.01 Meritorious Claims and Contentions, we must have a reasonable basis for bringing that claim forward, so that we aren't furthering frivolous claims. In those instances, you just have got to let it go.

Whatever the fundamental cause, there are proper ways to fire a client. Make sure to consult your local state bar rules on the proper steps you must take to unload your problem clients, if you discover it is necessary or maintaining your mental sanity requires it. In Texas, we are bound by the Texas Disciplinary Rules of Professional Conduct 1.15, Declining or Terminating Representation. There are 7 reasons under which a lawyer may voluntarily withdraw as legal representation (*i.e. fire the client*), and it may surprise you to find how the TDRPC allows you to accomplish this objective.

Remember, your ability to practice proficiently, effectively, and ethically will require you to maintain a healthy relationship with your clients and their claims. **At times, you just have to let go (properly) of those clients who are literally dragging you and your practice down.** 😊

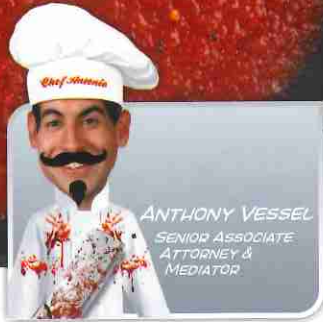


PAGE  
3 OF 8

# THE POMODORO TECHNIQUE:



THE SAUCIEST TIME MANAGEMENT SYSTEM!

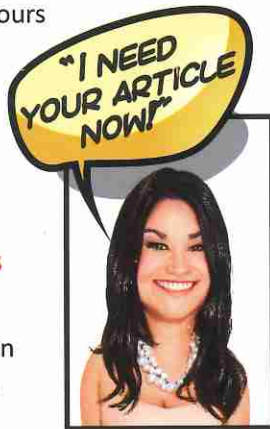


ANTHONY VESSEL  
SENIOR ASSOCIATE  
ATTORNEY &  
MEDIATOR

As I sit on the balcony of our firm at 6:09pm on a Friday afternoon, with our marketing director surely profaning away at me for yet another deadline-scraping article, I think to myself, "brilliance takes time." If you need another Pulitzer-

worthy article so this magazine of ours actually sells a few copies, be patient. Fittingly, time is what this article is all about. As your esteemed author, I want to help you manage your time so you're out of the office before 7pm on a Friday. Enter: **The world-famous Pomodoro Technique.**

This technique was developed in Italy in the 1980's by Francesco Cirillo. In Italy, instead of egg timers in the kitchen, they use pomodoro tomatoes. Che carino. There are advanced seminars on perfecting this technique, however, I'm detailing an adapted version that I typically use. Alright, andiamo!



## 3. WORK ON ONLY THAT TASK. NO DISTRACTIONS OR INTERRUPTIONS.

This is the secret sauce (or gravy if you're my dear Aunt Rosie RIP). I wasn't joking about working on the patio, I only bring my laptop, water, portable speaker, and pomodoro timer out here with me. NO PHONES! No messaging, texting, emails, etc. Capisco?

*"Time abides long enough for those who make use of it."*

— Leonardo da Vinci

## 4. TAKE A BREAK.

Bellissima, my favorite part. It is a very important part as well. Break away from your workspace. Stand up, move freely about the cabin, rub your phone screen like a zombie, call someone, grab a snack or refill your water. If you simply stay where you are and don't take a true break, you're undermining the system. Ma dai!

## 5. RINSE. WASH. REPEAT.

Allora, once you've completed one interval, it's time to set the timer and start again. If you're using the 25 minutes x 4 work intervals, on the 4th interval you should take a longer break. Your short breaks under this method are typically 3-5 minutes, and the 4th break should be 10-15 minutes. I typically do 40 minutes of working and a 5, 10, or 15-minute break depending on how I'm doing.

