

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 affirm 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 onto.

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 excited that Tom Kherkher, known as Attorney Tom on social media is joining us. How you doing today, Tom?

Tom Kherkher:

Hey Michael, good to see you. Yeah, I'm excited to be here. I'm a longtime listener of Trial Lawyer Nation.

Michael Cowen:

Well, I'm excited to have you on frankly and selfishly because I want to learn from you. For those of you who don't know who Attorney Tom is, you're probably one of the, I guess, top attorneys in the social media game and one of the only people I know that actually gets cases from social media.

Tom Kherkher:

Yeah, that's a great comment. We talked a little bit before the recording. There is a lot of misconception about social media. I think a lot of people chase it because they think it's this shiny object, but in reality the amount of cases that come from it are far fewer than what people think. Now with that said, I am optimistic that there are cases to be got from social media and I think as the generation that grew up with social media, the younger people become the primary actors in the workforce, there will be even more cases to be got from it, but certainly it's not all that it's cracked up to be.

I see some lawyers that kind of preach this gospel and I, not to sound egotistical, but I literally get a hundred times the engagement that they do and I see what they're projecting and it's not true. But yes, last year in 2022, I was the most watched plaintiff's lawyer and actually the most watched lawyer in general on Facebook. I did roughly 500 million minutes of watch time on YouTube. We did roughly 270 million views. And those are really the two platforms that I care about, Facebook and YouTube. I do have a TikTok following as well, but I think I can explain why that is worthless to me.

Michael Cowen:

Before we dive in, I don't want to forget to give a shout-out to our sponsor LawPods. If you have a podcast and you want to make it really easy, you can go call LawPods. They make my job so easy because all I have to do is talk to people, great people like you, and ask questions about what I'm interested in. They handle all the production, they handle all the distribution, the editing and everything else, so just want to give a shout-out to LawPods and then we can get back into this. Sorry about that, I got to pay the bills. I'm just kidding this, I don't pay my bills by podcast ads.

Tom Kherkher:

Oh, I get it. Hey, you're preaching to the choir. I pay my entire OpEx of my law firm is paid by my social media.

Michael Cowen:

Oh wow. So Tom, I want to start off with just a little bit about you. How long have you been practicing law?

Tom Kherkher:

Yeah, so I graduated law school in 2018, barred shortly after that. I started up my own law firm. I actually signed a lease for an office before I even took the bar. So I was under a lot of pressure to pass the bar because if I didn't I would have had an office lease. So I started my own law firm right from the get go. Flash forward, we just completed year four going on year five. I have four offices. I have an office in Houston, Lake Charles, New Orleans, and Wilmington, North Carolina. Well, five lawyers: I have myself and Eric who's down the hall here in Houston. And then I have one lawyer at each other office and a staff of... I think we have six people or five people, because 10 people total, including myself.

Michael Cowen:

Well, what made you decide to go off on your own right away instead of working for someone else first?

Tom Kherkher:

So I grew up in the legal business. Both my parents are trial lawyers. My mom doesn't practice anymore. My dad practices. My dad is my best friend, my mentor. I wanted to do anything. I would've done anything to work for him, but he is very anti-nepotism, and he told me that he would not hire me and I would have to go earn it on my own. And I said, "Okay, well if you're not going to hire me, I'm just going to start my own firm and figure it out." And things have come full circle because since then and since the success that we've had, my father has offered to bring me on to work for him full time and in my own thing, but now the math doesn't quite work because we've found our little niche and it's producing, so.

Michael Cowen:

So you get out of law school 2018, sign a lease, pass the bar, you got to get some cases now?

Tom Kherkher:

Yes, and this is my whole origin story on social media. I love this story. Lucky or fortunate or however you want to call it, but before I started my law firm, I was the guy everybody made fun of because I didn't have social media. When I was in high school, when Facebook was popular or college and Instagram was popular, I was the guy who didn't have any of these things. And when I started my own law firm, I had no money, so I decided to make videos. I made a whole bunch of videos before while I was waiting for bar results. I didn't release them because I couldn't. My whole screen name is Attorney Tom and I wasn't licensed then, but I started filming videos to get ready.

I passed the bar eight days into opening up my law firm in the spring of 2019. A little girl at a Houston Astros baseball game gets hit in the head with a line drive at a baseball game because they didn't have netting down the foul pole. It was a really tragic thing. I made a YouTube video about it that night. So the incident happened, I have a video up within probably four hours of going over the case law. There's a Supreme Court case on point, assumption of the risk, you get hit by a foul ball, SOL.

I make that video and the video gets maybe 500 or a thousand views overnight. I get a phone call the next day from the local Channel Two News. They say, "Hey Tom, we saw your YouTube video. We're running a story on this. Do you want to be the legal expert for the story on the Channel Two News?" "Absolutely happy to help." They come to my office, they interview me. That story runs at the five o'clock news and on the five o'clock news it says, "Tommy Kherkher, personal injury lawyer." At 5:45 my phone rings, "Hey Mr. Kherkher, I saw you on the Channel Two News. It said your personal injury lawyer, my 18-year-old son was just killed by an 18-wheeler."

