

Intro:

This is Michael Cowen and welcome to Trial Lawyer Nation. You are the leader in the courtroom, and you want the jury to be looking to you for the answers. When you figure out your theory, never deviate. You want the facts to be consistent, complete, and credible. The defense has no problem running out the clock. Delay is the friend of the defense. It's tough to grow a firm by trying to hold on and micromanage. You've got to front load a simple structure for jurors to be able to hold onto. What types of creative things can we do as lawyers, even though we don't have a trial setting? Whatever you've got to do to make it real, you've got to do to make it real, but the person who needs convincing is you. 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, I'm here with our Chief Marketing Officer Delisi Friday, and we wanted to talk a little bit about something that we are experiencing in the hope that it would help you in the development of your own firms, and that is growth and scaling up a law firm. How you doing today Delisi?

Delisi Friday:

Good. I'm really excited we're talking about this, because I feel like everyone can relate. So I'm looking forward to talking about this and hopefully helping other people as well.

Michael Cowen:

Yeah. So I think that's one of the frustrations that you've expressed to me in your role as the marketing officer is that sometimes you're doing such a great job that we have the ability to bring in more cases than we can handle. And you almost feel like, yes it's awesome we just got this big case in, but now you're going to make someone's life... make them work weekends, make them work nights because they need to jump on it right away, and they already had a pretty busy docket.

Delisi Friday:

Yeah, that was actually the first time that I felt like, "Wow, we have this really great case and then we have this other really great case and another really great case," but I knew our teams were already reaching their limits, which is a very odd feeling to have, because I want us to be successful. I also don't want us to be someone who doesn't fulfill our promises to clients, and to our referral attorneys because we're not working as well because we're overwhelmed. So, that was the first time that I felt it, but I also think that there are things we should be doing to know when that happens before it happens.

Michael Cowen:

Yeah. I had to have some uncomfortable conversations as well with some of our referral partners and that, obviously if someone had a death case or quadriplegic case, yes, we will make room, we will hire some, whatever we need to do. But for cases that are our bread and butter, trucking case, injured neck that may or may not turn into a surgery we want to take those cases. We make great money on those cases, we're set up to do them. But there were a couple times when it was not an A plus case, it was more make a B or B plus case.

Michael Cowen:

And I had to tell the lawyer like, "Look, we have historically taken these cases. We will take them in the future, but right now, if I took this case, I can't keep my promises to you. Because it will fall between the cracks or I have to make people work all crazy hours and they might not do it. And I don't want to take this case if it means that I'm going to hurt a relationship in the long run, because the clients not going to get the result they deserve as quickly as they deserve it. You're not going to get the service you deserve." but that's scary because you always worry that if you say no and someone else gets it, that they take that relationship and then you lose the whole stream of referrals. It hasn't happened yet but it is scary.

Delisi Friday:

And I feel the same concern with you because from the marketing aspect, I always want to market our firm, honestly. And I want us to fulfill our promises as well, because the second that we don't is when we lose all that credibility that we've taken a long time to earn. So I share the concern with you as well.

Michael Cowen:

And it's much bigger I think when it's a referral based practice, because you just can't BS a lawyer, but you could maybe get away if you want it, with that kind of person with BSing. A client doesn't know what you're doing, what needs to be done. They don't know what questions to ask necessarily, whereas a lawyer does. And so a lawyer knows when you're their referral counsel, whether you're doing what you need to do or not typically, especially if you communicate with them. And then lawyers talk to each other, so there's one lawyer that's disappointed with you he or she will tell all their friends about their major disappointment and it can cause the ripple effect of taking on work that you don't have the capacity to do can really cause long term harm. But it is so hard to say no.

Delisi Friday:

It is, it is. Well so I think that leads into the first part of his conversation, which is when do you know that you need to grow and how do you figure that out?

Michael Cowen:

Well, to me is if I'm starting to... Well, two things, one, if I see the workloads on my people are becoming unhealthy, then we have two choices. We have to take on less cases, we have to have more people. We found that our sweet spot is 20 to 25 cases per a lawyer team. We've hired three new associates this year. When they get up and running a little quicker, we may, since it's a partner and an associate working on a case, we may be able to handle a little bit more, but I want to make sure that we give every case the attention to detail. Now that's our practice, and I know lawyers that have a much smaller like eight or 10 cases. I know one that's four cases per lawyer.

Michael Cowen:

And then I know other firms that are very successful have an 80. I mean, it depends on what kind of cases you're doing and the level of detail that each case takes. If you're running a large volume of small insurance policy car wreck cases, then you can't justify putting in the time per case that we've put in, and you'd have a very different business model. But you there's still some member at which, what I found is when lawyers are having to put out fires and deal with crisis of the time, they're not pushing the cases forward. Even if you only cared about the money, you didn't care about what you're doing to the

mental health the money goes down. Because as we have seen that as our caseload for lawyers hits that 20 to 25 optimal space and maybe sometimes like on Sonia's docket needs to be a little smaller because she's got bigger cases. Malorie Peacock, it's got to be a little smaller because they have bigger cases and need even more work.

