

Michael Cowen:

This is Michael Cowen, and welcome to Trial Lawyer Nation.

Speaker 2:

You are the leader in the courtroom, and you want the jury to be looking to you for the answers.

Speaker 3:

When you figure out your theory, never deviate.

Speaker 4:

You want the facts to be consistent, complete, incredible.

Speaker 5:

The defense has no problem running out the clock. Delay is the friend of the defense.

Speaker 6:

It's tough to grow a firm by trying to hold on and micromanage.

Speaker 7:

You've got to front load a simple structure for jurors to be able to hold on to.

Speaker 8:

What types of creative things can we do as lawyers, even though we don't have a trial setting?

Speaker 9:

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.

Voiceover:

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 my partner, Sonia Rodriguez. We are going to talk today about running a healthy law firm, but before we do that, I just want to give a shout out to our sponsor, LawPods. LawPods produces, and edits, and distributes podcasts for lawyers. They do this podcast, they make it really, really easy. All I have to do is do this talking. They do all the editing, all the recording, all the producing. They cut it up, they advertise it. They just do everything for me. They make it really easy. If you're thinking about doing a podcast, then you probably should. If you want to build your business, I highly recommend LawPods. That being said, Sonia, how are you doing today?

Sonia Rodriguez:

I'm great, Michael. How are you?

Michael Cowen:

I'm doing well. So, what was the inspiration behind talking about running a healthy law firm?

Sonia Rodriguez:

So, I think that looking at the end of the year, or looking forward to the next year, one thing that I like to look at is how are we doing business-wise, personal-wise, what are our New Year's resolutions? And trying to be introspective about not just personal health, but also business health, and I thought it would be great for us to talk about that, since that has kind of coalesced in your life for the last couple of weeks.

Michael Cowen:

It has, both personal and business health, but I agree, and I think it's also really important to step back. Even when you're working, you're moving forward. I tell people that I have annoyances, I don't have problems. I used to have problems. Problems are like you have a child or loved one with a serious health problem. Are you going to run out of money, and not be able to keep your business open? Are you not going to have any cases come in, and not be able to keep your business open? And luckily, we're at a point now where I'm dealing more with annoyances, but they still get annoying, and you get in the middle of them, I think it really helps to take a step back and see where you were, how far you've come, how well things are working, so you don't get so upset when things aren't perfect.

Sonia Rodriguez:

I think it is important, and recalibrating what isn't working. I mean, you always want to keep growing and trying new things to get better, and be better, and aspire to be healthier. So, recalibrating what isn't working, and just kind of moving forward.

Michael Cowen:

Yup.

Sonia Rodriguez:

I always like New Year's resolutions. I never keep them, but there's something very optimistic about a New Year's resolution. So, I look forward to the new year, because it's my time to kind of create a goal for the year, but some I've kept. I mean, I shouldn't say that I don't keep them, but it's hard to keep a New Year's resolution for me.

Michael Cowen:

Most people don't, and it's interesting, because we're pretty good about keeping our business resolution. We have an annual offsite meeting, and then we do quarterly offsites, and we do weekly management team meetings, and when we resolve to do something as a group and then we keep talking about it and holding ourselves accountable, we do seem to meet those goals, or at least make progress towards those goals, as opposed to just making a list. And then just like you go to the gym in January, it's full of people, by Valentine's Day, most of those people don't come back until the following new year.

Sonia Rodriguez:

Right.

Michael Cowen:

I wonder if we did that in our personal lives, which I'm now doing when we get into health in my personal life, having someone hold you accountable, having realistic goals, and then meeting and measuring, maybe we'd all get more done.

Sonia Rodriguez:

I think so. I think so. I can tell myself every single day that, "Tomorrow I'm going to do the meditation and yoga to start up my day," but unless I have somebody really holding me accountable about whether I did it and why I didn't do it, I don't think I'll ever commit to it.

Michael Cowen:

Yeah. Well, let's start with running a healthy law firm. I think it always starts with us. I mean, if we don't have healthy Michael, Sonia, and Mallory, and realizing both physically, mentally, spiritually healthy, we're not going to be able to run a healthy organization. So, that takes a lot to do it, and for years, I worked a lot, and I don't think it's fair to say I sacrificed my health for the practice of law, but I definitely, instead of dealing with the stresses that came from the practice of law, and just the stresses that come from being married, and having kids, and having a life, I would eat or drink away the stress and not take care of myself, and then that bleeds over to running a less than perfect law office, and not always having the energy, not always being the dynamic leader or face of the firm that I should be. And so, I've worked really hard in the last year. I started December 10th on my health, and I think it's making a difference.

Sonia Rodriguez:

So, you started December 10th last year?

Michael Cowen:

I did. I started December 10th last year. I started walking, and writing down what I eat, or putting in it an application, but what I did is I realized that I need accountability. So, I gained and lost so many hundreds of pounds, the same pounds over and over again over the years, and there was a lawyer, he's been on the podcast, actually, named John Fisher, and he was always putting on Facebook how he worked with this company called MyBodyTutor, and it was really helping him. And so, I was sitting there with no energy at 328 and a half pounds thinking, "Well, what do I have to lose?"

I looked at the website, it looked intriguing, I eventually clicked, and they hooked me up. They gave me an assessment to see who would work well with me, and they hooked me up with a woman who's my coach, and I talk to her six days a week, just three to five. You've heard me on the phone with her, three to five minutes a day. I enter what exercise I do, I enter what I eat, and then I talk to her about what went right, what went wrong, and it's not perfect. I have days that I slip, I have days that I'm healthy, but overall, I'm down about 70 pounds. I've gone from getting out of breath walking a mile, to being able to run five without a problem, and run three miles probably four or five days a week, every week. So, tons more energy, feeling better. I think it's bled over the business too, having that energy, feeling more dynamic.

