

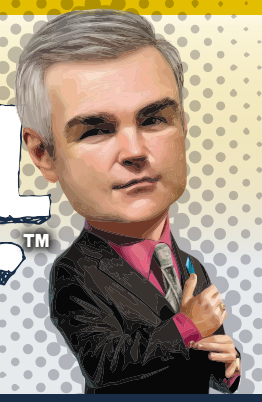
Mar/Apr 2024

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

Vol. 10 Issue: 02

THE NEWSLETTER YOU'VE BEEN WAITING FOR...

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# Game Night

In this edition, get ready for an exhilarating Game Night brought straight to you! We've curated a lineup that matches the excitement of Family Feud and the daring challenges of Fear Factor. Brace yourselves for a newsletter filled with legal insights and guidance infused with a dash of competitive spirit and a sprinkle of snark.

*So, don your wildest outfit and sharpen your trivia skills because it's officially Game Night! Let the games commence!*

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## The X Files of Law

### X-Files counts as a Game Show... Right?

As the CEO and Visionary at Marc Whitehead & Associates, I often feel like Fox Mulder from "The X-Files," chasing groundbreaking legal strategies rather than extraterrestrial life. My counterpart and COO, Diana Singson, plays the role of my ever-pragmatic and detail-oriented Scully. Together, we navigate the legal world, much like Mulder and Scully did through their paranormal escapades.

In my role as the Visionary, I'm driven by big ideas and long-term

goals, pushing the boundaries of what's possible in our field. From identifying opportunities to maintaining our reputation and developing strategies for future legal trends, my focus is on setting our sights high and dreaming big.

Diana, my Scully, keeps our feet on the ground. As the Integrator, she translates my broad visions into actionable strategies, bringing order and feasibility to our plans. Managing daily operations, overseeing the team, and ensuring regulatory compliance, Diana mirrors Scully's commitment to logic and process.

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## NEWS FLASH!



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Drawing from Gino Wickman's concepts in "Traction," let's explore how these pivotal roles coexist and collaborate effectively in a law firm.

## The synergy between the Visionary and the Integrator:

The Visionary is the big-picture thinker, constantly generating new ideas and strategies. This is what I am particularly good at, in my humble opinion. I get to be the driving force behind the firm's vision and innovation. I earned this position because I am the one taking the financial risks and started the firm. Diana, the Integrator, on the other hand, turns my ideas into reality. She is focused on execution, managing day-to-day operations, and ensuring that the firm's activities align with my strategic goals.



## The CEO/Visionary:

The CEO, as the Visionary, is the firm's heart and soul. My responsibilities include shaping the firm's vision, strategy, and execution. I am tasked with developing and communicating the firm's vision and core values, identifying opportunities and obstacles, and maintaining the firm's reputation. I set the pace of progress, ensuring alignment between short-term actions and long-term objectives. I oversee client development, create marketing and conversion strategies, and define the ideal client profile. This plays a critical role in developing a high-performing team and ensuring the financial health of the firm.

## Communication and Collaboration:

Effective communication is crucial in a Visionary/Integrator partnership. Regular meetings, sometimes 3-4 hours long, and open channels of communication ensure that both of us are aligned on the firm's objectives and strategies. I articulate the firm's vision and long-term goals, while Diana provides insights on operational feasibility and resource allocation.

ability to manage operations and implement strategies effectively, which I absolutely do. Similarly, Diana must respect my ideas and insights, which I think she does...? This mutual respect fosters a collaborative environment where both roles can challenge each other and butt heads when necessary.

## The COO/Integrator:

On the other hand, as the COO/Integrator, Diana is responsible for leading staff and the firm's operations. Her duties include daily management, regulatory compliance, quality control, and overseeing systems, processes, and technology. She supervises non-lawyer personnel, manages budgets, and is involved in hiring, staffing, and training. Diana ensures that the firm's activities comply with legal standards and maintain firm quality standards.

## Division of Responsibilities:

A clear division of responsibilities allows each of us to play to our strengths, ensuring strategic and operational excellence.