Michael Cowen:

But that the revenue employer ironically goes up. I know Tim Mckey for Vista when I was working with the Vista and I would have long debates about this. And he's like "What you need to do is get all your support stuff going. So your lawyer's going to handle more cases each." I'm like, "No, my goal is to have them handle fewer cases." And at first he thought I was insane, but then he saw the results and then he goes, "Wow. I guess that is the right thing to do for your particular firm." But so yeah, I think one thing to look at is if you are overstressing your people. The second is if you are having to turn down things that you wish you could keep, and then it's like, "Am I having to turn down enough things that justify hiring someone else?" Then we could think about growing.

Michael Cowen:

So we were at a point where we either had to add more lawyers, or we had to start saying no at a rate that we felt would damage our referral relationships, because we weren't going to be able to provide the level of service and they were going to have to turn to somebody else. And I mean, I guess we would hope only give us your best cases and give someone else your B cases only give us your As but that's a big ask to do for somebody. And the fact is a lot of our A cases you don't know they're A when they come in, because if someone brings you in early, you don't know how the Medical's going to develop. And we would, hey we actually went and looked at it and we'd looked at a lot of the bigger fees we would have or cases where, when they came in for the first few months, we wouldn't know that would this person recover. And they ended up leading surgeries a year later, and they turned out to be some bigger cases.

Delisi Friday:

Well, and I will add to that, that for the listeners, we discuss our dockets every week. So every week when we have our leadership meetings, I will share with the team how many cases each attorney has on their docket and then break it down a step further and say, "This is the amount of cases, if you take out the cases that are in the settlement phase." because that makes a difference, the phases of the case and how much work you're having to do on them. So that's one way that we assess the docket and whether it's too much for an attorney to handle or not. So I do think it is healthy for us to have those conversations regularly, because you and I can decide if we have a big case that comes in, who could handle it and who is overwhelmed at the time. And I think that's healthy for everyone to be having those conversations.

Michael Cowen:

Yes. And also when I do my monthly attorney development meetings, it's one of the things that I'm required to discuss with my attorneys, their case load and how are they handling it. And now it does take time to get an attorney to trust me well enough to tell me when they're overloaded. Well, sometimes they want to get more cases because they want to make more money. And they're not thinking about the quality, but the other thing is they just don't want to admit it. Because it takes a lot of trust to tell your boss, "Hey, I think I am overloaded," because there's that fear of how that's going to be

received. And so I have to prove to them that I am worthy of their trust by saying, when someone does tell me that, that I do steps to help rather than punishing them or something for being overloaded.

Michael Cowen:

And sometimes you're overloaded because of you, because some lawyers spend time doing things that aren't particularly productive, that they could delegate, or that aren't going to add a lot of value to the deck getting involved and putting the energy into fight some things that aren't that important to the case are overthinking things. Sometimes you just need to make a decision, you don't need to dwell on it for hours. It's just, there's two options, neither one's perfect, you just got to go your gut sometimes.

Michael Cowen:

And so some of us just could be coaching there, but sometimes it is an acknowledgement. Yes. You have more work than one person can do, let's find a solution for this. We can need to have someone help you, we can take some cases off the docket, or you can choose to suck it up and not give you another case until you catch up. I mean, depending on how you want to handle it and make it, but have an open and clearer discussion. But we do have to have those discussions with lawyers. So we start feeling when we are getting over capacity.

Delisi Friday:

Right. Well, and if we're a strong team, the only way that we can help those individuals is if we talk without. I mean, if they don't tell you where they're struggling, then how do we know where to help them? So, that's what makes those attorney development meetings really important.

Michael Cowen:

Yeah. It's a lot of work and a lot of effort and it's not something that comes naturally to me. But having that total honesty sometimes I don't want to say brutal honesty like [Nicrelly 00:10:58] would say, but I mean, but telling the truth, saying it in a nice way and saying a place where someone believes that you're saying this, because you care about them, you have their best interest at heart, you have the firm's best interest in heart, and you're trying to help them become the best they can be. And part of that is what is the ideal workload for you. But yeah, we do need to get a feel for that, and then the decision is, "Okay, we need to grow. How are we going to grow?"

Delisi Friday:

Right. So how do you decide how you're going to grow?

Michael Cowen:

A few ways. One, we need to look at what are the pain points. I'll say we're feeling overloaded. Is this something that we could handle if you had one additional paralegal? So does that work, we'd get done and we could avoid hiring another lawyer, could that work? If we hired you an associate and knowing full well that you're have to train that person, would that work? Or do we need to go find an experienced lawyer that can handle a docket, which was traditionally, what I did is try to look for experienced lawyers because you think you get this instant solution to your problems. My experience has been that the, what I call the hit rate, the number of lawyers that already experienced the work at our firm is not that high. We tend to do better.