Michael Cowen:

Oh my gosh.

Tom Kherkher:

And it was a case that flashed forward two years, a little bit over two years, we settled it for four and a half million dollars. So-

Michael Cowen:

Wow.

Tom Kherkher:

... I got this big case right off the bat, eight days into practicing law. And again, I grew up in the industry and my whole brand is catastrophic personal injury. So that's how I project myself. I really had no interest. That's why I became a lawyer, is to be a trial lawyer, to fight for the little guy. I probably have sat through 30 trials in my life before I got licensed just by being lucky enough to be grown up in a family of plaintiff's lawyers. So I just took advantage of the opportunity. So I saw that at work and I dove headfirst into content creation because I just thought if I got one of those cases a year, it will pay for itself and then something.

Michael Cowen:

Absolutely. So how did you decide what type of content to create?

Tom Kherkher:

Trial and error. Trial and error. I just created a whole bunch of content. So I started with a YouTube channel, the YouTube channel obviously immediately produced this big result. But if anybody's ever tried posting on YouTube, it's incredibly hard to grow. So I was getting 100 views, 300 views, 50 views, 1000 views per video, which is not a lot. And then this new platform came up called TikTok in early 2019. I joined it because I heard a lot of hype about it. I was the second or third lawyer to join TikTok. I immediately went from zero followers to probably 300,000 followers in maybe three months, and I was getting millions and millions and millions of views. I posted two TikToks a day for 18 months straight without missing a day, while simultaneously making YouTube videos, while simultaneously practicing law.

And then after that initial euphoric state of, "Wow, I'm getting millions and millions of views" wears off because after you post a video and it gets a million views, you think you're king of the world, but then once you do it for the 700th time, it's not a big deal. I took a step back and I said, "What do I really have to show for this?" Because my TikTok was literally getting hundreds of millions of views in a 12 month span. I grew it to 750,000 followers or whatever. Meanwhile, my YouTube channel, which was slowly growing, was producing cases fairly consistently left and right. I made a video on my YouTube channel that is a terrible video. It's an hour and 15 minutes long and I went through the public trial exhibits of the Roundup trial. When Brent Wisner got his big verdict, all those exhibits were made public. So I literally just made a YouTube video and I went through the slides of the defense and Brent, and it's a really, really boring video.

It's made terribly, it was filmed on a webcam, the audio's bad. It had maybe 400 or 500 views, it probably still only has 400 or 500 views. But if you're somebody who's going to watch a poorly made video for an hour and 15 minutes, you probably are somebody who's affected by this particular issue. So I think from that video, I got seven or eight roundup cases from, so it's things like that. You can either get hundreds of millions of videos that are worthless or you can get a thousand views that are worth something. So really the last 24 months, my sole focus has been on long form video content, YouTube and Facebook primarily, which I think have exponentially better benefits than the short form content.

Michael Cowen:

What do you mean by long form content?

Tom Kherkher:

Sure. So long form content is eight to 12 minutes long at least, so at least eight minutes long. You probably don't want to go past 12 minutes unless you have a very highly produced piece. The opposite of long form content is short form content, which is your TikToks, your Instagram Reels, the things that maybe you associate with social media. Those are 15 seconds to a minute-long videos, and they are

controlled solely by the algorithm. And what I mean by that is if you scroll through TikTok or whatever, and I'll mute it, but if you scroll through TikTok, even if you follow somebody, it doesn't mean anything because the algorithm decides what to show people. So I could have, and I do have 712,000 followers right now on TikTok, but I can make a video and nobody sees it if the algorithm decides to shut me off. So I could go on for hours about why short form content is ineffective, at least right now.

Michael Cowen:

Oh, that's a big question. Have you made any money off all the hundreds of millions of TikTok views?

Tom Kherkher:

No. No. The only case study where it was semi relevant for me was when the Travis Scott concert happened, it happened about two football fields away from my house. I made a video about it, it got a bunch of traction. There were some people who had inquiries about that particular case just because it was a lot of Gen Z in the affected. But in hindsight, that's a very rare instance. And for the amount of views, the hundreds of millions of views I've gotten over the past few years, it's definitely not a positive ROI.

Michael Cowen:

Why is it that the long form content, the YouTube, the Facebook you think converts better, turns into cases better than like the short form TikTok?

Tom Kherkher:

I think it all has to do with brand recognition. The average person on a TikTok lifespan watches anywhere between 40 and 60 videos. So they're just mindlessly scrolling, swipe up, swipe up, swipe up. So even if they watch your video and engage with your video, they're not going to remember who you are. I couldn't name 10 people that I follow on TikTok that I follow just for TikTokers. Meanwhile, YouTube and Facebook, they're not algorithm dependent in a sense. What makes them good, makes them bad. What makes it bad is it's extremely hard to grow on these platforms because there's such a limited availability of being recommended by this algorithm and expanding to your new audience.

