Michael Cowen:

This is Michael Cowen and welcome to Trial Lawyer Nation.

Voiceover:

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

When you figure out your theory, never deviate. You want the facts to be consistent, complete, and credible.

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Whatever you've got to do to make it real, you've got to do to make it real. But the person who needs convincing is you.

Welcome to the award-winning podcast, Trial Lawyer Nation. Your source to win bigger verdicts, get more cases and manage your law firm. And now here's your host, noteworthy author, sought-after speaker and renowned trial lawyer, Michael Cowen.

Michael Cowen:

Welcome to today's Trial Lawyer Nation, brought to you by LawPods. This is Michael Cowen, and today I am joined by my business development manager, Abbey Vela. Abbey, how you doing today?

Abbey Vela:

I'm doing good, Michael, how are you?

Michael Cowen:

Pretty good. Before we jump into the episode, I just want to thank our sponsor LawPods. LawPods is great to work with. You just got to experience it. They do the recordings of these, they do all the production, they make the clips that we use to advertise the podcast episodes and they just make life easy because all we have to do is talk and they do all the rest. So if you're thinking about doing a podcast, I highly recommend LawPods. So Abbey, how are you doing today?

Abbey Vela:

I'm good, keeping busy. Happy to be on this podcast with you today.

Michael Cowen:

So Abbey, what is it you do as a business development manager?

Abbey Vela:

As the business development manager, I try and keep up with our referral partnerships, make sure that everybody is on the same page. That anything that's going on, we keep everyone involved in the loop. There's been some research done, we've looked into it in the past and that is something that a lot of law firms tend to lack and is really handy to keep all parties that are involved on the same page and keep that communication flowing.

Michael Cowen:

So what is your background that led you to be the right person for us to hire to be our liaison between our lawyers and our referral partners?

Abbey Vela:

I previously have six years in the personal injury industry. I worked with a firm that provided services to other law firms and that was kind of a first time in this world, but after about a year or two years, I learned that I was very capable of doing it. That it was an adjustment period, kind of learning how lawyers speak, how they present themselves, how they hold themselves was a really big thing to adjust to and being able to match that energy and be able to speak on their terms and go from there.

Michael Cowen:

So as a non-lawyer in your prior job it was in kind of the medical legal space. What were some of the challenges in learning to be... Again, between that business and the lawyers, you were the conduit or the person that would be talking to the lawyers sometimes or supervising the other people talking to the lawyers. What are some of the challenges that you experienced, like learning to deal with lawyers?

Abbey Vela:

A lot of lawyers, they see the bigger picture and I was just a small portion of that and being able to grasp that fact and understand that there is a bigger thing at play than just what I'm involved in and trying to understand that. Trying to know that what they're telling me may not be everything, but it may be what I need to know to get the job done. And it was a struggle to not want to ask more, to know more or try and be more involved than I needed to be. And that was probably the biggest thing for me was understanding that I play a part and know that what my part is and stick to that.

Michael Cowen:

And for our firm, what is the biggest part of your job?

Abbey Vela:

The biggest part of my job here is going to be maintaining monthly relationships with our referral partners. That is something that is really important, making sure nobody has any questions, concerns that aren't addressed, keeping everybody in the loop, whether it's somebody from our firm or somebody at a partner's firm going through there and making sure that all of their cases are addressed on a monthly basis.

Michael Cowen:

So you update every referral partner on every case every month?

Abbey Vela:

Correct.

Michael Cowen:

Now this is something new for us. I mean there were some firms that we would do monthly meetings with and we would try to remember to update them, but I will say until you got here, I could not say that

we actually updated every referring lawyer every month on every case and thanks to you we're doing that now. What has been the response you've seen when you've contacted people to give updates?

Abbey Vela:

Majority of the time it's a lot of thanks and praise just for keeping them in the loop. Every once in a while, something that I've said will spur another question or another concern that they may not have thought about had I not said something. Other times there may be something that they hadn't gotten to telling us and me approaching them first reminded them they had something they needed to update us on. And so it's a good back and forth for each of us. Everyone is busy, everybody has a lot going on in their jobs and having that first communication, that first touch on a monthly basis is a good reminder for everybody to keep each other updated.