Sonia Rodriguez:

Do you think everybody needs that kind of accountability daily, or is it just you and the way that you're wired?

Michael Cowen:

Well, definitely me. You don't get over 300 pounds without having some issues. And so, definitely me with the way that I was wired, I definitely need it, and when I need it is not from when I'm being good, when I need it is for when I slip, because when I slip, it's easy, okay, you slip one night. Okay, I went out, I had some drinks, I overate afterwards, or I missed my run for two or three days, because work got out of hand. It's those days that I need the coaching saying, "Okay, it happened." I would beat up on myself, I'd feel bad, and I'd just give up or say, "Well, I'm already off. I'll start again tomorrow. I'll start again tomorrow," and then go on this big binge for days or weeks at a time. And so, having someone say, "Look, it's not a big deal. Whatever happened, happened. Just go back to what was working before, keep going." It really, really made a difference for me, and that's me. I don't know that everybody needs that, I just know that I need that.

Sonia Rodriguez:

So, have you noticed over the years, because you've been practicing law over 25 years now, so have you noticed that there's a correlation between when you let your body and your physical health get out of hand, that the practice does, or is it the opposite, like you're so focused on the practice that your health is declining?

Michael Cowen:

Well, one of the reasons I got the coach is I would be in this cycle where I would focus on health, and I obsess about things, and if I don't have help, if I don't have other people to hold me accountable, I obsess on one thing, and I let other things fall apart. So, I would focus on health, I would lose 70, 80 pounds, I'd start running, I'd be doing marathons, I'd be doing triathlons, and then things at work would start getting out of hand and I would neglect them, things in my personal life would start getting out of hand. I would neglect them until they became such a crisis that I had to go then dive in, deal with the crisis, and then sooth the crisis by eating, and then gain all the weight back.

So, that was a big part of it. And so, I've found now I'm able to do both. I'm able to keep a healthy business and a healthy life, but frankly, part of it is because I have people that hold me accountable, part of it is that I'm not trying to do everything myself anymore, and I think the biggest part of it is I've just set healthier boundaries, and I have healthier people in my life. With you and Mallory, I don't have the kind of crises I used to have. I'll put it that way.

Sonia Rodriguez:

Well, I do think it's a good segue to discussion about how having people accountable, and maybe not everybody needs a law partner to help them keep their law practices accountable, but certainly people in leadership positions in their firms that are helping keep them accountable to their goals and moving forward, because that's what we've done. At the beginning of the year, we had a really big goal for the year, and we've kind of been meeting periodically to check in with each other and with the firm to make sure we're staying on track. We're doing really well right now with metrics and things like that.

Michael Cowen:

Yeah, and I think everyone's different. And so, some people are really good, like Mallory, our partner, for example, she will make a goal of 10 things to do, and then every day, she'll check off and have a plan, and by the end of the month, she will get all 10 things done. Whereas me, I'll spend a bunch of time working on one thing, and then maybe not quite finish it and then move to the next one, and then I'll come up with 20 more things I want to do, and forget about the first 10.

And so, everyone might not need it, but we all have our areas where we derive energy, and we all have our areas that drain us from energy, and for mine, what Lencioni calls the Working Genius is the wonder, the invention, the coming up with the new ideas, the brainstorming is what I love. Finishing the project, sticking with it isn't what necessarily brings me joy. And so, I need other people with me. It would not be good for me to go back to being a sole practitioner. I would get a lot less done. A very incomplete person, and I need a team of people around me, but the thing is, I'm really good about what I'm good at, and so, by getting a team, we get incredible things done. Without the team, I don't think I would get such incredible things done, personally.

Sonia Rodriguez:

I agree. I think we've got a good team, but what's interesting to me though is having worked with... We have the luxury of being able to meet and know a lot of lawyers who run solo practices. I mean, we get a lot of business, and we work together on joint ventures with a lot of people who have very small firms, and they're the boss and they're the only ones that are the boss, and they are doing a fine job. I guess it just depends on how you're wired and what support you have in your system, in the law firm system.

Michael Cowen:

I agree with that, and I know a lot of people that run a solo practice very well. I ran a solo practice, and did not run it very well. I was able to overcome my bad management by working really hard, and basically making enough fees to overcome my lack of being a good manager, but it was chaotic. It was up and down, feast or famine, just almost run out of money, settle a big case, pay off the debt, then two years later, almost run out of money, settle a big case, pay off the debt, and getting out of that hole makes me a happier person. But like I said, other people run a small business, they run it very well themselves.

I think it's just how you're wired, and like I said, I think part of it is there are things that I think I'm blessed beyond measure with, that I have certain talents that I'm really, really, really good at, but then I think God only has so much juice for each one of us, and some of the things I'm not so good at is, like I said, the sticking with it, staying organized, keeping the business running, instead of just working on a couple big cases and focusing on them. So, by getting a team, and learning to develop and empower a team, it's allowed me then to go back and focus more of my time. Not all my time yet, but more of my time on what I'm good at and what brings me joy.

Sonia Rodriguez:

I think that's true, and I think at this point in your career and my career, we've spent a lot of time analyzing ourselves, and what we like about the practice and what we're good at. I can tell you, I would make a terrible, terrible human resource manager. It just would not be something I'm good at. Fortunately, I don't have to do that here, and so, that's good.

Michael Cowen:

Yeah, so one of our big goals for the year, I mean, was really becoming a healthier business, and really, I think the twin parts of that were one, increasing morale, making our firm a happier place for people to work, and then decreasing what we called unwanted attrition, which is, we're 35 people. So, statistically, you're not going to have the same 35 people at the end of the year that you had at the beginning of the year, but you don't want people to leave unless you kind of wanted them to leave, unless you regretted hiring them, they didn't work out. Either they were the wrong hire, or they got burnt out over time.

