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.

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

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

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

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

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

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

Michael Cowen:

Today on Trial Lawyer Nation, I'm joined by a great lawyer and a good friend of mine, Dirk Derrick, out of Conway, South Carolina. How are you doing, Dirk?

Dirk Derrick:

I'm doing fine, Mike. On you?

Michael Cowen:

I'm doing wonderful today. Before we go into the podcast interview, I just want to thank our friends at LawPods. LawPods is the company that produces this podcast. I think they produce one for you too.

Dirk Derrick:

They do.

Michael Cowen:

Super, super easy to work with. They do all the production. They sat with us and got all our sound right before we started this thing. They do all the editing and they just make life really easy. If you're thinking about doing a podcast, I'd recommend that you do what Dirk and I do and go with LawPods.

Dirk Derrick:

I'll second that.

Michael Cowen:

That being said, tell me a little bit about yourself.

Dirk Derrick:

I grew up here in South Carolina on a tobacco farm. Went to Wofford College, went to Carolina Law School, South Carolina Law School, I don't want to get confused, and came back and practiced with the firm for three years and made partner in that firm but then hung my own shingle and been on my own since 1991. For the first 23 to 24 years, I was a sole practitioner. Once I got my youngest son starting high school, I decided to try to grow the firm and do some things a little different.

Michael Cowen:

And you've really grown your firm. How big are y'all now?

Dirk Derrick:

I think the 28th or 29th lawyer started this week. Wow. We've got 10 locations across South Carolina. We've been very blessed. And it's been quite a ride for especially the last five or six years. I think in five years we've grown 300% in revenue in past three years 100%. We've been blessed.

Michael Cowen:

Well, eventually I want to talk to you about, you and I had a conversation about all the things your firm does with the focus groups. And I think y'all are doing exciting things that a level I've never seen anyone else do, including my own firm. And I selfishly wanted to learn from you, but I also... Now that I'm hearing how quickly and how big you've grown, I've got a couple of questions about that, if that's all right.

Dirk Derrick:

Yeah, absolutely.

Michael Cowen:

You've grown from being a sole practitioner to now 29 lawyers. What are some of the challenges you've had to overcome in making sure that number of people are working at the level that you expect your clients to get?

Dirk Derrick:

I have the same difficulty today as I did when I gave the first file to my first associate. We have standards; real serious about how people are treated from a customer service standpoint and the representation they get, so we have systems in place and processes in place. The last four years I have not been primary attorney on a case, I've been running the business and being the game planner, talking with my attorneys game planning, doing these focus groups, learning what we need to change in the presentation and how we need to present the case.

I was a business major in college. I actually managed a restaurant for two or three years after I got out of college before I went to law school. The business part of it I like, but processes and systems and making sure you have plenty of support I think is very, very important to make sure that every client that comes into the firm gets the same degree of representation.

Michael Cowen:

Can you give an example of a system or process you have at your firm that helps guarantee that no matter which of the 29 lawyers the client is working with that they're going to get great service?

Dirk Derrick:

When we started growing, I had a hard time finding paralegals who could bring a case in from the beginning to the end, so I started hiring people for specific jobs. Every case that comes in now has a lawyer, has an investigative paralegal, bills and records paralegal, insurance and lien paralegal, a medical liaison who talks to them every two weeks. I demand paralegal, a settlement paralegal and a litigation paralegal. Now, those paralegals will be working with three or four other attorneys, but every team has someone who really focuses on being elite in a certain part of building the case.

Also keep the case loads down on the attorneys. I like 40 as a case load. I like my lawyers getting the case from the day it comes in, building a relationship with the client, a trusting relationship. I think if they build relationships from day one, a low caseload in lit and pre-lit things don't get dropped between the two processes. And we have processes where now if a case involves punitive damages or permanent injuries, we do not settle unless they pay us all the money without focus grouping the case and see what the value of the case is to make sure that we're getting the real value for our client.

Michael Cowen:

Well, tell me more about that. How many focus groups are y'all doing in a year?

Dirk Derrick:

I'm now a second shift lawyer. In the five years that we've started, I've watched 700 juries deliberate. And we're doing two to four a week. A lot of them are in the evening. We do pre-trial focus groups on Saturday a lot of times all day, but a lot of four-hour presentations, four-hour events at night.

Michael Cowen:

There's different ways of doing focus groups. Can you just give a general outline? Let's start with the ones you do at night, the four-hour ones. If you're going to get less than policy limits on a case where you think you have a potential for punitives or for a permanent injury, what is the type of focus group you would do on a case like that?

