

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, and credible.

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 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.

Speaker 10:

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:

Welcome to today's Trial Lawyer Nation. I'm here with my partner, Malorie Peacock, and we're going to talk about training. Malorie, how you doing today?

Malorie Peacock:

I'm doing good. I'm actually preparing for a deposition about training, so this is a very timely topic for me today.

Michael Cowen:

Good. And I spent a morning working in a meeting about planning trainings and I'm spending my afternoon creating a PowerPoint for a training I'm doing tomorrow, so it works well for me too. Before we dive in though, I want to thank our friends at LawPods. LawPods does such a great job. They produce this podcast, so they do the recording, all the editing. They make any little clips you might see on social media. They just make life so easy for us. You and I just have to talk and they do all the rest. So if you're thinking about doing a podcast, I highly recommend LawPods. That being said, let's talk about training then. And we're talking about training in a law firm. We're not talking about cases where people haven't trained their employees, but we're talking about actually training our employees, our coworkers. And so I guess first question is why do we have to train people?

Malorie Peacock:

There's lots of reasons to train people. So I think the first and the main reason is that nobody comes into your law firm or into this business knowing everything that you know or exactly how you want things done or exactly the best way to do things. And so you can't assume that people that come in from even another law firm know exactly how you want things done, how you want your firm to operate, and what are your best practices. So the only way for them to know is for you to teach them. Training is important for that, but sort of secondarily, but just as important is that people don't learn things just by hearing it one time in passing or doing it one time or hearing about it four years ago. You have to have ongoing reminders and written procedures and different ways that people can access information so they don't have to keep everything in their brain all of the time.

Michael Cowen:

Absolutely. I've been looking and looking for psychic employees for all these years and I have not found any yet. It's really annoying.

Malorie Peacock:

Yeah.

Michael Cowen:

And people, they just don't do things the way I want them to do unless I'm very, very clear about it and then tell them and then remind them and then check to see if they're doing it or not and then remind them again because then they forget or they slip and start doing it in a different way. It doesn't mean you're micromanaging, but on big things, you want to have training.

Malorie Peacock:

Yeah. And I think there's a couple components to training. So I think when people think of training, they think of sitting in a classroom type setting, watching a video or something like that. But there's all kinds of training and ways to train and things that are considered training that can be fun, but they're also ways to develop your team. And the first kind of obvious training thing is to have everything written down in a procedures or a policy manual or something like that. I don't think that's that interesting to people on this podcast, but that's kind of where it starts is writing everything down.

Michael Cowen:

And I want to talk about that because I say write everything down, but you can't write everything down. There are too many things. So I think you have to really go and look at where do I get the most bang for the buck? And if I can pick the most important things that if something goes wrong, something bad's

going to happen or it's complicated, and then write down or even better make a little Loom video showing how to do it. Like one thing. What's the most important thing? Let's say you have your first employee and you've always done your own electronic filing, and you want to make sure someone can file a lawsuit, because it's got to get filed and you don't want to miss the statute of limitations, you want to make sure that summons and citation get issued and people get served.

So you might want to either write or film away, "This is how you e-file." And then you have to show it to them and make sure they understand it and then watch them do it and double check. But that's what you do. But if you wait till you have every single procedure written down, you'll never ever finish, and it'll never get done. Because we've tried. We've tried writing everything down.

Malorie Peacock:

Yeah.

Michael Cowen:

And we've worked on it for years and it's never gotten done. And by the time we get 80% done, we had a meeting, I was so proud because we had what I thought were final written procedures on some pretty basic things. And Brad, who's our Chief Galvanizing Officer who's awesome, he put the first 10 procedures into a program called Trainual, which is an online training platform. And I'm showing off at our management meeting like, "Look what Brett did. It's so awesome." And very first what I show you say, "We haven't done it that way in three years. That's from before we went to Filevine."

Malorie Peacock:

Right.