Sometimes we outgrow them, sometimes they're the right hire eight years ago for the firm we were then, but unfortunately, as we grow and change, sometimes people don't grow and change with you.

Sonia Rodriguez:

Well, you remember, Michael, this was a necessary conversation at the beginning of the year coming out of the pandemic. The labor market had changed so drastically, especially in the legal community, when people were comfortable working from home, and we had to analyze what were the risks of bringing people back in person? And there was a real risk of people leaving for greener pastures, and we had to really study what it would take to make people happy here, and monitor morale, and make a commitment internally to making people want to come to work and enjoy working here, despite the high levels of stress that a law practice means.

Michael Cowen:

Yeah.

Sonia Rodriguez:

And I want to applaud you and the management team, and pat ourselves on the back for really sticking to it all year long, and making that commitment and following through. So, tell the listeners what we've done.

Michael Cowen:

Well, one thing we did, and this is actually one of the easier things to do, was we looked at pay proactively, because we saw that pay was going up, and if you wait until someone already has another job offer and then try to match it, that momentum of going somewhere else has already started, and it's harder to keep people. And so, it kind of hurt a little bit, but we looked to see where we needed to just raise people's pay without waiting for them to ask for it, or waiting until the end of the year, just when we had that. And I think that those pressures are dying down now, I think, but I know I just sat with our COO Teresa, last week, actually, and went over everyone's pay, and wanted to make sure that we're competitive, and we don't ever lose anyone because of pay.

Now, luckily, we're in a position where we can afford to do that, but just make sure your best, your key people, that you're paying them appropriately, because the market does change, and also, their skill set changes. So, the pay may have been perfectly appropriate for what you hired them to do, but if they've developed beyond that, other people are going to see their value and give them offers for what the market pays, and if we don't do that in advance... And it's always tempting to say, "Well, they're not complaining. Let's just keep paying them what we're paying them." But the fact is that they may be bitter about it, they may be looking, and another thing is they may be having people just poach them, just giving them offers that you don't even know about, and once those conversations start, it's hard to make up.

Sonia Rodriguez:

I think you bring up a really good point, is sometimes when you hire somebody to start with and you're paying them a certain rate at a law firm, especially at a small law firm, their job duties tend to migrate into all kinds of different things, and sometimes it's crisis management, and we pull all hands on deck, and somebody who may not have been hired to do a certain task is now finding that they're doing it a large part of their day. And so, adjusting pay proactively is critical, because I think there is that kind of in

the back of their mind, bitterness like, "Hey, I didn't get paid to do this." That's a good point, especially in a law practice, I think.

Michael Cowen:

Yeah, and then we also just looked at are people happy? I mean, and there's not a number to put on that. At our weekly meetings, we do a red, yellow or green. Like green is "We're doing great, it's awesome." Yellow is, "It's acceptable. It's not perfect, but it's acceptable," and then red is like, "Oh boy, we got to work on this. We've got a real issue," and some things are a lot easier to rate, like our financial goals. You just look at the numbers, are we meeting our goals or not? But when it comes to morale, there is a very big subjective measure to it. There's a little bit of a mood measure. I think that sometimes we have movements based on mood a little bit, but it's better to have some measure than no measure at all, and I think it's so important that we have a non-lawyer, our COO on our management team, to get a better feel for what people might not be willing to tell the lawyers, and I think that's helped a lot, because by monitoring it weekly, we're catching things early and able to intervene early.

Sonia Rodriguez:

Right, and I think it's a delicate balance. I mean, you want happy employees, but there's only so much we can do. We're running a business, and we're not running a daycare. And so, I mean, I think there's a delicate balance to keeping everyone happy, and also productive and efficient, and working hard.

Michael Cowen:

Yeah, I think we're probably overdoing it a little bit actually, on some of the employee appreciation stuff. So, we already do, if the firm meets our financial goals, we do a trip every January, where everyone's going to Orlando, we're going to go to Universal Resorts, the firm's paying for that, and then in the summer, we rent a house and we take a day off, and we go out there and we barbecue and hang out, they can spend the night there if they want to. And then we've been doing a monthly shut the office down at four, and doing some kind of group activity for anyone that wants to do it. I think the monthlies seem to be coming along really quickly, and I think they may be getting in the way a little bit. We may just go to having a happy hour after work once every other month, and then doing an activity. I mean, everyone liked the bowling, or I think we're going to do ax throwing, and hopefully, no one gets chopped up.

Sonia Rodriguez:

Yeah, I had to pass on the escape room activity. I just can't imagine being locked up in a room with 10 employees, trying to solve a crisis. I feel like that's already what we do, and I don't need to do it after hours too.

Michael Cowen:

Yeah, but so far, I mean, it seems people are having fun, and I'm not saying everyone needs to do that, but I do think that after everybody was working from home for almost two years and then we forced everyone to come back, having some of that non-work related bonding time, what I mean is you're with your team, but you're not doing work stuff. And I think that's really important, because people start snapping at each other when they don't have that personal relationship, and I think doing things to create those bonds, even just having each team go to lunch and have the firm pay for it. Not the whole firm, it's too much, but you, your associate, your paralegal, your medical coordinator, and your other

paralegal, I mean, you guys all have lunch once a month, and I that those little things make a big difference.

Sonia Rodriguez:

It has, and I have to tell you that I was not the biggest cheerleader behind that idea of going to lunch with my litigation team every month, and just kind of socializing. There's a certain disconnection that I enjoy about my practice. So, you have a job to do, just come and get your job done, and I don't need to know about the kids, and the dogs, and the whole background story, but what I've found is that those luncheons have actually helped the team feel more connected with each other, and they enjoy working together more. So, it's not all about me, like my therapist likes to tell me. It's about them and their connectedness. So, it's actually helped, Michael.

