

Intro:

This is Michael Cowen, and welcome to Trial Lawyer Nation- You've got to have the right case, because if you take it up, and it's the wrong case, then you could make some really bad law that's going to affect a lot of plaintiffs- There's always an answer. The joy is in finding it- One of the reasons that I love being a lawyer is this exact process- The way we live our life has nothing to do with the presentation sequence at trial- As trial lawyers, we pick up and move on, and keep going- You're losing or gaining one out of every 10 jurors, which can really make a huge difference in the ultimate result of the case- Whatever you think about, you create- Learn all you can, and never stop. And then, have the guts to try case, after case, after case- Welcome to the award winning podcast, Trial Lawyer Nation, your source to win bigger verdicts, get more cases, and manage your law firm. And now here's your host, noteworthy author, sought after speaker, and renowned trial lawyer, Michael Cowen.

Michael Cowen:

Today on Trial Lawyer Nation, we have a good friend of mine, someone that's helped me transform my business and my law firm into something that actually makes me money from time to time, and lets me sleep at night. Tim McKey with Vista Consulting. Tim is only the second person to be a two time guest, but he's got enough I think value... Definitely, there's some things I wanted to learn from him, and there was some things that hopefully he can share that will provide value to you. How you doing today, Tim?

Tim McKey:

I am doing great, and I'm flattered first of all of what you just said, and I didn't know I was only the second person to be asked back twice. So I'm even double flattered, if that's a possibility.

Michael Cowen:

Yes. Sari de la Motte was the first, and you're the second.

Tim McKey:

Oh yes, she's cool. She's cool.

Michael Cowen:

She's awesome. So how are you doing?

Tim McKey:

I am doing great. Still in Baton Rouge, Louisiana, is our headquarters, if you will, but our team is all across the country, and I've gotten used to saying we were remote before remote was cool. So we had some insights about that when the pandemic came through.

Michael Cowen:

So you work with law firms all around the country, and we are hopefully at the tail end or near the tail end of this pandemic, although we're not through it all the way through yet. What are some of the challenges that you've noticed you've had to work law firms in, and more importantly, what are some of the solutions you've found?

Tim McKey:

Oh wow. Pretty broad question. I can hit on a few things here. I'll talk the obvious one first, which was having to go remote with a lot of our clients. And I just said, I didn't know we were coming in here, but we were remote before remote was cool. So we had office setups and Zoom, and we were doing some of those things before. But lots of law firms weren't quite familiar with that, so we helped, and they figured it out.

Tim McKey:

Actually, we're not working with every firm across the country, but we actually helped some of our clients understand how to do those things, working remotely. We have always been a firm that emphasized outputs as opposed to inputs. So when someone is not sitting in your office, you can't tell obviously if they're looking at their computer and banging on the keyboard or whatever it is they do. And by the way, I can do a lot of that and not be very productive.

Michael Cowen:

Me, too.

Tim McKey:

But we were the ones that wanted to measure the outputs as opposed to the inputs, and so not seeing people, we had to really coach toward okay, what are the outputs? What are the key performance indicators of paralegals, legal assistants and attorneys, that we can measure now since we can't see them, and helping develop those KPIs is what we call them, key performance indicators, and actually holding the team to a little bit a different standard. It's not whether you come in and work from 8:00 to 5:00. It's what is the output that you have? Even when the teams were in-house, we emphasized those outputs, okay? But that's one thing, just learning how to work remotely is one.

Tim McKey:

I'm going to give you a little bit of an aside there that I think is interesting, that I think one of the big losers that will come out of this pandemic may be commercial real estate, simply because, and I'll give you one example, we're working with a firm in North Carolina who was bursting at the seams pre-COVID. All of a sudden, everybody went home. We worked with them on KPIs and things like that, and now that they're coming back, they've decided to do almost like shift work, but coming in on different days of the weeks and things like that. So their real estate issue kind of went away. So that's a positive.

Michael Cowen:

Yeah. And honestly, Tim, we're really struggling with that at my firm, because our numbers are really, really good here in San Antonio, Texas. I mean, we have like a two-point-something percent positivity rate, the case numbers per day are really low, and over a third of our firm is fully vaccinated at this point. And so, we've given people the option, and even before that we had a small, no more than 10 people a day out of the 33 could come in per day. And we've given people the option of coming in per day, but not very many people are coming in. And I think it's going to be a struggle, honestly, to get them to come in.

Tim McKey:

Well, it may be. It may be. And again, what are your KPIs? What do we want? What do we expect from our team? And if you're getting the production, my question not to you, but to all of us, is does it

matter? If we're getting the production that we want and we're able to measure things that are important, I propose to you that maybe it doesn't matter. Yes, the cultural part of things, and that's very important, can suffer. But I think there's also some things we can do to offset that, get together on occasion and that kind of thing.

Michael Cowen:

Those are actually two things that I want to follow up on that you mentioned. One is the KPIs or what is that? Key performance indicators?

Tim McKey:

Key performance indicators.

Michael Cowen:

So let's say for a paralegal or a legal assistant, what are some of the key performance indicators we should be monitoring to know who's doing well working from home and who's really slacking, or lagging? Some people might not have the best internet, or they may have noise and children at home that keep them from focusing. There's a million different things.

Tim McKey:

Oh, absolutely. Well, first of all we have to take those things off the table. We have to assure that if someone is going to work from home that they do have the proper equipment, et cetera, and they do have a segregated workspace and all that. Because if you don't get that, then you're probably not going to be productive. So we have some, what I'd say non-negotiables in those areas. But the KPIs you ask about are really the same KPIs that they would have whether or not they were within the office, and I'll just give you some examples of if it's a paralegal, legal assistant who's working, obviously with a lawyer under their supervision, and the firm's criteria is to contact clients every so often, okay?

Tim McKey:

Then we need to measure that affirmatively. And generally, you do that with a case management system or some other type of system that allows you to know that they are in fact making those phone calls or whatever your type of contact is, because we've discovered, and it's not a lightning bolt of something new, that nothing bad happens when you contact your clients often. Okay? Lots of bad can happen if you don't. So measuring those type KPIs, not just with the paralegals or legal assistants, but with attorneys, is very important, if also the paralegal's in charge of getting demand packages ready to go and that type of thing.

Tim McKey:

And again, depending on the type firms you are, then measuring if they are actually getting to the finish line with those things. We could go into lots of different areas. If you're getting med records, how many records are outstanding, what is your time that you started to try to collect them until when you did. Those intervals and measuring those intervals can become key performance indicators that say that people are being productive. Does that have a lot to do with being in the office? It does and it doesn't, really. Because you've got to be productive wherever you are or you're not a good team member, right?

Tim McKey:

And that's the kind of things we want to get reporting on, get it solid, where you can coach. We don't want to go to somebody and say, "Hey, you've got to do better." We need to go to them and say, "Hey, we noticed that the demand output for example is down. Tell me what's going on. What is the issue? And there may be very legitimate issues. But if not, we need to say, "Okay, well here's the goal. Here's the things that we see you may not be doing, and therefore coach them. So that's just a couple.