But once people find your content and it, they will come back and watch that video again and again and again. Not watch the video again and again, they'll come back and watch you again and again and again. And if you have somebody's attention for eight to 12 minutes, well, that's real attention, that's brand recognition. I get stopped when I go to the computer store or when I'm eating. I get stopped all the time. I'm some people's favorite YouTubers and YouTubers are kind of like mini celebrities. I mean, it's a whole different ballgame and I think it has to do with just quite frankly the attention span.

Michael Cowen:

And so how do you make content that people actually want to watch?

Tom Kherkher:

That is the hard part. We spend a lot of time thinking about that. If you've ever watched any of my content, I call it edutainment. I try really to make it entertaining for people to watch. Also, I don't just harp on plaintiff's issues. Even though I'm a plaintiff's lawyer, I don't talk about personal injury. I mean, I do every once out of every 10 videos but if you watch my videos, I never once tell people, "Hey, you

should hire me. I'm doing this as an advertisement." I'm doing this legitimately to add value to people's lives.

I make a lot of videos about police interactions, about people asserting their rights or not asserting their rights or being mistaken in what their rights are. That's not an area of law that I practice, but it adds value to the people watching. So what I would tell lawyers, because I watch a lot of legal content and a lot of people come to me and ask me for advice, and all the legal content is kind of the same. It's all about how great that lawyer is, how great their firm is, how they're the best trial lawyer of all time, how they've recovered tens of millions of dollars. Nobody cares about that. If you can make content selflessly, meaning what is the person watching it going to get out and expect nothing in return? Then you're going to start getting traction.

Michael Cowen:

That makes perfect sense. Now, some of your videos are entertaining though. I mean, I watched... I actually scroll through your TikTok stuff earlier today to prepare TikTok. I discovered TikTok when I had COVID the first time and just had no attention span, and it was perfect for brain fog and when attention is bad. And being by myself for eight days and having to, it was good, but it is totally mindless. How do you make the videos actually entertaining? What are some things you do to make it fun?

Tom Kherkher:

Well, it starts out with the topic. It's got to be an entertaining topic and if you have a good topic, it doesn't necessarily mean your video's going to be successful. So then it gets down to how do you decide to present this topic. For instance, on my channel this morning, I filmed a video, it will probably be released in a few days. We play a game called Case or No Case. So we watch a certain set of facts or dumb people doing dumb things on the internet, as I often say, and it's a little bit comical. We have to curate this content that is, one, engaging, but two, not too graphic because then the social media sites will destroy the video. And we just kind of walk through it. We walk through, okay, what are the different situations? What could go wrong here? Who's responsible? Who's at fault?

You know, oftentimes fault is a spectrum. And you get engagement, "Hey, members of the audience, if you were on a jury, how much percentage of fault would you assign to party A versus party B?" So it's the little things that all add up. And keeping the video fast paced, talking fast, cutting out any dead space. Nobody wants to hear about your life tangents or offsets. Again, this is another huge mistake. Lawyers send me their videos all the time and ask for edits and the videos always start off the same. The videos start off with, "Hey, my name's Tom Kherkher. I'm a trial lawyer based out of Houston, Texas. I've recovered \$30 million in fees, or not in fees, in settlements over the past three years, blah, blah, blah, blah, blah."

They go on to their backstory. "I graduated from South Texas College of Law. I always knew I wanted to be a trial lawyer." Okay, now let's jump into the video. So you just rambled on for two minutes and people are going to click off. If you go watch one of my YouTube videos, this is how the YouTube videos start. "Hey y'all, it's Attorney Tom. In today's video we're going to be reacting to this accident. Let's jump right into it." So within eight seconds, people are already getting to why they clicked on the video. And that goes into a more deeper discussion on what the YouTube and Facebook algorithms want, which again, I could talk on that for a very long time.

Michael Cowen:

I want to hear a little bit about that just because a lot of people, I think, spend a lot of time putting up videos and then no one ever sees them.

Tom Kherkher:

Sure. Okay, this is my most favorite topic to discuss. At the end of the day, Facebook and YouTube, all they care about is making money. Okay? I used to phrase this conversation a different way, but when I'm talking to lawyers, I think money really gets people going. So all YouTube and Facebook want to do is make money, so then the question is, how do they make money? If y'all have ever clicked on a YouTube or Facebook video before, there's that little ad that runs before the video, a little commercial, sometimes it's in the middle of the video, but an ad runs during that video. The way Facebook and YouTube work, it's a rev share split, 55/45. So if that ad cost a dollar to be placed there, whoever made the video is getting 55 cents and YouTube or Facebook is making 45 cents. So all they care about is making money.

So then we work backwards. If YouTube wants to make the most amount of money, what are they going to do? They're going to promote the videos that make them the most amount of money. Now, what videos make them the most amount of money? The videos that make them the most amount of money are the videos that are watched at a higher retention rate as a percentage. And what I mean by that is, if you have a 10-minute-long video and the average person watches eight minutes of that video, YouTube will flag that video as an 80% retention video. Why is that important? Well, if somebody watches a vast majority of your video, if not all of your video, they are more likely to click on another video. And if they click on another video, YouTube gets to serve another ad, so they are making more money.

