

Fall 2021

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

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THE NEWSLETTER  
YOU'VE BEEN WAITING FOR...

# Successful Barrister

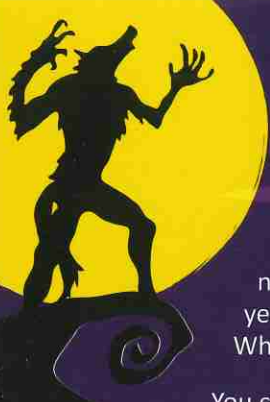


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## Happy Halloween

The scariest time of the year is upon us...

no, I'm not talking about Halloween, I am talking about the end of the year that is quickly approaching. Have you hit your goals for the year? What can you be doing better to end 2021 on a high note?

You can help me avoid a heart attack at years end by sending me your long-term disability referrals – those people who have been denied their benefits by monsters like Unum, Cigna or The Hartford. We are also expanding into long-term care insurance denials, going up against the monster known as Mutual of Omaha. **Please email me at [marc@marcwhitehead.com](mailto:marc@marcwhitehead.com) with a referral. You could even get a scarily large referral fee once we successfully win the claim.** ☺

## DELAYING THE GRIM REAPER!

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

As I sit here and write this, I am approaching my 55th birthday. Facing yet another age milestone this Halloween, it makes me think I don't want to meet the grim reaper before my time. My doctor says it is not just about living a long time, it's about aging well. As he says, everyone's goal should be **to die young at a very very old age!**

My new doctor focuses on helping his patients age well. The first thing he did on our initial visit was to go over some startling statistics. While a lot of us pay attention to things such as cancer, we ignore what is really killing us - heart attacks, strokes and dementia. All of which is in our control if we do what we need to do and do it early enough in our lives.

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COMING SOON!

LONG-TERM CARE INSURANCE DENIALS

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Heart attacks and strokes are the number one cause of death and disability in America. Almost 800,000 Americans die from heart attack, stroke or cardiovascular disease in the US every year, literally dwarfing the number who die from all other causes combined. By way of example, 1 in 30 female deaths are the result of breast cancer while 1 in 2.6 deaths are related to cardiovascular disease. Many other conditions, such as kidney and liver disease, have their root cause in poor cardiovascular health.

My doctor related to me that the problem in American medicine is that the "standard of care" is defined only by looking at risk factors and blockages of blood flow. Risk factors include things like age, gender, family history, blood pressure, cholesterol level and obesity. Blood flow is generally measured by tests such as calcium scores, Doppler studies, stress testing, and echocardiographic.

However, it's shocking to learn that nearly 50 percent of heart attacks and ischemic strokes happen to people with completely normal risk factors (*i.e. cholesterol levels*) and even more frightening is most of these individuals have virtually no evidence of blockage to their blood flow.

If you think about it this makes sense. How many people have you heard literally dropped dead at a premature age with because of a heart attack or stroke and otherwise had no symptoms? Some prominent examples include:

Tim Russert of NBC News who dropped dead at the age of 58, just weeks after he'd had a normal physical.

Luke Perry of 90210 fame who died last year at the age of 52 from a stroke - again no prior symptoms.



Disturbingly, over half of individuals whose first symptom was a full-blown heart attack or stroke died from that event! When it comes to strokes and heart attacks, the standard of care in America is basically to wait until something happens and then do the best job possible to fix it for the half who survive. This is just plain stupid!

As my doctor explained to me, nearly 100% of deaths from heart attack and strokes are preventable. And the things needed to be done to make heart attacks and strokes preventable are very simple. However, simple does not mean easy and it's definitely not easy.

My doctor relayed to me that 65% of American men and women over the age of 45 have some plaque in the arteries. Plaque is caused by inflammation within our cardiovascular system. The vast majority of heart attacks, strokes, and vascular dementia are all a direct result of the ongoing silent inflammation in the soft plaque located in our blood vessels.