Michael Cowen:

I'm like, "Oh crap." I didn't know that we hadn't updated our procedure in over three years. I was told by somebody that these were all up to date. But we had done all the work to do it, but then we had changed, and the procedure hadn't. So I think there's a danger in trying to get it all done first and then start training. I think it's a really important thing is to pick where you really need the training most and start there.

Malorie Peacock:

Yeah, I think that's why there's a lot of law firms out there that don't have any procedures, don't have any manuals, is because it feels so overwhelming to get it done. But we are now here giving you permission to do it one step at a time. Just start with one procedure, just do one, and write that down and see how it feels. You don't have to have it all done and you don't have to do it all at once. And it's hard to do it all at once, especially if you're kind of one of these law firm owner-operator, you're doing everything and you have just three or four employees or two or three or just one. It's hard to find the time to do it. But the reality is once you do it, then you don't have to be so involved in whatever that task is anymore. So really has a lot of value, but it does feel overwhelming to try to get it all done.

Michael Cowen:

It does. And as you grow, you don't need to do it all yourself. And I'll give you an example. We're doing a back to basics training, We're doing a key deadlines training, because one thing in training is you can't just train once. Some things need recurrent training and making sure that we don't miss deadlines in this

firm and that when certain motions are received that we enter the right stuff into our case management system so that we get all the proper reminders and reporting on the upcoming deadlines is super important. So we're doing remedial training on that tomorrow. I don't enter in the data into Filevine myself about when a motion got filed. I don't really even know how to do it anymore. I knew how to do it when we first came in. It's not what I do, it's not what I'm going to do, so I don't need to know how to do it.

So I teamed up with your paralegal Raina, and she was like, "Oh my gosh, I have to create all these steps. I have to do all these screenshots." I said, "No, you don't. Just look up Loom, do a Google search for Loom, and make a video of yourself doing it and just talk your way through it." And it took her 10 or 15 minutes and she created this awesome video with all the procedures. It would've taken like hours if you're going to do screenshots and show it step by step. And so now we have it on video and someone else can just watch the video and watch it more than once. And if we really had to have screenshots and a written document, we could give somebody the video and have them make screenshots from the video and write down step-by-step what she's saying. But I think the video's good enough and the most beautiful thing about it is I didn't have to do it.

Voiceover:

Yeah.

Michael Cowen:

And she actually told me afterwards, "I really enjoyed doing that. I can do that more."

Voiceover:

Good. Good.

Michael Cowen:

Because it was easy. All she had to do was do something she already knew how to do and just narrate herself doing it. She didn't have to speak in front of a group, she didn't have to spend hours making a PowerPoint. She just had to narrate herself doing her job. And some of the old books say, "Get someone to videotape you doing your job." But nowadays with Loom, with Camtasia, with these different programs, you can just go and record your screen and narrate what you're doing and it makes it just super easy to create training. Then you got to put it somewhere people can find it. That's where programs like Trainual and other online programs help. Or you can just store them in a folder somewhere, folder system on your server, or in your Dropbox or something. But you do have to have them where people can find them and go back and get them again.

Malorie Peacock:

So I think you made a really good point is that it's not just about having something written down. It's having something written where people can find it and understand it. So not only do you have it written down, but they have to be able to find it and then they have to be able to follow the instructions in some kind of way. So it can't be so specific that it's a 1000 page procedure about how to do one thing that should take you five minutes, but it can't be so general that they can't figure out what to do. So it's a little bit of a trial and error. I mean, you have to write your procedures for the people that are reading them. We have, at our office, we have procedures from everybody from the receptionist all the way to docket partner level attorneys. And the procedures are written differently for each of those positions

because someone different is reading them. So making sure tailoring them to your audience is important.

Michael Cowen:

Yeah, I think that's been some of our struggle is that we have had procedures that are too complicated and had too much detail instead of just having the big points. And I think we've also had not the best system of where do you find these? And then when they get updated, does the old one go away so you don't have two or three different versions in the folder? Or people are scared to erase anything, so you can't tell which one's which. And it can create confusion. And then you have people doing things two or three different ways, which is the exact opposite of what you're trying to do.

