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


Vol. 9 Issue: 04

THE NEWSLETTER YOU'VE BEEN WAITING FOR...

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Once upon a time, there was a \$uccessful Barrister and his gaggle of five loyal attorneys. Who spent their days merrily responding to emails and serving their clients.



Until, one day, their wicked Marketing Manager tasked them with writing an article connecting their legal experience to a fairy tale with the promise of numerous annoying emails and evil looks if their article was not complete when the clock struck midnight.

Continue reading to see how the magic of handling vendors, effective communication, and a strong foundation, all sprinkled with a little pixie dust, can help you and your law practice ride off into the sunset to your happily ever after...

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DEMYSIFYING STRATEGY:

UNLOCKING THE PATH TO SUCCESS!

In the timeless tale of the **Three Little Pigs**, we learned that a solid foundation can save your bacon. Just like the wise pig who built his house with bricks, law firms need a sturdy strategy to keep those huffing and puffing challenges at bay. Believe it or not, the strategy doesn't have to be as intimidating as a big, bad wolf. Jim Collins, in his book "Beyond Entrepreneurship 2.0," breaks it down into bite-sized pieces and serves up a strategy feast that even the hungriest wolf, I mean lawyer, can digest.

"Strategy" often carries an air of complexity and intimidation, but in reality, it is a straightforward concept. Jim Collins, in his book "**Beyond Entrepreneurship 2.0**," breaks down strategy into its fundamental components and demystifies its essence. By focusing on basic issues such as how fast to grow or whether to focus your practice versus diversifying it, strategy becomes a simple methodology for reaching goals.



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NEWS FLASH!

What to live like King Richard from Robin Hood?



Send me your long-term disability referrals to marc@marcwhitehead.com

Referral fees paid in appropriate cases.

PAGE 1 OF 8

In this article, we will explore Collins's insights and distill his key principles, guiding readers toward a clearer understanding of strategy and its practical application to your law firm.

Understanding the Basic Principles of Developing Your Strategy to Build Your Law Firm:

Directly Derived from Vision:

A strategy must align directly with a firm's vision. Without a clear vision in place, crafting an effective strategy becomes challenging. By establishing a compelling vision first, leaders can then develop a strategy that supports and propels their desired future.

In short, answer the simple question, "Why does my law firm exist?"

Leverages Unique Business Strengths:

A successful strategy leverages the unique strengths and capabilities of the firm. It is crucial to identify and build upon the distinctive competencies that set an organization apart. By focusing on what the law practice does best, it can gain a competitive advantage and achieve sustainable growth.

Realistic and Grounded:

To be effective, a strategy should take into account both internal limitations and external circumstances grounded in reality. It should reflect an accurate assessment of internal capabilities, such as available resources and talent, while also considering external factors, such as legal trends, client input, competition, regulatory

environments, and macroeconomic and demographic trends.

The Essence of Strategy:

Collins argues that once a clear vision is established, strategic thinking revolves around answering three essential questions with insight and empirical validation:

Where to Place Big Bets:

Concentrate forces and resources on significant opportunities and initiatives that align with the vision. Timing is crucial when making these big bets, and empirical data should be sought to validate and test ideas on a small scale before committing on a larger scale.

The mantra here is to fire bullets first and then cannonballs. Mass tort lawyers know this fact all too well!

Protecting Flanks:

Identify and safeguard against vulnerabilities that may lead to

potential disasters. Practicing persistent productive paranoia ensures that a reserve is kept in case big bets fail. It is essential to remain vigilant and agile to mitigate risks effectively. When that big contingency fee case that you have spent a ton on money turns into a big mess, can you weather the storm? It's all about practicing productive paranoia and keeping a backup stash of bacon in case things go south.

Extending Victories:

A comprehensive strategy accounts for how to exploit and extend victories. By adopting the flywheel effect, organizations can build momentum and continuously upgrade existing successes. Expanding on what is already working is vital, ensuring that the next big thing is the refinement and enhancement of current



achievements. The best lawyers turn big wins into more and better cases, *i.e. the flywheel effect!*

The Decision-Making Process:

Strategic decision-making follows a three-legged stool approach:

Vision:

Begin with a compelling vision that sets the direction and purpose of the firm.

Internal Assessment:

Evaluate internal capabilities, strengths, weaknesses, resources, and innovative ideas that align with the vision.

External Assessment:

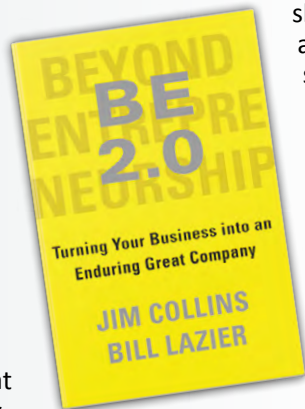
Examine legal trends, technology advancements, client input, competitive analysis, social and regulatory environments, as well as macroeconomic and demographic factors.