I had never really understood the mechanics of

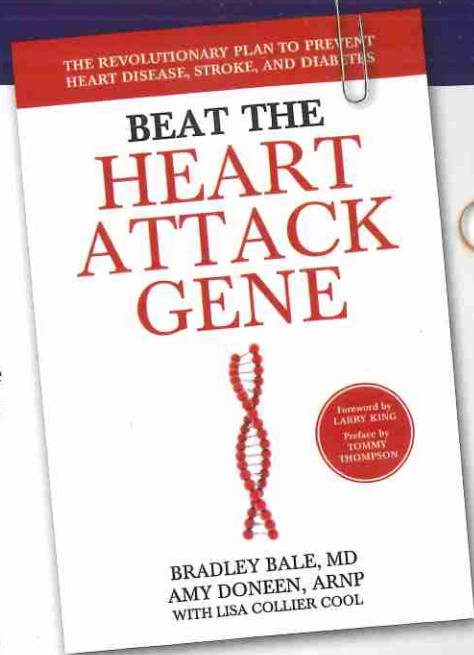
what caused heart attack, stroke and dementia but my doctor explained it very simply as follows: plaque causes blood clots. If the blood clots are big and hit the heart you have a heart attack, if the big blood clot hits the brain you have a stroke, if you have a bunch of little blood clots they settle into the small veins that feed blood to the brain and over time this will cause vascular dementia. I had never heard it put so simply but it makes perfect sense.

Yet the normal standard of care in America does not regularly test for plaque in the arteries prior to some catastrophic cardiovascular event.

Unfortunately, most clinics and physicians in America don't look for plaque until someone experiences chest pain, heart attack or a partial or full-blown stroke. They're not looking for the root cause and attempt to reverse the root cause prior to a catastrophic event. Again, stupid. But that's what you get when insurance companies get to set the standard of care.

There actually is a safe, simple and relatively inexpensive test for plaque in the arteries, known as a Carotid Artery B-mode Ultrasound Image (CIMT). The technique is readily available and reliable, but you must ask for it because CIMT testing is simply not the standard of care in American medicine. Annual CIMT testing, combined with advanced blood work, is effective in diagnosing and treating vascular disease early on when there is still time to treat it before a catastrophic event.

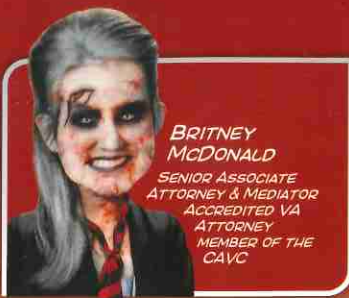
So how do you maintain good vascular health and avoid a heart attack, stroke or vascular dementia? Like I said earlier it's very simple, however simple does not mean easy. Quite frankly, it's damn hard. First and foremost, it involves being proactive about your heart health and not accepting the standard of care that has become the norm in America. You must know whether you have plaque or inflammation in your vascular system and not put off taking care of it. A CIMT test will give you your "vascular age." Mine was 67, not good for someone just turning 55. The good news is now I know and can do something about it.



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**BRITNEY  
MCDONALD**  
SENIOR ASSOCIATE  
ATTORNEY & MEDIATOR  
ACCREDITED VA  
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# BURY YOUR DEFENSE EXPERTS ALIVE!

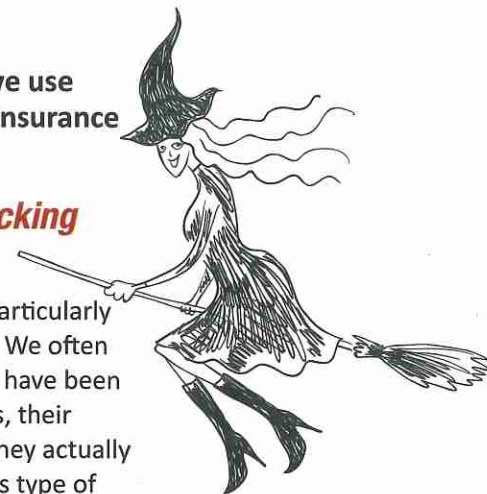


As plaintiff lawyers, we tirelessly battle defendants trying to “scare us” into backing down, bowing out, and letting go. They seemingly hire and employ individuals who don’t have a heart and soul and lack basic human emotions. But no, we certainly aren’t “scared” of these evildoers or their cronies. We expect their experts are either purposefully biased, financially conflicted or don’t have all of the information needed to see the case OUR way...*the right way*. I spend a lot of time examining defense medical experts’ opinions and building files that adequately rebut those opinions. Oftentimes, it is not simply the opinion that is worthy of refutation alone, but the expert him or herself merits exposure and rebuttal. Because this battle accounts for so much of my time and focus AND because it truly thrills me to discover just how bad these defense experts and their opinions are, I wanted to share some thoughts and resources on how you can “bury your defense experts alive” ....metaphorically speaking.

