

Winter 2022

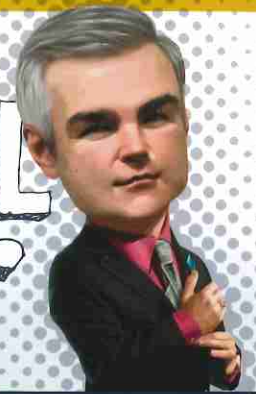
MARC WHITEHEAD & ASSOCIATES  
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A NATIONAL DISABILITY CLAIMS LAW FIRM

Vol. 8

Issue: 01

THE NEWSLETTER  
YOU'VE BEEN WAITING FOR...

# \$uccessful Barrister



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

*This issue is priced so hot it's guaranteed to keep you warm!!!*



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**Howdy.** It's Oscar season, so in that spirit this edition of the Successful Barrister will be movie themed. So where is my golden statue anyway?

Being famous in the legal world yields a large marketing ROI. I have invested over the years in becoming known as The Disability Benefits Lawyer. As a result, you all send me (*usually*) quality disability referrals. Hopefully I've become famous not only for handling Social Security and Veterans Disability, but as the go-to for Long-Term Disability Insurance claims. It is, after all, more fun to sue insurance companies than anything else. **Send them my way and we hopefully can send you a referral fee. In the meantime, enjoy this issue of the Barrister.** ©

Successful  
Barrister

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## THE GAP AND THE GAIN

THE HIGH ACHIEVERS' GUIDE TO HAPPINESS, CONFIDENCE, AND SUCCESS

BY DAN SULLIVAN AND DR. BENJAMIN HARDY (2021)



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How are you at "Keeping Up with the Jones"? Do you ever find yourself falling into the trap of measuring yourself by someone else's success? How did that make you feel? Not good I bet! So what's the best way to measure success?

You can either measure forward (*obsess over the GAP to where you*

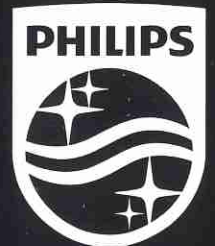
*want to be, i.e. Keeping up with the Jones' or measure backwards (look at all the GAINS you've achieved since starting, viewing yourself today as compared to where you started).*

Overwhelmingly, research shows it's better to measure backwards. In other words, get out of the GAP, and into the GAIN.

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Now taking  
PHILIPS  
CPAP  
Recall  
Claims



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When you measure your progress by your GAINS rather than by the GAPS that still remain, you liberate yourself from feelings of failure. Instead, you'll appreciate just how far you've come, and that positivity will itself fuel even more progress. It's a better way to live and work. Screw the Jones', they are probably in debt up to their eyeballs anyway!

The more you measure your GAINS, the more positive energy you'll have, and the more GAINS you will get busy creating in the future. You will be freed from fears of constantly falling short, and that will drive you on a powerful upward spiral.

To quote Dan Sullivan, *"Your future growth and progress are now based in your understanding about the difference between the two ways in which you can measure yourself: against an ideal, which puts you in what I call 'the GAP,' and against your starting point, which puts you in 'the GAIN,' appreciating all that you've accomplished."*

I will use myself as an example. I can think of a lot of lawyers that have had more success than I, both in terms of courtroom success and financial success. Would I like to achieve what they have? Sure! But should I measure myself by them? Hell No! I choose to measure my success based on all I achieved in the last 30 years of practicing law. I look back on myself 30 years ago and see a baby lawyer that had no money, clients, staff and most importantly, No Clue! Now I have all of that! Am I done? Am I a finished product? No, but I choose to live in the Gain of what I have achieved, not in the Gap of what I have not.