For being such a simple low tech method, it's truly the Ferrari of time management techniques. It only took me one pomodoro to write this masterpiece. Bravo! Try it out and let me know what you think! Feel free to send me an email about it, and maybe I'll read/respond in one of my break intervals. **For now, Ciao a tutti!** 😊



## 1. DECIDE ON THE TASK AT HAND

This part is important. Not only should you decide on the task, but also, estimate how many "pomodoros", or time intervals, the task should take you to compete.

## 2. SET THE (POMODORO) TIMER

The OG method calls for 4 x 25 minute intervals. I typically choose 40-45 minute intervals, but you should chose what works best for you.

# What to Do When a Potential Client GHOSTS You



I started my career as a fully-commissioned sales representative selling radio advertising, at the start of the Great Recession. Yes, it was every bit as stressful and difficult as you think it would be.

People cutting their advertising budget and last minute cancellations were undoubtedly the most difficult part of the job, but psychologically the hardest was when people ghosted me before the big deal was closed. I built a great rapport and we had a strong connection. I had carefully crafted a killer proposal that I knew would garner results for their business. I begged my sales manager to drop rates to meet their shoestring budget. Images of decent commission checks danced in my head... maybe now I could afford a bottle of gas station wine twice a week and not once a week.

Then... nothing. No return phone calls, no return emails. I stared at the phone willing it to ring. I watched other reps pluck new orders off the fax machine that weren't for me and my heart sunk.

Our intake specialists are not paid commissions because we don't want to

incentivize them to take bad cases, but they still take immense pride in their work and are hurt when they are ghosted. They will work a high-value claim, hoping it will come back in and potentially have a huge impact on the firm. Or maybe we receive a referral from another attorney who stresses how hopeful they are we can win benefits for their client. Sometimes the team might be 10 contracts away from goal, and a specialist is sitting there thinking the 6 contracts she has outstanding will push us that much closer to goal.

I wish 21 year old Natalie knew then what 34 year old Natalie knows now, or that Clear Channel Radio had provided various tools to help reel ghosts back in.

## Here are some ideas we have found helps keep GHOSTS to a minimum.

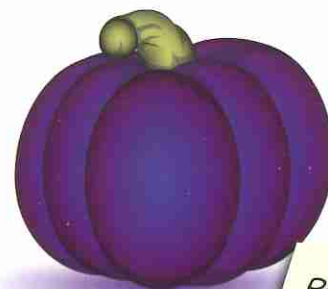
**1** Last Chance Letters. The intake specialist has been calling, emailing and texting to no avail. On the final attempt, they will print actual letters telling the client we are closing their query, but to call if they are interested. Sometimes that disruption in communication, the act of physically receiving the letter in the mail, will help snap that potential client into action.

**2** Stay ahead of the curve. We are exploring direct mail integration with our CRM that tracks the tracking number on our packages. We will receive a notification when the contract packet is delivered and receive a notification when the packaged is scanned to begin its journey back to the office. Hopefully not all of you reading this deal with government entities which require wet signatures, but if you do this is a great option to stay in step with your potential clients.

**3** Provide value. Lawyers can't guarantee they will win a case, much like how in radio I couldn't guarantee a specific return on investment (or any at all). But you can demonstrate the value in retaining your legal services.

In retrospect, this is the most impactful tactic I could have done to close deals that I didn't do at all. At MWA, the intake specialists can email ebooks about our law practices. They can provide links to content on our site talking about our knowledge of a specific disability. They can provide case studies for how we won benefits for a different people with a similar situation.

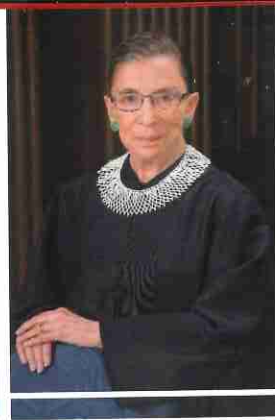
CONTINUES ON PAGE 7



PAGE  
5 OF 8

# A Tribute to RBG

1933 - 2020



MADISON  
DONALDSON  
ASSOCIATE ATTORNEY

On top of all the other B.S. we've had to deal with this year, we recently lost a legal giant in **Ruth Bader Ginsburg**. As a young, cliché, female attorney I obviously have a shrine in my office to RBG including

action figures, candles, books, and pillows. As such, it's only fitting for me to dedicate this issue's article to RBG and revisit some of her most prestigious court cases and achievements in memoriam.