Some common approaches we use when vetting our defendant insurance carrier’s expert are:

## **Reviewing and Cross-Checking their CV**

This is helpful in many ways and particularly when you discover they have lied. We often come across defense doctors who have been disingenuous in their certifications, their licenses and the type of practice they actually study and work within. Finding this type of information speaks to credibility, or rather, the lack thereof.



## **Background Investigation**

Oftentimes, defendants hire experts who they represent as highly regarded in their chosen fields. Ask around, talk to other experts you know and get the skinny on the expert’s true reputation in their community. Also, dig deep into the expert’s background via online resources, social media, reporting services and expert witness listing services.

## **Court Reputation**

Many experts have testified in court before and you can oftentimes discover when and where it happened, and more importantly, how neutral this individual truly is. You should be able to figure out if the expert typically leans plaintiff or defense friendly. You can also piece together how much of the expert’s income is derived from testifying in court or practicing in his or her field. You may also be able to position yourself into discovering potential financial incentives the expert receives in order to shake off neutrality and be a paid spokesperson for your defendant.

*“I’ll stop wearing black when they make a darker color”*

*– Wednesday Addams*

Carol Henderson, Director at the National Clearing House for Science, Technology, and the Law has identified some wonderful resource for digging up dirt on your defense experts and burying them alive. Experts often do not realize that their prior testimony may be available for review by the opposing party in a future case. This can be useful for impeachment purposes and to track trends, such as an expert’s tendency to testify for a certain law firm.



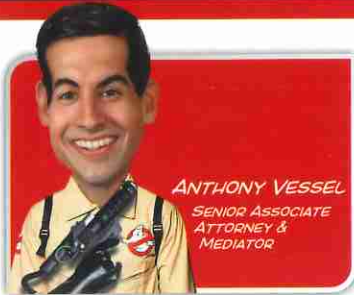
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# GHOSTBUSTERS!

## How to Deal with Being "GHOSTED" (Un)professionally



When Al Gore invented the world wide web, everyone rejoiced and thought, "could it be? this is the greatest invention since sliced bread."

*Our society will flourish, all people will be better connected, better educated and have an egalitarian access to a candy bowl of endless knowledge and information at their fingertips."*

**Enter 2021:** the age of demonic social media influencers, scary spam emails, keyboard psychos and screen time zombies with dopamine addictions. Ghosting is one of the many downfalls of our current technological age. Never fret, I can't fix inane TikTok dances and milk crate challenges (*perhaps Darwin can...*) but I can give you some tips to haunt people into responding.

### CLIENTS

Did your paralegal inform you that your client's contact with you no longer has a pulse? Doesn't it always happen when you need to speak to them the most? You have a nice, sweet settlement offer in the bag and your client apparated? When this is the case, the first thing I ask my paralegal is: "What methods of contact have you tried?"

Usually there was a call and an email. Don't stop there! You also have to try texting, snail mail, emergency contacts and even look on social media for messaging. Depending on the case/client, you might even look into hiring a private detective or person locator service. Hopefully that will scare them out of hiding.

### SUBORDINATES

If they ghost you, fire them. **Boo!**

### COWORKERS

It seems like every office has that one person who is the bottleneck. Maybe you have a big fish on the line and you're dependent on the co-worker for something to set the hook so you can reel them in. I think the best first step here is to be polite, yet persistent. Start off by letting them know the level of urgency and importance. If that's not appreciated, follow up frequently. After a few rounds of this, I've gone and literally sat in someone's office and waited for them to finish their part of the task at hand. If all else fails, you may have to look at getting their supervisor involved.