## Conflict Resolution:

In any dynamic business, conflicts are inevitable, especially when balancing visionary ideas with operational realities. It is crucial that you have a mechanism for resolving disagreements, be it through structured meetings, mediation, several drinks, or other conflict resolution strategies. For the partnership to work, there must be mutual respect and trust. I must trust Diana's

## Goal Alignment and Performance Measurement:

Both of us are aligned on the firm's key performance indicators and goals. This alignment ensures that both of us are working towards common objectives. By regularly reviewing these metrics, it helps us to assess the firm's progress and adjust strategies as needed. We may argue about a lot, but you can't argue with the numbers. The numbers break a lot of the deadlocks we might otherwise have with each other.

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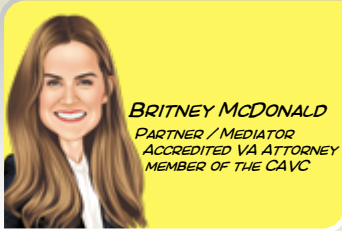


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"Mulder, you just keep unfolding like a flower."

- Dana Scully

# FAMILY FEUD: Strategic Guessing!



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

I'm your host, Britney McDonald, Partner at Marc Whitehead and Associates and Managing Attorney of our firm's Insurance

Department. I'm here to bring you all the excitement!

## LET'S DIVE INTO THE GAME AND HAVE SOME FUN!

Do you ever feel like you and your clients are playing a game? The practice of law bears far too many similarities to game show strategy. Much like in Family Feud, for example, where two opposing families are competing to name popular answers to posed questions. The "Family Feud" mindset and strategy are well-displayed in the practice of law. We employ research, writing, persuasion, influence, bluffing, wagering, surveying the demographic, betting, and various other skills against each other, our opposition, and our decision-makers to get ahead in practice and life. For as many great lawyers out there who practice this calling (*almost*) purely for their client's interests, there are as many who practice just for the money, much like those feuding contestants in any and every game show on daytime television. We compete against others we deem to be less intelligent and less prepared than ourselves, and at times, we even feud "inter-family" with those colleagues we spend every day working beside. That's an entirely different angle on

the family feud, but I digress... **let's focus on our opposition.**

Frankly, the real-life family feud game of law is best played by skilled lawyers, but I don't mean just in family law or trust and estate litigation. The competition



between the plaintiff and the defendant is tense, and the sides don't usually play well with each other. At every angle, you can find lawyers spending inordinate amounts of time wearing down opponents with extremely burdensome discovery requests or evading reasonable requests with dilatory maneuvers. In mediation, I cannot count the number of times my clients have had to weather defendants simply "playing a numbers game" as they ignore persuasive evidence and caselaw to exhaust and frustrate my clients' strategies. They try to boil the case down to business numbers that make sense to both parties due to the overarching costs and unknowns of litigation. In a perfect world, you may be able to eviscerate the other side at trial. Still, unfortunately, the realities and costs of trial mean you must also consider the politics of judges and the sensitivities of juries. So, you play the game with opposing counsel, trying to get the most for your client while battling an opposing counsel trying to do the same.

In Family Feud, the winning family gets a chance to win it all in a lightning round with rapid-fire questions and answers. Unfortunately, there is no lightning round in life and the practice of law, and certainly, there is no Steve Harvey available to provide comic relief during the process. Lawyers must play the game by using all their experience and knowledge not only to obtain favorable results for clients but also to convince them that it is indeed the best course of action for them. **So, as we play the game of law, we do the best we can for our clients, which is the ultimate prize.** 😊

# LITIGATION SHOWDOWN:



## ...WAY TO WIN AT MEDIATION



Welcome contestants of the courtroom, to the ultimate showcase showdown—mediation, where the

stakes are high, and the strategy is key! I'm your host, Certified Mediator, and skinny microphone-holder, Anthony Vessel. Today, we're turning this crucial part of modern litigation into a game show extravaganza: "*The Price is Right (to Win at Mediation!)*" So, get ready to spin that negotiation wheel, because I'm sharing the secrets to having successful mediations and winning the grand prize: *a well-negotiated settlement!*

### 1. SELECTING A MEDIATOR

Just like choosing the price of that dinette set, you must choose wisely.