Michael Cowen:

Yeah. And I want to follow up before I go to the culture, and I do want to ask about culture next because that's the other thing that I've been struggling with, I'm just going to be really selfish and get thousands of dollars of consulting time out of you in this podcast.

Tim McKey:

That's fine. That's fine.

Michael Cowen:

And you're worth it, I'm not saying that, but I'm fully taking advantage. So one of the struggles I had for a long time with... You guys helped us develop a dashboard so we could measure the key performance indicators, but then you actually have to look at them, remind people, hold them accountable, and not have them either blow you off or forget to get to it, and even have conversations that are uncomfortable early, before something becomes a bigger issue. How do you do that consistently?

Tim McKey:

Yeah. I think consistently, and I'll talk about one of the points that I say that we see in the top performing firms, is that they have someone dedicated to that. There's generally, you can call them an office manager, or a director of operations, a chief operating, whatever you want to call them, someone is paying attention to those numbers. The fact that we collect numbers and we do nothing with them is a total waste of time, right?

Michael Cowen:

Yeah.

Tim McKey:

So having someone who is dedicated to that, or at least dedicated part-time, and I know that's a little bit different. If they're doing one thing, they have to not let that bleed over where they're not analyzing those key performance indicators and noticing who is not hitting this firm standard of things that we've really thought through and said, "Hey, this is what our standard is, and if your team members aren't hitting that, there's a reason for it." Okay? And we need to find out what that reason is. And if you've been around us enough, you will always hear us talk about you have to give your team members the tools to do their job, the training to do their job, and you have to very clearly explain the expectations that you have.

Tim McKey:

And if you do that well and they're still not hitting things, and obviously the expectations have to be reasonable, if the team member's not hitting what they should hit, we have to ask ourselves, and we've done all those things, "Why aren't they? Are they unwilling to do it or are they simply unable to do it?"

And either one of those things has to be addressed. So that's how you do it. You actually just have to monitor it. Believe it or not, I've got a friend, an attorney named Steve DeBosier, he said, "It's work. You have to take that information, you have to analyze it, and then you have to apply it." And that's what we coach, and that's what we do.

Michael Cowen:

Yeah. To me, one of the biggest struggles has been one, to stop beating myself up on... there are certain things I'm not going to ever be good at, and are not going to come natural to you. And me being the one to every week consistently review the key performance indicators, and talk to people about them, and make the time, I mean I'll do it for a few weeks, I might even do it for a couple months, but it's not me. I am a work on one big project at a time, get excited on one thing, let everything else fall by the wayside type of person. That's who I am. And so, I had to learn to hire someone else, and then empower them to actually do the job.

Tim McKey:

That's why we built the systems that we did for your particular firm. And every firm is a little bit different. Like I'll give you a couple of analogies. Shaq is never going to be a good jockey. That's out of his realm, right? The other analogy is if you judge a fish by how well they can climb a tree, you're always going to lose that one, right? So we have to find it what it is that you're passionate about and good at, and get you in that position and remove as much of the other fluff as we can for people who are passionate and good at those things.

Michael Cowen:

And I finally, through trial and error, I finally found the right person and then trusted her enough to do it. But I also found I can't totally delegate it. And there's just some things that if you want to run a business whether you like doing them or not, you either have to do them, or you have to get an actual real partner that does them, or you have to work with someone else.

Tim McKey:

No argument. No argument.

Michael Cowen:

What I found is I can have someone else track the data and be the person that goes and talks to people initially if they're not meeting it. But at the end of the day, I need to be what is the chief reminding officer. I have to constantly, "This is important. We have to do this." And I have to sometimes have the uncomfortable conversation, especially with a lawyer, lawyers really bristle at being managed by non-lawyers, I've found.

Tim McKey:

I agree with that, but that doesn't mean lack of importance of that operations person to bring those things to your attention, and hopefully they can bring them to your attention in such a way that it's a list where you can dedicate an amount of time to that and sooner than later get back to what you're really good at. The other thing I'll point out here to you is, we like to see owners get scoreboards. Not to be confused with a dashboard, but a scoreboard that says, "We're winning or losing on these items."

Tim McKey:

Our conversion rate for intake is a certain percentage," or, "Our client contact is a certain percentage." But that doesn't mean you have to be the one to go and look at what made up that percentage. That might be five, or six people, or more, that are handling intakes or touching base with clients, and that operations person should be the one to go and coach them. Don't lose sight of that scoreboard.

Michael Cowen:

Absolutely. And I've also, I don't know what you think of this, we now for our very, very most important key indicators, which include client contacts, and that's not just a phone call. And I learned this from you, there's a very specific set of things that have to be addressed for it to be a client contact like, "Hey, how are you doing?" And file review that has certain things in there, that's something else I got from you.

Michael Cowen:

And we run those numbers weekly at our weekly attorney meeting. It's a five or 10 minute meeting, but anyone who is not at zero, we go, "You're all caught up. You're too behind. You're all caught up. Hey, you need to coach your paralegal." And I find that the competitiveness of lawyers when you do it publicly, and I'm not doing it in a mean way-

Tim McKey:

No.

Michael Cowen:

... but I've found that that has made a huge difference. What do you think about that?

Tim McKey:

No, I like it. Given a choice, we fall on transparency in just about every area that we work in and when we're looking at statistics across the board. I'll say generally, there are some exceptions, but there generally we call on transparency. And it's for two things. It's to take advantage of, I think most people have a natural competitive nature, some don't, but most do. But the other thing is, what we want to have happen is someone is constantly at the top of 10 out of 10 and someone else is at a seven, I truly want the one out of seven to go and say, "Tell me how you do that." And encourage that and learning.

Tim McKey:

We often say we do a lot of R&D at Vista, which is rip-off and duplicate. If we see something that's really good, now we would never share any proprietary information, but systems and processes, we're always on the lookout on what we think can help our clients serve their clients better. That's our whole mission. So if we can see it, and we can get interaction, every between clients... Before we started this podcast, you and I talked about some mutual friend that we have in the industry, and you can learn a lot from those people.

Tim McKey:

And we're not the corner on having that knowledge. We love to be the strong and start at the brink if you will, and put people in contact where you can learn from others. I think that is natural. I might have said on our previous podcast, I need to go back and listen, there are really two ways to learn, that is get

your nose bloody or learn from somebody who has had their nose bloodied. Number two is a lot more fun than number one.

Michael Cowen:

Yeah. Now that I'm over 50, I think I'm finally getting the ability to learn without getting my nose bloodied first.

Tim McKey:

Good, good, good, good.

Michael Cowen:

I've got a very thick head, it took me a long time to just not make the same mistake four or five times until I realized I needed to stop doing it.

Tim McKey:

Never too late. Never too late.

Michael Cowen:

And the other thing I've noticed with working with you is sometimes, like I said, it just takes time for things to percolate. And one thing that you really encouraged us to have more meetings than we used to have. And we'd always be, "We don't have time to have meetings. We're too busy to have meetings." And it took me... actually, it took the pandemic to fully implement it. We were starting to get a little better, but now we have, for anyone who's available at 9:30... It's not something you have to schedule around. So if you have a deposition or a hearing, we have a quick, "9:30, what's everyone doing today, where's everyone going to be today," meeting.