Michael Cowen:

And there's a book called, it used to be called The Three Signs of a Miserable Job, and they changed the title. I'm trying to remember the new title of it, but one of the three things about being in a miserable job is that you feel anonymous, you feel like the people ahead of you, they don't care who you are, you're just a cog in the machine. They'd replace you tomorrow with someone else, and not even care. So, people do need to know about their dog, and know about their kids, and their spouse, and everything else. Now, you have to watch how you do it. I'm constantly having conversations with my wife, she'll ask me all these questions about someone that works for me. A lot of times, it'll be a younger woman, "Well, is she dating anybody?" I'm like, "I have no idea, because do you want me going to other women and say, 'Hey, are you dating anybody? I mean, know how's that going? How's your relationships going?'"

I mean, it's one thing, I'm here if people want talk about it, but on the other hand, I don't want anyone thinking that I'm trying to insert myself into any of those relationships. So, there are boundaries, but at the same time, people need to know that you care about them as human beings and what's going on with them as human beings, to be happy in their work, I mean, because you do want to create-

Sonia Rodriguez:

Yeah, I agree.

Michael Cowen:

We spend more time here at the office than we do with our own families, waking time. So, it should be a pleasant place. Plus, if it's pleasant, people don't want to leave. They're not looking for another job.

Sonia Rodriguez:

Yeah. That's another thing that we committed to at the beginning of the year, rearranging the office spaces and clearing up clutter, and making the kitchen a more comfortable space for the staff. I mean, we want them to feel comfortable coming to the office, and being able to enjoy their space around where they're working all day as much as they can.

Michael Cowen:

Adding snacks.

Sonia Rodriguez:

Oh, that's right. We added snacks and drinks.

Michael Cowen:

Yeah. We used to have snacks and drinks, and I had some now former manager convince me that we were wasting money and people were taking advantage of it, and then I looked at our overall budget and it's such a fraction of 1% of our budget that who cares that people are drinking too many sodas or eating too many protein bars? It's not going to kill us as a firm, not compared to the cost of employee turnover. That's so expensive, to constantly be recruiting and training, and all the lost production, and all the time we spend looking for people and training new people. It's much better to give somebody a bag of chips and a Coke.

Sonia Rodriguez:

Exactly. And now we have some healthy options too.

Michael Cowen:

Absolutely. I think another thing, it's a concept, and this has been one that's been really hard for me, but not doing it has been the cause of a lot of my problems in business, and probably in life, and I first heard this at a Crisp event, but I think they got it from someone else, it's radical candor, is just being totally open with the other people you're working with, as far as how they're doing. So, on one hand, you need to be loving and supportive and make them know that you care about them, and you want them to do well and you want the team to do well, but part of that has to do is when they don't do things the way you want them, you have to tell them right away, and be 100% frank about it, and not let it fester and not let it build up.

And it's tough, and I think the best way to do it is to have a regular cadence of meetings where you have that safe space to have that conversation and schedule those kind of conversations, because for me, I'll put them off as long as I can. I just don't like them, they don't come naturally to me, but I'm finding that the more I do them, the more it was all in my head. They're not really that hard to have. When people aren't doing things right, they know it too. They'd rather have the conversation and try to work through it, than have things just fester and create that stress intention.

Sonia Rodriguez:

So, I think this idea of radical candor is something I thought I always practiced. I think as litigators, we all think that we are experts in radical candor, because if you don't like my damage model, I can tell you very frankly why you're wrong and why you're dumb, and why your damage model is ridiculous, but that's not radical candor. The hard part about radical candor, like you were talking about, is having a very personal conversation with someone that you work with every day, and explaining how something that they are doing is not helpful or productive to your team, and that's hard. It really is hard.

Michael Cowen:

And the more you like the person and the better job they do, otherwise the harder it is. It's easy to be having radical candor that someone's in a performance improvement plan, they might not be there next week, because they may be slipping, and you're already pissed off at them, but the people that are your top performers that you really like but have room to improve, already did something wrong, and you still have to have a way to converse with them about it. But to create a culture where it's understood that we're talking about this because we care about each other and we care about the team, and we're trying to make each other better, not that we're trying to put people down or just rag on people.

Sonia Rodriguez:

So, what happens, Michael, when you don't practice? When you're not radically candid with somebody that's on your team, what happens? What do we want our listeners to know about what can go wrong when you're not?

Michael Cowen:

Well, whatever the bad thing is or the annoying thing is, or the problem thing is that you're not addressing, every day you don't address it, it's going to grow and get worse.

Sonia Rodriguez:

Not just on their end, but on your end, in your head, right?

Michael Cowen:

It's going to get worse on their end. They're going to do it more and more because they're going to either not know there's anything wrong with it, or just figure they can get away with it, and then you're going to get more angry and more resentful. You're going to get mad at yourself for not talking about it. You're going to get mad at them for doing it, even though you haven't told them, and they're not psychic. And then eventually, for some reason, it's easier just to fire somebody than it is to have an honest conversation with them early on about, "Hey, I like you a lot, but I don't like this thing you're doing. I need you to change it," but it's actually, what is the more loving thing to do?

I mean, with our children, do we just let them... Well, sometimes we, do because we just get tired, but do we just let them do the wrong thing? I mean, I had to have a hard talk with my 17 year old about, "Don't call your 12 year old brother these names. It's not nice, it's not acceptable." It wasn't fun. Part of me would rather just let me do what I'm doing, and leave them and let them fight it out, but no, that's my job is to be honest with them, to try to be a good parent, and I think it's the same with employees, that as soon as we see it, we should call it out nicely, but call it out.