Michael Cowen:

Because we have our own culture and our own systems it can be difficult for someone that didn't do all these things for years to accept that they have to do them now. They're monthly file reviews. As soon as you can request depositions, we send out four letters requesting depositions, then we just notice them and we don't put it off, we get it moving. And no, we don't just try to settle the case. First of all we want to find out whether there's any good liability problems that we can use to add value to the case on the defense side. And so we've had better results, long term with hiring young lawyers, but then sometimes you don't have that. We need someone now, we can't wait two or three years. And so those are all things and it just depends on the firm. If we didn't have as developed of a culture and systems, that might not matter as much. And maybe we could even gain by buying somebody they can replace them that had those.

Delisi Friday:

Right. You refer to them as bad habits, but in fairness, it is hard to change. When you've always done something a certain way it's hard to go into another law firm that does something very different. And we've talked on this podcast a lot about the different procedures that we have and why they're in place, but it is hard. So it makes sense then for it to be a little bit more difficult to bring someone on with experience, who's always done it somehow in another firm differently and then expect them to excel here.

Michael Cowen:

And usually it takes at least a year, because what they have to do is they have to give in and do it our way and then see that they're getting more money more quickly when they do it our way on their cases. And some people will never do it. And they just, unfortunately, we wish them the best of luck, but if you have a better way to do things, great, open your own law firm and do them. And I will wish you every success there's enough work out there for all of us. But if you want to work at my law firm, then I'm not going to totally micromanage you, but there're certain things that we do. We don't yell at people, we don't wait until last minute to do things, we get things done in advance so that we can plan them out.

Michael Cowen:

We don't settle a case without bringing to the group to talk about what the value is to make sure that we're not unsettling it, and make sure that we're not being irrational either on having offer demands that are way too high that don't make any sense. Just certain things that we get noticed quickly. We get discovery out quickly. Because there's things you have to do to work here. And I respect that other people have had success doing things another way. And if they want to do things another way, they're very welcome to just not at our law firm, and just having to learn to have enough competence to make that clear, those expectations just from the interview process on. And then I've had to learn the hard way that not to let things slide that I have to bring them up. I have to enforce them. If not, you get toxic pockets within your firm and we've had that happen before.

Delisi Friday:

Well, and I've been with you long enough that I have seen this firm in different sizes. We've had, in our San Antonio office when I started, there was maybe five of us and I think of our 33 employees right now there's, I don't know, maybe 29 or something like that with us now. So I've seen the growth. So I'm really curious, how does it feel to you when we grow and what are those emotions?

Michael Cowen:

There's some fear because I cannot practice law, market my firm, and run a 33, I think we're going to be 35 on Monday employee firm. One it's not my gift. The gifts that God gave me do not include managing people well. I'm not good with the consistency, it's hard for me to tell people when they're not doing things right. I'm getting better at it, I've been working at it, and I don't like it. I mean, I do them because I have to, but I don't like it. So I've had to find, and it took three or four tries to find the right manager and we caused some real pain by having wrong managers. Theresa's wonderful, Theresa who's our current manager, she's incredible.

Michael Cowen:

And she, we promoted her from within, she had no management experience. She was my assistant, but her heart was in the right place, and we knew that she had the skills. And so I've had to learn to let a lot of things go and get good people to do things and trust them. I mean, you run our intake department, I gave you a set of rules, but you probably make 80% of the yes, no decisions, at least initial ones. Now the lawyer who gets the case assigned to them can say no, but you get a lot of the noes you decide without ever talking to me. That was a difficult thing for me to give up. I knew I needed to because I was a bottleneck. I would just not have time to look at it. I either wouldn't make a decision for a long time, which created a problem or I would make a rash, hasty decision, which usually would BS, because I didn't have time to look at it and I didn't want get any someone mad.

Michael Cowen:

So I know when I find that I'm bottlenecking that I need to find someone I can trust and look like I can trust you. And it's working out really well. And then on the ones that are the borderline cases you do come talk to me and we've learned, it wasn't instantaneous, but we've learned over time that you've learned more what my thought process would be. And when you need to talk to me when you don't, and so it's been a great liberating thing, but it's scary to do.

Delisi Friday:

Well, thank you for trusting me. But it is important to have people in your office who you can trust to help you with those decisions to scale your law firm. So when you are trying to make that difficult decision, then what... You mentioned what are the things that alert you along the way that you need to grow, and we've grown and then we've scaled down and then we've grown back up again. So clearly you don't always have to stay at one certain level. So what are the things that you are thinking about when are growing that maybe may not be as obvious to some of our listeners? What have you learned along the way?

Michael Cowen:

Yeah, I think the first thing you have to think about is do you want to grow? Because if you're going to grow, you have to run your business as a business. When I had two or three employees, I did not have to really run it like a business. We could be a lot more informal, but do you want to have the kind of law firm where you're not going to make every decision yourself? Do you want to have the law firm where you're going to have processes and systems in place that are followed and monitored and tracked? Because if that's not you and it's not everybody, then you might not want to grow. I know some people, they have a docket of four to 10 cases. They have a somehow get four to 10 decent cases and they have one or two employees.