So if you make a video that is 10 minutes long and the average person only watches one minute of it, they have deep analytics that show they are unhappy with this video, which is why they clicked off. And if they are unhappy with that video, they're probably increasing the chances that they will end their session on the website, meaning that they will not be able to serve any more ads during the duration of that session. So YouTube will say, "Let's not promote this video to anybody because the limited data that we have shows that people will click off because it's a bad video and they are more likely to click off the site completely."

So when you are making a video, the only way to get recommended on Facebook and YouTube is to have a video that has a retention of probably, even though it's not confirmed, but I've gone to all the conferences and listened to all the experts, the only way to get your video suggested on Facebook or YouTube is to have a video that has a retention of at least 70%. So what that means is if it's a 10-minute video, the average person must watch at least seven minutes of it. That is really the only way to grow and I think a lot of people have hard times making 10 minute content that can get a 70% engagement rate.

Michael Cowen:

What is it you have to do, you found, to keep people watching?

Tom Kherkher:

Again, it's really just practice. It's about putting effort into the video, into the script, making sure that there's no dull moment, saving the best for last. If you and I are analyzing a case, if I go... Michael, what's your largest verdict to date?

Michael Cowen:

Jury verdict?

Tom Kherkher:

Yes.

Michael Cowen:

It's like three, seven or something like that. Yeah, settlements have done a lot better, but verdict, I think three. I can't remember the exact number. It's like three, seven, something like that.

Tom Kherkher:

Okay, so let's just say I was making a video about your trial and immediately I said the ending of it. I said, "In today's video I'm going to be sitting down with Michael Cowen, the host of Trial Lawyer Nation, a badass trial lawyer, and we're going to be talking about this case where he prevailed and he recovered \$40 million or whatever." Well, I've just given away the key piece of information. People already know what the case settled for. So it's the little things. Instead, I would phrase it like, "Hey y'all, today we're sitting down with Michael Cowen, the host of Trial Lawyer Nation, a badass trial lawyer. We're going to be going over his very controversial case that he just finished and we're going to be going in the ins and outs and stick around to the end to see what happened." Right?

Michael Cowen:

Yeah.

Tom Kherkher:

So that seems so basic and so simple, but that will keep people 30 seconds longer, a minute longer waiting to the end, and all of that helps your retention. And if your retention is well, then you're going to start getting suggested by these platforms.

Michael Cowen:

And it's the opposite of what most trial lawyers want to do, which is to brag on the result first.

Tom Kherkher:

Yeah, that's right. That's exactly right.

Michael Cowen:

Because nobody wants to hear what a badass you are, they want to learn for their own reasons because they're interested. Yeah.

Tom Kherkher:

Nobody cares. They just don't. They just don't. I mean, it all kind of sounds the same. I mean, if you go to any trial lawyer's website, you'll see great results, you'll see millions of dollars here or there. Nobody cares.

Michael Cowen:

Yeah. So one thing that I find can be a struggle for some, especially younger lawyers is the difference between content that gets views and content that converts. I think where specifically I want to go is you can be outrageous to the extent that gets a lot of views, but makes you lose your credibility. If you're really good looking, you can do a thirst trap video. If you're a guy, show off your six-pack; if you're a girl, show off whatever you're going to show off. You get a lot of people looking at that. Is that good or bad though, for your brand as a lawyer? So what are your thoughts on that?

Tom Kherkher:

Yeah, I think I may be agnostic on whether it's good or bad. I would say more accurately it's probably underutilized. So if you get hundreds of millions of views and you have nothing to show for it, well, then I would argue maybe there's something wrong with your funnel. Right?

Michael Cowen:

Right.

Tom Kherkher:

And this is a view that I've had that is evolving. If you've asked me six months ago, I was really turned off by short form content for all the reasons why we discussed and I've lived it, I've had my own personal experiences with it. But what I think a lot of people who are doing these type of videos, and I know exactly, I see them all the time, they're under the impression if I make these videos at my top of funnel, it directly leads to cases. What I would suggest to them is, okay, if you're going to make these kind of videos, that's probably fine.

Again, for the reasons that short form content is ineffective, I think people have a short attention span. So if you're making videos that are maybe goofy or losing your credibility, I don't think it's much of a hit to be honest, and that that's because people are just going to forget about you because again, the validity of short form content is non-existent in my opinion. But what you can do is use those views to get them into your funnel. So what I would tell them is, if you're making short form content without long form content, you're doing it wrong. So where I'm getting at this is the short form content should be a funnel to long form content and your long form content is probably what is going to convert the cases. So with respect to losing the credibility or the thirst traps or all of that kind of stuff, I really don't think it's that big of an issue. But I would say that if you're, I don't know, I've already said it, I don't want it to sound redundant, but again, I just think it's pointless.

Michael Cowen:

Yeah. So how much time do you spend a week, let's say, on your marketing efforts, on content creation, coming up with ideas, learning how to distribute it?