Tim McKey:

We call those huddles. We have a little huddle everybody catches up. Usually not heavy information. It's so-and-so's birthday, or we had a great resolution or something. We're not trying to problem solve there. It goes back to culture, Mike.

Michael Cowen:

Exactly.

Tim McKey:

That's the beginning of culture.

Michael Cowen:

Yeah. So we have like 9:15 lawyer meets, or sometime the lawyer meets with their time, 9:30 all the lawyers have a quick meeting if they're in the office. If they're in a hearing or depo, that's okay. Every Tuesday at noon we have our case evaluation lunch. We learned that from you. And people present their cases, and it's really helped, one get better value on cases and two, sometimes saying, "Hey, that's not ready for the man. There's some more work that needs to be done here."

Tim McKey:

You reminded me of something that may be interesting to you or to some of the folks listening in. We've heard over the years with the terminology of minimum settlement value, MSV. And again, I know you're a lower volume, higher value firm, but still what's the minimum settlement value? And a friend of mine, a guy named Bill Biggs with the Daniel Stark law firm, he really turned me on my head one day and he said, "They don't use that terminology anymore. We use maximum settlement value, or optimum settlement value. We're not just trying to reach the minimum." And again, if you're around us a lot, we say, "Works mean things." I really-

Michael Cowen:

I love that, because if you have the minimum then people just think, "Well, we're just doing the minimum."

Tim McKey:

Yes. That's not what we want.

Michael Cowen:

No.

Tim McKey:

It really turned me on my head and I dig stuff like that. The other thing I learned from Bill, it's not a prelim department, it's a preparation for litigation. And when you turn that a little bit, hey, we're not just trying to settle this thing. We're trying to get it ready. And so, there's a little bit of meaning that when we start using those words, it changes your perspective. And in my opinion, on those two things, it changes it a lot. But you also know that we use the word team member instead of staff. Totally different mindset, and it goes to culture again. That one in particular goes to culture. Anyway.

Michael Cowen:

Yeah. Well, what I've finally found is when we have regular meetings and we enforce them, it wasn't a 90 day wonder, we kept doing it. And part of it, we got forced to do it because of COVID, because we're all working remotely and if we didn't have regular meetings, everything would have fallen apart. But once you start scheduling around them, you get as much work done without being as crazy all the time.

Tim McKey:

Now that's been our experience. And again, I know you know this, but we don't want to meet just to meet. We have a very specific reason for doing that. I'll tell you a quick story. In the old days when I was a very traditional CPA doing what traditional CPAs do, we were always upset when in March someone brought their tax information in and told us what they had done the year before, and if we would have known that in November/December, we could have actually made a difference in tax liability.

Tim McKey:

It's almost the same thing with these meetings, that if you have the meeting, it creates a discussion. I call it, it provides surface area. It provides surface area to move around, ask questions you may not otherwise would have, but at the same time I don't want a free-for-all. We want an agenda, and we want someone taking notes. And the very first thing you do at the next meeting, you say, "What did we

decide we were going to do, and did we do it?" That tends to move things along, and that's just part of organizational development, and also part of culture, again.

Michael Cowen:

And that, "Did we do it," is such an important part, and doing that publicly. Because it's so easy to let it slide because you get so busy being busy, you don't do what's important.

Tim McKey:

Absolutely. I agree.

Commercial 1:

Each year, the law firm of Cowen, Rodriguez, Peacock, pays millions of dollars in co-counsel fees to attorneys nationwide on trucking and commercial vehicle cases. If you have an injury case involving death or catastrophic injuries and would like to partner with our firm, please contact us. You can reach Delisi Friday, by calling 210-941-1301, or send an email to delisi@cowanlaw.com. That's D-E-L-I-S-I at cowanlaw.com. She will coordinate a time for Michael Cowen to speak with you in person, or by phone, to discuss the case in detail and see where we can add value in a partnership. And now, back to the show.

Michael Cowen:

So when you talk about culture, how do we maintain culture when we're not all in the same office every day?

Tim McKey:

I think, and again, I believe on our last podcast we talked about developing an intentional culture. And I'm going to double down, when you're not in the same office every day, you have to even more intentionally develop culture. The huddles that are either every morning, or once a week, or whatever fits your firm, are important. Having social events are important. Having thought about what are your firm's real core values and what are your mission and vision. What are we here to do? And making sure that everyone understands it, and making sure that... I say making sure. Doing the best to create the surface area that everyone understands it, okay? And what is your part in that?

Tim McKey:

You're a receptionist. Again, words mean things. We don't call them receptionist, we call them the director of first impressions. If that's the person that answers your phone, they have to understand that that little bit is the key, or a key, to get everything started with the conversation, or maybe with even a new client within the firm, and they fit in. It's almost like a Rubik's cube of how people work through the firm. And we've found a lot of times that, and I'm picking on the receptionist, but we don't tell he or she everything. They don't need to know that. I don't think that's right. I think that they need to have a general understanding of what we're here to do, and why their role in it is important.

Tim McKey:

And it's having some purpose, and I'm going to sound Millennial here and I'm way past the Millennial age, but I truly believe that understanding a purpose... At Vista, it's very simple, we want to help you help your client, more efficiently and effectively. And if you can articulate that, then all of a sudden,

okay, that's what we're here to do. And it's helpful, it's meaningful. I say, too, that I like money and toys as much as anyone else, but I really get a kick when there's a light bulb moment when we say, "Oh, yeah. We should do this. This is really cool and this will help." So I think purpose is a big part of it, and explaining is important.

Michael Cowen:

Yeah. For the last 10 months we've started every meeting, and I even got some comments back like, "Do you have to say this at every meeting," and I got this from some of the books by Patrick Lencioni, but we say, "Cowen, Rodriguez, Peacock exists to provide a special forces level representation to people who are hurt. Our core values are that we constantly seek to learn and improve, we share what we learn, and we fight hard without being assholes. What we do is litigate personal injury cases for plaintiffs.

Michael Cowen:

Our strategies for success are one, to develop and support an elite team, two, to track the right cases, focusing on attorney referrals, and three, to maximize the value of every case. And our focus for this next quarter is on developing and supporting an elite team. And I start every meeting, and people are like, "Well, why do you have to say that every time? We know that." I said, "Well, because I need to remember that, because if I don't I will go and come up with something new. I'll read another book, I'll come up with another idea." And it's kept us on task, and it's really been a great decision making tool, too. It's like-

Tim McKey:

I dig that a lot.

Michael Cowen:

When you have a close call it's like, "Well, what are our core values?" When we have a new potential case in, "Well, this isn't litigating a personal injury case for a plaintiff. Is this such a great opportunity that it's worth changing our business model? Or creating an all new set of systems?" Because if it's not going to make us at least an extra million dollars, no it's not. And it's kept me from doing all the stupid things I used to do.