Select a mediator with which you can trust and feel comfortable with, like Bob Barker or Drew Carey. As an advocate, I have a short list of mediators. Some are better for emotional clients (*Drew*), just as some are better for hardheaded clients (*Bob*) or punching out a jerk face opposing counsel (*also, Bob*). Mediators play a huge role in setting the climate and tempo of the day. When in doubt, make it

easy on yourself, and just choose me! (*my contact information is on the back of this rag*).

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### 2. PREPARING YOUR CLIENT

I know this seems like a no-brainer, but one of the most important parts of mediation is the preparation. Not just for the attorney, but also for the client and any family in the audience (*matching corny tee shirts encouraged*.) As an advocate, I always meet the day before to review the logistics together. I make sure they have the proper technology for remote sessions. Preventing your client's anxiety and frustration can greatly help your efforts. We also discuss the process, rules, confidentiality, strengths, weaknesses, BATNA, WATNA, and most importantly, set/gauge expectations. If your client has \$1,000,000 expectations on a \$10,000 case value... well, we all know what happens when you go over your number.

### 3. USE ALL THE TOOLS IN A MEDIATOR'S TOOLBOX

Negotiations shouldn't bounce around erratically like Plinko. Using a skilled mediator (*like yours truly*) can help you find resolution by using creative solutions and tools. If you get stuck, you (*or a good mediator*) should employ tactics like reality testing, conditional offers, issue tracking, playing devil's advocate, bracketing, mediator's proposals, etc. These tools can be the vehicle to a favorable result, just like a BRAND-NEW CAR!!



### 4. BE BOLD

A mentor of mine says, "*Fortune favors the bold.*" However, don't confuse that with brash and arrogant. Mediation requires some giving to get; be prepared to move. Another effective (*South East Texas*) saying in negotiations is, "*You have to hang the meat low enough to make the dog jump.*" You can't sit on your opening offer and expect the other side to be motivated to move. Otherwise, you'll fall over the ledge like the little yodeling man.

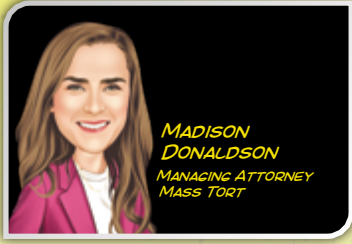
*"Remember, this is a game. Sportsmanship is important."*

*— Joe Rogan*

If you take away any prize today, let it be the knowledge that preparation and selecting the right mediator, me, can be key to winning the ultimate showcase! Congratulations! Now you can approach mediation with the excitement of a contestant on the "*Price is Right!*"

**Anthony Vessel, to remind you, help to control the pet population - have your pets spayed or neutered. Goodbye everybody! 😊**

# FEAR FACTOR

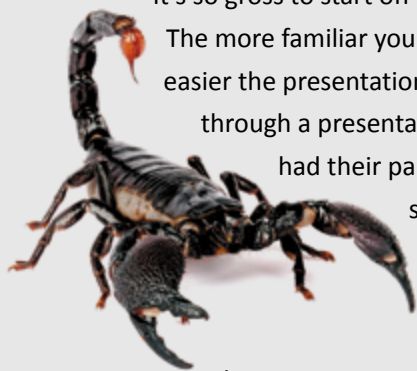


Public speaking is considered one of the most common phobias, with an estimated 75% of the population suffering from cotton mouth and sweaty hands when they give

presentations. Which, when you think about it, is absolutely bananas since it's not dangerous and does not pose a physical threat to our well-being. We're legit just afraid of judgement from other people. So, if we could all just get together and realize we're all afraid of each other's rude looks and comments and just agree to give each other grace and understanding, *glossophobia* would cease to exist. **Boom, problem solved. You're welcome.**

Buuuuut because that's not likely to happen anytime soon, here are a few things I learned from my first major presentation in the legal world. Keep in mind, my presentation was a total softball, talking about how to deal with difficult clients in a room of about 30 people. So, not exactly setting the world on fire... yet.

## 1. PREPARE.



It's so gross to start off this way, but it's just a fact. The more familiar you are with your material, the easier the presentation will flow. I recently sat through a presentation where the presenter had their paralegal put together the slide show material, and it was very obvious the attorney was looking at the materials for the very first time during their presentation. Not only did they stumble over their words and ideas, but it also made the audience feel unimportant and uninterested.