Tom Kherkher:

I film Monday mornings, 8:00 AM to probably 2:00 PM and I try to film for the entire week. So then I'm not filming anymore. I have a separate company that's my media company, it's called Attorney Tom LLC. It has three employees full-time for production and they handle all the editing, they handle everything. I don't look at videos until they're finished and live, which sometimes is a problem because I posted a video four months ago and one of the editors spelled negligence wrong. And I got roasted in the comments because they would think a personal injury lawyer should know how to spell negligence. But I try to film on Mondays, I try to block out the entire morning and then sometimes we have to go past lunch and then that frees up the rest of my week.

Now I'm kind of in a little bit of a crisis, personal crisis, identity crisis because I grew up wanting to be a trial lawyer but now that this content has really done quite well, I'm kind of transitioning to maybe focusing more on my content and doing this full time. I hired Eric, who's my COO about six months ago. He's a great lawyer, licensed in California, Missouri, and Texas. He took over six months ago to kind of run the day-to-day operations. He's really caught up to speed now. That has freed me up for a lot of things that I can now work on and a lot of projects that I can work on. So internally, even though I'm fairly

efficient with the content creation now, I'm starting to push a lot harder into it and a lot of my goals for 2023 involve more content creation and less practicing law.

Michael Cowen:

It is a tough balance because I mean I get all these marketing ideas, but I'm too busy practicing law to do that, to execute them or to execute them well. Because I think one of the least effective things is just to do things sporadically. I'm going to go put out three videos a week for four weeks and then I'm not going to do anything else for six months. And then just same for a newsletter and any kind of advertising, I think you need to be consistent.

Tom Kherkher:

Yep, that's right. It took my YouTube channel two and a half years to get the baseline partnership with YouTube. So that's 10,000 subscribers, 4,000 watch hours. And then the last two and a half years we literally went from 10,000 subscribers to half a million subscribers and an average of, I think we did 270 million views in 2022 and 230 million views in 2021. But it took a lot of time to get there and a lot of videos. I think I've made 600 8 to 12-minute videos in the last four years.

Michael Cowen:

Oh wow. Do you think there's any way to make it work with less time if someone doesn't have that kind of time, that kind of production capacity?

Tom Kherkher:

Probably not.

Michael Cowen:

And the reason I'm asking, I know people and I even try to... They'll run some TV or some billboards and it's like pouring a salt shaker into the ocean. You're not going to change the salinity of the entire ocean with a little salt shaker. With all the people spending millions or tens of millions of dollars to stay on TV or advertising, if you spend even like 200,000, no one's going to notice it and no one's going to remember you. Is it the same in social that if you're not spending enough to be right up there, it's almost just wasting your money?

Tom Kherkher:

Well, that's the beauty about social and this is a very important discussion that I'm a true believer on. There's two types of social media. There's pay to play social media, which is what you're referring to. If you give your marketing guy a hundred grand a month, spend it on Facebook AdWords or Google AdWords or Facebook Ads or whatever, then there's what I'm doing, which is organic social media. And again, I use a picture of John Morgan, I have a little presentation that I'm going to give at a Filevine Summit and I have a little picture of John Morgan just because they spend an ungodly amount of money. But let's work through this flow. If you are Facebook and you get a million dollars from John Morgan, well, Facebook needs to give out those ads in the most optimized way possible. So who are they going to place their ads on top of?

Are they going to place their ads on top of a beauty creator who's doing makeup or are they going to place their ads on top of Attorney Tom, a personal injury lawyer. My Facebook channel in 2022 made me, not cost, made me about \$600,000; a little bit under because it's that 55 45 rev share split. So if John

Morgan is paying a dollar to place an ad on my video, I'm making 55 cents. Now obviously it doesn't work in that capacity. You're probably realistically making about \$7 per every thousand views for every monetizable view because not every view is monetizable. But you're making about \$7 per every thousand monetizable views, but with that said, the conversation is deeper than that. Yes, we're making money off of it, but YouTube is going to promote my videos because they know they can serve ads on top of it.

So I am getting tons of organic growth because Facebook knows that there's no other competitor. Now the con of what I'm telling you is do I lose cases from it? Do people who are otherwise in the market to hire plaintiff's lawyer, are they watching my videos and then are they getting a John Morgan ad and hiring John Morgan? That answer is unequivocally yes. And I know it's happening and I'm okay with it happening. I know it's happening because the ad spend on my videos keeps going up, meaning I have the market. And if for whatever reason people don't want to spend ads on my videos, that's fine because then I'll just end up gobbling up the cases, so it's a win-win either way. But going back, so there's a difference between paying to play on social media and organic social media.

Now I've seen personally, my firm does run pay-to-play social media campaigns. We are invested in some mass torts, we are invested in some other litigations that I've never even made a video about and I wouldn't make a video about just because I don't advertise my services. I don't just tell people that they should hire me. With that said, online marketing can be very effective. You can get people through Facebook, through Google for a whole lot cheaper than you can if you're going to go with a television campaign or a billboard campaign. And the best part about it is once you're done with your money, it just stops. Right? You're not committed to some long form contract or anything like that. So it can be very, very effective on social media, especially if you're targeted and you have an ad buyer who knows what they're doing. We've seen some great success with some of our ad buys, but that's a completely separate conversation than the social media play because the social media play is actually a hundred percent organic and also it makes money, it doesn't lose money.