Spooky indeed, but nothing scarier than losing out on a big deal!

### BOSS

This one may take a little more finesse; one misstep and you could have your soul snatched from your body by the senior partner. If your boss is sleeping on your email, you can't really throw your weight around to get his/her attention. So when I experience undue delay, I find it's best to start by reminding them in-person as you see them around the office.

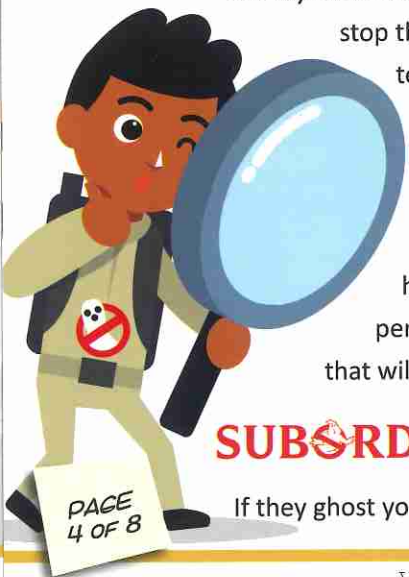
If you still can't get a response, I would try to land on their calendar by setting a brief 5-10 minute meeting where you can help focus them and express the importance of the response.

### OPPOSING COUNSEL

Professionally courteous email doesn't work? Try setting a reminder to repeat sending it to your desired frequency. Always use the chain effect of forwarding all your subsequent attempts so you illustrate their ridiculousness. Mix in a phone call and detailed voice mail as well so you can note that in your emails. Call their secretary. Call their cell. Don't forget to reply all or copy their partners or bosses on the emails so everyone sees their tom foolery.

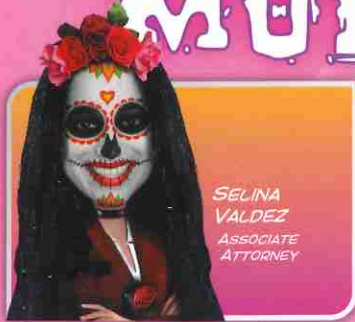


*If they try to trick you, treat them with a whole lot of touches until they acquiesce. As a last resort, get the crypt-keeping court involved, and a blood-curdling scream will likely follow. ☺*





# DIA DE LOS MUERTOS



SELINA VALDEZ  
ASSOCIATE ATTORNEY

This time of year may bring memories of candy corn and pumpkins for some, but for me it is all about **Dia de los Muertos**.

Having Mexican ancestry,

I have many memories of the *ofrendas* at various family member's households. Every frame had a picture – a picture with a face of a loved one who had passed away.

The *ofrenda* acted like a family storybook of those who had come before me and whose stories would be passed on to the next generation. Not everyone made their way on to my grandmother or mother's *ofrendas* though. As a child, I learned very quickly not to ask any questions about those whose photos were missing or even worse those whose photos were removed from the *ofrenda*.

Unfortunately, throughout this pandemic, several photos have been added to my mother's *ofrenda*. As we approach the next Dia de los Muertos and prepare to honor those we have lost, I have been thinking about which *ofrendas* I might end up on when my time comes. Such self-reflection has caused me to re-evaluate how I treat those around me and those connected to me, however remote.

Specifically, in the workplace, I catch myself looking at the internal directory or an internal email thread and saying, "who is [insert name]?" Or "I don't even remember the last time I spoke to [insert name]." It is easy to get caught up in the daily hustle and bustle of our workloads and take for

granted the people who participate in every case, no matter how small. From the intake team who we often overlook, to the accounting department who issues that final closing statement. If your time came during your employment at your place of work, would your photo make it on to a colleague's *ofrenda*? I encourage each of you to take a look at your internal directories and make a conscious effort to touch base with someone you haven't spoken to recently – you might be surprised how such a small gesture can brighten someone's day or help them feel valued.