Michael Cowen:

Sometimes it's virtual employees and they're perfectly happy doing it that way. So I think the growth you should grow, if it is going to fulfill you, if it's what you want to do. For me, I mean I would go crazy if I was just working on my own. I love the interaction with other people, I love the socialization I get with other people. I love bringing in someone and working with them and watching them nurture and develop in a fantastic whatever lawyer. I love it when they risk receptionist becomes a medical coordinator, becomes the paralegal, and works up and becomes incredible and empowered. And when like Malorie comes in as a one year lawyer never done a personal injury case. And now I think she's one of the best personal injury case lawyers in the country could probably case on her own work up a case on her own.

Michael Cowen:

Just seeing that, to me, I have a great joy doing that. Not everyone does though, and it's a lot of work. And so is this something that you want to do? Because it means you're going to spend less time practicing law, and you're going to spend more time trying to work on the business rather than in the businesses with the book called E Myth. Work on your systems, work on your supervision of people, and not just taking your own depositions and crafting your own pleadings and stuff.

CRP Commercial:

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 from 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 is it something you wanted? I think that's the first thing. The second is, is this a temporary bump or you have a sustainable enough flow of business to make it where it makes economic sense to grow? Because just because you're having a month where a lot of... We had a new law come in, that took effect September 1st that has some adverse effects on trucking in company vehicle cases in Texas. And so we got a flood of cases in, in July, and August because everybody wanted to get those cases filed by September 1st. But we also knew that we were going to slow down after that. So that's the case where we thought, "Well, it might slow down after that. So we're just going to suck it up for a while, because if we grow and then we don't have workflow those people in six months or a year, then that's a problem."

Michael Cowen:

Luckily it didn't slow down after that, and we've grown since then, but that's another consideration. I think the third consideration on the plaintiff's side, because we're a contingency fee pay system. So not only do you not get paid until the end, but then you are increasing your overhead payroll. You're also increasing by taking on more cases, the case expenses per case, and depending on what area you practice in, but on what we do those can be 80, 100, \$200,000 in one case. And do you have the cash flow to do that? Do you have either enough money coming in, enough money saved? Can you get lines of credit to help get you over the hump? Because growth is painful in this, especially rapid growth is painful in the personal injury arena, because you got to pay for everyone to do the work. You got to fund

the cases, but it's one to three years before you start getting money back. And so are you realistically in a position where you can afford to grow?

Delisi Friday:

One of the things we started doing, I think last year, maybe the year before was when we were talking about our docket sizes and what we have, you said, "Let's compare our year to date." And what was interesting to me is somehow without even trying, we always have about the same number of cases each year. Even if each month we had more cases in the last or less, for some miraculous reason, it always worked out. So for me, when you are mentioning thinking about your work, is this a bump or is this not, it was a little bit easier, I think for us to talk about that when we were looking at our year to date reports and saying, "Actually we're right on track to be exactly where we were last year."

Delisi Friday:

And it also helps us think about projecting for the future as well. So I found that to be extremely helpful. And for everyone listening, if you're not doing it already, I would recommend it because it was good for us to see, "Are we on track? Is this what we did the year before and the year before that? Or is this truly a bump and it's going to set us higher than we were the previous years?"

Michael Cowen:

And I think that some people might wonder, "Well, why are you growing if your numbers aren't drastically increasing?" And it's because the quality of the case. We've actually said no to a lot more cases this year too. But because the quality of cases is increasing they need more attention, and we want to bring our case count down so that we could give the attention.

Delisi Friday:

In the previous podcast you mentioned Chad Dudley introduced us to the five star rating, where we rate our cases based on different factors, and we don't have to go into detail on it. But that was really important because we realized the numbers only tell a portion of the story. We may have the exact same number of cases that we did last year, but the types of cases, the quality, and what our projected attorney fees are going to be are going to be vastly different. So that was helpful as well to try and determine, okay, maybe our numbers are a little bit different, but why are they different, and is the quality of case different too?

Michael Cowen:

Right, because we're getting overloaded because we have too many one star cases, then we know that we need change our intake criteria. But if we're getting overloaded because we're having more four and five star cases than we can handle, then we need to increase our capacity to handle cases. We don't want to be in a position where we're turning those down.

Delisi Friday:

Right. Well, and if you also compared a partner docket to an associate docket, you would say, "Man, your partners need way more cases," but in reality, those cases are going to take longer to handle and more time and attention. And so the number does not tell the full story.

Michael Cowen:

Yeah. Because you look at the partner dockets bring in a lot more money, even though they're smaller dockets because they are. It's easier to handle three multimillion dollar cases than it is to bring in 20 or 30 cases to bring in the same amount of money.

Delisi Friday:

Mm-hmm (affirmative).

Michael Cowen:

Like smaller ones.