Sonia Rodriguez:

Yeah. I think it was a difficult conversation, and thanks to you and Mallory, who reminded me that I needed to exercise some radical candor on my team. We've got these very young lawyers in the office, and we think that they can read our minds and adjust their behaviors based on what our expectations are, even when we haven't voiced those expectations. And so, when we have young lawyers leaving early, or coming in late, or not checking their communications after hours or on the weekends when we're all doing it, it's a little bit frustrating. And so, thanks to you and Mallory, I was reminded that no one's going to be able to read my mind, and I've had a good talk with my team about expectations and my New Year's resolution is to continue practicing radical candor, and see if that continues to work, and I will keep you posted.

Michael Cowen:

It's not easy, but it's the best alternative, because there's nothing else that works better, just being open and honest with each other, but it's always awkward the first time you do it, and your actions have to show afterwards that you really do care about the person, that you really do want to make them better. So, I think it has to be combined with giving them the support, not necessarily in the same conversation, but we hold our associates to a high standard.

We also provide them all kinds of support and training, both sending them to CLEs, internal training, internal coaching, and I think that the ones that are going to make it, and hopefully they all make it, but the ones that are going to make it are the ones that are going to take to heart like, "Yes, they're holding me to a high standard, but that's because I'm capable of meeting this high standard, and I want to be an elite lawyer, and this is what it's going to take to be an elite lawyer," which isn't just working long hours, it's doing things right, and double-checking, and going the extra mile, and it's not something that they necessarily teach in law schools.

Voiceover:

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 by calling (210) 941-1301 to discuss the case in detail, and see where we can add value in a partnership. And now, back to the show.

Sonia Rodriguez:

So, tell me about this balance between micromanaging, and delegation by abdication.

Michael Cowen:

Well, that's something that I have struggled with for a long time. So, I used to try, because I hated doing all this management stuff. So, I did what I called delegation by abdication. I just found someone saying, "You manage this for me, I'm going to stay out of the way, just deal with it." That's never worked very well for me. Maybe if I found the absolute perfect person by luck, but unfortunately, that person's not going to be psychic and do things exactly the way I wanted it, not necessarily create the culture that I need, or that I want to have the kind of practice I want and the kind of life I want. At the same time, when you micromanage too much, then you really diminish your people, because they don't learn to make decisions for themselves, they don't learn to get creative themselves. They always come to you for every little solution, and they get frozen, and you become a bottleneck in things.

And so, what is the balance there? I mean, how do you have high standards, but not sit there and say, "Okay, well you need to use this exact type?" Well, actually, we say exact typeface. Let me find a better example, just "You have to ask these exact questions in every deposition, and you have to use these exact interrogatories no matter what, and let me read before you send them out," as opposed to "Make sure your interrogatories cover these things. Make sure you cover these things in the depo, but be creative. If something else comes up, go for it." And so, I think it's just the difference between just not having any standards at all, and having your standards be so detailed, there's no room for growth or creativity, it's that balance, we're trying to do it. I'm still struggling with it, to be honest with you, but I think the best thing to do is just hold some just general high standards, and then talk to people about when they're not meeting them, but realize that different people are going to get there different ways.

Sonia Rodriguez:

Your choices on management have kind of adjusted based on your taking lots of different personality tests on your own of yourself, and learning a lot about what motivates you, and what kind of parameters work best for you, and then recognizing that not everybody works well with those exact same parameters.

Michael Cowen:

I think that's been the biggest thing for me, is just learning that not everybody's brain works like mine. And so, things that work really well for me aren't going to work well for others. And so, I am becoming more and more... I never did this before, but more and more of a believer in taking some of these kind of personality and working type tests, and they're not pass/fail tests, it's just more like what works for different people, and making sure you get a team that's got... Between a team that's going to have everything you need to get a project from start to finish, and then learning that different people need to be managed different ways.

I mean, people always ask me, "Do you have any outlines for a deposition?" I'm like, "Yeah, but they're not going to do you any good," because they have a topic, they have quotes from documents. I know exactly what they bring me to, but they're not very useful for someone else, whereas other people I know, they have to go write out all their questions. And I used to tell people, "Don't do that. Don't write out the questions. Here's all the reasons not to," but I realize some people's brain works like that. They get nervous, they need to have that script to go on, and it doesn't mean that they don't listen to things and ask things that aren't on their list, but they need that list of questions, whereas for me, I'd get bored asking a list of questions. I need to have a list of topics to cover, and a list of gets that I need to get.

Sonia Rodriguez:

But that's also true when running a healthy law firm. I have a paralegal who I want to insist keep a list of things that she needs to get accomplished in this certain timeframe, and she insists that those lists don't work for her. I mean, she's a grown woman and she's got a system, and there's a certain amount of delegation that I have to be comfortable with that she'll get the job done, but just because I want her to make a list and a chart doesn't mean that's going to work for her, and so, we've had to figure that out the hard way.

Michael Cowen:

Oh, I want everything to be paperless. I like being paperless. We have a lawyer that wants to print things out, she just says, "I'm not comfortable unless I can print it and have it physically in front of me," and then I remember it and I'm looking like, "Okay, we're not spending that much on paper, and she's having incredible success on our cases. She's bringing in a ton of money, she's got happy clients, it's working. She can print out her stuff." I don't mind, as long as say you gets someone to enter in what she's done in the computer, whether she does it herself, as long as it gets in there and I can go look at in our [inaudible 00:33:39] system and see what she's done, how she gets it done is okay.

As long as we meet the standards of are you having your file reviews and documenting them? Are you getting your lawsuits filed? Are you getting your depositions set? Are you getting your trials set? Those kind of things, those are big standards that we do insist on, but the trying to micromanage every little step like, "You need to send this letter on this day and this letter on that day," I'm backing off some, because it does diminish people.