Simplifying the Process:

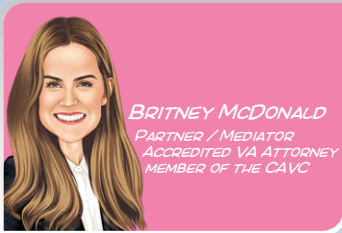
- ✓ Keep the strategy document concise, limited to three typed pages at most.
- ✓ Develop a 3 to 5-year strategy that is annually updated.
- ✓ Establish three to five key priorities for the year, assigning responsibility for each.
- ✓ Conduct an annual offsite strategy meeting to ensure alignment and progress.

In conclusion, strategy is the secret sauce that can take your law firm from mediocre to magnificent.

CONTINUES ON PAGE 7



Keeping the Mermaids Happy!



BRITNEY McDONALD
PARTNER / MEDIATOR
ACCREDITED VA ATTORNEY
MEMBER OF THE CAVC

It is possibly the most opportune week for me to be writing about “balancing your life amidst a busy legal career.” I am, at this moment, penning this article while at the beach, not actually on the sand with my toes in the water, but down on 30A while my family is buzzing around, waiting for me to make enough progress on my work so that I can safely detach from my inbox and phone for the day. My “little mermaids” want to play in the sand “NOW,” but I have deadlines to meet that don’t care about precious family time. I have clients who wish me off on a great vacation but whose needs trump my own. I will make my way down to the sand soon enough, sure. I know I am not alone in this. You likely have something, a problem, or a deadline that must be handled before you can attempt to unplug but do.

Figure out when your “peak-productivity” time is and work with it. Do you tend to focus better in the morning but that won’t

work if you’re on vacation and the kids want to play in the waves before the sun is bearing down on everyone at

noon? Maybe your peak productive time switches based on your schedule, and you make your mermaids happy this morning, ready to refocus in the afternoon while they nap and snack.

I freely admit I have trouble disconnecting from work. Most lawyers do, especially those that own and manage their own firms. There is no shortage of work, and even when you think you see a break in the never-ending waves of deadlines, the knowledge of future deadlines is always there. If you tackle those now, surely you’ll get a future reprieve, right? The answer is almost invariably no.

“Life is not a fairy tale. If you lose your shoe at midnight, you’re drunk.”

– Unknown

A healthy work-life balance is not a fairy tale. Our lives are endlessly evolving and schedules changing, so finding the right balance is something you continually must work

on and adjust. I constantly feel the pull to advance in my schedule, always trying to get ahead. It’s difficult for me to relax and unplug when there are still things that could be done. However, if you want to avoid becoming the wicked stepmom in your family, it’s essential to shift your focus for the good of your mental health and that of your family.

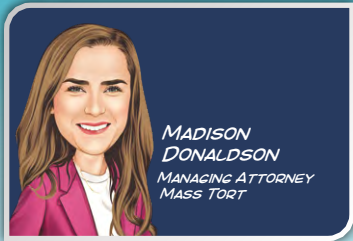
I remember as a “baby lawyer” being introduced by **ATTICUS** to “time blocking.” I was their biggest nay-sayer at the time. I prided myself on being able to simultaneously switch from task to task like a well-oiled lady-lawyer machine (**MWA**), never missing a beat. Start working on a brief, answer an email, back to briefing, review some medical records, hey look, a new email, call a client, back to briefing, oh, another email, talk to a colleague, answer a text, check the calendar, back to briefing. Sound familiar? At the end of the day, I was exhausted and could hardly remember how the day ended so soon. Yet, I was not getting my big-ticket items completed, at least not efficiently. They were constantly being interrupted by minor tasks that would give me a small dopamine rush as I checked them off my to-do list. Fix yourself if that’s still you.

What changed? My life and career became more complicated, and I could no longer sustain the way I was prioritizing everything. Time blocking is essential for me to maintain my work-life balance.

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CHOOSING HARD TRUTHS OVER LITTLE WHITE LIES



I don't care what kind of law you practice; whether you are a defense attorney or representing plaintiffs, personal injury, or family law, inevitably, you will need to have some tough conversations with your clients.