Dirk Derrick:

Entire workup is we drop a lot of social media ads to get focus group participants. I think we've had 15,000 or 16,000 people throughout the state of South Carolina who have signed up to serve. And when they sign up to serve, before we ever meet them, they answer 107 questions about their demographics, life experiences, and their beliefs about the civil justice system.

When we have a focus group, we'll vet them to make sure they don't know anyone in the case. We bring them in. There's people who do focus groups, there are people who do big data; we mix the two. We started off by just doing 12 people coming into our courtroom in our office here, and now most of the time if it's a mid-six-figure case, we have 12 people in a courtroom, but we also shoot it out to 50 or 100 people in the county that the case it's pending in to increase the amount of data we get back.

But for the evening, we did one this week where we had 12 in-house, 100 people at home, an attorney will present the plaintiff and the defense case in about two hours. Of course, the value of that focus group is based upon how well that attorney does in presenting both cases. They've got to give the facts that support both sides or it doesn't have any value.

They come in. We don't tell them which side we represent. We let them know that we do this for lawyers from around the country across the state. May not even be our case. We have a same attorney who presents both sides. They do a combination of an opening and closing. It'd be an opening supported by

arguments and evidence and videos. We video almost all of our depositions to have clips for focus groups. And we present both sides.

When they finish, we will get the 12 jurors in-house to answer a questionnaire about how they feel about the case, who they have empathy for, if they thought the plaintiff was a whiner or a warrior, their opinions about liability, actual damages and punitive damages. We'll do the same thing for the people at home. We'll then give the jury at our courtroom a little break for a snack, and then they'll go into two jury rooms and deliberate. And we videotape all aspects of it. And the people at home, when they finish the questionnaires, as far as what they think about it, we squeeze them. We try to get as much information as we can from them. I want to know an adjective that they would use to describe the parties. How do they feel about the parties? I think parties are very important. Testimony is very important for them to see the parties and to see the testimony of the important witnesses enough to judge credibility.

And then we question them about why they decided the case the way that they decided it. What could be added to improve the plaintiff's case? What could be added to improve the defense case? And what additional evidence they want to see that they didn't see. We just ask them 15 or 20 questions and just get as much information as we can from them, and then we open the chat box for them and they answer those questions in the chat box. I'm asking 100 people; they answer in the chat box. We get all their answers at the same time. And then we open the floor to them to ask us questions. And that's really a very useful exercise because they start digging in what they're thinking and we want to know what the questions are.

When they finish that, we cut them loose. When the two juries finish deliberating, we'll bring them back upstairs and ask them the similar questions, get them talking, get as much information we can out of them and just learn as much as we can about the case. We now use Descript to transcribe everything that goes on in our office, everything that a juror says while he or she's in the office, all the videos; get those transcripts, and then we prepare a report to the attorney. I got one we did in Augusta, Georgia last week, a 26-page report summarizing everything everyone said.

Michael Cowen:

Well, who prepares that report?

Dirk Derrick:

It's Mr. AI.

Michael Cowen:

Okay. Oh, really?

Dirk Derrick:

We use Claude. We put all the transcripts in Claude. We put the transcript of the PowerPoint presentation, the presentation made by the lawyer, what he or she said, what the jurors said on the written forms as well as what jurors said verbally in deliberations and while we're squeezing them and put it all together in one report.

Michael Cowen:

When you're doing that, how do you get the lawyers to learn to present both sides equally and not give any tells by your tone of voice or your facial expressions as to what side you want to win or presenting one side stronger or one side weaker?

Dirk Derrick:

Well, I'll watch them. We question the jurors afterwards which side are we representing? "Which side do you think this attorney is representing?" We want them to be mixed. I lose some control of that when outside lawyers present. And outside lawyers do present their cases. They know the cases so they'll present both, but we stress the importance of it.

For my lawyers inside my office, they know that we want them not to know. And they can't know for us to have a good result and get good information. And I've got a good many defense lawyers on my team now, so they make very good defense lawyers. Sometimes I worry about them. I say, "Y'all too good. You got to shake that out of your head." But that's a concern. It hasn't been a problem that I've detected. Most of the jurors, they don't know.

Especially if you can cut up some questioning in depositions and stuff where if somebody's telling a story, maybe remove who's asking the questions, if it's a giveaway who you're representing. But I did an outside attorney the other day, and he was taking depositions, and I just knew they don't know which side he was on. And when we questioned him at the end of the presentation, one out of 12 people picked up that he was asking the questions. That is a concern, and we try to guard against it.