So I think finding someone in your office that is really good at organization, and again, it doesn't have to be you, because that is not me. Just so we're really clear, I am not the right person at our firm to do that. I'm the right person to come up with an idea of how to do something and maybe create a PowerPoint, but I'm not the right person to store it and update things and keep them revised. But there are people that are great at that and they're good at that, and you need to find those people.

Malorie Peacock:

Yeah. So I think writing stuff down is an important element of training. Having things written or in video or somewhere where it's not just all in your head or you're not walking by someone's desk someday and say, "Hey, by the way, I would like all of our documents now to have one inch margins." And then just that's the training. That's all you've ever said about it. I mean, you don't want that to be how you train your employees. One, because it's very stressful for people to get instructions while you're walking by their desk and they're doing something else. But, two, the odds of people remembering it or remembering it correctly are very low in that scenario. So that's why you want to write it down or put it in a video where they can go back to it and feel confident that, "Okay, I'm seeing it here on the paper. I'm not just trying to do it all from memory."

Michael Cowen:

Absolutely. But then once you are going to roll out your training, you've got it written down, you've got a video, you have something some people can go back for, I think you still need to present it to them. I think just saying to somebody, "Okay, here's a big thick training manual. Read this." I mean, that's not good training. That's just pretending like you're doing it so you can go blame your employee if they don't get it right. But it's not training to do it. So I think it is important for someone to actually sit there and explain to someone how to do it.

And we do a lot of lecture style at our firm, but we also do, especially the non-lawyers, a lot of like a new employee sits down with a more experienced employee, and the more experienced employee just shows them step by step, "This is how to do it. And then now if you want to go look it up later, here's where it is in the manual, but let me show you and answer any questions you have." And so step one is like, "I'm going to show you how to do it." Step two, which is really hard to do because you have to take the time, step two is, "I'm going to watch you do it and coach you until you can get it right." And then step three is, "I'm going to let you do it, and then I'm going to go back and check to see if you've got it right."

And you need to do all three steps before you just let someone fly. And I think that's another, I know we've slipped on that a lot. We just kind of tell somebody once and we don't do the rest of it. But I think that's so important. And like I said, there are times when formal training, like classroom style, get up, present a PowerPoint, give a lecture, is appropriate. But I also think the sitting down with somebody and showing them how to do it one-on-one is also a great way to train.

Malorie Peacock:

Yeah. It all depends on what you're trying to teach about. I mean, if you're teaching about how to enter data into a computer system, lecturing about that is not very effective.

Michael Cowen:

Right.

Malorie Peacock:

Because people need to see it with their own eyes, be doing the movements with their hands and the mouse, and seeing how to do it live, and then doing it themselves. But a lecture style makes more sense if you are talking about where are we going to find FOIA documents or I mean something like that where it's more generic, it's more broad, it's more of a, "Here's some of the resources I've found. Here's how I find resources." Inspiring people to go find their own resources. So that's more of a lecture style training.

But I think both have a role and both are really important. And we do have our employees, new employees, we call it shadowing, shadow someone that can teach them how to do their job. So if we have a new receptionist coming in, the new receptionist will shadow for a week or two weeks or depending on how comfortable they feel with the job before they're kind of set off on their own. But then they always have that person that they shadowed to go back to if something new comes up and they can say, "Oh, hey, this new thing came up. Can you help me figure out what to do here?" So we do that with the receptionist, we do it with new paralegals, we do it with new people in accounting. And we do a form of shadowing with lawyers. It's a little bit different because lawyers aren't doing so much data entry and things like that, but watching doing depositions, watching you do a deposition, coaching you through it, and then sending you off on your own.