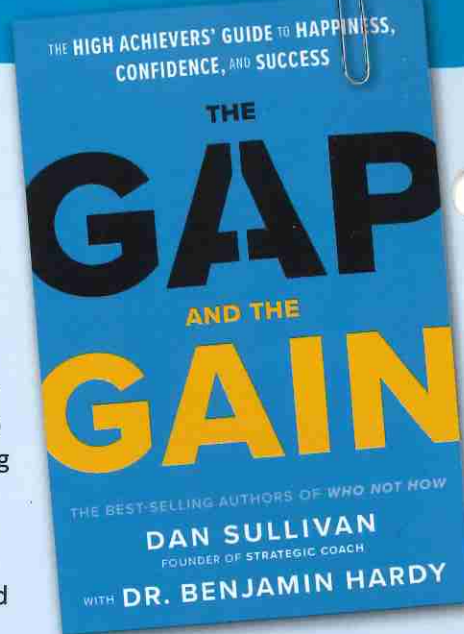
Co-author Benjamin Hardy says, *"Within this one simple concept is a master class on positive psychology, healthy relationships, mental well-being, and high performance. Everything that psychologists know about how to create a high-functioning and successful person can be achieved using The GAP and The GAIN. When you focus on the GAIN, you and everyone around you are transformed."*



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The authors tell a story about a businessman who decided he would be happy once he had \$2 million in assets. Once he achieved that goal, he decided he really needed \$5 million to feel good. On passing that impressive milestone, he had a rethink and decided that really he needed \$10 million to feel successful. That's the problem with GAP-style thinking. It's a treadmill you can never get off, because there's always someone who has achieved more. It always feels like success is always just out of reach.

Sullivan and Hardy lay out the simple process below to **"Get out of the Gap and into the Gain!"**



## THE GUIDE TO HAPPINESS, CONFIDENCE AND SUCCESS

**1** Get out of the GAP. Most people aren't happy because they are focused on "life, liberty, and the pursuit of happiness" which is always just beyond their reach. They think "Once my business hits the five-million-dollar mark, I'll be happy" or "Once I own a Ferrari, I'll be happy". That's an unhelpful way to think because it's a treadmill. You never arrive. It's time to escape the GAP by doing three things:

- 1) Embrace the Freedom of Wants, Not Needs
- 2) Become Self Determined
- 3) Train Your Brain to see Gains, not Gaps

**2** Get into the GAIN. A better and more productive way to operate is to note and be proud of the progress you've made thus far. It sounds counterintuitive but when you focus on what you have achieved, you actually become more likely to GAIN what you still lack. To get into the GAIN the three things you need to do are:

- 1) Always Measure Backwards
- 2) Take Time to Measure 3 Wins Daily
- 3) Transform Experiences into Gains

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# RED CARPET *Style*



MADISON  
DONALDSON  
ASSOCIATE ATTORNEY

This issue we're talking Hollywood, red carpet, flashing lights, so I thought we could touch on some esquire fashion

do's and don'ts. Our firm just got back from a conference in Vegas and the lawyers were dressed to the nines... Well, some of them. As a marketing major and a veteran of one full year working corporate retail I am uniquely qualified (*in my own witless mind*) to dissect the trends we saw.

Here are the bullet points:

- 1.** CAPES. We're not talking batman here but bold, beautiful, bad ass business capes! Imagine a pristinely structured white blazer but instead of sleeves there are slits for your arms to peek out. Chic doesn't even begin to cover it.
- 2.** Three piece suits. Honestly not a fan. It looks stifling and the guys wearing them in a windowpane or plaid pattern look like they're about to go ride dressage in the English countryside.
- 3.** Slim, gold jewelry. Gone are the days of chunky statement jewelry and I am here for it. It's bad enough to teeter around all day on heels lugging a heavy bag, the last thing you need is a giant necklace pulling at your neck. No, these slimmer gold chains are the way of the future. Bonus points for layering.
- 4.** High water pants. The hemlines of pants have been steadily creeping skyward for the last several years. I'm overjoyed at no longer having to witness pant legs being drug on the ground. HOWEVER, men, if I can see your entire ankle while you are standing you might have taken it too far. Silver-lining, we can now see all the fun and funky socks the men are wearing these days.