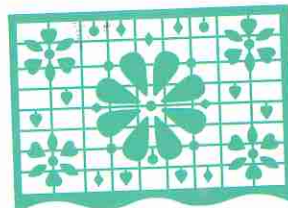
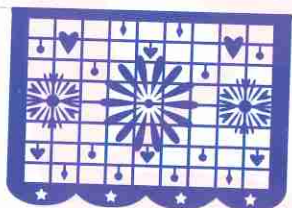
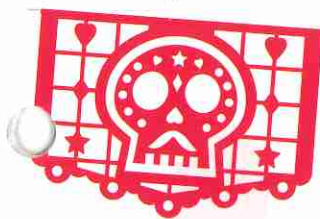


*"Stuff that's hidden and murky and ambiguous is scary because you don't know what it does"*

– Jerry Garcia

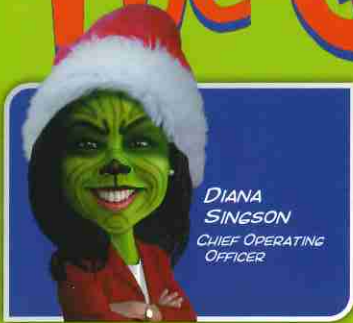


Do the same self-reflection in your personal life. When was the last time you did something kind or generous for a spouse, partner or best friend? Don't stretch the truth to give yourself credit. When was the last time you called a parent? When was the last time you reached out to that friend who crossed your mind, but you keep forgetting to text? Don't say I'll do it tomorrow – what if tomorrow never comes? Would your photo end up on their *ofrenda*? ☺





# The Grinch of Halloween



DIANA SINGSON  
CHIEF OPERATING OFFICER

## Halloween is not my favorite holiday.

You don't get a day off of work. The ROI on costumes is insulting. And the whole thing feeds on fear. Between the horror movies and the haunted houses, the whole holiday culminates in an evening of "how scared can you be?"

Long before 2020 was the stuff out of horror movies with its global pandemic, murder hornets, and confirmed UFO sightings, I didn't need a holiday to fuel my fear. 2020 just brought home the point: real life, outside of Halloween, is scary enough.

## Fear Is A Frequency

Color. Sound. Fear. What do they all have in common? They are all frequencies. Coursing through our senses. Transitioning us from one plane to another. Little waves of energy that take us from violet to red, beach waves to nails on a chalkboard, adrenaline to fear.

To paraphrase Gary Keller, fear makes us "pinball through our day like a confused character in a B-horror movie, [and] we end up running up the stairs instead of out the front door."

Keller wrote on the paralysis of decision-making in *The ONE Thing*, but fear has the same effect on our brains, inhibiting growth mindsets, such that, "[t]he best decision [often] gets traded for any decision, and what should be progress simply becomes a trap."

## We Create Our Own Demons

Sorry DC Comics fans, but I'm a Marvel girl through and through. In *Iron Man 3*, Tony Stark begins the movie with the line attributed to some famous guy somewhere in history, "We create our own demons."

Our brain thinks it protects us by imagining our deepest fear. Neural pathways then tread a well-worn path to a self-made prison of horrors in your head, until your own self-created demons feel more familiar than reality.

But the thing about demons, as Amanda Palmer once said, is, "If you don't deal with your demons, they go into the cellar of your soul and lift weights."

## I See You, Mara

After hearing Palmer's quote, I began to intentionally choose life and light over fear and darkness. I took power over the creations in my head, and I began to lean into the tension of the fear. *The answers are in the tension!*

"If you're willing to feel it, and merge with it, its energy and wisdom will appear," Kristen Ulmer, extreme skier and renowned author on fear, once said.



There is a story of Buddha and Mara (a demon god) wherein Mara threw all he had at the Buddha: lust, greed, anger, doubt, fear. Unsuccessful, Mara left that night only to return again.

Instead of turning him away, the Buddha said, "I see you, Mara" and invited him to tea.

There is so much growth that can *only happen* in that in between of the cellar where your demons are lifting weights and tea with Mara.

"Every day is Halloween, isn't it? For some of us."

- Tim Burton

When COVID-19, pending test results, the text message you never saw coming, and the 24-hour "breaking news" cycle hit too close to home, and the easy route is to allow fear to start counting reps, I imagine inviting that fear to tea. Sitting across from it. Facing it.