Tim McKey:

I really like that you do that. A couple of things jump in my head, two or three things, and I'll try to remember them as I go through them. I was on a board of a little... Actually, I wasn't on the board, I was the accountant for a little private school. And every time they had their board meetings, they read their values and what they were there to do, and it was very powerful. It really was. "This is what we're here to do." It gets you focused. And the other quote that I like, and I don't know who said it, was that repetition is the mother of understanding. So over and over again.

Tim McKey:

And then there's Samuel Johnson, who's a theologian from the 1700s says, "Most times people don't need to be taught, they need to be reminded." And that's what you're doing, in my opinion, of going through those things. And there are probably some people out in the listening audience today that are saying, "Wow, this is really soft stuff that doesn't get us to the end of the road." I propose to you, if you have really good, solid systems and processes, that you still have to have people that run them, and

having people that care and understand what you're trying to do, again, there's no downside to that. In fact, there's a lot of upside.

Michael Cowen:

Well, I can tell you that not only there's any way we would have survived the pandemic, especially survived without layoffs, working remotely, if we were working a lot of organizational health and culture. One thing I will say, though, on the values, it took us a long time. Because one thing Lencioni had us do, and a couple interesting things he did, is make sure the values actually ring true. Is this something you want to be, or is this what you really are? Because if it's something you want to be, we put that on a list of what we call aspirational values. We're not there yet.

Michael Cowen:

So if we tell our employees, "This is who we are," and we ain't there yet, then that's hollow. That's not real. He had a really interesting way to do it. So he said come up with a list of the three or four best people that you have, that you've ever had. And come up with a list of three, or four, or five people that made the law firm better by leaving. And then, list all the reasons why the good people were and all the reasons why the bad people were bad or not the right fit for our firm, and find your values that way. It was an interesting-

Tim McKey:

No, I think that is really good. I think that thinking through what your values are is important. And I'll bring that back into an operational matter, is once you do that, it's easier to hire, because you have a target of what you're looking for in traits. Okay? I propose to you that we can teach people to do a lot of things in law firms, but it's very hard to teach attitude, and it's hard to teach values.

Tim McKey:

And going through a very intentional process in trying to get a new team member in, and again I probably said this before somewhere along the line, too, if the worst thing that we can hear is we have to hire someone by Friday, because then we don't have time to do those things, to make sure that the attempt to raise the batting average of getting the right person that's a cultural fit, certainly we want good technical skills and that kind of thing, but they're a lot easier to teach.

Michael Cowen:

That's also, I mean, a huge struggle. Job interviews just test how well someone interviews, and the people that hop from job to job and falsify their resume tend to interview best, because they've got a lot a practice. And maybe they're sociopaths and they don't mind lying. And some people have been great employees, they just don't have great interview skills, and they don't need it. So what are some of the things that you found actually work for finding employees that have the cultural fit, they have the good attitude, the good work ethic?

Tim McKey:

We believe in the things that you just said so much that, in other words, trying to find the ways to do it, that Vista actually opened a recruitment arm-

Michael Cowen:

Oh, you did?

Tim McKey:

Yeah. If someone needs something, we actually can help them do that. But there's no real secret sauce to it, we just do what we say that everyone should do, which is take the time to fish in the right spots, make sure that the ads and things that you're putting out there are very detailed, you ask for what you want, you interview for what you want, we have a longer than normal hiring period because we want to bring that person into the office, we want to have an interview and sit beside people that are there, and what we found, Michael, is so interesting, is that once you explain to a candidate that, "This is how this is going to go, and it's going to be a little bit different than what you possibly have seen in the marketplace before. It's going to take a little bit longer."

Tim McKey:

It's interesting that they buy into that in most cases, because they would rather, just like the employer, have a good fit and a longer term outlook and a good trajectory of employment, within any operation, not just law firms, but with any operation. "Man, hey. You have a good smile, and you look friendly, and we're going to hire you on Friday." And then they come in on Monday and no one has taken the time to even set up their desk.

Tim McKey:

No one knows what they should be doing, or worse, part of the firm doesn't even know that we have a new person there. So going through those things through what we'll call a very intentional recruitment process, whether you have someone like Vista who help you with that. And you can do these things yourself, but should you be is still a question, because it's taking time away what may be the real expertise of your operation is. So again, I hope I'm answering your question. It takes a little longer, and you got to dig a little deeper.

Michael Cowen:

I like the idea of you all's recruitments. I didn't realize you did that, because one of the issues I've had with recruiters is they are also getting hired by people that want to find a job. And I've had them try to place some people with me that are clearly like dude, come on. You know better than this. But I think because they're trying to help their other client, they've tried to make some placements that just were not the right fit, because we're standing here in conflict when you're representing both job seekers and employers.

Tim McKey:

That's why, again, the good recruiter structure, their compensation around longevity and have some guarantees. And part of the guarantee is going to follow the actual client, too, because we're going to say, "Look, here's the things that you need to do with them to keep on boarding them and keep them learning through their first year." And by the way, I believe in fishing rather than grouping when you hire. And what I mean by that is, you've heard me if you had a million people that go out and find someone, I really have an aversion to that, in that if they will leave somewhere else and they're not ready to leave, I propose they may leave you for the same reason.

Tim McKey:

So what we want to do is fish and attract people to your firm that are looking, if you will, or maybe they're not quite satisfied. And the way that we attract those people is it has to do initially with just how we present the potential employer. And then, maybe we even put some things more about the culture. We have a little bit of a funky culture. Our culture is this. And then when you do the interview process, they actually can see and feel some of that. And you're more likely, again, you're never going to bat 1,000, but you're more likely to raise the batting average to get someone good in, because once again and you know this, that you cannot measure the cost of a bad hire.

Michael Cowen:

Oh, absolutely.

Tim McKey:

That's why I propose you should do everything you can to raise that value leverage to get the right person in, and have them outline what their career path is, and all those things that generally don't happen, we try to make happen. And that's what raises the batting average.

Michael Cowen:

Yeah. We're every trying to start... We do not have a paralegal opening, and we're hoping not to have one any time soon, but we're starting to identify people that are potential candidates and to start training them now, so that when eventually either through growth or attrition there's an opening, we don't have to go to the outside.

Tim McKey:

No, I think that's very, very wise. We're all about cross training, too, and promoting up. Look within first before you go out. And what we found most times is lets just say, and I don't want to differentiate too much between a superior and a lower level position, but it's usually easier to promote someone from within that you know into some step up, if you will, and level them up. And it's easier to backfill that lower level position and begin the training process there.

Michael Cowen:

One of my biggest struggles in hiring are actually with the paralegal and what I call docket lawyer, a lawyer that's going to handle a docket on their own, positions, because we have over the last 20-something years have developed a way of doing things that's very specific and it's not negotiable.

Tim McKey:

I know that.