*"What is a movie star? A movie star is many things. They can be tall, short, thin, or skinny. They can be Democrats... or skinny."*

*- Steve Martin*

- 5.** Last but not least, the over-the-hill lawyers who just don't give a damn anymore. This. Is. My. Favorite. I loved looking over during a session to see an older lawyer fresh out of the swimming pool rolling in to collect his/her CLE credit, dripping swimsuit and all. Simply aspirational.

Overall, the esquire fashion runs the gamut. You're going to have the fashionistas, the parents who are too tired to handle more than a ponytail, and the people like me who simply don't know what the hell they're doing. Advice I gave Selina, our newest associate, when packing for her first conference: pack flats, pack a jacket, and just wear whatever makes you feel good. **Cheers, Nerds.** ☺







DIANA SINGSON  
CHIEF OPERATING OFFICER

I once saw an Instagram story from a Hollywood actor about the “B roll,” a filmmakers’ term for footage that provides background information to the story. He said that people focus on the red

carpets and magazine covers and overlook the long hours on set or the early wake up calls, i.e., the B roll. Analogously, the B roll in real life is the hard work, the consistently countless hours behind the scenes.

I experienced seemingly years of the B roll, though I’m sure that is just a trick of my brain rewriting history. However, I can confidently say that it was those years of “B roll” that helped me get this job.

## You Never Know What Will End Up On The Cutting Room Floor

I am a lawyer by education, which means I never took a class in Microsoft Excel. In a prior position, I was asked to create a report analyzing profit margins. It was the only opportunity to tier up in the company, so I took it. I spent countless hours with Excel, watching YouTube videos, and googling questions others also apparently had.

When I came to the Firm, one of the first things I did was create a dashboard in Excel. I worked hard, but it was easy with my prior experience. When I took it to Marc, he told me to simplify the dashboard. It was the greatest compliment he could have given me. And it was only possible because of the work I had done years before.

We are not short for data these days; a considerable amount of what we do is tracked and monitored. And yet, we have never been more at a loss for what is meaningful, for identifying that which will move the needle.

That project not only taught me how to analyze rows of data to identify trends, a skill I still use in a very different subject matter, but it also solidified my experience with operations. It turned into one of my proudest accomplishments, and one I mentioned in my interview for this job.

I still cannot make Excel sing. But it sure does hum nicely for me now.

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# Living the B Roll

## Finding Meaning in the Seemingly Meaningless

To get through those months where I painfully learned Excel or something else equally out of my comfort zone, I redefined the meaning of success and adjusted my expectations, believing that the only way to eat an elephant was to keep take small bites. Taking Desmond Tutu’s analogy one step further, I had no desire to eat an elephant. So in that moment, I knew whatever I was doing was not going to be something I was going to enjoy.

However, I believed then, as I believe even more firmly now, that continuously successful people have the foundation of years of B roll, showing up day after day, often times without recognition or thanks. It is that continuous preparation that allows you to build upon successes.

When success is measured in decades, not months or even years, be cautious of being so short-sighted as to think that just because it is not meaningful now, it will never be meaningful.

## Don’t Compare Someone’s “Highlight Reel” to Your “Behind The Scenes”

President Roosevelt once said, “*Comparison is the thief of joy.*” In the age of social media where people determine their value based on how many likes they get and how quickly, this has never been so apropos.

The grind that is the B roll can be debilitating in and of itself and can often feel like a meandering path in Wonderland. How do you repetitively do something when you did not even want to do it in the first place?

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*“If you have to have a job in this world, a high-priced movie star is a pretty good gig.”*

– Tom Hanks



# Agent to the STARS



There are many different job titles I could have to describe what I do for a living. Director of Marketing. Director of Intake. Herder of Cats. Spender of Money.