Sonia Rodriguez:

So, talk a little bit about your ability to get buy-in for some of these standards, and I think it's pretty darn rare in a personal injury firm to have the entire team committed and actually doing 30 day reviews of their files, 30 day client status updates. I mean, that's super impressive to me, I'm really proud of it. I think it's something that makes me proud of our firm, but it was a lot of trial and error on your part to get the right team to buy in on that.

Michael Cowen:

It was. So, consistency is a lot of it, and again, it's like I said, letting people know that this is how we're going to do it, and there are some things, exactly like whether you do all your file reviews the same day, or whether you're going to space them out and do three here or four there, what day of the week you're going to have them, I'm not going to micromanage you on that, but I am going to hold you to a standard that you have to do it, and it's just not negotiable, and I have to stick with it and stick with it, and we have to measure it, and we have to meet on it regularly, and call you out if you don't do it. And in fact, we actually call people out at the attorney meeting in front of everybody else if they don't do it, and we do it nicely, but say, "Hey, why don't you get this done?" Because we need to show everybody that this is important, that this is a big deal, and no one believes you when you first say it.

They say they believe you, but if you say, "Yeah, we're going to implement this new thing," everyone's going to wait to see, "Ah, are you really going to implement it?" And they're going to come up with the, "Yeah, I know I had my file reviews, but I had this big depo coming up," or "I had this big hearing coming up," and you have to be ready to go back with them, "Okay, well, do you want to call the client or call the referring lawyer, and let them know that we didn't have time to work on their case this month?" I mean, how would you feel if your lawyer told you that they didn't have time to work on your case this month, or next month, or the month after that? Because it then will start growing. There's always going to be a crisis. There's always an emergency in law, and if you don't purposely block off time to make sure things don't fall between the cracks, those emergencies will eat up your practice. The whirlwind will sweep you up.

Sonia Rodriguez:

I think also, Michael, there's a maturity of recognizing those folks who are not going to buy into the standards and the processes, and just knowing that they're not a good fit, and maybe they're going to be perfectly great lawyers, but somewhere else.

Michael Cowen:

And there are people that have left our firm because they worked somewhere else for a long time without doing those things, and they did fine, and they don't feel like they need to do those things, and that's fine. And then I think some of them are very successful at other firms, it's they can't work for me, and that's just what it is. And so, you want buy-in, you don't want to work from threats. You want to let them know you care about them, you want to let them know that you want to help them, "This is for my good and for your good," but at the same time, you have to be firm enough, "But this is not negotiable. I mean if you want to work here, you're going to do these 10 things we have at our firm, and if you don't do those 10 things, you can't work here."

Sonia Rodriguez:

One of the things I learned about myself was despite having a very dominant personality, I would think I was the kind of person who would resist these kinds of rules, but apparently, rules that make sense to me, I'm eager to follow. So, if you give me a set of rules and I buy into them and I believe they work, and I believe that they're important, I will gladly do them, even though I have a dominant personality. But doing these personality tests that we've done in the office have been so helpful, not just for me understanding what motivates me, but also figuring out ways to motivate my own team.

Michael Cowen:

And I actually motivate differently, because I naturally resist rules. I don't like following rules, even my own rules. And so, for me, it's just having to remind myself, "Look, if I want to be a good leader, I have to

follow the same rules that I'm holding everyone else accountable to," and just making myself do it, and frankly, having to put myself up on the spotlight where if I don't meet something, I have to let everyone know that I failed too. And that keeps me doing it, because obviously, if you have a rule that everyone has to follow but me, if it's a case-related rule, I mean, then that becomes hypocrisy. So, "Michael doesn't have to follow these rules in his cases, but I do on mine," that doesn't work.

Sonia Rodriguez:

From listening to us talk for the last 30 minutes about the law firm practice, it would sound like we spend a lot of time on the management of the firm, and not so much time on the practice of law, but that's not true. I mean, how do we balance keeping a healthy law firm running, while also being highly, highly successful in the actual practice of law? What's the balance?

Michael Cowen:

Yeah. Well, I think it depends on which one of us we're talking about, because I think you get to spend a lot more time doing the fun part, which is practicing law. I am currently spending a lot more time on the business than I want to, and that is because I'm trying to make some things better. I'm trying to, I'll talk about it in a minute, hire some more people to help me do the things that I don't like doing, that I'm not as good at doing, so I can free myself up to practice law more, and maybe supervise people a little less, or a lot less, but finding that balance of how to do it and who to do it. Unfortunately, right now, I'm probably doing 60% business and 40% law. I'd like to get it more like 80% law and 20% business. I don't know if that'll ever happen, but I enjoy the law part a lot more than I enjoy the business part.

Sonia Rodriguez:

How did you figure out what it is in the business part that you're bad at? How do you realize that you're bad at it?

Michael Cowen:

Well, I think a lot of it has to do is if I dread it, if I procrastinate doing it. I used to feel really bad about myself for procrastination, and I read somewhere that procrastination is just your mind's way of letting you know, "This is something someone else should be doing." The things that I put off doing are things I probably shouldn't be doing myself.

And so, it's really important that I meet with my lawyers on a regular... We do it monthly, and we call them attorney development meetings and we go over a bunch of things every month. We go over metrics, we go over generally, "How you're doing, what's the big goal you have? How are we moving to the goal? Let's talk about your biggest cases, and what we can do to make them better. Let's talk about your worst cases, and did we make an intake mistake? Is this a case we need to wrap up? How do we get out of the worst cases, by either settlement, or just suck it up and trying them?" Or maybe even saying, "Look, we shouldn't have taken this case, and we know now someone lied to us and tricked us into it, and we're going to get out of it."

I always feel just drained, like if I have three or four of those meetings in a day, I'm absolutely drained at the end, whereas if I'm working 12 hour day on case stuff, I'm energetic and feel great when I get home. So, that's where I know where my geniuses are, just on the things that I procrastinate, the things that drain me when I do them, but then I have to see is there a way to delegate this? And I think some things there is, like the follow-up after. I meet with lawyers to make sure they're doing it, I think I can delegate that to someone else.