Michael Cowen:

I think it's so important in our practice because we are... Geographically, our practice is so spread out and a lot of our referral partners are in the same town as the client, whereas we may be a thousand miles away. So when we keep them up to date and one, sometimes they meant to tell us something. The client came to the office, told them something they meant to tell us, but they forgot, then it triggers it again. Or we have a client that's maybe a little hard to deal with and we talk to them and just since they're there they can talk to them in person without us having to go take a trip. And working together, everything seems to work better.

Abbey Vela:

It does, and I've gotten to learn a little bit in here that a lot of our referral partners have such a strong relationship with a client already since that is the person that they first went to and the clients trust them and sometimes I'll tell them a little more than they would have told us. And so it's good to keep each other accountable and in the know of what's going on.

Michael Cowen:

Have you found that different referral firms want different types of communication?

Abbey Vela:

They do. So I have some firms that prefer just emails, some that want a quick text, some that want a full phone call, and then there's the one-offs that want an in-person meeting when they have the time of course, but majority are on email. But there's also those stragglers that prefer other methods and we're willing to adapt. I have different spreadsheets, different organization tactics that help keep me on the same page as them and keep me doing what they need and meeting their needs because that is what this is about. I want to be able to come to them where they are.

Michael Cowen:

How did you find out how they would prefer to receive information?

Abbey Vela:

I reached out, whether it was via phone call, in-person meeting or a survey. I asked each referral partner that we have how they preferred to be contacted and letting them know what kind of contact it was going to be done. Because it wasn't just a simple, "Here's what's going on." This was something that

would be important to them and they should know about, and I wanted to be sure it was sent to them in a way that they would see it right away.

Michael Cowen:

Then how did you find out what is the type of information that they would want to receive?

Abbey Vela:

That was some trial and error and a lot of guidance, of course, from everyone here at the firm, knowing what is important for them to know and what information that they may already know and I don't need to repeat it. So some things I would send and they would respond, "Hey, I actually helped take care of this," and so now I know what they do. For example, some firms do a lot of medical on their own and knowing that we're actually getting the information from them and I may not need to update them on that kind of information. Trial and error, but listening. A lot of listening.

Michael Cowen:

I think at a minimum, if you are going to have referral partners, it's important that everybody know, well, some basic things. Has a lawsuit been filed? Are depositions being taken? Do we have a trial date? Do we have a mediation coming up? Any issues with the client or treatment that we need to work together to address? And then how the case is going generally. There needs to be a space for anything we need to know back. And I think that's so important because one of the reasons we created your position is I've been talking to referral partners for a long time and one thing I've been asking over the years is, "What are your biggest frustrations when you co-counsel with a law firm?"

And the three biggest frustrations I hear, and number one, it's a black hole. I send a case over and I don't hear anything back. And a year, sometimes two years pass and then I'll either hear, "Oh, the case was no good, we dropped it." Or "Hey, we had problems, we had to sell it cheap. Can you cut your fee?" Or "Hey, here's a check." You did great, but you had no idea it was coming. You didn't get questions answered, but you also just didn't get any information unless you called yourself. The second one would be the clients calling and complaining because the clients were getting good customer service. And the third one would be lawyers trying to change the deal.

"Well, the case didn't do as well as I could, and I know I promised to pay you a third, but now I can only pay you 25%," or whatever it would be. Those are the three things they hated the most. So if you want to develop a referral-based practice or add referrals to your practice, you don't want to fall into any of those things that are going to make people frustrated and not want to work with you again. So keep the clients happy so the clients don't go back and complain to the referral partner. Also, train your staff not to talk crap about the referral partner even if they didn't do a perfect job. Don't be talking crap to the client about the person who was nice enough to give you the case or bring you in on the case.