I'm here to talk about the one title I should probably put on a business card: **Marc Whitehead's Agent**.


I often find myself neglecting PR at the firm. Successful public relations requires consistent effort over a long period of time, with a convoluted sense of ROI. It doesn't give me a fast ego stroke like a successful lead generation campaign will do.

The good news is there are small actions which, over a long period of time, will pay dividends in making sure people know your attorney (*which could be yourself*) is an actual superstar. The tactics I will discuss are easy to integrate into your every day life and doesn't focus on pitching a reporter or other labor-intensive things like that. Let's review.

## Reviews

By now it's been drilled into everyone's heads that Google Reviews are like cryptocurrency for most businesses. Attorneys aim to snap them up like Sonic collects his rings.

But do you actually read them and do something about the negative ones? I'm not just talking about responding online, "I'm so sorry about your experience, please call my assistant."



Taking action and then detailing out the steps you took to right whatever wrong the client experienced can turn a bad review good, and in turn possibly generate referrals your way. Win, win.

## Social Media

Dust off that Facebook account and post pictures of you doing charitable things. The obvious thing to do should be an organization related to your practice area, but people also like dogs and kids.

People often stalk research attorneys online before they pick up the phone. These photos will help build a connection they might not quite get just by reading reviews. So make sure your next client knows you are a star just by looking your social profiles.

## Book Some Gigs

When I network or attend events, I don't really focus on obtaining leads or referrals. Instead, I focus on positioning Marc as the subject matter expert that he is, available to speak on a wide range of topics. Some examples of presentations I've "booked" was a presentation to the **El Paso Trial Lawyers Association** on disability law, and a small gathering at a mental health non-profit about obtaining Social Security benefits for mental illness. Invariably, referrals and leads are the byproduct of doing things like this.

This tactic is particularly useful in trying to get in front of a desired target audience you want to develop. I've been trying to get Marc booked to speak at a dental conference or meeting of some sort, because dentist LTD cases are very valuable to us (*Do you know a disabled dentist? Send them my way*).

***I know you're a superstar. You know you're a superstar. Make sure your prospective clients and network know you are, too. ☺***







SELINA VALDEZ  
ASSOCIATE ATTORNEY

# Networking in a COVID World

*It is obvious the world of networking has changed dramatically with this pandemic.* What's the proper etiquette these days on handshaking?

My instinct is to reach to shake a hand, but some people stare at me in disbelief and horror. If I didn't attempt to shake the hand thought, would others think I was just a rude millennial? The struggle is real. Also, are we supposed to wear a mask at indoor events? The introvert in me is thinking this can all be avoided by staying home with my books.

**Confession:** I'm the newest associate at the firm and I have been dying to get out and start networking. Why? Because Marc knows way too many people and it seems like every day, he is talking about someone I've never met. I have to stop him and ask, "who is that?" To which I get the infamous Marc eyeroll and I must remind him I have not had the opportunity to network with him... **#pandemic.**

As luck would have it, Marc took us to a few holiday parties where I finally got to put some faces to names. I found myself telling Marc "so that's the guy in the story..." or "that's the one in the email..." There was a new introduction every which way we went.

Regardless of what I may have sounded like trying to piece together Marc's connection to this person, it was a joyful experience having the ability to network again. I have been with the firm for a little over two years and I feel like every time Marc says someone's name, I must turn to one of the other attorneys with an inquisitive look or run to Marc's LinkedIn page for reference.

Meeting people, making connections, and hearing some of their stories was much more than putting a face to a name though, it was a lesson in how to network again – in a post-COVID world.