Michael Cowen:

I guess what I was trying to ask is, but to even get seen in the social media play, you have to be able to produce so much content on a regular basis that people actually want to see.

Tom Kherkher:

That's right. That is true.

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.

Michael Cowen:

So what advice would you have if someone only has, let's say they can give an hour a week to it, is it even worth doing or should they spend that hour doing something else?

Tom Kherkher:

An hour a week is probably not worth it. You probably need... I would say four hours a week is probably your minimum, and you can do things and like block it off like what I do on Mondays. You can have a set time that is your content production time, and then you can outsource a lot of the heavy lifting. For instance, for every hour of content, there's probably 10 hours of editing behind it. So you can hire editors, but at the end of the day if you're not committing four hours to making content and video idea origination, it's not going to work.

Michael Cowen:

And do you think the lawyer has to do all that? Or do you think there's people out there that can do that for you and you just show up and record?

Tom Kherkher:

It will never be as good. Trust me, I am actively even still looking for an idea person. If I had somebody who could give me ideas, I could walk in with a script that was beautiful, well done. That person just doesn't exist unless it's another lawyer. So unless you have the pockets to commit to hiring a lawyer full time for content origination, I think it's probably best if you just do it yourself.

Michael Cowen:

Yeah, I think there's a lot of people out there making a lot of money off lawyers and delivering very little for it. And I think that those people say, "Well, if you only have 30 minutes of a week, an hour, we'll do something." Then they'll show, well, you got this many views, but they don't get any cases.

Tom Kherkher:

Yeah, exactly. It's the shiny object. They're just chasing this shiny object and they have no idea what it entails. I mean, just for reference, I did 500 million minutes watched on Facebook last year. I think I probably generated under 25 cases from it for 500 million minutes watched. Now, some of them were really, really great cases. So we have a broken back from an oil rig or I guess it's not an oil rig, a broken back working on an oil pipeline in Wyoming. That's going to be a great case. That is a great case. Well, I got a kid or a father who's run over by a water truck and the kid was a longtime subscriber of mine-

Michael Cowen:

Wow.

Tom Kherkher:

... and there are a couple more commercial cases, and again, all my branding says catastrophic personal injury. I literally say in some of my videos as jokes, if you're in a fender bender and your back hurts or whatever, don't call me. That's not the kind of case that I ever envisioned. That's not why I became a lawyer. But I mean 500 million minutes and under 25 cases, that's not... You know, I see some lawyers on social media that say that they're getting hundreds of cases a month and it's just not true.

Michael Cowen:

And it's also what are the quality of what's... I mean, I tried TV advertising on my own in South Texas a little about 10 years ago and we got a lot of calls, but they were all crap. I mean, we lost money doing it and now I'm investing with someone else that knows what they're doing in New Mexico, spending a lot

more and we're getting good calls, but we're doing it right but I couldn't afford to do it right until about 20 years into my career.

Tom Kherkher:

Well, and that's the beauty for someone like me who's a small fry, my social media is a great revenue producing source. I know with my very limited small firm that I can sleep at night because I know I'm going to make X amount of dollars a month just because of the amount of views that I'm getting. Now I do have these entities completely separate. I have a media company and I have my law firm, but I'm the 100% owner of both, so it all kind of goes to me the same place. But it really does allow me to sleep at night because I know I can afford to pay my bills if the cases don't come in because I'm making money from the videos, which I think it's just a positive cycle because that incentivizes me to make more videos. I don't feel like I'm wasting my time and then every now and then a good case will come in.

Michael Cowen:

No, that's great. No, and the fact that you're actually making... I think you're the only lawyer I've ever met that actually makes money off their videos as opposed to having to pay money to get people to watch their videos.

Tom Kherkher:

It's totally possible. I mean, who I learned from is not other lawyers. I learn from social media influencers. I go to the conference, do you know who MrBeast is?

Michael Cowen:

I've heard the name, I don't know who it is, but.

Tom Kherkher:

MrBeast is a 23-year-old guy from South Carolina or maybe North Carolina. He is the most watched YouTuber on the planet. He has hundreds of millions of followers, gets tens of billions of views a year and he's a mad scientist. He puts on a conference every year in LA, for creators by creators. I've gone to it the last few years and you'd be amazed. There are 18-year old kids who are making half a million dollars a month on YouTube and it's just a totally different mentality. So that's kind of the mindset that I've adopted. I've gone for making the best videos possible and then if somebody likes me and trust me enough after watching my content to pick up the phone and call my law firm in the event something happens, that that's an added bonus. But I think for long-term content creation, especially with the amount of time and resources that we put into it, you have to have that value upfront and then you have to treat the cases as a bonus.