In our area of practice, this often involves telling our clients their claim is NOT worth a bajillion dollars, despite what they might think. And, while the conversation might be more pleasant if you soften the blow by not outright disagreeing or correcting their incorrect assumptions. Ultimately, those little white lies or half-truths can lead to ruined relationships with your clients and affect your reputation at your firm and even with your colleagues. These conversations can be uncomfortable and easy to put off, but in the end, they are necessary, and you will only be delaying the inevitable by avoiding the conversation. Here are a few tips I've picked up over the past 6 years.

Set expectations from the jump.

Our office has developed what we call a "pre-lit" call... and no this is not a call you make prior to getting lit at a bar. This is a mandatory call we have with our clients before filing their lawsuits. Each attorney's pre-lit call looks different but accomplishes essentially the same thing. We are setting the tone for litigation and managing client expectations prior to filing the suit.

In my pre-lit calls, I give the client an overview of the litigation process, including estimated timelines, so they know

what to expect. I also discuss my valuation of their case. Sometimes this means telling the client their case is not a 7-figure claim or even a 6-figure claim. By discussing my valuation of the case, I am setting realistic expectations for my client, which paves the way for productive settlement negotiations down the line. I have even spared myself from a few unreasonable clients who have declined to litigate if the bajillion dollars they expect is not in the cards.

Promise transparency, even if it means the client won't like what you are saying. This is a promise I make in my pre-lit call. I tell the client my job is to be their guide through the litigation process, their translator, and their advocate, and I would not be good at any of those roles if I lied or sugarcoated things. So, I make my client a promise of transparency, even if it means they sometimes won't like what I'm saying. In return, I ask that our communications remain open and respectful, even if the client becomes upset. Like my mom always told me growing up, *"You can say whatever you want to me, as long as you say it respectfully."*

Keep perspective when things get tough. Despite your best efforts to set expectations, you will still have clients get upset during tough conversations, and sometimes they will direct their emotions at you. Earlier in my career, I would take comments personally and would get upset. What I've learned from my elder (*I mean more experienced*) colleagues, Anthony and

Britney, is that 9 times out of 10, the client is upset with the situation, not you. However, because you are their main point of contact throughout the lawsuit, their anger/frustration can be aimed at you. When this happens, keep that perspective and remain sympathetic. I know, I know. Much easier said than done, but this is a skill that gets stronger the more you practice it.

"The idea of my life as a fairy tale is itself a fairy tale."

– Grace Kelly

In sum, figure out what sort of expectations you need to set with your client and do so early in the case. This will help smooth the road for you and your client, making it easier to navigate together. Establish trust and promise transparency with your client. Finally, don't delay those tough convos or take the easy road by skirting around typical areas of contention. Usually, they end up being a lot easier than you're making them out to be in your head. If you're looking for more resources to help you tell these hard truths, I would recommend the book *Crucial Conversations*. It has helped me in many areas of my life.

Good luck and cheers, nerds. 😊

The Magic of the Right Vendor



DIANA SINGSON
CHIEF OPERATING OFFICER

Disney's movie *Encanto* is a story of a magical family whose human flaws threaten their magic. In the same way that magical powers of healing through food and speaking to animals

allow the family's community to become greater, selecting and utilizing the right vendor will allow your firm to grow cost-effectively and efficiently.

Note: Spoiler alerts within

"Surface Pressure"

Bill Gates once said, "Only through focus can you do world-class things, no matter how capable you are."

Our Firm is in consistent growth mode. As you saw in our last Barrister, we just embarked on yet another three-year growth plan.

As an organization grows, each team member is called to determine his or her highest and best use, which often is not what he or she has been doing.

When I started at the firm, I literally crawled on the floor and set up computer stations for new employees. Our IT MSP vendor at the time billed us a trip charge plus an hourly rate every time they sent someone to do it. So instead of incurring a significant bill, I chose to handle the setup myself.

Now, with over 30% more employees and a significant growth in the number of clients, it does not make sense for me to set up every new employee's technology. One of the lessons we continue to teach our firm leaders is that *just because you can doesn't mean you should.*

Like Luisa in *Encanto* with her Herculean strength, at some point, if we do not allow team members or vendors to help us grow, we, too, echo Luisa:

*"Was Hercules ever like,
'Yo, I don't wanna fight Cerberus?'
Pressure, like a drip, drip, drip that'll never stop,
Pressure that'll tip, tip, tip 'til you just go pop."*



Power in the Team

Encanto reaches its touching apex when the family loses its magical powers, and their fabled home lies in ruins. As they are pondering their tragedy (*and homelessness*), a moving song begins with the townspeople singing:

*"Lay down your load
We are only down the road."*

The town and the family go on to rebuild the home together and without magic. With the right vendors, a firm can grow on a secure foundation and with peace of mind.