Michael Cowen:

Yeah, we're doing that right now with associates. They watch one of us take or defend a deposition, then one of us sits with them while they take or defend a deposition, and then when we feel like they're ready, then you send them off on their own and then you go look at the transcript afterwards to coach them, or look at the video afterwards to coach them. And it's time-consuming. You so wish you could, "Well, it's a lawyer, they have a degree or they have experience. Just let them run with it." But if you don't do it, you can find that someone may have, let's say 18, 20, years experience, but 18 years of doing it a different way and not your way. And I think it's really important to stay on board. And maybe you learn something new from them and you improve your way. It doesn't mean we're always right, but I think you need to know and they need to know the way you want it. They're not going to be able to read your mind.

Malorie Peacock:

Yeah. I agree. I think getting out of the idea of your employees cannot read your mind, I think that's the message I want people to take from this. Your employees cannot read your mind. Please help them.

Michael Cowen:

Yeah. And they need to repeat it. I can't remember what it was, I mean, there was something that I got all mad about and I'm like, "Malorie, I distinctly remember we had a meeting, I brought everybody in, I told them to never do this again. This is what we're going to do it." And you said, "Michael, that was seven years ago. Most of the people in this room that you're mad at were not here seven years ago at

the firm." Like, "Oh, okay, you're right." But we forget. I mean, time just starts going by and people forget things. Even if they were there for the training, if you told them seven years ago, they're not going to remember what it was seven years ago. So I think the training and then the retraining is so important.

Malorie Peacock:

To that point, the reason that retraining is also so important is because people don't necessarily know what they don't know. So they might be doing it wrong, and they might've been doing it wrong for seven years at this firm and not even know that they're doing it wrong. So they don't know to come to you ask how to do it right, because it doesn't even occur to them that they're not doing it correctly. Taking some of the onus off of the employee to come to you and say, "Hey, I need this training," or "Hey, I don't know how to do this," a lot of times think they're doing it right. They're not trying to purposefully mess it up.

Michael Cowen:

And sometimes they're doing it in a way that gets a result that's acceptable, but it takes them 10 times as much time and effort because doing it the hard way. Whereas if we could diagnose and train, we could make their lives easier and make them more efficient.

Malorie Peacock:

Right, right. So I think this kind of leads me to the next sort of talking point, which is how do you decide, one, what training do people need? And then, two, what do they need to be retrained on? There's so many different kinds of things that we teach employees about here. And just for the listeners that are kind of new to our podcast, I know Michael and I have talked about this before, but we have Friday trainings every Friday. So it's a commitment we've made to the firm and to the employees here that there's something called a lunch and learn for any kind of training, any kind of employee, any kind of position, there's a topic that's relevant to more than just the lawyers. And then we have a 3:00 Friday training that's more geared towards lawyers or paralegals and legal assistants, more litigation style training. So every Friday we've made a commitment to do some kind of basically two trainings, but training for everybody at the firm.

Michael Cowen:

And it's a lot of work. And we have been tempted many times to back off of that. I mean people volunteer to be on the lunch and learn committee because I don't have much involvement in that personally. I'm very involved in the lawyer training. I'm not as involved in the file clerk and receptionist training. The lunch and learn committee says, "Well, we're out of ideas. Can we do two a month instead of one a week?" And my response is usually what?

Malorie Peacock:

Always say no, yeah.

Michael Cowen:

Yeah. I think I say, "Is everyone doing their job perfectly? Is there no room for improvement at this firm?" And I've never had anyone tell me there is no room for improvement at this firm. Don't know what those things are, then we need new people on the committee. I mean, it's no shame if sometimes you have to rotate people on and off. But you can also ask people.

And so I mean, to me, the three areas that I find topics for training is, one, is there's something that got messed up?

Malorie Peacock:

Right.

Michael Cowen:

Did someone make a mistake? And when you diagnose, you do your root cause analysis of the mistake, and it's because they really did not know how to do it correctly or they forgot about something that they should have already known. And you're worried it's going to be more than just a one person thing. So little mistakes. And mistakes don't necessarily have to leave the level of my practice. I mean, you can have little mistakes that could have led to something, you caught it, but you want to fix these things.