Delisi Friday:

Yep. And one of the things that Sonia loves to about is time on desk. She's mentioned that a lot, so I also find time on desk interesting too. If you're trying to figure out how long is it going to take for me to settle this case, well, how long is it usually taking me to settle similar cases as well? And will this person's docket clear up a month, two month, three months from now, and is this just a temporary or is this an issue that's going to take a lot longer than we think it is?

Michael Cowen:

Yeah. And some of the changes we've made, haven't been for the lawyers, it's been for the paralegals. We're either going to have to add more paralegals, which are hard to find. They are like diamonds, they are so... Good paralegals are getting rarer and rarer. I think it's because of a wonderful societal change that the only problem with it is there aren't many because you used to have all these brilliant women who 20 or 30, 40 years ago were not necessarily going off to law school and medical school, but maybe encouraged even not to go to college or finish college. But they were still brilliant and hardworking and well organized, and they would be these incredible paralegals. Well, in this generation, all those women are becoming lawyers, doctors, CEOs, engineers, which is great, but it means that our paralegal pool of good paralegals is harder and harder to find.

Michael Cowen:

And so what we found is adding people to take some tasks that aren't as knowledge intense off their plate. Like we call it medical coordination, like ordering the medical records, but keeping track of the client's treatment, reminding the client of doctor's appointments, calling the client after the doctor's appoint, see how it was going. Maybe sometimes we need to remind the doctor, "Hey, this person has neck pain. They haven't had an MRI yet. Maybe you should consider ordering that." Then we could hire someone else to do that part of the case, work with the paralegal and a lawyer. That way the paralegal wouldn't be as overwhelmed. So, that was part of our growth. Part of the growth was in our marketing department. We luckily we were doing well and we needed to add more people there. Hired an in-house graphic designer that was really cool. But part of it has been lawyers.

Delisi Friday:

The other thing that I think is equally important when it comes to scaling your law firm is also the training aspect of it and onboarding. Whenever we're having our conversation about that, the other part of the conversation is let's think about the time commitment that there is when you bring someone new on. So tell me a little bit about your thought process on onboarding and what is realistically the time commitment when you're bringing someone new on.

Michael Cowen:

And that has been one of the hardest things. I mean, we found that more effort we put in up front, the more likely we are to have success with that person, because the expectations are clearly communicated how to do the job is clearly communicated. We have complex systems in place and if you don't do the little steps they fall apart. Yeah, it's been really important, but it's just, I don't have time to do it.

Michael Cowen:

And so again, it's been me having to come in when I need to come in, like on some of the... We do like a Friday training for lawyers every Friday at three. So I'm just like, all I'm trying to do now is every time I have a deposition, we have a younger associates now I'm trying to do a three part, our process of, and I don't do it every time, I should, but just time gets in the way of before the deposition, having like a little sit down with them and saying, "Okay, I have this deposition tomorrow. This is my plan. This is what I hope to accomplish in this deposition. This is my strategy." And then, so they know what I'm doing and why, and then have them sit with me in the deposition.

Michael Cowen:

And then afterwards have another little discussion. "Okay. We knew what the plan was. Now we saw what happened in the depo, what went according to that? Do you have any, if I didn't do something according plan, do you have any questions about what I did and why I did it? Is there something we could've done better, what are the next steps we need to take on this case now based on what we learned at this deposition? Do we need to request more documents, do we need to depose other people, do we need to change our strategies on something? What do we need to do to figure this out?" Do more investigation, whatever it happens to be. And that way they can know this. You can only lecture so much. The on-the-job training's important too, but giving someone, "Oh, here the depo read my transcript." That's not really helpful. And just watching the depo is not that helpful if you don't have some idea what my thought process is.

Delisi Friday:

Well, and there's also something about being live in a depo where you see the tone in someone's voice or the facial expression and something nonverbal that I think you can pick up when you're live as well.

Michael Cowen:

But it's a time commitment on my part. And this also means I have to pay somebody to sit there, and watch me do a depo, instead of having them answer discovery or graph a motion or do something else.

Delisi Friday:

Right. This might be a tough question. But I think Chad Dudley brought it up in a podcast in the past where he said something like, you could be a great tennis player, but it doesn't mean you could be a great tennis coach. So I think the flip side of all of the onboarding discussion we just had is, is everyone going to be a great coach?

Michael Cowen:

Yeah. And I don't think I am a great coach. I think I'm a great teacher, like getting up and lecturing, explain things, I think I do that well. Sitting with someone and letting them struggle through it and then

giving encouragement, and having the tenacity to go do the regular check-ins and not get distracted by other people, that's not me. The other problem, I don't want to sound too egotistical, but most of this stuff comes really easy to me. And so I get very easily frustrated when people learn things at a normal pace. Why the fucking? Excuse my language.

Delisi Friday:

No, I-

Michael Cowen:

Why don't you understand it? I mean, and I try not to say it, but it's what I'm thinking. And it comes across, and so I have found that I am not the right person. I am the right person to come up with how to do it, I'm the right person to show you how to do it. I'm not the right person to sit with you while you're doing it. That is not my gift. I'm grateful to God for the gifts that he gave me and the blessings he gave me, but that's not one of them.