The actual brainstorming, I can't, but the brainstorming stuff I like, and part of it, the one-on-one, creating the relationship, having conversations about how things are going, what you're doing great, where you can improve, even though those drain me, I have to do them, because I either need to suck it up and do that stuff, or I need to go work for someone else, because it's not fair to the lawyers at the firm that I don't give them that. They need it, the firm needs it, and so, sometimes you just have to do things, even if you don't like doing them, but I don't want that to be 50% of my time doing those kind of things either.

Sonia Rodriguez:

Well, the other reality is you practice law and you like practicing law, and you want to do more of what you love. I mean, and you're good at it, so it doesn't help anybody if you're not prioritizing the actual practice of law.

Michael Cowen:

Yeah, it's funny, I can work a 12 hour day in trial and I go to sleep happy, and wake up the next morning wanting to do it again, but I can spend a six hour day in meetings where I'm having to supervise and exercise radical candor with people, and I am absolutely drained. I am absolutely done at the end of that six hours. It's crazy.

Sonia Rodriguez:

I think some of the most dysfunctional law practices I've seen from lawyers that we know, are folks who just are averse to having those difficult conversations with their staff, with clients. I mean, it comes from just being emotionally resistant to those difficult conversations.

Michael Cowen:

Every crisis I've had, every ugly breakup with another lawyer at the firm, or someone leaving, or partnership breakups has been preceded by one or more years of not having radical candor, of knowing there's a problem, not addressing it before it got out of hand, and letting it blow up. Now, sometimes the earlier conversations would've ended up ending a relationship much earlier. I'm not saying that radical candor is always going to solve the problem, because sometimes it's going to be, "Hey, this doesn't work for me," and someone else says, "Well, your way doesn't work for me," and then you have to say, "Well, let's stay friends and move on," but it sure beats letting things get out of hand where it gets ugly.

Sonia Rodriguez:

Yeah, or you're resenting things for years and years. One of the things that you have committed to doing to help solve some of these issues is look at engaging people for 2023. 2023, [inaudible 00:43:20].

Michael Cowen:

Right?

Sonia Rodriguez:

Right around the corner. So, what are we doing?

Michael Cowen:

Well, I'm looking at two things. One, I'm looking to hire a chief galvanizing officer, and it's a different title, because I wanted the title to specify exactly what I wanted, and what I really need is someone to help develop my lawyers as leaders, someone to go double-check the metrics, and have some of the accountability meetings with the lawyers, and let me do more of the high level case type stuff, as well as the personal stuff, some of the big picture development stuff, and have someone else to talk about the other intermediate stuff, and help them learn to be better leaders of their teams.

So, we're actively recruiting for that. I mean, I'm looking for someone that's either managed other professionals, or maybe been an executive coach. I don't know. We're going to work real hard at trying to find the right person for that position, but I think that will hopefully free me up to continue to lead, but also to practice law and I guess lead more and manage less, if that makes sense, and let someone else do the management and the coaching. Because I find I'm a good teacher, but a bad coach, which is I can tell you how to do something, but to sit there and watch you do it, and explain, "No, you can improve here, you could've done this better," it's not my gift, and there are people that have that gift. So, I'm going to find someone that has that.

And the other thing I just need is I need a true chief financial officer. I mean, we hire people that are, I call them bookkeepers, they don't have an accounting degree, they do the data entry, and then our CPA goes in and double-checks things for them, but I'm finding that the CPA, they think about tax stuff. So, as long as it doesn't affect our taxes, it doesn't matter to them, but I really need someone to help me with budgeting, with double-checking. They do stupid things, like the CPA, I was so mad, and this happened years ago, but we wrote a check for referral fee to somebody for a hundred and something thousand dollars, like 116,000 in change. Well, I don't know which banks made an error, but somehow, in our bank statement, the bank only took out 16,000. They didn't take \$116,000 out of the bank, and they just made a book entry accounting error, and they put another a hundred thousand into our account as a book entry, saying the check only clear for that much. Didn't tell me, didn't [inaudible 00:45:29] anybody.

I guess my co-counsel, or referring lawyer, they didn't have great accounting either, because they didn't notice when they reconciled their bank statements, if they even did, that the bank credited them with \$100,000 less. And so, I'm going through my books, I see some things aren't matching up, I'm digging through, I'm like, "Wait a minute, what happened to this \$100,000?" And it turns out it's been sitting there for five years. And so, luckily for my referring lawyer, because he should've caught this, but I'm an honest guy, and I just signed a check for \$100,000, so I get that money out of my trust account into his bank account, and so, he's going to have a better Christmas year, but I need someone to do all that. I shouldn't be having to go-

Sonia Rodriguez:

Surprise.

Michael Cowen:

.... through QuickBooks and audit things. I mean, I want someone, just every month check, is there any client that has money still in IOLTA? Sometimes you have money in IOLTA because you're disputing the medical bill, or you've collected someone's PIP funds or med pay funds, and you're waiting until the case settles before you disperse them, or you're holding back because there's a lien or something. And that's fine, and you know that, although even then, you should check in with a lawyer every so often to make sure, "Hey, is anything happening on this? Is there anything we need to do on this, to make sure we don't forget about it?"

But sometimes, you're looking for as many double-checked things as we have in place. I mean, before we sign IOLTA checks, you're supposed to run reports and make sure that everything zeros out. There's

always a possibility that someone makes some mistakes. Same for case expenses. When we settle a case, the case expenses are supposed to zero out. Well, sometimes someone makes a math mistake, and it doesn't zero out. Sometimes a bill comes in later, and it gets entered in as a case expense, even when the case is already resolved. Well, that all needs to get written off. Someone needs to be keeping an eye on that. So, just every month or every quarter, whatever it is, run audit reports. Why should I be doing that, as the law firm owner? That doesn't energize me. But so, I need to get someone that can do that, and then help us with budgeting and looking at profit and loss by team, not just as a firm, as a whole, and just kind of being able to do more of the reporting and stuff like that, to let us make better data-driven decisions about our firm.