## Moritz v. Commissioner:

Arguably one of her most famous cases which appears at the center of the film *"On the Basis of Sex"* which is based on RBG's life. The United States Court of Appeals for the Tenth Circuit heard the case of Charles Moritz who was trying to claim a tax deduction for the cost of a caregiver for his elderly mother. The law in question allowed deductions only for women and formerly married men, not for never-married men like Mr. Moritz. The Court held that the law was in conflict with the Equal Protection Clause of the Constitution making it the first time any provision in the Internal Revenue Code was overturned as unconstitutional. If you haven't already watched *"On the Basis of Sex"* you should be publicly shamed; please rectify this situation immediately.

## Women's Rights Project at the ACLU:

in 1972 RBG co-founded the Women's Rights Project at the ACLU and eventually became the project's general counsel. The Project participated in more than

300 gender discrimination cases within 2 years of being founded.

RBG herself argued six and won five gender discrimination cases before the Supreme Court. One reason behind her unparalleled success was the way in which she selected the plaintiffs behind each case, at times selecting male plaintiffs to demonstrate to an incredibly male-dominated legal field that gender discrimination is harmful to everyone, not only females.



PAGE  
6 OF 8

## Reed v. Reed:

A landmark decision by the U.S. Supreme Court holding an Idaho Code which mandated a preference to one gender versus the other when appointing administrators of estates violated the Fourteenth Amendment. RBG wrote the brief on behalf of Ms. Reed. This case was the first major Supreme Court opinion that addressed discrimination based on gender determining it to be unconstitutional as it denies equal protection under the law therefore extending protection under the Fourteenth Amendment to women.

## Frontiero v. Richardson:

Another landmark decision by the U.S. Supreme Court confirming women's protection under the Fourteenth Amendment. RBG represented the ALCU as amicus curiae and argued in front of the court on behalf of the petitioner. The Court held that benefits given out to service members by the US military could not be given out differently because of the service member's sex; as a woman, the petitioner was entitled to the same housing benefits as male service members.

## Duren v. Missouri:

In her last court appearance before the US Supreme Court before becoming a justice herself, RBG argued Missouri's law making jury duty optional for women treated women's service on juries as less valuable than men's and discriminated against men who were offered no similar option. The Court held that such optional jury duty for women violated the Fourteenth Amendment and resulted in less than 15% of women on jury venires thus also violating the Sixth Amendment.

---


Of course, RBG went on to sit on the US Supreme Court from 1993 to 2020. She heard numerous cases, often penning important decisions and equally important dissents. Her extraordinary achievements and lifelong fight for those being denied equal protection under the law propelled her to icon status (*hence my embarrassing shrine*). For me, she will forever be a reminder to continue fighting for my clients, to represent those who have the law stacked against them, and to never let barriers or obstacles stop me in my tracks.