In my time with the firm, we have changed our IT MSP vendor and our PEO vendor. With our IT MSP vendor, we went with a smaller company that provides a concierge touch and saves us money. We are truly partners in our business, with Resolute even introducing us to the agency that employs our nearshore resources.

With our PEO, we actually went in the opposite direction and switched to a larger, publicly traded PEO. While the transition was not seamless, the change has resulted in substantial cost savings and better health plan options for our employees.

The right vendors, like the townspeople in *Encanto*, provide peace of mind that crucial things like cybersecurity and IRS filings are on someone else's top of mind every single day, allowing you to focus on the business of the firm.

"What Else Can I Do?"

A good vendor, nay, the right vendor, will ensure that your headspace isn't focused on the next cybersecurity threat or that next broker meeting to find the right benefit plans.

Only with the support of the right vendors can our team channel *Encanto's* annoying-turned-endearing Isabela and ask ourselves:

*"I just made something unexpected
Something sharp, something new
It's not symmetrical or perfect
But it's beautiful and it's mine
What else can I do?" ☺*

RESTRUCTURING THE VA DEPT.

– Humpty Dumpty



For those of you who have been with us for some time, you know Marc is constantly pushing the attorneys to grow our knowledge and understanding of the

business side of law. I have been on the distinct journey of working on the VA department and trying to mold it into something more. When I was first tasked with “improving” this department, it felt like I was coming in after **Humpty Dumpty** had just fallen off the wall. There was a bit of a mess, and the team seemed to have their own agenda. My highly analytical personality and mindset could not understand how the department was structured in such a “freestyle” manner. Maybe Marc saw Humpty’s broken eggshell pieces as artwork – *who knows?*



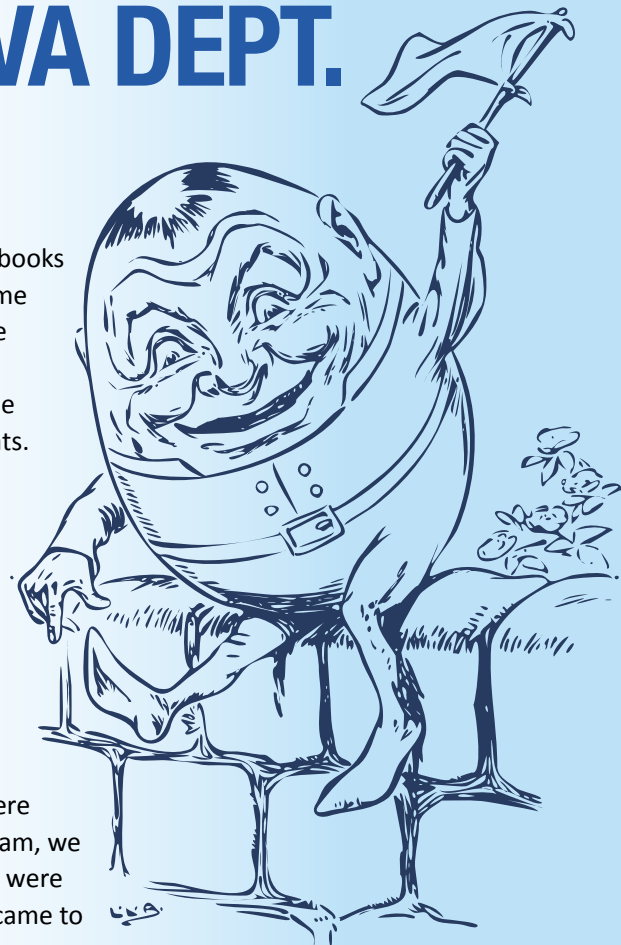
My background in logistics and analytics came in handy here as I needed to understand what the mess consisted of before I could know how to clean it up. I started by working alongside the existing team and trying to understand what they perceived their roles to include. In theory, we knew what they should be doing, but was it being done the way we perceived it? Nope. I needed to know what their functions included. How did they do their day-to-day functions? Where were the overlaps and where were the gaps? Eventually, I recorded all that information, organized it, and produced Marc’s first VA procedure manual. Everything that the team knew and how they performed their functions now existed on paper – the information no longer lived in the kingdoms of each of their minds.

Next came the challenge of recognizing the inefficiencies and inconsistencies. Some team members were using elevators to ascend the wall (*where Humpty Dumpty sat*), while some were climbing on top of each other to try to get up there. Those team members who had the same title and theoretically the same role were doing their functions very differently.

One of Marc’s books that he made me read taught me about having the right people in the right seats. Unfortunately, as I began to understand more about the department and its goals, I realized while we had some people who were right for the team, we had some who were not. The time came to part ways with some team members and once we got passed the “36 hours of pain” it opened up so many opportunities. We were able to bring in team members who were less hem & haw and more inclined to further our purpose as a department and a firm. Additionally, we shuffled some people into other positions that were more in line with their goals and objectives.