And then make sure you work the case. But the biggest thing is keep the clients happy, never change the deal even if it didn't work out. You got to think about the long-term value of that relationship. I mean, if someone sends you one case a year for 20 years, that's 20 cases, not one case. So if 5% of those cases, one of those 20 cases didn't work out and you still did the same fee deal and you regretted it, think about the other 19 cases. And finally keeping them informed and even better than just answering their questions is proactively reaching out. Keeping them informed, keeping them in the loop. It makes such a difference and you'll find and you'll see it in our practice.

We have people that stayed with us for years and years, but now they're even happier because now they're like, "Wow, you're doing better than you did in the last 10 years." Which is a lot of things to you.

Abbey Vela:

Well, I have a question for you, Michael. You mentioned some of the pains that they're facing while going through co-counseling cases. Why do people co-counsel cases to start with?

Michael Cowen:

That's a great question. Different people have different reasons and a lot of it depends on where they are in their career. So one way is earlier in one's career, you might not have the funds or the expertise or frankly the time. I mean, a lot of times when you're having a lot of a bigger volume of smaller cases, you don't necessarily have the time to work on that one big case that needs a ton of effort and concentrated focus or you might not have the money or you just might want to learn. And so you might want to bring in a partner so you can learn from that partner. Sometimes you know a case is worth a lot of money and until you've been there, one, they don't offer you as much, they test you.

But two, it's really scary. I mean, I remember the first time I had a case and we turned down $3 million and kept pushing and it resolved later, but it resolved right before jury selection for a lot more than that. But luckily for me, it was my first time and it was scary. It was really, really scary to turn down that much money. But luckily we had one plaintiff in the case, another firm had another plaintiff and that lawyer's like, "Michael, calm down. The money's not going anywhere. The offers are going to go up." Because we'd been focus grouping it, and we'd been coming in between two and two and a half in our focus groups.

So I was worried about going to jury on it, but having that calming influence to kind of hold my hand who's been there before and then it worked out and then next time I didn't need the help because I knew I had had that experience before. So I think that's a lot of it and part of is just fun. It's fun to work with other people. No one's as smart as everyone. And when you're just a solo or in a small office working with the same couple people, it's not the same. You don't get to bounce ideas off each other. You've got to do all the work yourself.

And we've learned as much from our referral partners as they have from us, and we've gotten as much out of them from their skills and their ideas as vice versa. And it's just a lot of fun to work with people, become friends with them and do good for clients and make money together.

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 and a partnership. And now back to the show.

Abbey Vela:

That sounds good. It sounds like there's a few different reasons that somebody had co-counsel.

Michael Cowen:

Lots of different reasons, and not every case has to be co-counseled obviously. And sometimes people try to settle on their own first and then they realize, "Well, maybe I would like to get some help on this." And heck, I even co-counsel cases. I mean, I have cases that are outside of our core practice area, and so I'm like, "Hey, I got this case. It looks like a good case, but I don't have the time and energy to go and

learn this new area of law or do a case in this other state." And so I will bring in somebody, you and I, we just signed one up on Friday and the crash happened in South Carolina.

So if the case just happened but works up the point where it's worth filing suit, we will bring in friends in South Carolina. I'm not just going to get pro hac vice in there and try to do everything ourselves. It just makes more sense for us to get a South Carolina firm that knows what they're doing to do it with us rather than just trying to do it all by ourselves and learn as we go.

Abbey Vela:

Thanks for informing me on that.

Michael Cowen:

So I want to ask you another question. What have been the challenges? Here you are, you're coming into the firm, you're not a lawyer and you don't know the cases, you don't have any institutional knowledge like you're building now. And you have to learn enough about what's going on in a case to provide the referral partner with they want. What have been some of the challenges you've had in gaining that knowledge? And what's important, what's not, even finding out what's happening and then figuring out how to overcome those challenges?

Abbey Vela:

One of the biggest challenges is deciphering everything. There are a lot of different documents that I've never seen before that I've never had to learn to read before. And so taking the time to sit down and really go through each one piece by piece, and if I don't understand, asking somebody here who I know does. And telling them what am I supposed to be looking for in this? "I see a lot of words, but nothing is really sticking into my head, so help me understand." So that's really been the biggest challenge is that deciphering all of the documents and once I am able to decipher them, then it comes down to what's actually important.