**And always remember: Better Bitch than Mouse.  
Cheers, Nerds. ☺**

---

## EVEN MICHAEL JORDAN NEEDED A COACH!

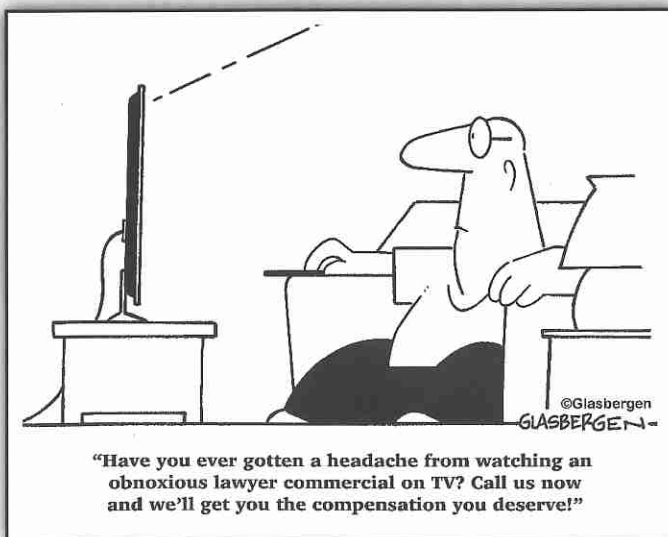
Continued from page 2



Before becoming a coach with Atticus, I was their student for over 10 years. Atticus provides one on one coaching, group programs and webinars to provide solo and small law firm owners with the necessary tools to:

- Create a true work/life balance
- Earn a higher income
- Reduce stress and number of hours in the office
- Have more time for family and personal interests

I highly recommend the concept of business coaching for lawyers. Let's face it, we are generally poorly prepared in law school to lead a law firm. To truly be successful you must learn the business side of your law firm. If you are interested in exploring the opportunities with Atticus, my recommendation is to start with the Practice Growth Diagnostic, <https://atticusadvantage.com/practice-growth-diagnostic/> **Tell them Marc Whitehead sent you (Please! I get an extremely small cut and I have four daughters to support!).** ☺



## What to Do When a Potential Client GHOSTS YOU

Continued from page 5

We have worked tirelessly on the marketing side to create value-adding materials to share with potential clients. I don't have official stats on how many cases that “saved”, but I do know it adds much confidence to our intake specialists when they are on the phone vetting our clients.

**4** Engage a supervisor. Our intake specialists can tap me, our intake manager, or even an attorney to talk to a potential client to either close the contract on the spot or retrieve a **ghost**. I don't get asked to make these calls very often, but when I do it does make the client feel special the director is calling them rather than their intake specialist.

Obviously using an attorney to make a call can be a fine line between a quick call to answer questions and a full blown consult. But know there are many clients who want to speak with an attorney before they sign their contract, and many firms who proudly tout that capability as a competitive advantage.

*“We make up horrors to help us cope with the real ones.”*

*– Stephen King*

*I hope this has given you food for thought on the things you can provide to help win more cases. I'm off to drink my 3rd bottle of non-gas station wine this week.* ☺

# Lawyers Need a Laugh

## GET ALL THESE RIGHT

and email a picture to  
[Marc@marcwhitehead.com](mailto:Marc@marcwhitehead.com)

for a **spooky prize!**



**1** What is the top selling Halloween costume of all time?

- Witch       Vampire  
 Ghost       Pumpkin

**2** What is the top grossing Halloween movie of all time?

- The Exorcist  
 Halloween  
 It  
 A Nightmare on Elm Street

**3** Which attorney is always scarily late turning in their Barrister articles?

- Marc       Britney  
 Anthony       Madison



## DISABILITY & INSURANCE DENIALS



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

403 Heights Blvd. • Houston, Texas 77007  
800-562-9830 • 713-228-8888

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

We represent sick or injured workers and Veterans who have been improperly denied their Social Security Disability/SSI, Long Term Disability or Veterans Disability benefits. We specialize in the following:

### Long Term Disability Insurance Denials

Administrative Appeal • Federal ERISA Claims  
Bad Faith Insurance Denials

### Social Security Disability Claims

ALJ Hearings • Federal Appeals

### Veterans Disability Claims

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

Visit our web site and download these **FREE e-books!**

#### Marc Whitehead

Board Certified-Social Security Disability Law, National Board of Social Security Disability Advocacy  
Board Certified-Personal Injury Trial Law, Texas Board of Legal Specialization  
AV Preeminent Rated by Martindale-Hubbe

**DisabilityDenials.com**