## 2. PRACTICE YOUR PRESENTATION.

This could probably be a sub-point under the first, but it deserves a spot of its own. I practiced several times each day in the week leading up to my presentation and 4-5 times the morning of. By show-time, I could have done the presentation without the slideshow, which meant I spent more time looking up and engaging the audience. This also helps you understand the timing of your presentation to make sure you stay within your time parameters.



## 3. CHOOSE AN OUTFIT THAT BOOSTS YOUR CONFIDENCE...

*(and helps conceal any signs of nervous sweating.)*

I packed 4 different outfits for my presentation and when I was trying them on once I got to the hotel, I hated them all. They were itchy or too tight or too hot. So, I just went out the night before and bought a whole new outfit. And it rocked. I felt like a badass in my new wide-leg pants and red heels, and the confidence carried through to my presentation.

## 4. REMEMBER, IT'S NOT THAT DEEP.

If you make a mistake, who cares! Make a joke about it and move on. Being able to laugh at yourself takes all the power away from any kind of bully lingering in the crowd. And chances are, most people won't notice and those that do will draw strength from your confidence and resiliency. Plus, the very vast majority of people will never even take the chance you are, so who cares what they think anyways.

*In the words of Leslie Knope, you are a beautiful, talented, brilliant, powerful musk ox. You got this. Cheers, nerds! 😊*

# Hiring and Dating:



DIANA SINGSON  
CHIEF OPERATING OFFICER

## Two Sides of the Same Coin

**Nerves. Anticipation.**

**Hope.** All these feelings

rush through me as I walk into my first... in-person interview with a promising candidate? (Also, the same things we probably all felt when we walked into a promising first date.)



**"The Dating Game"**

show premiered as a 1970's game show where a bachelor or bachelorette asked three contestants questions without seeing them. Based on their responses, a contestant is chosen for a date.

I know it seems harsh, but I judge people by the quality of their questions, so I probably would not have been a good bachelorette or contestant on the game show. After having gone through several excruciating dates.... and interviews at the Firm, here are my top three questions for your next date...errr, interview.

## SIMILAR CORE VALUES MAKE FOR A STRONG RELATIONSHIP

One of my favorite interview questions is,

**"What are your Core Values?"**

I've had candidates not even know what I meant by this question, which meant they probably didn't have the maturity we require in our employees.



When they mention theirs, I look, of course, to see if they align with some of our own Core Values. I want to know that we are working from the same foundation.

Our Leadership Team recently evaluated our Core Values, and one of the things that we were very clear about is that we cannot guarantee a positive outcome for our clients. Excellence is one of our Core Values, but **"winning"** (a common Core Value for Personal Injury firms) is not. Candidates with a very competitive edge do not usually get to the final interview in our firm. Instead, we look for people with a high degree of empathy and compassion. The very nature of our work requires these Core Values in our team members.

I learned of this next-level question at a conference I attended: Bring your Core Values on a sheet of paper to the final, in-person-interview. Show the candidate the sheet of paper and ask,

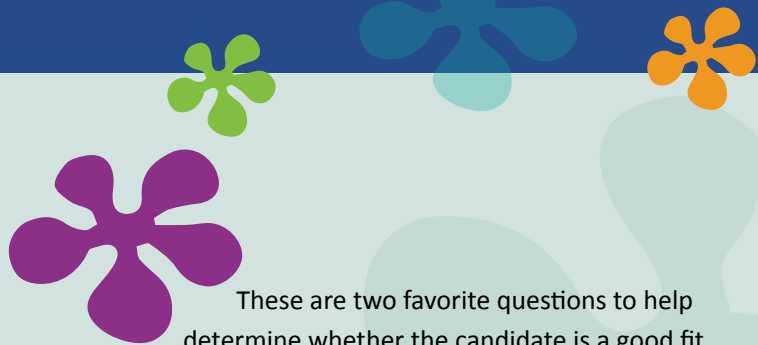
*"Which one of these speak to you, and which one would you try to make better if you were hired at our firm?"*

## CULTURE OVER SKILLS

Beyond our Core Values, if I do not think a candidate will enhance our culture, I usually do not move him or her to the next round. We recently asked our team members to describe our culture in their own words. **These are just a few of their words:**



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These are two favorite questions to help determine whether the candidate is a good fit for your culture.