Delisi Friday:

I think you are a very, what is the word I'm looking for? I think it says a lot for you to be able to say that and realize it. Not everyone can so I appreciate your candor, and just realizing that's not who you are.

Michael Cowen:

What's the movie line, a man's got to know his limitations. And really, and truly, and I've really realized this, I spent so much in my life trying to get better at the things I wasn't as good at. And I finally realized I'm 51 years old, I'm probably not going to change the fundamentals of who I am. So why don't I spend my life trying to improve the things I am good at and then spend them a much... like, where can I add the maximum value to this firm and do those things and then find people, because I've chosen to grow, find people who are good at coaching. And we have people that are good at coaching, and so I get out of the way and let them do it.

Delisi Friday:

I'm curious. What is your opinion on having multiple people do that? And the reason I'm asking you that question is everyone has their own style or way of doing things. Clearly not everyone's going to have the same deposition because they have a different way of asking certain questions and setting someone up. So what's your opinion on having multiple people onboard someone?

Michael Cowen:

I think it's a good idea as long as everyone's on the same page, and we're not giving conflicting signals. Each of our associates works with... with one except, on Malorie's team, the associates just work with Malorie because she's got a bigger docket and she has two paralegals, but most of the associates work for two different senior level lawyers, and a couple reasons for it. One is we couldn't justify hiring five new associates. We had enough work that... It was going to be two and we decided on three because we wanted every, at least one associate at least a halftime on every team. But so one was just a financial reality is we could only hire so many, but the other was, I wanted people to get exposed to more than one person, because that way they can see how different people do things.

Michael Cowen:

And then we have things that you have to do with the firm. When we talked before, getting certain things out on a certain time, reviewing your files a certain way, but there are other things that are a matter of personal style. And I've really realized that trying cases with other lawyers, that there are things that Malorie does very different than I do, but they work for her. If Malorie was trying to imitate me, it wouldn't work, or Sonia was trying to imitate me it wouldn't work, and vice versa, but they do things that work for them very well. And so I think there is that thing between we have our non-negotiables you have to do, which are real basic stuff. And then finding what works for you and where you're the most effective.

Delisi Friday:

It's almost like all of your podcast guests who come on and you say, "What have you done to develop yourself?" And all of the various successful lawyers we've had on here have all said, "I go to all these CLEs and I listen to all these different people, and then I do a mixture of it, and I do what works for me."

Michael Cowen:

Right. So let's talk about, I think the hardest part of growth is adding lawyers. What are some of the challenges you've seen because we've had successes, and frankly we've had spectacular failures that have been very painful, and very emotionally draining and very disruptive when either we've made the wrong hiring decision. Or when we haven't communicated and continued to communicate expectations and boundaries clearly, and let things slide to the point that they got out of hand. Which I think some of the fault could be on us, not just the lawyers. If you tell them something at the beginning and then you don't mention again and they're doing it say anything to them, then why would they think that they couldn't do that or that they had to do that? But you've seen it. I just kind of like to get your take on that.

Delisi Friday:

Well, I think first you're right, expectations is really important. But I think the harder conversation is when you see something that's not working out well, having that difficult discussion and talking about it. In our leadership meetings, we talk about being open and honest with each other and not letting anything fester. And I think the hard part about bringing on an attorney is there's this fine line between not letting anything fester and bringing something up, but also realizing that it takes someone a little bit of time to figure out the way you do things and how to do them and find their footing. So you want to have those conversations, but also you need to be honest and think, "Okay, well they also just started. So I have to give them a little bit of time." So trying to find the balance between what's a little bit of time and what's "Okay, you should have figured this out by now. Let's have a conversation." I think that is difficult.

Delisi Friday:

But I also think that, to your point, it's hard to break habits. And so when anyone comes on and they work at our firm, we have procedures in place. And one of our top podcasts is The 10 Commandments with Malorie, where we talk about the way that we work up our cases. And so I think it is hard sometimes for someone to come on and try and change their habits and do something differently. And so I think one of the things we're learning now is if we do want to scale our law firm, if we bring in these younger lawyers and we train them up, then we've given them all the tools to be successful and do this when they're ready to handle their own docket. I don't know if there is anything I can say specifically when it comes to learning from those who have come to our firm in the past and not worked out.

Delisi Friday:

And I think some of those people are exactly where they should be now. I don't think all of us ever is just on our end where it's our fault that it didn't work out. I think sometimes some people are just meant to work in a different environment. So I think that plays a factor as well. And I will say that one of the things you and I have talked about is sometimes lawyers only lasted a place for two or three years. And that's just what the industry is, but we don't want that. We want people to be with us for longer. So sometimes I try and think to myself, "Well maybe that person was just, they lasted their time and they're just not meant to be here with us."