There is a lot of repetitive stuff in different things. There's also some stuff that it just doesn't need to be said again or known or it's something that is obvious to an attorney but wouldn't be obvious to me because I am not an attorney. So certain things like that comes down to learning the lingo, learning the knowledge, learning what you guys do on a day-to-day basis, and trying to have at least a basic understanding so that I can provide those updates and give the information that's actually needed and warranted.

Michael Cowen:

I think the next step too is you probably need to sit in on a few of the file reviews with the lawyers so you can just kind of see how they work up the cases and what they think is important. And then of course, we've done monthly file reviews for a long time, but then we've added in a topic that every month the lawyer's supposed to put in what information needs to be communicated to the referral partner. So that way you have one place to look at least for that extra information. Although there's some stuff that no matter what needs to be communicated, like trial dates and that kind of thing.

Abbey Vela:

It also has helped to sit down one-on-one with each attorney and go through their cases together, even outside of their file reviews, asking them, "Okay, this is the information I've gathered. Is there anything in here that I have missed? Is there anything that I did not see that I was supposed to see? Or anything that

I have put in here that is actually well-known knowledge to everybody?" And that has helped a lot as well, being able to have those one-on-ones with every single attorney here.

Michael Cowen:

So you also are going out there and meeting with people. What are some of the things you've done to go... The reason I'm asking this is because I know other people listening would like to try to generate more referrals for their practice. What are some of the things you've done to break the ice and try to get people to sit down and talk to us?

Abbey Vela:

Lunch coffee is a really good way to start. Not a lot of people will turn down at something like that. If for any reason I am just making a quick stop. Let's say I am visiting a city and I want to stop by some places, I'll always call in advance and ask them. Make sure that I know that they know I'm going, that they're in the office as well. And I also never show up empty-handed. So whenever I am going out, even if it's something as simple as donuts, coffee, cookies, I'll take it to them. It helps bridge that introduction and help break the ice a little bit. And I do some research into them. I look at what cases they've had going.

I look at their LinkedIn, I look at news articles, I check out their website, see if there's something important that I shouldn't be informed of and talk to them about that. Everybody loves to be complimented in the end and being able to say, "Hey, I saw this really great outcome on one of your cases. I'd love for you to tell me more about that." Because then in the end, I'm not really going to them for business. I'm going to build a relationship. And that's where things are going to start. Once you have trust and you have a relationship, the business will follow. But that shouldn't be everybody's first goal.

Think about when you go places and you're being sold at, you don't want the question to immediately be, "Well, do work with me." Well, I don't really know you, so maybe let's start there. So that's an approach I take is really focus on building that relationship and making sure they feel seen and heard before I even try to pursue the business avenue.

Michael Cowen:

An attorney-attorney referrals, I think the law of reciprocity is so important, which is you need to give before you get. And you don't really even need to straight out ask people for referrals. I mean, I don't think. If someone wants help on a case, they're going to come to that conclusion on their own and they're going to go figure out who they want to work with. I think the worst thing you can do is to pressure somebody. Let's say someone emails us and asks for a form or asks for a deposition and we're like, "Well, my kid's got to eat too. Why don't you bring me on the case before I share my stuff with you?"

Well, that person's going to think, "Why would they want to work with us?" And maybe they do it that once because they really need to do that one thing, but they're going to resent it and it's not a way to build a good relationship. And so my thing is like, "Yeah, you can have everything I have." If I can add value by working with you on the case and it's the right case for me to work on, I'd love to work with you, but only if I'm adding value. If you don't think... If you think, "Look, I got this on my own, I just need a form. I don't want to give up a big chunk of my fee to some other lawyer to give their forms." You shouldn't.

And so I think when you go there giving and how do you provide value and then when it's the right case, we provide value, when it's not, we're still friends and we want you to succeed. And when you go in there with that mindset, it's so important because I've seen lawyers when they pressure other people to give them referrals, they may get a couple, but they're transactional. They're short-term relationships.