Michael Cowen:

And we have a lot of struggle with people coming on the outside that have done it a different way for 20 years, and don't want to or don't realize why. It's like, I'm doing it this way because I got my nose bloody when I did it your way and-

Tim McKey:

To the lady and gentleman of the office, I'm going to consult with Michael Cowen. You bring that guy or girl in, lady in, and you show them what the non-negotiable Cowen law firm way of doing things are, and

you communicate very clearly that it is in fact non-negotiable. So if you have issues, then you might not fit here. And that doesn't mean we don't like you, love you, you might be a great lawyer, but we're going to do things your way, and those are non-negotiable. And by the way, here are the key performance indicators that we're going to be watching. Here are the things that we want you to know. And again, when you get that right person who really gets excited about that because they come from a place of chaos, they like that structure.

Michael Cowen:

Yeah. I find it's a six to 12 month adjustment period. And part of it is them realizing I really meant it and it's not just I mean have to keep saying it over and over again, or reminding people over and over again. And two, the couple times when they slip and they see the consequence. They're like, "Oh, there's a reason why we do it this... yeah, it works better." We don't do extra work because we want to do extra work, we do these things because if we don't do them, bad things happen.

Tim McKey:

Absolutely. It goes back to a little bit what I was talking about earlier, the why behind things. Why do we do things? I'm reminded of a time when part of my team had a meeting the following day, and the young associate didn't want to make all the copies the night before that we would meet, and he in fact didn't, and so the next morning when the copy machine had a problem, we had a crisis. A part of our system is we prepare our meetings at least a day in advance, if at all possible. Those are the whys. And once they get ingrained, and I'll go a step further and say they become a discipline.

Tim McKey:

I'll say the highest performing firms develop a discipline. You can't be motivated to do things for a short period of time, but when you develop a discipline, it's very different. It might not look like it, but I go to the gym three days a week. And even when I don't want to, even if I walk through and don't do much, I have this discipline that has somehow gotten in there. And again, I'm not saying that that's better than anybody else or anything like that.

Tim McKey:

But if you can develop those type of things along the lines of client contact, and we always say that we have one question that has to be asked before you move on in a case, is you have to ask the client, "Truly, how are you doing? Tell me." And that's the one question, Michael, that we want either face to face or on the phone, because in a text or an email, if somebody says, "I'm okay," or "I'm fine," you can hear, "I'm okay." Then you'd want to dig deeper, right? So there's a little bit of discipline that comes into those type things. "Well, I text them and they said they were fine." Well, nah.

Michael Cowen:

No.

Tim McKey:

That's not the deal. Anyway.

Michael Cowen:

I mean, you text someone to say, "Reminder, you have a deposition tomorrow. What did the doctor tell you at your appointment tomorrow?" That's a great text. "How you doing? How you feeling? Do you need help getting to the doctor," those are in person questions.

Tim McKey:

Absolutely. In person or on the phone, for sure.

Michael Cowen:

Do you have any concerns you want to talk to the lawyer about? So you don't wait until the client calls upset. You do it in advance on a regular basis.

Tim McKey:

Oh, absolutely. I'll tell you one other thing that we noticed in some firms that are not performing as well, and it's just an indicator of some things that need to be worked on is one of the questions we ask, usually paralegals or legal assistants, whatever your terminology is, case managers, is how much time do you spend on the phone answering questions from clients who are checking on their case? We've heard anywhere from 5% to 75%. And that tells us that they're not doing a good job in proactive client contact which is one of the key performance indicators, and it's just a time suck. And when we hear that we know that there's not a lot of discipline in place at this particular time. Doesn't mean it's a bad thing, but it needs to be worked on.

Michael Cowen:

Yeah. And it's always going to be a work in progress. You're never going to get it perfect.

Tim McKey:

Always.

Commercial 2:

Are you interested in attending Cowen's Big Rig Boot Camp? This year we'll be hosting the seminar in San Antonio, Texas, on May 20th, 2021. In person seating is available, but will be limited per state guidelines in order to provide a safe event. And if you would like to attend virtually, we'll be offering another professionally produced seminar available via Zoom. For more information visit www.bigrigbootcamp.com to sign up for our mailing list, and to find out details as soon as they're available.

Michael Cowen:

I want to talk a little bit more about culture. Now that we're getting back to having the ability to work in offices again, I know some firms have been working in the office the whole time, I know mine is we're slowly starting to transform from all virtual to I'm actually in the office right now, some optional in office, and eventually some people are going to have to work in the offices. So what are some things that when people are working virtually, but you can get together again. Because the Zoom happy hour gets old real quick. What are some things we can do to keep our firm culture and keep together, if we're going to work remotely?

Tim McKey:

I think the Zoom happy hours are one thing. I think those morning huddles that you're talking about, where it's not long and not serious, and to maintain those regular meetings that were happening in house, that doesn't mean that there can't be some levity at some point later if you want to do once every two week, get together to just talk, but it really doesn't work. Culture really comes from the day to day touches from within. I'll tell you something that we do in Vista that we've shared before that's really become part of our culture, is that if something good happens, no matter where, with all of our consultants or team members that is something good that maybe a client said, or there was a victory in getting a process in place, everybody has the right to send an email to everyone else on our team with the caption and the subject that's just HSD.

Tim McKey:

And that HSD stands for high satisfaction day. And it's basically bragging on yourself a little bit. We got this accomplished and such and such a team is happy with this, or let me snip an email that someone gave us a thank you because something happened. We share that with the team, and it takes three minutes to do it, but just about now what happens, is just about every team member jumps on that, "Way to go. Kudos." And it keeps us going a little bit. And that's the other thing, it reminds us what we're in business to do.

Tim McKey:

I propose to you that just about all business is relationship driven, and maybe I'll change that to say all business is relationship driven. If I wanted to work for you just because you were going to send me a check, it's probably not a good way to start things. I'm going to throw a name out here that maybe people will be happy or maybe they love him or they hate him, but Nick Saban the football coach at Alabama talks about process-

Michael Cowen:

Absolutely.

Tim McKey:

... process, process. And we believe that, too. Yeah, we glance at the scoreboard. We want to make sure that the score is where it should be, but I still propose to you if your processes are solid, you're going to win a lot more than you lose.

Michael Cowen:

You can love Nick or hate Nick, but he wins a lot of games. You can't-

Tim McKey:

That was my point. He wins a lot. And it's over, and over, and over again. And I like that. But I also say, that goes all the way back to Vince Lombardi, you heard his famous statement, "Gentlemen, this is a football. We've got to start with basics." John Wooden, let me show you how to put on your socks. There's principles are not old, we just need to be reminded.

Michael Cowen:

Yeah. I have 30 minutes of Jimbo Fisher tomorrow, so I'm trying to think what I'm going-

Tim McKey:

Oh, cool.

Michael Cowen:

...to ask him. But I'm more interesting about process and how he's so tough on people and have them still love him.

Tim McKey:

Yeah. Well, that's tough, and I'll jump in with another quick story, and I know Michael, I probably not hitting everything you want, but-

Michael Cowen:

Oh, that's okay. I'm loving this.

Tim McKey:

... Bear Bryant.

Michael Cowen:

Yeah. Bear Bryant.