The second is something new happens. There's a new developmental law, there's a new case that came out. You need to make sure everyone knows about it.

But the third way and the most common way is to talk to the people that you want to train about where they feel they need training. So one of the, I don't want to say mistakes, but when we started doing training, like you, Sonia, and I would sit together and we would come up with a list of topics where we thought our lawyers and paralegals needed training. And there were some good topics we came up with. But we ran out of ideas and we don't really know what the associates need. We don't really know what the mid-level partners need, rather the people that have their names in the door. So we created a very small committee, one associate, one non-name partner, and me. And so I told them this morning, "I want you to come up with a list of everything that you think you would like to be trained on." And I asked them before the meeting, "Talk to the other people at your level and find out where they think they would like training."

So we all came up with a huge long list of things. And I threw a couple in there, but they were 90% from them. I said, "Okay, now of these things," because some of them were super specific to one case that was bothering them, but they just need to go get out Westlaw and figure it out.

Malorie Peacock:

Right.

Michael Cowen:

Not something that's going to be a repeated issue, but other things were. And I said, "Okay, well I want each of us then, let's pick what are the three most pressing things. If we could only train on three things, what would be your three topics in order one, two, and three?" And then we found that we had agreement on there were like four or five topics that at least two of us put as one of the top three.

Malorie Peacock:

Wow.

Michael Cowen:

And so, "Okay, well those are going to be the next ones we're going to talk about."

Malorie Peacock:



Yeah.

Michael Cowen:

"And so let's rank them." And so we said, "We've got two months of stuff from what's most important now. Let's not try to fill up the whole year now because what's most important now may change as we go and other things come up. So let's pick two months. And we're going to meet every month and we're going to keep adding another month and another month every month. And now people will know to come to you when they have ideas and things they want to be trained on. They don't always have to come to me, because you all are going to be involved and it's your job to go talk to everybody before we have our monthly meetings." And that's how we're coming up with our training.

And so now the next step I'm trying to do is I don't want to do all the training. And I don't want you and Sonia to have to do all the training with me. I don't mind doing about half the training, but it's just too much for me to come up with a one hour training materials and lecture every single week. So when we have our 4:00 docket lawyer meeting on Friday, we're going to present our training topics. So we're going to do, this is new for you by the way, I'm telling you. We're going to do two associate centric topics or things I think the associates really need to know, and two partners centered topics, which the associates will still get the training, but they're kind of more partner level topics. So an associate type topic would be like defending a deposition. A partner type topic might be deposing a corporate safety director at a trucking company.

And so then I'm going to look for volunteers. These are what we're going to do the next two months. Which ones do we think I should do? And the other ones, who thinks they would be good at it? Because you know that if we did prepping clients for deposition, Michael Cowen is not the best person at the firm to train on that. It is not my strong point. If we were doing deposing truck drivers or picking juries, then Michael Cowen would be the right person. And so we have to figure out who's the best person to train. And then we get other leaders in there.

But I think involving other people and talking to people about where they think they need training, but then being strategic about it. Because sometimes it's just they don't really need training. They need to get off their butt and research things. So if it's like some really obscure case specific thing, it's like, "No, we're not going to go train the whole firm because you have one weird question on one some case. That's what you got to look up." But if it's something that's going to be coming up over and over again, a basic skill, well, then we need to train on it.

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.

Malorie Peacock:

Yeah. And I think to your point, the lead attorney, I mean unless you're a two person firm, doesn't have to do all of the training. We try to find other people to do training. We get people from outside the firm to do training too, not just within our own firm. But I caution people, because we've made this mistake before, it's fine to have the expectation that litigators and lawyers can stand up in front of people and do a training and talk in front of people. But it is not necessarily everybody else's strength in your office.

Sometimes your accounting director is not comfortable speaking in front of a big group of people or your paralegal or your medical coordinator. That's just not the training that they have and they don't like it.