And when the jangling of my nerves still and the frequencies dull to a lower wavelength hum, I claim victory. This time.

Fear suffocates hope. And with the last two years, I've had enough fear. After the last two years, we could all use a little (or a lot of) hope.

## Thank You, Next

In a time when congestion can mean normal seasonal allergies or that I've got a deadly virus, I want to be the first (and perhaps only one) to say that I am over Halloween this year. No offense to the Greeks, but I'm over Delta and Lambda and the rest of the Greek alphabet.

There has been enough fear for the last 18 months to last more than a few lifetimes. So bring on the pumpkin spice, but I'm passing on Halloween this year.

In the words of the incomparable Ariana Grande, "thank you, next." ©



# DELAYING THE GRIM REAPER!

Continued from page 2

So, what do I have to do to get my vascular age to more closely match my real age? Here's what my doctor has prescribed:

1. Maintain a blood pressure below 120/80. For me this means medications.
2. Exercise every day for the rest of my life. Weightlifting/Resistance training of all muscle groups 3 times per week. 30 minutes of high intensity cardio, 5 times per week.
3. Eating healthy low calorie, low carb meals 4 times per day for the rest of my life (*You can't out exercise a bad diet*).
4. Get rid of belly fat. The number one indicator of vascular disease in men.
5. Take appropriate vitamins and supplements. Vitamin D and Omegas, etc.
6. Accept these changes are forever, not just until I lose a little weight.
7. Monitor your health and actively advocate for yourself with your doctor. Don't accept aging gracefully.
8. Become educated about what it takes to age well.

To educate myself about what it means to be heart healthy, my doctor had me enroll in an online video program called **Arterial Health Assurance for Life** ([www.AHAforLife.com](http://www.AHAforLife.com)). It is a great program I highly recommend, developed by Dr. Amy Doneen and Dr. Bradley Bale. The program consists of 12

modules of videos that comprehensively cover all aspects of heart and cardiovascular health explained for the layperson. The program covers topics such as discovering the root causes to what could be causing arterial disease and how you can treat them, as well as how to define and achieve your optimal health goals. The program is not free but **you are well worth the money**.

All of this helps me achieve my goal, which should be everyone's goal - die young at a very very old age!

**For now, the Grim Reaper is fun to think about during the Halloween season, but let's keep the Grim Reaper in the closet where he belongs the rest of the year. ☺**



# HALLOWEEN!

~~21~~ SERIOUSLY?  
2020 HASN'T SCARED YOU ENOUGH

## BURY YOUR DEFENSE EXPERTS ALIVE!

Continued from page 3



American Association for Justice (<https://www.justice.org/>) provides more than 22,000 archived depositions you can research through your defense experts for impeachment purposes.

Also, plaintiff attorneys have created TRIALSmith (<https://www.trialsmith.com/TS/>), which contains 175,000 deposition transcripts. Partner associations include 48 state trial organizations. Briefs, pleadings, verdicts, settlements, and other information are also available on the site.

Also, if you aren't incredibly familiar with the work of Dorothy Clay Sims, as a plaintiff attorney, you should be. She has built a practice out of "*Exposing Deceptive Defense Doctors*" and is a preeminent expert in this field. She has numerous particularly useful tactics she details in her publications that we use on each and every expert we come across in our cases. Her work helps to point out the flaws, biases, lies and junk science defense experts work hard to hide.

**Consider using her work as a guide in your practice and, along with these other tactics, you can bury your defense experts alive and come out victorious! ☺**

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# Lawyers Need a Laugh

## HOW GOOD IS YOUR HALLOWEEN KNOWLEDGE?

Email the answers to [marc@marcwhitehead.com](mailto:marc@marcwhitehead.com)

and the **FIRST 3** winners will get a

### spooky prize!

**1** Who was the first First Lady to decorate the White House for Halloween?

**2** How did Casper die?

**3** What famous magician died on Halloween?

**4** What is the most successful horror movie of all time?

**5** What was Dracula's real name?

**6** What should Marc be for Halloween?



## DISABILITY & INSURANCE DENIALS



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