Whereas the goal with the referral-based practice is to get relationships that last for years and they evolve as you and your referral partner grow together, they start handling cases on their own that they used to refer to you because they've matured in their practice.

But then they start getting bigger and better cases they start bringing you in on that they wouldn't have been able to track before or that they would've been taken to somebody at a higher level than you before you grew as well. And so now like Alex Begum, who's now our partner in New Mexico, full-time on our firm there, but also our Texas firms do cases together. I mean, I used to do car wreck cases for him. I mean he can do a trucking case on his own. I mean, I think I'm really good at trucking, so is he, and so are his lawyers, but the cases he does co-counsel with us on tend to be high seven figure or low eight figure cases.

So I'll trade that 50, 60 car crash cases a year for the one or two, five to 10 million cases a year all day long. But it's just because we've matured the relationship and it's never been just about give me, give me, give me on either side.

Abbey Vela:

Not at all. I think that's one thing that is, like you said, it's important. That's what builds the relationship. And even when I do visit these attorneys, I do try and take them something. If we have a case study available, I'll take them to case study and say, "Hey, this is just some knowledge for you to soak up and if you have questions, call us. Michael is happy to answer anything. Anyone at the firm is available to discuss with you and let us know."

Michael Cowen:

And I think it is so important, you've talked about even the gifting. It's trying to find out what is it this person... What would bring joy? What does Marie Kondo say? What sparks joy for that person? And for a lot of people, you go bring them donuts. For a lot of people, that would be great. For me, right now, I'm at 97.9 pounds of weight loss. I have 2.1 pounds to get to that a hundred. I want to get to that a hundred. Don't give me a donut. I'm not going to love you if you give me a donut. I mean, I'll say thank you. I will hand it to someone else, they'll eat it. But you say, "Hey Mike, you want to go for a run so we can talk? Or you want to have a cup of coffee."

I love coffee. Red wines is one vice I'll still take. But at the same time, we have a partner who's in the LDS church, so bringing him coffee is not a good idea. And we have referral partners who don't drink or some are in recovery. We do definitely don't want to send them a bottle of whiskey.

Abbey Vela:

Not at all.

Michael Cowen:

So it's just learning what would bring joy to that person.

Abbey Vela:

And that is something we've also done, I've also done is sending out a celebration survey and just asking them, "Hey, what do you enjoy? What sports do you like to do? What are your hobbies? Do you go out with your family on weekends? What do you guys like to do? Do you have kids? How many kids? Do you have dogs? Do you have cats?" Really getting to know them on that level because that is what's going to

matter, is that somebody took the time to get to know them and not just are trying to seek their business.

Michael Cowen:

And I have sent a bottle of Dom Perignon to someone and then been told by someone else, I got a thank you text from the person. But then someone else said, "Oh, you know that guy's in recovery, right?" "Oh crap, I'm a jerk." But I didn't know, but I probably should have found that out before I did that. Luckily it was someone who took it in the right spirit and just gave it away. But it still could have been a problem. It definitely didn't show that we knew our customer. Now, that was not a customer. That was another lawyer who got a big verdict and I was just congratulating him because I was happy for him. So you got to go to the Big Rig Boot Camp in July. What was that like?

Abbey Vela:

It was incredible to see so many people there that were truly there to learn and to get some useful information. There was a lot of interactive stuff going on. There was a game show that you guys had and that was incredible and fun. Everybody loved the little show to test their ethics knowledge. And everybody else outside of the game show was constantly asking questions at the end of the presentations, asking questions that I don't even think I would've thought of.

Of course, I'm also not an attorney, but it's good to see everybody share. And you'd see somebody sparked a conversation and all of a sudden it would follow up with two, three more questions and everybody wanted to know a little bit more. And it was great to see everyone coming together and sharing all of that knowledge.