And if you force them into it, one, you might not get a very good training because they're just too nervous. But then, two, you're going to create some animosity, some fear of training, because they're afraid they're going to be called out on. You shouldn't use the Socratic method on your staff. You don't want training to be a punishment. And if they're not used to that, then you could kind of make everybody dread training or hate it or try to get out of it. And that's not what you want. You want people to be engaged and involved. So just a word of advice, unless you have a staff member that says, "Yes, I'm comfortable speaking in front of people," don't put that on them without a lot of support.

Michael Cowen:

You do have to watch. You do have people that are not part of your core doing training. And it's important to involve them, because developing other leaders, and again, if that's something they're comfortable doing, if that's a talent they have. Not everyone has that talent. But most trial lawyers can speak to people. If you're going to be a trial lawyer and if you can give an opening statement, you should be able to give a training. Now, some appellate briefing type lawyers might not be, but if you're going to be a trial firm, you ought to be able to give a 30 minute to one hour lecture to a group of colleagues.

But even that, I mean, I think it's also important that someone needs to do some kind of quality control. You can't just say, "Okay, do whatever, train someone on this." Because we've had experience with some people that are no longer at the firm, but they were at the firm, and we asked them to train on something and we didn't double check their materials. And so they spoke and then we had to get up and correct them.

Malorie Peacock:

Right.

Michael Cowen:

And it was embarrassing for them because we corrected them, but at the same time, they told the staff or they told the other lawyers something that is not the way we wanted it done and it created confusion. And so you do have to have someone do some kind of quality control to ensure that what's being trained is what you really want trained.

Malorie Peacock:

Yeah, yeah. For sure.

Michael Cowen:

It's a lot of work.

Malorie Peacock:

It is. I mean, we're giving this podcast and I'm telling you that you just have to take it one step at a time. That's still true. You don't have to suddenly do the Cowen Rodriguez Peacock approach to training, train every Friday, twice a day. I mean, you don't need to jump right into that. But you could commit to saying, "I'm going to train on a topic for my staff once a month." And pick a day, go ahead and plan out next year. You don't have to have the topics planned, but you can just say, "I'm going to have a presentation to my staff about a topic once a month next year." It's a goal.

And then you choose the topic that's most relevant to your staff. I mean, maybe it's about client intake, how to talk to clients and how to get them to sign up and what kinds of things, marketing and sales. Or maybe it's more about entering stuff into your case management system and how you like that done or calendaring things. I mean, your training doesn't have to be an hour. It can be 15 minutes. "Okay, here's how I want you to set up my calendar." But telling people and writing it down is the commitment.

Michael Cowen:

So at what point in the life and growth of a firm do you think lawyers, firm owners, should start training?

Malorie Peacock:

I think it has to happen immediately, if you're going to have staff, right? I mean, it's just going to be you by yourself then I guess you don't need to train yourself. That's not even true because you have to go to continuing legal education courses. So remember, you're getting training as a lawyer all the time, going to these mandatory CLES. So you've got to start training right away. And if you wait until people are already doing it wrong and chaotically and in a disorganized fashion, it's going to be harder to fix it than if you just start right away, I think.

Michael Cowen:

I really wish I had started training a lot earlier in my career. And we did some informal training, like someone sitting down with someone, but we had people doing things five different ways. We'd have a case management system and there'd be many cases that had hardly any information in there. Life was a lot more chaotic and stressful than it needed to be. And, yes, I was saying a little while ago, training is a lot of work. But not training creates even more work because when you have all the chaos, all the stress, all the having to redo things, having to panic about whether something's done right, having to do things yourself because other people don't know how to do them, and it's just easier to do them yourself than to try to teach them. But if you train them right to begin with, then they can do it. And it makes your life so much easier.