Tim McKey:

Bear Bryant way back when-

Michael Cowen:

Used to coach for Texas A&M before he went back to mama at Alabama.

Tim McKey:

Right. But when eh coached at A&M, you may know the story of when he took the kids to Junction.

Michael Cowen:

To Junction. The Junction boys, yeah.

Tim McKey:

The Junction boys. Well, and I think he left with 70 and came back with 45 or 50. I don't remember the exact numbers, but-

Michael Cowen:

It was awful, yeah.

Tim McKey:

But later what he realized and what he wrote in his, I think it was an authorized autobiography, was he admitted he made a mistake there. He treated everybody equally, and it happened to be equally bad, but what he realized later was that what people wanted was to be treated individually, and he learned

who he needed to kick in the butt, and who he needed to pat on the butt, to get the performance. That's what we do every day. And I'm not saying we scream and yell at our team members here. That's not it.

Tim McKey:

Sometimes consequences mean things more and if you're good at managing, which again going back to that COO, that operational person, the good ones can recognize that. Just like Bryant recognized he had a talent for it, the operational people can recognize what motivates and inspires people to develop a discipline. That's what we're trying to do. Again, off the subject maybe a little.

Michael Cowen:

No, that's not. I can talk about college football all day long, too. But yeah, no. The-

Tim McKey:

You mentioned one other thing and I got off the subject earlier about what happened through the pandemic, what did we notice? And I think-

Michael Cowen:

Yeah. I'm sorry.

Tim McKey:

... we only hit on the remote thing.

Michael Cowen:

Yeah. What are the other things you found?

Tim McKey:

Well, what we saw was really a downturn in intakes in most cases. Especially, not generally maybe for your firm, but-

Michael Cowen:

No, everybody.

Tim McKey:

Everybody had a downturn in intakes. Well, I propose to you that that's time really to take stock and looking at the cases that are in house, and really there's two ways to grow a law firm, it's to get more cases, have more cases, and to increase value, that in the early days and maybe still even now through the pandemic, while case volume may be down a little, concentrating on that adding value area and what can we really do there. We saw firms increase case value, which actually made up for the lack of volume.

Tim McKey:

But I also propose to you that there's generally in firms, especially the higher volume firms that need trial dates to force resolution of cases and those trial dates went away, that there's a reservoir of cases

that are there that will eventually go over the dam. We just have to realize that there's a dip. You asked me about books earlier, Seth Godin wrote this little book that's about dip. The dip is when we know you're going to come out of something better, but by starting the process of improvement you may go down a little bit first.

Tim McKey:

Recognizing that your firm may be dip, but you have a reservoir of cases, and you really should be concentrating on the high value, adding value. We've seen firms that actually didn't experience as much of a dip as they otherwise may have. It's funny, too, that most lawyers that are practicing law and not necessarily running a firm, they want a real heavy, generally a heavier caseload. But there's only so many, if you think of it as a reservoir, there's only so many that can go over the dam anyway, let's concentrate on the ones that are there, not the ones that are coming in to your reservoir. Your reservoir may be a little bit low, but it's not dry.

Michael Cowen:

Yeah. Well, I found there is an optimal, and I'm still focusing on what it is, and it's different depending on the case value and how much work it is, but there's a level at which adding more cases actually decreases the revenue, because you're just putting out fires all the time.

Tim McKey:

Absolutely.

Michael Cowen:

You don't have time to move it forward and you're getting continuances, you're not able to send out a demand, or you're doing it half-assed because you don't have time to really read everything. And of course, obviously if you have too few, that's a problem, too. But just finding that number. And it can be lower than you think it is.

Tim McKey:

We use the word optimum. Most times we say we want to maximize things, but again if you go back to my theory of words mean things, that a lot of times when you maximize, let's think about a machine. If you're maximizing its output, it's much more likely to break down and have deficiencies. If you back off just a little bit and try to find that optimum speed, if you will, and effectiveness, then it's more likely that your system will last much longer. And in the example of the machine, the machine will last much longer. I think it works that way through our businesses. I know, again, using our firm as an example, we have an optimum number of clients and customers that we can service, and service very well.

Tim McKey:

It's hard to tell someone, "Hey, you know what? I'm not going to be able to get there for a couple of months," or whatever the term is. But we explain the why. Like you said, you get too many in the system, it can actually muck up or slow down the system itself, and then everyone suffers. So it's up to I'll say you and me, as the managers, to look at those things and make those decisions. And I'm not going to say we make the decisions right all the time, but if you ignore and you want to say, "We want to maximize everything," I propose to you your machine might break down, and it takes longer to fix one that's totally torn up.

Michael Cowen:

Well, even pushing a case to trial or not. Most of the time if you say, "No, no, no," and you get all the way to the courthouse, you will get a higher offer than if you settle six months before. Now on a catastrophe injury or a death case, it's almost always worth pushing it. There are other cases where the increase in value versus the increase in the expenses the client is going to have to pay, and frankly if you look at the amount of the attorney work you have to do for that, you may be better off taking 10 grand off your fees and getting it done six months in advance, than doing \$50,000 of legal work to make the extra 10 or 15 grand.

Tim McKey:

And I propose to you that, and I know you do this, you should think about those things and analyze those cases on just the criteria that you laid out. Because lots of times when we're working so hard and so fast, we will miss that. And again, I'm not talking about your firm or any firm in particular, but you don't want to settle short, and that's not good for the client, and you don't want to do what you just said, say, "It's going to take another six months to get you another X, and X is not worth it." That's that optimum.

Michael Cowen:

Or at least tell the client that's what it is and they can decide whether X is worth it.

Michael Cowen:

Most of the time I mean they're much more anxious to settle the case than we are most of the time. They may say otherwise, but when you put it to them like, "I can get \$500,000 in your pocket today, or you can wait another year and maybe get 550 or 600, usually within a week or two they're going to say, "Can we just get this thing done. I've got stuff to do."

Tim McKey:

Yeah. Yeah. No, but that's again where I saw that you or the lawyer should take his lawyer cap off and put the counselor cap on. Because you're an attorney and counselor at law. Okay? Sometimes we miss that counselor part, and I think that's very important. And when you're in tune with that and you're in tune with the client, you can get that right more often than not.

Commercial 3:

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Michael Cowen:

So what do you see as some of the opportunities for personal injury firms as we're moving out of the pandemic to improve?

Tim McKey:

I think we need to take stock of what silver linings that the firms may have found through the pandemic. We talked earlier about real estate, we talked about being much more reliant on measuring outputs, and KPIs, and looking at firm criteria than we may have otherwise been when we could walk down the hall and see that Jimmy and Susie are in their office and they sure look busy, so that's good. I propose that measuring... some of these judgements come out, and I don't think that was your exact question, but I think we should look at those things.

Tim McKey:

What did we learn? Our entire conference last year we did virtually. We pivoted, and that's a word that I don't like, but we changed, we decided that we were going to go from in person to virtual. And in a couple weeks, our team tabled that and we learned so much about how to put on a virtual event that now all of our events are going to be hybrid, even if we can go there. By the way we're having a conference in Dallas on the 6th and 7th of May-

Michael Cowen:

Yeah. Unfortunately we're not airing until the... Oh, May. Yeah. Oh, yeah. No we're going to air on the 15th, so that's perfect.