Michael Cowen:

Yeah and people all have to find their own path. But yeah, our current strategy we've hired three lawyers with one or two years of experience. One right out of... actually zero to two. I mean one right out of law school, one had done criminal defense work for a year and wanted to try civil, and then a young man that had done civil work, personal injury work before and was I think a year out or something. Real happy with all three, they've got three. They're all bright, they're soaking everything in like a sponge. I mean, I love each for their own reasons, but it is a lot more work. On the front end it's a different work. You got a lot more training. You have to know that... You can't just throw them there and have them do things.

Michael Cowen:

But then when we've hired experienced lawyers, they've done things, but then they're going to do them the way they've always done them. I'm not going to say I'm never going to hire an experienced lawyer again, because at our current growth rate, we may get to the point where we just need someone that can handle a docket. And we don't have the two to four years it's going to take to train someone up to do that. I'm hoping we can do this. We're hiring law students as law clerks during the year. And we're hoping to succeed from that crop who we might want to bring as an associate and then see from that crop who could... Because the reality is not everybody is going to end up being... You could have the right fit to be a good associate, but not everyone's going to be able to have the right fit to not only have the legal skills, but then the skills of managing a docket, because you have to manage your docket. You have to manage your team of your paralegal, your medical coordinator, and eventually your own associate.

Michael Cowen:

And that's a different skill set that not everybody has. And so then you have to have the difficult conversation of if you want to, you can keep working here, but this is the role you're going to have. And if you want to get a bigger role, you're going to have to develop the skillset. I think it's just the open honesty, transparency with people. So I'm hoping that this works because I think the other thing with hiring experienced people and same with paralegals, I have arguments with our other... All of our lawyers think that there's some perfect paralegal out there. They can just come in and it's going to instantly learn everything and do everything right, and they're going to be plug and play and they don't really exist. And I think the allure of hiring someone that's experienced, if you think you can just hire them, give them the docket, and they're going to run with it.

Michael Cowen:

And at some firms you can do that, but at our firm, because I'm so picky about how I want things done and I'm not just being picky to be a prima donna. It's just, we have a promise we make to our referral

partners that if you are nice enough to bring this in on your case, we are going to do the case to the standard, which means I have to enforce those standards in my firm. And that's not for everybody. And that's okay, it's just, we're 10 lawyers, there're hundreds of thousands and millions of lawyers out there. We're not your only option, but we want to find people that want to share in our values and share in our vision of how to do things.

Delisi Friday:

You mentioned earlier that you like the excitement that the younger attorneys have when they join the firm and they're here now. And I agree with you, there's almost a different feeling that you have when you bring on a younger lawyer and they're excited to be here and they want to be here and they want to learn. And one of our core values is we constantly seek to learn and improve. And when you bring on those younger lawyers, you have that, and that is fun. But to the other side of that, it also takes a lot of time too. So the time commitment when you bring someone like that on is big.

Michael Cowen:

And I think it's going to get our senior lawyers to step up their game, because you're going to have a young lawyer participating in case reviews with two different lawyers. There's a little bit of, "Well, I can't be slacking when they see how that other person's doing stuff." And "Hey, I got someone watching me do this now, and I want to impress them. I want to teach them. I'm going to go work a little harder at it." Not that our people don't work hard, but I think I see a little bit of opening the game a little bit when you add a younger lawyer to the team.

Delisi Friday:

Well, and what's interesting is when you do that, I think another added bonus, it requires our attorneys to be over communicative because if you have an associate who's working or a younger lawyer, who's working with two different attorneys, then you're almost forcing those two other attorneys to communicate with each other a lot more and make sure that this younger attorney who's shadowing both of them is not overwhelmed. And I have really enjoyed seeing those attorneys talk to each other and make sure, "Hey, here's what I have this person doing. Are you doing that as well?" And then it also gives them an idea like, "Oh, Hey, you have them doing that. Well, I have a case where I can have them do that too." And I'm enjoying seeing the communications between all of them because they're sharing someone.

Michael Cowen:

Yeah. And I'm glad that... We had to get buy in because sometimes people see the younger attorneys as competition, and they don't really want to go with the time. And I think the way we're doing it is that the fees, for bonus calculations, the fees go to the senior level lawyer. So junior associates aren't on percentages, and so this person has the ability to help you make more money. And I'm not charging for the first year, I'm not charging against the overhead and the calculations when we're doing bonus stuff to the lawyer, so they're going to getting free help for a year. And then we have to talk about, now do they have no value to make it worth it the amount of money?

Michael Cowen:

You got to go back do it yourself and have that person work with someone else. And I found that people that... When Malorie took the plunge and hired Robert as an associate, even though it meant increasing the numbers she had to bring in to get any bonus for herself. I think she's made a lot more money

because he adds value. And I think that's what we're going to experience with our other three. And they have been so helpful and so awesome already. I'm just excited about it. So yeah. Because the growth is scary, but it's exciting, it's scary, it can be a wild ride. But I do think that if you put the time in, and you realize it's something you actually want, and you put the time in to plan for it, grow at a slow enough rate where you can have time to onboard and train somebody.