Sonia Rodriguez:

But that takes a lot though, Michael, just getting to the point in your career where you're like, "I'm going to let this go, and hire somebody else to do it." So, what kind of emotional decisions do you have to do to flip the switch? Because I know for years, you were resistant to having somebody get into the weeds on the numbers and the books, and almost out of, I don't want to speak for you, but not wanting to let that go was a big deal.

Michael Cowen:

Well, part of it is every time I've let it go, I've been burned. I mean, we hired somebody that had an accounting degree once and he just totally messed a bunch of stuff up, and then it took lots and lots of hours and dollars with our CPA to go in there and audit everything, and clean up all those mistakes. And so, when I let go, I mean, sometimes you have to double suck it up before it gets better. And so, part of it is I'm going to have to, for a period of time, dive into what I don't like, so that I can help the new person create systems and standards, and find a way for me to double-check and make sure they're doing the job, because I can't just abdicate and say, "Hey, I hired a CFO. You take over everything." I still have to let them know what I want done, what the standard is, double-check to make sure they're doing it right, or get someone else to double-check to make sure they're doing it.

And so, sometimes it has to get a little worse before it gets better, same with the chief galvanizing officer. I mean, at first, that person and I are both going to have to do all these meetings together until I can start having that person start doing them without me, because if not, that person will have no idea what's important and what's not, and how to address things. And so, once I let it go, there's so much hope on the horizon for me because I know that I'm going to be able to spend more of my time practicing law and doing the fun things, and less time stuck on this administrative stuff, but then there's a bit of trepidation, because what the other person doesn't do it right? But overall, I mean, the benefits outweigh the risks, and so, we're going to go with it and hopefully, it's going to work out.

Sonia Rodriguez:

I think it will. I think it's really refreshing that you're going to commit for the new year of getting some of these tasks that you don't love doing delegated to people who have that in their wheelhouse as their working genius. There's somebody out there who loves doing all of the stuff you hate doing, and those are the folks we need to bring in.

Michael Cowen:

And I think that's the main reason I like growing the law firm. I mean, you and I have talked before, like we could probably make as much or even a little bit more money if we had a smaller firm or were just super picky on the cases we took, but then one, we'd have to do things that we don't like doing, we

wouldn't be able to delegate, and then two, when you have non-lawyers that work for you, you need a path to them if you want to keep them, and some positions, there's not going to be a path for them. I mean, you're going to grow as far as you can grow in that position, and then if they outgrow the position, and some people do.

I mean, you hire someone young, let's say as a marketing assistant, and they just grow beyond being able to be happy running marketing for a 30 something person firm. They want to go find something better, and you need to mentally celebrate that, hey, this person has grown. Unfortunately, it means we got to start from square one and find someone else, but that's what it is. But to the extent possible, if you can find a path for growth to keep people, it's a good thing to do because you keep good people, but to do that, you need the organization to keep growing.

And so, I don't know, I'm re-embracing this growth mindset, and I think the other thing is I get joy from watching people grow. We were out celebrating another one of our lawyers who just hit a big financial goal. I guess she'll know it by the time this comes out, is about to be named partner. She doesn't know that yet, but she will hopefully by December when this comes out, and it's great to see those people develop and get better, and the non-lawyers too, and see them come into themselves, and it's awesome, and you can't do that as a solo. So, for me, the benefits of running the law firm, well beyond the financial of the joy I get through seeing development, and just the freedom I get to be able to do with the stuff I want to do, and hire the people to do the stuff I don't like doing is totally worth it.

Sonia Rodriguez:

Right, and having the right team and the right mindset of team members is critical, and I think we're committed to growing the firm with people who have the same goals, or can appreciate the goals that we have. And so, part of that is when you're hiring, I understand that we have all kinds of quizzes and tests to make sure people will be able to work well in our environment.

Michael Cowen:

Yeah, and also to make sure they're the right fit for the job. So, for example, Patrick Lencioni has this Working Genius model, and one of the things that he tests, one of the possible geniuses you can have is galvanizing, which is you get joy through developing others and coaching other people up. Well, if you want to be my chief galvanizing officer, you're going to have that as one of your working geniuses. If that's something that you don't naturally do that doesn't bring you joy, that's not the right job for you. Now, you may be a wonderful executive, a wonderful manager, but that particular position's not right for you.

Whereas if you want to be my assistant, you need to have tenacity and enablement. You need to be able to take my vision and complete things, and do the things I'm not good at, and the things that I'm weak at. And so, finding teams that complement each other and using some of these workplace assessments to help, they're not perfect, but to help get a better feel for what kind of person you have. But I will tell you that when we've ignored the workplace assessments because we've been desperate to hire somebody, it almost never works out.

Sonia Rodriguez:

That's true. It's true. It is absolutely true, and like you've said, there are some strengths that you need your financial officer to have, and creativity and vision is probably not one of them. They need to be-

Michael Cowen:

Yeah, exactly.

Sonia Rodriguez:

... tenacious and focused on other things.

Michael Cowen:

Exactly. Well, Sonia, thank you so much for talking about this stuff. It's always fun to talk about the business. It's more fun to talk about the law, but I think it's important to talk about the business, especially at this time of year when we're finishing up the year. We've had a great year, but we want to have another good year next year, and to do that, we've got to keep the business healthy, keep ourselves healthy, and I hope everyone has a wonderful holidays, and I hope you all have had a great 2022, and an even more fabulous 2023.

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