Michael Cowen:

Wow. You know, which is an exact opposite of what most of the social media marketing people out there are selling you on.

Tom Kherkher:

Right. That's right. They only sell you about cases. They say, "You spend X, you get X amount of cases or Y amount of cases." It's not true and it's not a good way to approach social media. I tell everybody your goal should be to make money with social media. That should be your goal because that incentivizes the

platform to push your content. So it's a workaround, it's just another way of trying to get my story out. Because originally what I tell people is, "Hey, just make the best content possible. If you make the best content possible, your content will get recommended to the algorithm or to these platforms." But that doesn't really resonate with people. So if you flip the script and you go with the money messaging, YouTube and Facebook want to make money, how do they make money? They make money by showing videos with ads on top of them. People watch more videos when they watch a videos to completion. So your whole goal should be to make good content so people watch it to completion, so YouTube and Facebook can make more money, thereby you make money and thereby Facebook and YouTube recommending your content. That's how you should think about it.

Michael Cowen:

That's awesome. Well, I've realized that I'm never going to be able to compete with you in this space, which is okay, I'm doing fine with my model, but-

Tom Kherkher:

I mean, yeah, and your model's genius too. Not everybody can do what I'm doing and I couldn't do what you're doing. I don't have the credibility you will to have this kind of podcast, and if we're breaking the fourth wall, the whole agenda of Trial Lawyer Nation is to show how much of a badass you are and to keep learning and learning in front of everybody. So someone like me, when I get a case and I'm in over my head, I pick up the phone and I call you and I say, "Hey Mike, I got a great case to refer you." Am I right?

Michael Cowen:

Yes and no. Honestly, if we're just going to, like I said, break the fourth wall and talk marketing, the podcast itself, I've gotten two or three really, really good case off the podcasts. So I mean definitely the return investment is there, but it's not... I kind of view it as the first part of our marketing funnel. So we have the podcast so people feel like they know us, that they get to... Hopefully I build credibility, I don't really try to sell on the podcast. You know, I hope to drive people in to see me speak.

We then we do our own seminar every year, The Big Rig Boot Camp, we have it coming up in June where registration's opening soon by the way. I will pitch that. And then the hope is you come, you learn from me more there, I become more of an authority. You could maybe get to know me, we talk. And then from there, frankly, we target the people. If you look like someone that gets both gets good cases and is open to the idea of teaming up with people on them, well then those people get a little extra love. Just putting a podcast out there doesn't necessarily lead to cases either and-

Tom Kherkher:

Sure, it's the whole suite.

Michael Cowen:

Yeah, it was years before the podcast led to a case and I didn't go into the podcast with an intent of getting cases. I actually did it as a lark. It just seemed like something fun to do, and I was making enough money where I could afford to spend. I mean, I spend three to four hours a month on the podcast so it's not a big time suck for me anymore, but I just love it and I'm able to talk to people like you and learn from them. But has it led to a couple really big cases? Yeah, it has.

And the other thing where I don't know how much it's helped on when I already have a relationship with somebody, but I don't necessarily have time to see them as often as I would like to. Does it keep me top of mind and make them feel like they still have a relationship with me because they hear my voice twice a month? Even though as we've grown from when I was a three or four lawyer firm and I had eight or 10 main referral sources, I could really give them a lot of attention. Now that we're an 11 lawyer firm, we've got 40 or 50 decent referral sources. What's hard is for me to go have this many lunches and dinners and drinks as I want to have, and so I think this helps with that too.

Tom Kherkher:

Right. Yeah, that's great.

Michael Cowen:

You know, it's a different medium. I think podcasts are probably a little better for B2B. I think it would be a little harder to build a podcast that non-lawyers would want to listen to enough to start sending you cases. I think the socials are probably a lot better for that. I think temperament wise, I'm probably better suited for podcasting.

Tom Kherkher:

No, I mean, it is tough. I mean, I can't tell you we get mean comments, nasty comments. We get phone calls all the time to our office. It's just part of the nature of the beast by going to the masses rather than targeted audience, which Trial Lawyer Nation is which is the trial lawyers. But I think it's great mean. To me in my mind as a young trial lawyer, wannabe trial lawyer, when I think of who are the trial lawyers, your name always comes up because I've listened to Trial Lawyer Nation. I've been listening since probably the inception.

Michael Cowen:

No, it's amazing. One thing, do you know Joe Fried not at Atlanta?

Tom Kherkher:

Yes.

Michael Cowen:

Great guy. One of the things he did I think is brilliant is that they do like a breakfast... I think it's like once a month or every so often. They invite whoever, not just their firm, but anyone in the Atlanta area who gets a big verdict, they come and talk about how they got it. And so at one point people would say, "Well, Joe, why are you spending your money to promote someone else getting a verdict at another firm?" But sooner or later the association became big verdicts in their firm, and then they're also providing value to people. And I think people want to do business with people that are... I mean, it's always what's in it for them, not what's in it for you. So the people that aren't just totally bragging about themselves, aren't just saying, "This is what I'm going to get out of you."