Michael Cowen:

Or if you're going to go at a faster rate, you just need to get someone to do that, that can do it right. Because you're not going to have time to do all yourself if you're still practicing law. And then just make sure you look at the finances and that it's not only makes sense to grow, but that you are in a position where you can afford to grow because you might have to defer until you can either get more cash in the door or more credit. Since we have this weird model where we do the work you get paid a year or two later.

Delisi Friday:

Well, is there anything else that you want to add? Is there anything else that you've learned as we try and scale our law firm?

Michael Cowen:

I think there is, I think the biggest sources of catastrophe and what I'm talking about, I mean, things that may have ended the firm and even more minor stresses, but definitely the things that have presented like an extinction level danger to our law firm, were the result of me not having the courage to have difficult conversations early when things could still be salvaged. And letting, through my own avoidance of discomfort and avoidance of, "Well, if I had this hard conversation, this person might leave or might not want to work here anymore," letting things get so out of hand that the relationship could not work anymore, and they had to end. And that can bring ugliness, and it can bring chaos, division. And so what I've had to learn and I'm still working on it, I'm not perfect with yet, is to have critical conversations before something becomes a huge issue and to do it kindly, but I would be too kind I'd hint around.

Michael Cowen:

I would hint around, and the person wouldn't know what I was talking about, but they were getting away with it. And I just have to clearly say, "Look, this isn't going to work. Let me put it this way. This is what my expectations are. I want this to work, but this is not a negotiation. This is the ground rules. And if you need help, if you want guidance, I will help you do this stuff. But these things are non-negotiable, and we told you that when we hired you, you agreed to that when you came on, and this is what has to be done if you want to work here." And probably a little gentler than that, but not a, "Well, I thought I'd really like it if you would do this part." It needs to be clear like "This is the expectation, you really need to make it. I want this to work out, but for this to work out, you need to meet my expectation."

Delisi Friday:

Well, and it's not easy to lose someone. And I think an important part of that is making sure that, you're right, you do have those conversations, and you're really clear. Because the last thing you want is to part ways with someone and feel like "Maybe there would've been a chance if I had been a little bit more clear," and it is uncomfortable, but I think it's worth it in the end.

Michael Cowen:

Yeah. I think it's about 50/50 with... I'm thinking of people that I have associated myself and had some toxic relationship with people that were using me, that no matter how much clearly... I mean, if I had my expectations communicated more clearly they would've left and found another sucker somewhere else sooner. Seriously I mean, that it just wouldn't, and there are other people that I think had I been clear earlier and not let things get out of hand that we could have salvaged the relationship, the friendship. I'm even trying that... I've got to talk to my wife about it. I got to ask her permission, but one of the things I want to start doing is sometimes my wife, this has nothing to do with law but sometimes my wife is talking to me and I'm offering solutions, and I'm realizing that might not be what she wants.

Michael Cowen:

So I'm going to start asking her, if I get her permission to ask her this, "I mean, would you like me to offer you a solution or do you just want me to listen to you? And I'm fine with it. And I'm not saying that's a problem. If you just want me to listen to you, because that's what you need, I'll do that. I'll keep my mouth shut, or do you want me to try to work with you find a solution? And I'm not saying that'd be critically because I just want to give you what you need." And I think part of it is just being this ultra clear ultra transparent over communicate I think is so important, especially when you're growing.

Delisi Friday:

I like that. I feel like you can use that in work too. A lot of people, especially in our industry, sometimes you just need to vent. So I think sometimes it would be helpful to say, "I just need vent. Let's not try and figure it out. Let me just get this off my chest." So I like that. I like that a lot.

Michael Cowen:

Yeah. I'm trying. Well Delisi I've enjoyed this conversation. I've actually... gets me to think about it some more. So everyone out there listening if you want to grow, I encourage you to do it. If you don't want to grow, I respect that and there's nothing wrong with that. I know some people that end up with a lot more money in their pocket the end of the year every year than I do that have really small niche practices and low overhead. And I've done the numbers, if I could only do my top 10 cases, and get rid of everybody else I would make more money in my pocket end of the year. But one, I don't know how to get those 10 cases without bringing in the other ones. I mean, I don't, as far as a marketing funnel and two, I don't want to lose all these. I love them, they're fun, they're invigorating. I mean, I learn from them. I enjoy being around them.

Michael Cowen:

One of things that gives me purpose and fulfillment in life is seeing, not just lawyers, but non lawyers who seen people grow and reach potential and improve. It just, I love it. And so for me, I love it, but you have to see if it's for you or not. But if it is just keep on top of it and try to do it right with giving the people you bring on the tools they need and clearly communicate expectations to them. And my hope for each one of you is if you want to grow that you get to grow and that you have an incredibly prosperous and successful, but also healthy and happy 2022.

Delisi Friday:

Thank you.

Outro:

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