Malorie Peacock:

So I do want to encourage people too, to find training outside of their firm. So we don't just train each other, we don't just lecture to each other internally. We find other resources for training because we don't assume that we know everything about everything. So Michael hires consultants to come in and teach us things about litigation, trial strategy, team management. But we don't just do that for lawyers, we do it for staff too. And, I mean, it can be as simple as finding a training online about how to better use Microsoft Word and the functions of Microsoft Word because people can save a lot of time if they know how to use the software that's available to them. So outside training can be stuff like that too. It doesn't have to be just procedures. But I would encourage you that when you're first starting your training program, you should focus on the things that you want done and how you want them done inside your firm before looking for things outside to train on, because it is a big commitment.

Michael Cowen:

We actually have two employees in Atlanta going through training right now outside the firm. And then I even have, if I do a podcast with an outside person and I think it's really awesome, I've had people fly in to show us how they did a closing argument or some other technique they used in their case to teach us because I'm like, "Well, the podcast was great, but I want a little more time from you and I want you to teach my people." And so that's been really good, and I've done that for a few other firms. I mean, I'm

going to, in January, go teach a South Carolina firm what I know about trucking cases, at least three hours of what I know about trucking cases. Just they asked me to do it and somehow I had time and then I was not as crazy on my request for my time six months ago when they asked us I am now.

I still wouldn't mind doing that for people. And I apologize, I know a lot of people, I encourage everyone to reach out to me by email, with phone calls, and I know I am way behind on getting back to people. Just since the book came out and since Malorie and I's verdict, I am getting 15 or 20 emails a day asking for questions and I'm going to get to them all but I'm going to have to find some time to do it. I'm intending to do it every day, but without committing to my practice, I can't not do my work and just answer emails. So I really apologize. I will get back to everyone, I promise. Please keep sending them through. We'll just stack them up and I'll get back to everybody. Because I love it and I want to help everyone, but it is getting to be a blessing of abundance, which is slowing down my response time.

Malorie Peacock:

Yeah. So I think the last piece of training is correcting people or making sure that they're doing it correctly. So if you've taught someone how to do something, you have to have a system for making sure that they really learned what you taught them. Whether it's just watching them do it or asking them or if you see them doing it wrong, saying, "Hey, this isn't quite right." And it doesn't have to be in a disciplinarian kind of way. Everybody's learning and you have to accept that your staff is learning things too. We're not all perfect. We're not all mind readers. So gently and nicely correcting someone is also part of training and just saying, "Hey, in the future when you're doing X, I'd rather you do it this way. This is the way that all the firm is doing it." So you can say it nicely, but not letting things continue in the way you don't want them is training also, and it's a big piece of it.

Michael Cowen:

Yeah, I have three things I've learned on that part and I'm still trying to get better at that because I sometimes hold things in and don't point things out when I should because I want to be nice or I just don't want to spend the energy dealing with you right now. Not you Malorie, with the person that's not doing it right. Which is the wrong thing to do. And so one thing I learned was expect what you inspect. In other words, if you tell people to do something but you never double check, they assume you know what they're doing, and if they do it differently than what you trained them and you don't say anything because you didn't check, they assume that the way they're doing it is okay. So if there's something that's really important to you, at some point in time you need to double check to be sure people are doing it that way.

The other thing is you endorse what you tolerate. So if you know someone's doing something other than what you want done, and you don't do anything about it, then you're endorsing that behavior. If you know that someone's coming in 10 minutes late every day, and you don't say anything about it, then you tell people it's okay to come in 10 minutes late every day. If you want or one inch margins and someone does a one and a half inch margin and you don't tell them anything, then you've told them it's fine to use a one and a half inch margin. Now maybe you don't care about the margin. That's okay. But if you do, you got to say something.

And the third thing is there's a great book that I'm reading right now called Radical Candor. And it's not about being a jerk. I mean, it's about if you really care about somebody, you care about them enough to tell them the truth. And you need to do it in a way that is respectful and compassionate. So you don't want to be a jerk and obnoxious and just like, "Well, you sucked at that or you screwed that up." That's not helpful. And that's just putting people down. But at the same time saying, "Oh, well you did your best. Hey, you did good job. You tried real hard,." And if they didn't do it right, that's not helping them

either. And just because you feel too sorry for them, you're just setting them up for failure and then sooner or later they keep messing it up and you get frustrated with them and you fire them or you yell at them or whatever it is.