Tom Kherkher:

Totally. I couldn't agree more. I always say people want to do business with people that they trust. That's it.

Michael Cowen:

In fact, I've been toying with changing my marketing message instead of how much we've generated in settlements to how much we've paid out in referral fees and come at it with a go. I want to pay out 10 million in referral fees in 2024. You know, you want to be a part of it or something rather than, "Jeff, I'm always trying to think, how do you make it about the listener?"

Tom Kherkher:

Sure. I think that's a great message.

Michael Cowen:

And for podcasting, it's easy. I just assume I'm the listener and ask what interests me. So anything else that you want to cover?

Tom Kherkher:

No, no, I think that's pretty much it. Again, if I could just harp to the people listening, social media really is not all it's cracked up to be, especially from some maybe dishonest sources. I would be really skeptical of anybody who is directly making money off of you if they're selling you this social media product. Like I said, I've literally done hundreds of millions of views on probably every single major platform. I can tell you in my experience, a thousand views on a video that's eight minutes long is probably worth 50 million views on a video that's 15 seconds long. So that's really where I would focus.

I do think that there is some value in short form content and that value exclusively right now is to bring people to your long form content. So if you are exclusively doing long or short form content, you're making a mistake. You can do only long form content and get away with it, but you can't do only short form content. So I would just harp on that and don't get discouraged, you're not missing out on some crazy multi-billion dollar opportunity. I do think it is going to get only better as younger people get in the workplace and are the ones who need lawyers, but slow and steady wins the race. There's nothing wrong with committing to making two videos a week, do it for 18 months and just see where you're at.

Michael Cowen:

And I will tell you the slow and steady win the race. I mean, you've already had credible success for a five-year lawyer, but if you keep this up for 20 years and there's going to be people that have spent the last two decades thinking of you as the attorney they think of, I think that's really going to start paying dividends.

Tom Kherkher:

Yeah, that's right. I've been very fortunate, I mean we've had some great cases come in. It's definitely the lifeblood of our case generation is social media. I would say 40% of cases, 30, 35, 40% of cases come in organically without having to pay a dollar, which is just fantastic. On top of that, I have a media company that keeps my lights on and we've just been very lucky. And again, I listen to you and I listen to all of the leaders of our industry and John Morgan harps on, "You're never going to be able to compete with me." He goes, "I don't care who you are, I'm going to be able to spend more money than you. I have more resources than you."

Well, you know what John Morgan's not going to do? He's not going to spend three hours or four hours a week in front of a camera because he's already got his lifestyle, he's already made. So this is a way that I can compete with John Morgan and in fact, I look at John Morgan and all the big spenders as kind of my

boss because they're the ones spending ad money and that ad money gets placed on top of my videos because that's the best place for those ads to be objectively and they're putting money in my pocket. So it's just a way that-

Michael Cowen:

That's great.

Tom Kherkher:

... I can compete with little to no budget and it's really just sweat equity. It is just hustling.

Michael Cowen:

Yeah. Well, I'm proud of you and I will say I have an 11-year-old who really wants to be a YouTuber and content and creator. He is already got his own little channel that he does himself, but comments are horrible.

Tom Kherkher:

That's okay.

Michael Cowen:

People are cruel.

Tom Kherkher:

I think it is an extremely viable career option, I really do. I think there's only more money going into the space as people leave traditional media. It's only getting more and more popular and there is a way to do it. It is not luck. There is a science behind it. So if your son is really passionate about it, they can make it work. But yes, there will be mean comments, there will be trolls, there will be unsolicited opinions and advice and crazy people calling your office, which does happen. But if you can just fight through that and persevere and keep making content regardless, I would really encourage your child to pursue their passions.

I don't have any kids yet. I hope when I do have kids that they do want to be content creators because I just see all of my friends who are in the space, because now I'm friends with a lot of the biggest content creators in the world and I see just how much leverage and how much power they have. They can make a sock company tomorrow and that sell 500 units, 5,000 units of socks just on a whim.

Michael Cowen:

Yep. Well, I will tell you that when I talked to Jim Adler, who I grew up watching Texas Hammer commercials, my kids were not impressed. I guarantee you when I tell my Gavin, my youngest, that I talked to you and he looks you up, he's going to be very impressed.

Tom Kherkher:

Yeah, see, it's just a new generation,

Michael Cowen:

It'll give me a little credibility at home. Well, thank you so much for joining us and if anyone wants to go find you out in the world, where do they find you?

Tom Kherkher:

So you can reach me directly if you go to attorneytom.com, you can just fill out a query and I get the emails so I can respond to you. My YouTube channel's Attorney Tom, my Facebook channel's Attorney Tom. We have a... Oh, it's kind of cut off here on the thing, but we have a catchy number, 855-TOM-WINS. If you call that, probably a receptionist will pick up, not me. But there are a lot of ways to contact me. I have lawyers reach out to me all the time asking questions, even little things like what cameras should I use? What microphone should I use? I'm more than happy to help out. So yeah, just give me a call.

Michael Cowen:

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Voiceover:

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