Once we had the right people in the right seats, the team’s productivity began to improve. Marc makes us use scorecards for a variety of things, which helped me fine-tune which improvements the team and I needed to focus on. We’ve gone through numerous trainings (*recorded on Loom for later reference*) on a variety of topics, including objective material and customer service goals & solutions. I found the more confidence I could provide to the team members, the more independent and efficient they became at solving their own issues. As the changes became more concrete, our scores began to improve.

While we are still growing and making improvements, it is refreshing to know there is a team in place now that wants to grow. ***The energy and camaraderie on this team have improved, such that I know we will continue to improve our scores and improve the lives of those Veterans we serve.*** 😊



DEMYSTIFYING STRATEGY:

UNLOCKING THE PATH TO SUCCESS!

Continued from page 2

By following the principles outlined by Jim Collins, you'll be cooking up success in no time. Remember to have a clear vision, leverage your unique strengths, and stay grounded in reality. Ask yourself the right questions, protect your bacon, and keep extending your victories. And don't forget to make decisions like the third little pig, with a compelling vision, internal

assessment, and external analysis.

With the right strategy, you'll be able to manage those huffing and puffing challenges. Go forth and build your foundation! ☺



"If you knew Time as well as I do, 'said the Hatter, 'you wouldn't talk about wasting IT.'"

– Lewis Carroll



Keeping the Mermaids Happy!



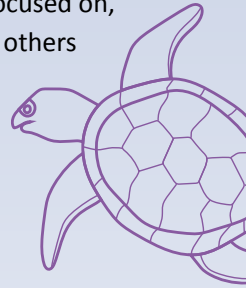
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You need to make the most out of your deep focus "flow state" so that you can make quality progress on your big-ticket items. Sometimes in a fraction of the time.

Did you know that it takes around 23 minutes to refocus once you are distracted, and the average worker is distracted every 11 minutes?

Time-blocking assists your brain in attacking the task your brain should be focused on, helps to remove distractions, alerts others that you are focused on something else, and gives you the space to work efficiently with your undivided attention. So, if you are teaching your kids how to swim, going for a date night with your SO, or preparing your opening argument, your sole focus is on just that.

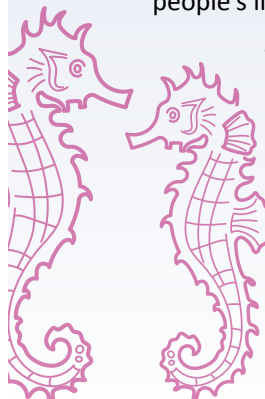


It's hard to balance life and career, constantly being pulled in a million directions. But you have to acknowledge those facts, then the two competing interests, career and life, can coexist in harmony. It also helps when your family and loved ones are aware and support you at every turn.

Why do I work? I love my job; I want to improve people's lives. But also, I do this because I want a good life for myself and my loved ones.

The absolute perfect balance of life and work will always only exist in fairy tales, but "a dream is a wish your heart makes," and I'm certainly going to follow my dreams.

All the way to the beach... ☺



Lawyers Need a Laugh

MATCH UP!!

There are a few certainties in Disney movies – a doe-eyed princess, the death of a parent, and a plot of evil and sorcery. As a minimum of investigation reveals, however, the Mouse House is also prone to writing plots that would generate all sorts of profound legal trouble for their protagonists if they ever tried such shenanigans in the real world.

Match up the legal advice with the character who could have used it. Email your answers to our price charming, marc@marcwhitehead.com, and you might find a little pixie dust in your inbox.



Cruella de Ville
(101 Dalmatians)



Jasmine
(Aladdin)



Mother Gothel
(Rapunzel)



Ariel
(The little Mermaid)



Wall
(Humpty Dumpty)

Imprisonment

Breach of Contract

Animal Abuse

Attempted Murder

Theft

DISABILITY & INSURANCE DENIALS



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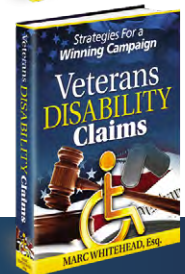
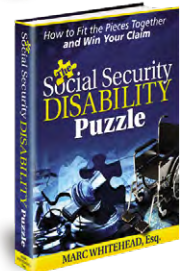
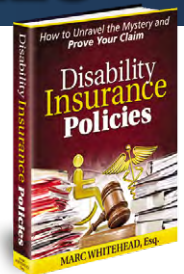
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