**Where would we find you on the weekend?**

This is a Madison Donaldson question I now use in every first interview. Nearly everyone loves weekends, so hopefully, the candidate relaxes, gets past his or her nerves, and shows a bit of his or her personality. I want to get to know the person behind the resume. Skills can be taught. If you cannot see the candidate fitting into your culture, it will always be a square peg into a round hole, regardless of capability.

**What are you passionate about?**

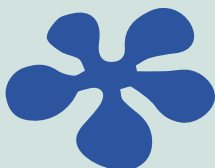
I stole this from one of our Atticousins. The goal, again, is to get to know the person. As a small yet rapidly growing firm, we recognize and believe that one toxic individual can poison our entire culture. We are careful about who we let into our work family. Finding out about a person's interests can help you determine whether they will be a good culture fit.

**GO WITH YOUR GUT**

Hiring, like dating, sucks. At some point in the interview process, you will get stood up. And even though I know this, every time I get stood up, I am still disappointed.

At the end of the day, despite the quality of questions you ask and regardless of the number of hiring tests you ask someone to take, hiring, like dating, is a huge leap of faith.

**Go with your gut, and let me know how these questions work for you. Happy hiring (& dating)! ☺**



# The **X** Files of Law

*X-Files counts as a Game Show... Right?*

*Continued from page 2*

## Strategic Planning and Execution:

I am involved in strategic planning, while Diana focuses on execution. This partnership ensures that the firm's strategies are both visionary and practical. Diana's role in executing these strategies ensures that the firm's daily operations align with its long-term vision. The legal industry is constantly evolving, and we must adapt accordingly. We, as the leaders of the firm, must stay informed about industry trends, regulatory changes, and technological advancements. This adaptability ensures that the firm remains competitive and innovative.

My meetings with Diana often mirror the iconic briefings of Mulder and Scully. I bring the 'big picture' ideas, sometimes outlandish but always innovative, while Diana provides the critical analysis, asking the right questions and bringing a sense of practicality to the table. And just like our favorite FBI agents, we don't shy away from humor. We understand that a light-hearted approach can be a powerful tool in navigating the complexities of our work.

.....

In essence, our partnership at Marc Whitehead & Associates is a testament to the power of combining visionary leadership with pragmatic management. Like Mulder and Scully, Diana and I may have different approaches, but our shared goal of driving the firm towards uncharted territories of success is unwavering. And who knows, maybe in our next strategic meeting, we'll finally uncover the truth that's out there - **in the legal world, of course.** ☺



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# Lawyers Need a Laugh

## Believe you can outwit the everyday survey taker?

Well, put your skills to the test and try to guess the top answers to these well-loved Family Feud questions. Time to show off your guessing prowess and assert yourself as the ultimate game show connoisseur! Send your answers to Marc, our dreamy game show host, at [marc@marcwhitehead.com](mailto:marc@marcwhitehead.com) for a shot at winning a **BRAND-NEW CAR** (of the Hotwheels variety 😄). Good luck, contestants!



### 1. What is a common fear that many people have?

- a. Heights
- b. Spiders
- c. Public Speaking
- d. Flying

### 2. What is a common item people forget to take with them when leaving the house?

- a. Keys
- b. Phone
- c. Wallet
- d. Sunglasses

### 3. Name something that might be brewing

- a. A Plot
- b. A Storm
- c. Beer
- d. Coffee
- e. Tea
- f. Trouble



## DISABILITY & INSURANCE DENIALS



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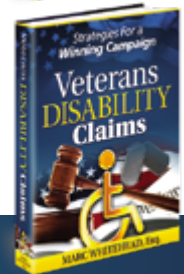
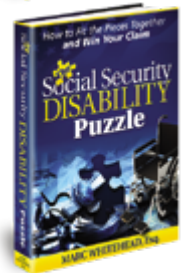
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