Michael Cowen:

And I think it really does. Again, if you want to get referrals from other lawyers, the really big thing is you have to provide value. You have to create these long-term, really partnerships with people. And those partnerships may only involve one case every four or five years, but you still want to be sharing that information. So whether it's speaking, whether it's sending out a newsletter, case studies, providing some kind of useful content, useful information that other people can actionably use in the practice. So it can't just be, "Come listen to what a badass I am and why you should give me your cases." No one wants to hear that.

If we made this podcast about why you should prefer us cases, no one's going to listen until the end and they're going to stop listening. It's got to be something about, "Here are some things that we've learned that you can use in your practice. By the way, we're here if you'd like to work on a case together, that's great. If you want to do it on your own, we hope you do really well and we're going to be pulling for you and anything we have you can have." And I tell you, that works so much better than, "Well, if you want my secret sauce, you have to come and cut me on the case." Lawyers just don't like being treated...

I don't think anyone likes being treated like that, but lawyers especially, we're very proud people. Everyone knows that everyone's passed the bar. Everyone can do the case themselves. It's just a matter of does it make the most sense for them and their client for them to do the case all by themselves? And many times, like I said, even me, I have cases that come in that aren't the right case for me. I am interested enough to want to do the case, but either because it's another state or another practice area, I don't have time to learn everything. I'd rather bring in an expert and work together. So speaking of sharing what they learned, are you going to be at the Big Rig Masterclass in Vegas on October 16th?

Abbey Vela:

I am. I'm looking forward to it. I know we're going to be presenting a full day seminar on Wednesday, and I will be there learning, listening, taking in everything I can, and I'm excited to see the big group of people that are going to show up for that.

Michael Cowen:

I'm hoping people can come join us. I'm working really, really hard on this. And one of the hard things when you present, as much as we've been presenting is coming up with new content that is useful to the attendees. That's not duplicative of what you could get at other fantastic places. Not just our Big Rig Boot Camp, but you and I are getting ready to fly off to the ATAA Academy Truck Accident Attorneys symposium, which is incredible information. I'm flying off after this. I think you're flying out tomorrow. And so that's all great information at all those places.

So what can we provide that's different and still useful and that we've worked really hard to do some of that. Some of it is stuff that you may have heard, but there is definitely going to be some new stuff that we're producing that we're presenting and sharing. I think a lot of the big ones for me is all the different tricks and traps that insurance companies and defense lawyers have used on us to try to pressure us into settling game cases like the mind games they play, the artificial pressure they play, the illegal maneuvers they do to try to just overwork you where you want to give up.

So I'm going to lay out what those are and things we've discovered that get around them and all of a sudden they're going crazy and they're getting scared and they're wanting to throw money at you. We're still going to talk about the nuts and bolts of how to do the cases, but we're also going to share what we built up on, how to get a trucking practice where you don't have to do everything yourself, where you can teach other people and create systems and forms so that automatically when we get a case, I don't have to tell somebody to send out a letter to the other side of the insurance company to preserve the evidence.

I don't have to set up the inspections myself. I don't draft discovery myself. I don't have to tell my paralegal to set up the deposition of the truck driver and the corporate rep. They just do that. And then we have reports that show when people aren't getting it done on time so we can get it. And then finally, I think the thing I'm also looking forward to sharing, and this is different, it's not truly just trucking stuff, but it's mindset stuff. What I have done to make this fun. Trial used to be a lot more stressful for me. I'm having so much fun in my trial, in my practice, and in my life. I'm really not that stressed anymore.

I've been able to learn to let go of what I don't control and to maximize my energy on the things where I do have control and have the ability to affect the outcome. And my life is so much happier now, and I really hope that I can share some of that and make your life happier too.

Abbey Vela:

Looking forward to it.

Michael Cowen:

All right, well if you all want to come join us, it's October 16th in Las Vegas. It's part of the Trial Lawyer University, but we're actually a day early on October 16th, and you can register. Just go to bigrigmasterclass.com. There we have our promo code, COWEN400, all caps, C-O-W-E-N-400 so that you can save $400 off the price of registration. And I hope to see you there in Vegas, and if not, we'll talk to each other next time on Trial Lawyer Nation.

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Voiceover:

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