It's so much better to say like, "Hey, I know you're working really hard on this, but this is how you need to do it." Or, "You didn't quite do that right." Or, "You didn't do this right. I know you're better than this. Let's work on training you to do it better." But you've got to be honest with people when they're not doing things the way you want them done or they'll never do it the way you want it.

Malorie Peacock:

Yeah. Again, people can't read your mind.

Michael Cowen:

Yeah, absolutely. So that's one of my, and it's just because of who I am as a person, it's really hard for me. I mean, I want to be the nice person. I don't want to say anything. I don't want to confront people. Which is bizarre because I have no problem doing it in court. But when it's people I care about, I have trouble doing it. But that's my big goal for 2024, is to exercise radical candor so that I can be a better leader. And I just have to remind myself I have to care enough about the people that work for me to do something that's hard for me, which is to be, in a loving way, in a respectful way, to be honest with them when they don't meet my expectations, to be honest with them when they have room to improve, because that's the only way they're going to reach their potential, and if I care about them, I need to do that. I do that with my kids, I need to do that with the people I work with. And so that's my 2024 goal.

Malorie Peacock:

That's a good goal. I think a lot more people listening can relate to that than you think. I mean, we're all lawyers and we are confrontational in our jobs all day, but a lot of us are not confrontational with people that we care about. One, because we're already exhausted from being confrontational all day. I mean, it's hard to pick one more fight. What feels like is going to be a fight, but in reality, this radical candor is not about fighting with people or arguing with people. And it's not about being confrontational. It's more about just saying, "Hey, let's fix this together. This is something that happened. Let's figure out how we can come up with a solution." It should not be confrontational. And if it is, if it's festering to the point where you're yelling at people and you're upset and you're really angry about it, then that means that you probably didn't address the problem when it happened initially and it's been going on too long.

Michael Cowen:

Yeah, what I find is more than 90% of the time, it's the fear of, in my mind, confronting somebody, but it's just talking to them honestly, is all in my head. Once you actually do it, the other person takes it well or the other person believes you, that you're trying to make them better, that you're not slamming them. You have to talk about the behavior and the person. So it's like, "This work is not the quality of work that you can do. Not that you're a bad lawyer, but that this work is not your quality of work. This is how you need to make it better. These are specific things." And it's not easy, but usually most people can take it and actually take it well because if they believe and they know that you are trying to make them better so they can reach their full potential, they're going to want that coaching.

And if they don't want that coaching, because they don't care about their work or they're so insecure that they don't want to be coached and improved, then they probably aren't the right person for you.

Malorie Peacock:

Right.

Michael Cowen:

All right, well now that we've established I'm going to be an ass to everyone next year, and if they don't like it, they can leave. No, I'm kidding.

Malorie Peacock:

That is not what we established.

Michael Cowen:

I'm kidding. But it's a really good book, Radical Candor. Let me Google it, I think it's Kim Scott. I've been listening to the audiobook because my eyes are too tired at the end of the day to read. Yeah, Kim Scott is the author. But it is a wonderful book. I really do recommend that people read it and try to implement some of that because it just goes hand in hand with the training. You can do all the training in the world and have the best training program, but if you don't tell people when they're not meeting your expectations, then your actions are going to be so loud they're going to drown out your words. If you tell someone, "Do it this way," but then you see them doing it a different way and you don't say anything, then your actions drown out your words and your training was a waste of time.

Malorie Peacock:

Yep.

Michael Cowen:

All right. Well that being said, I need to get back because it's almost 4:00 as we're recording and I want to get home and go for a run tonight, and I need to finish a training PowerPoint for tomorrow.

Malorie Peacock:

Okay.

Michael Cowen:

Malorie, I've really enjoyed talking about this and I look forward to seeing you at our training tomorrow.

Malorie Peacock:

All right, see you tomorrow.

Michael Cowen:

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