There is a skill involved in networking and making new connections, a skill which requires a balance between being personable and professional. Having spent the last

year with limited in person contact, there was a temporary panic when I realized these in-person parties were not going to be over Zoom and I could not just turn off my camera when the introvert in me had enough "networking." I thought:

*Perhaps networking would be like riding a bike, you have to get back in the seat, wobble a little as you find the rhythm of the pedals, and hope there's not a stick in your path.*

As reality would have it, networking was like riding a bike. In some instances, it felt like we were in pre-COVID world, people were shaking hands, hugging, and embracing the ability to interact with colleagues again. The receptions reminded me of a celebrity sighting where I could put a face to a name I have seen through a listserv or heard via Marc's stories.

Many of the people I met were ecstatic to be at an in-person event again. It was refreshing to see personalities emerge and witness less of the robotic personas I have come to know over video sessions. There was a renewed sense of energy among the guests who were anxious to discuss the next adventure or swap stories of recent cases. For those who were a little more cautious of the proximity to others, a simple wave or elbow bump quickly became the ice breaker in a greeting. Looking back, networking in person was enjoyable despite my introvert tendencies.

**Here's to hoping the next event runs just as smoothly and I don't come across as a babbling fan. ☺**





# THE GAP AND THE GAIN

THE HIGH ACHIEVERS' GUIDE TO HAPPINESS,  
CONFIDENCE, AND SUCCESS

Continued from page 2

## KEY TAKEAWAYS

The more you measure your GAINS, the more GAINS you'll appreciate, and the more GAINS you will get busy creating in the future. Always think about your GAINS, not the GAP to where you want to be. Never measure yourself against an ideal, which puts you in the Gap. Measure yourself against your starting point, which puts you in the Gain and allows you to become the high functioning successful person you want to be.

*"Being famous on Instagram is like being rich in Monopoly... it's not real so calm down."*

– Broderick Hunter

This concept also works when you are attempting to motivate someone else. Is it better to talk about what they still need to do (*the GAP*) or what they have already achieved since starting (*the GAIN*)? The authors show quite conclusively that measuring and celebrating their GAINS works far better.

*The point? Think more about your GAINS. Celebrate what you've achieved in your life and career already. It's a much better way to live and move forward. 😊*

### WHEN YOU AREN'T REALLY SURE WHAT YOU'RE FAMOUS FOR



KIM KARDASHIAN WEST, Famous Person

# Living the B Roll

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While my friends were getting BigLaw bonuses, I worked vacations and weekends, getting up early so I could be present and available when friends and family woke up. I was often told, "*I don't know why you do what you do.*" More often than not, I did not either.

I learned it is a self-inflicted wound to compare, as one person has said, my "*behind the scenes*" to another's "*highlight reel*." In seasons of the B roll, it is much better to put on blinders. Google tells me that horses wear blinders to increase their focus on what is in front of them and to truly blind them from what is going on around them that would spook them.

Similarly, focus is the best way to get through the monotony of the B roll: awareness of the goal, but a hyper-focus of only that which is in front of you.



## The Race Never Ends

For the lucky few, on the other side of the B roll is the thrill of success. That moment you are on top of the world. Soak in that delicious feeling so you never forget...and so that it encourages you to begin again. *After all, as I've heard it said, "The finish line is just the starting block for the next race."* 😊



# Lawyers Need a Laugh

## Where's MARC? Marc's hiding from the paparazzi!

Find where he is hiding within the pages of this Barrister, send a picture to [marc@marcwhitehead.com](mailto:marc@marcwhitehead.com), and Natalie will have a box of cookies sent to your office.



## DISABILITY & INSURANCE DENIALS



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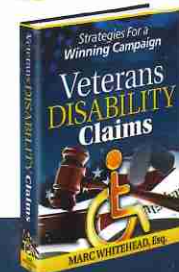
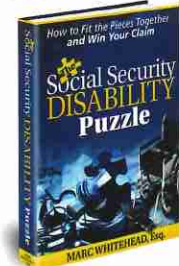
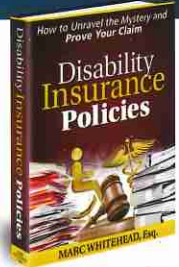
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