Tim McKey:

Yeah. Of May. Again, this is not about selling our conference, it's about we're doing it in person and we're also going to stream it. And-

Michael Cowen:

If I wasn't in trial that week, I would be there. I get your emails and I actually read them, and I'm going to talk to my operations manager and see if she can make it. But it's definitely something I thought would be very useful.

Tim McKey:

Well, look. We learned a lot and we're trying to, I think again, it's a little bit more of a life philosophy of when you do get your nose bloodied, you have to take a step back and say, "What did I learn?" And sometimes we learn some things that are very helpful. I'm going to touch on one thing, and I know we're probably getting close to time, but we touched on before the podcast again was what has happened in Arizona with-

Michael Cowen:

No, Utah. Utah. With the public ownership?

Tim McKey:

Yeah. Yeah. Arizona-

Michael Cowen:

Non-lawyer ownership.

Tim McKey:

Arizona was the first, I think.

Michael Cowen:

Oh, Arizona's done it? Utah just did it.

Tim McKey:

Yeah. Utah just did it, and there's some other states that are in line. And again, I'm not going to tell you that I know exactly what's going to happen with that-

Michael Cowen:

Well, explain what is because you and I are understanding, but we haven't articulated what we're talking about.

Tim McKey:

They were laws passed within those states that now allow non-lawyers, non-attorneys, to own a part of a law firm. And there's a whole lot of discussion about what does that mean. There's a concern about ethics, a concern about maybe hedge funds, or public or private money coming in and attempting to direct settlements and things like that within firms. Certainly there's a concern with that. It could happen. My personal belief is that it won't, because I know lawyers, and you guys can be pretty hard headed, you know what you want and you know how you're going to ethically treat a client, and no matter what it's more about getting that done. Yeah, money and toys are great, but you're not going to risk licensure and that kind of thing because somebody wants you to settle a case to hit a specific number.

Michael Cowen:

I wish I had your confidence, because I've seen that happen in law firms owned by lawyers, unfortunately.

Tim McKey:

No, no, and I have, too. But I propose that there's going to be now some real lines between what can happen there in regard to the owners that are not lawyers, and the owners that are lawyers, there's going to be some discretion that has to be put in place. So we at Vista, we've looked at what happened in Australia because they've had non-lawyer ownership for a while. Totally different system. They don't have a contingency system as much as we have here in the states. But it's the wild, wild west over there, in other words, they don't have many rules in Australia. But contrast that with they have non-lawyer ownership in the United Kingdom and England.

Tim McKey:

They have many, many rules that you can do this, you can't do that, there are firewalls in place. Right now, we don't know exactly what the rules are going to be within these states, and I propose to you that's like anything else in this country, states are proud to be a state and they want to say we're going to do it our way, because there's going to be a lot of different ways. Maybe they'll line up, but they haven't started to do that yet. So what the criteria may be Utah may be different from Arizona. I think it's California and Florida that are the other two that are really looking close on that. I'm not saying that we have a crystal ball of how this is going to work. We'll tell you, we were watching it very closely.

Tim McKey:

I think we've already seen some firms, even pre-non-lawyer ownerships that are becoming large national firms. I'm not going to mention any names, but you probably know the big one that's out there that's going across the country. I have nothing but great, that's good. But I think we're going to see that more as a trend. I don't think it's within the next year, but within the next 10 years I think we're going to see some consolidations, I think we're going to be looking at things a little bit differently. And as someone that wants to be on the bleeding edge of what's going on, I mean, that's our business to see that and advise, we're watching it very, very closely.

Tim McKey:

Again, I don't have any advice or anything other than to be aware that these things are out there, and we always say that the most well-run firms from a business standpoint and have really good lawyers, too, are going to be the most attractive and the ones that the larger entities are going to want to bring into their fold. Good or bad, think what you might think. The horse has left the barn on that. It's here now. We have to react to it.

Michael Cowen:

Yeah. And I do see it more and more, at least in the biggest markets, the big cities, more and more consolidation. It used to be, and I've been able to survive despite this, but it used to be the big advertising firms would settle what they could pre-lit, and then refer out litigation. And now a lot of them have realized they would be better off hiring good litigators and paying them well, and they don't do that as much anymore. And so, those firms are eating up a lot more of the cases, putting a lot more money into advertising, and I think it is getting harder and harder for other people to get sustainable practices. There's ways you can do it, but you've got to have your niche, you've got to have your tribe, you've got to do it really well. But I do see that trend.

Tim McKey:

I agree 100% with that. There's probably more people that shop at Wal-Mart, but that corner hardware store that caters to the niche of people who need very specific hands on, I think they can still do well. Unfortunately, I think we're going to have to decide what we want to be, and if you linger in that no ground, you may get stomped on eventually. And again, I'm not being clairvoyant or trying to say that I know what's going to happen, but the people who define their niche and go after it really hard, generally do very well. The firms that you described where a settlement type firm as opposed to a litigation firm, they have realized, a lot of them have realized that being a strong litigator can be a plus. It's tricky because it's a different mindset, and that's why quite honestly firms like yours survive so well, you found that niche and-

Michael Cowen:

Yeah. I would much rather partner with someone like me, because selfishly I love to get the cases, but no they have to do what's best of them. And what I found is that all those firms, even when they do that, there'll still be certain cases where it makes sense to bring in a partner to work with-

Tim McKey:

That's our experience, also.

Michael Cowen:

whether it's expensive or complicated. And frankly, those are the cases that are more fun and more profitable anyway. If I could just work on those and not have to work on some other stuff, it'll be fun.

Tim McKey:

Yeah. That's our experience, also. But again, what you don't want to do is be one of those firms that we're just plowing ahead, and not looking about what's going on in the industry, and not paying attention, and just looking for what is our top line, and we're shooting for a number. If you can pay attention to those clients and what their individual needs are and those systems and processes to address them, those are the firms that are most successful and I propose that'll be most successful in the long-term, also.

Michael Cowen:

And just as an aside, a thing I want to add to that, if you have refers, people that refer you cases, especially other lawyers, look at what they want and what's going to make them happy, and how you can give them a better experience.

Tim McKey:

I remember a very detailed conversation you and I had about that. You actually had two clients. You have the other lawyer and their firm and the actual client, and keeping them happy is important. And by doing that and keeping them in the loop, and I know we developed systems to do that, so.

Michael Cowen:

Yeah. For example, we don't market to our clients for additional cases anymore, because we found out that was pissing off our referring lawyers. And the referring lawyer is going to have a regular stream of cases for us, and the client probably isn't. And so, that's a choice we made. Now that's not the right choice, I would think most firms ought to be marketing for their clients, their current and former clients, to get friends, family, additional cases. But because of my specific business model, it was counterproductive.

Tim McKey:

That's why I say every firm is different and finding what your strategy is and really setting up the processes to go that direction is important. And also, I'll just piggy back on one thing that I know you do, is reporting back to those refers and letting them know, "Hey, we accepted the case. This is the status of the case." And guess what, when we settle you give them a check and they don't have to call. Those are the things that are important that will keep you in business into the future.

Michael Cowen:

Yeah. And finding what they want. We have referring lawyers, we have true co-counsel if they want to be on the pleadings, they want to show up to things, we have people that want a monthly meeting to go over a general status of the case, and we have people that say, "If I wanted to deal with the case, I wouldn't have sent it to you." And they want us to call them when the check gets there, and all in-between. And its finding out what does your customer want and giving it to them.

Michael Cowen:

But you talked about transparency, and this is something I'm really struggling with. One thing I learned just an aside is that when I formed a leadership team, at first it was just lawyers and we'd be operating on what we thought was going on with other parts of the firm, and then we would find out often that what we understood was third hand and three months out of date, and we were solving problems that weren't there anymore. And so we have non-lawyers on our leadership team now, too.

Michael Cowen:

Which has made an incredible difference to have our operations manager and our marketing manager in our leadership team meetings fully informed, knowing what's going on, including the finances, including all the issues. And I found that transparency has been good. And we're struggling with some people have worked great remotely. Some people need to come back in the office. How do we do that? I know we need to be transparent, but how do we tell people, "You don't do so well out there. You need to come home," and other people-

Tim McKey:

Well, look. I think this is, and I don't want to simplify it too much, but it's KPIs again. If they are not performing at the level that they were performing when they were in the office, there has to be a conversation if they don't want to come back in. Once they realize it, they may change, I don't know. But anything, Michael, that we can help make objective instead of subjective, that was I guess a brilliant statement, if it's objective it's much clearer, easier to understand. Hey, our demand's out, or whatever the KPI is, you were doing so much better here than there.

Tim McKey:

And if they say, "Well, look, my kid's screaming," or whatever happened in there, then unfortunately it's like look, we're going to expect the same production and we need to have that discussion. And again, I don't think we go against any laws or any rules, especially because I feel like, or hopefully we're winding down the pandemic now, what are your requirements, what can you get them to do? I think, again, it's communication, it's culture, it's transparency. I have a good friend who formed Vista with me, Chad Dudley, he says that he thinks the right number is about 10% of the people in your firm should know everything. But what do I mean by that?

Tim McKey:

If you're a 30 person firm, there are probably three people that there should be total 100% transparency, and that you have to be obviously selective. But if you're 300 people, that number comes to 30. So it may be that doesn't hold true as it goes that far out, but again, we call on transparency when at all possible. I don't believe in sharing payroll numbers and stuff like that. I mean there are certain things that when I say total transparency, it doesn't go that far. But hey, you know what, our paralegal compensation was X. And that's all the paralegals together, so you don't know who. But those things become relevant, and I think can be important to the others within your firm. I don't know if I hit your answer to the question.

Michael Cowen:

You did. Because I've got a meeting later this week to start talking about what our roles are going to be, and I just realized now let's come up with an objective set of roles. If you can do X, Y, and Z, and this is how we're going to measure it, you can work from home. If you can't, then you need to work in the office.

Tim McKey:

Yes. And we have to define what those are, and what the outputs should be, and I think you'll have some people, I mean just in the bell curve of course, but you'll have some people who embrace that and some people who for one reason or another just can't do it. I personally get more done at my office, and I don't know why it is. When I'm at home there's 1,000 other things that I could be doing, and I choose now to do those in the evening on Saturday.

Michael Cowen:

Yeah. I have found that now that I'm coming back in the office, I'm here to work, and I work. It's just like when they say you should only sleep and do one other thing in your bed. You shouldn't read in your bed, you shouldn't on the computer in your bed. And I break that rule. Because that way your body knows when I lay down it's time to go to sleep.

Tim McKey:

I'm using that one again. You lost me a while ago, but I'm using it.

Michael Cowen:

But that's what the sleep experts think, you'll fall asleep more quickly because your body knows I'm laying in bed, there's no one next to me, it's time to go to sleep. And so, there is that. When I get to the office I'm so much more productive because my brain knows okay, I'm in my work place. And then, when I get home okay, I can get home, I can talk to my kids, I can watch TV, I can make dinner for my wife, whatever it's going to be. I'm not in the work place. And when I have that separation, and then I've got like a 21 mile drive between the two places, so it gives my mind time to make that adjustment, and it's so much healthier.

Tim McKey:

It's interesting how our brains work, and we could get into a discussion. I've read a lot about our limbic system and how we think, and when we walk into places, it makes us feel this way. Very interesting, very interesting thoughts there. But anyway, look, I very much appreciate you letting me come back and talk to you.

Michael Cowen:

Absolutely. One last one, I know we're out of time, but if someone wants to work with you or wants to learn more about you, and I know you were transformational, not just in my firm, but helping me get through some really existential struggles when we had a partnership breakup and some other things that could have taken me down, and you really held my hand and gave me some great guidance and got me through it. If someone else wants to check you all out or learn more about you, what are some things that they can do.

Tim McKey:

I'll give you three ways. There's our website, [www.vista V-I-S-T-A-C-T.com](http://www.vista-V-I-S-T-A-C-T.com). The CT is consulting team. So www.vistact.com. My email address is tmckey@vistact.com, or you can call me on my cell phone and it's 225-931-7045. And if I can't get to it, which sometimes that happens, I will return the call or I will have someone get in touch with you. We'd love to hear from you.

Michael Cowen:

And we'll have a link to your website, and also to the conference that's coming up here in May. You said May 6th?

Tim McKey:

May 6th and 7th.

Michael Cowen:

And 7th.

Tim McKey:

In Dallas at the Adolphus. And we've got really, some great speakers. I'm very excited about that. I've got a guy from Franklin Cubby who talks about leadership and management, and we have a guy named Dave D who is an expert in NLP, which is neuroinverse linguistic programming. You don't know anything about that, it's fascinating. It can help in your intake department, and help with picking juries and that kind of thing. So those are just the two of our big speakers and we have a lot of others, also. So a lot of value.

Michael Cowen:

Thank you so much for joining me, and I'll probably be talking to you about a few other things soon. Just as we're making some transitions, I might need a little bit of advice. Especially since you've added, we didn't have time to get this, some people in culture and leadership to your team, then that's my big focus of the firm. So we will be in touch and thank you so much for joining us today, Tim.

Tim McKey:

Oh, you're very welcome. Thank you so much.

Outro:

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Commercial 4:

Each year the law firm of Cowen, Rodriguez, Peacock pays millions of dollars in co-counsel fees to attorneys nationwide on trucking and commercial vehicle cases. If you have an injury case involving death or catastrophic injuries and would like to partner with our firm, please contact us. You can reach Delisi Friday by calling 210-941-1301, or send an email to delisi@cowenlaw.com. That's D-E-L-I-S-I@cowenlaw.com. She will coordinate a time for Michael Cowen to speak you in person, or by phone, to discuss the case in detail and see where we can add value in a partnership.

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