Michael Cowen:

Do you have the same person who presents do the talking to the jurors afterwards or do you have that person step out and have someone else talk to them?

Dirk Derrick:

I usually lead the discussion at the end. I do have them sitting in there most of the time, whoever presented, to listen. But I usually do the questioning at the end.

Michael Cowen:

And what have you learned that's been useful for your practice from doing all these focus groups?

Dirk Derrick:

It's changed every part of our practice on how we build cases. How we are going to use the plaintiff has changed completely. What is necessary to be presented to the jury has changed completely in my mind. I used to believe that you had the plaintiff's complaint, you had the defendant's answer, and you built your cases around those pleadings. And have learned that defense oriented jurors do not limit themselves to the pleadings. They will become defense lawyers. And if you do not close up rabbit holes, they will suck down the followers in the jury room. And I think that probably the first six months to a year that we did it, we just kept saying, "Man, I can't believe they... Why are they going there? Why are they doing this?" And we've started closing those rabbit holes now during our presentation to empower the good jurors to say, "That's outside the box. That would be an illegal verdict. That is not relevant." And really learning how to empower the good jurors to prevent somebody from going down a rabbit hole that's not admissible evidence.

The third thing is we've undervalued cases for years. And lawyers do not know how to value cases. And it has amazed me. It's sickened me how much money I probably left on the table the first 30 years I

practiced law. People ask us when they make offers, "Is that a good offer?" And we live in this insurance matrix where we base it on what we've settled other cases or what some other lawyer has settled a case for that really has nothing to do with the real value of the case. Every case is different. You know that. And we do not know what jurors find important and we do not know the value of cases. And that's why if it's any kind of permanency, any kind of punitives, we do not set values because I've been doing it for 36 years and thought I knew what I was talking about and I didn't.

We're no longer the setters of the expectation. We don't set the expectation for our clients. We're their fighters. We're going to present it. We going to get the evidence that the first focus group tells us to go get, and we have to present it. And then when I show our clients the results and we going to leverage the results in a way to help our client.

Michael Cowen:

And it really is so powerful. I was in a mediation yesterday on a case that we had done the... We actually had done the median data, the FRED where they do 75 people online. And then we actually just did an in-person this morning on the same case and had very, very similar results; within 10% of each other. The median was actually the same in both. The average was a little higher in one than the other. That's comparable.

But I remember in mediation yesterday, the mediator come back. And he's a retired judge that I've known for decades. And he's like, "Mike, this is a pretty good offer they're making. I don't know what's going on with you." And I said, "Judge, with all respect, that's not a good offer. We've tested the case, we know what it's worth, and they're either going to pay it or we're going to try it." We're not mad about it. They have some other data they want to show us, that's fine, but we've tested it, they haven't, we know what it's worth. And yeah, they could have a good day or we could have a good day. But nine times out of 10 it's going to be in this range and we're not going to settle outside that range. And it was just so fun because it was calm, it was easy. It was easy to tell the client. We walked away from a million dollars the end of the day because we knew it wasn't enough money. And I don't think the other side expected us to be so calm and collected about saying, "No, that's not enough money. We'll talk to you later."

Dirk Derrick:

One of the benefits of it... I've always felt insurance companies have four big leverages on our clients and on us. They have the leverage of time. Lawyers want to get things out the door. Our clients want the money as fast as possible. They have the leverage of money. You got to be aware you can spend the money to build the case. They've had the leverage of uncertainty. You never know. You never know what a jury's going to do. And they also have a stigma of filing a lawsuit.

For those who remember being tort reformed, tort reform did a good job in demonizing people who bring lawsuits, lawyers and jurors who give big verdicts. And there's still people, people at my age, a little bit younger, but, "I don't want to bring a lawsuit. I don't want people to think I'm one of those people." And when they watch a focus group who confirms they have a legitimate claim that has legitimate value, it empowers that client. It informs the client and it empowers them to see people have confirmed that they do have a legitimate claim and they're not going to be looked at as someone who's trying to get something for nothing. I think that's a huge benefit for our clients.

And we have laws in South Carolina where the insurance companies have an implied duty to act in good faith, so getting these results, we share them with the insurance companies quite often to leverage the fact they need to pay us through a value. For the first 30 years of my practice, they just say, "Dirk, we're not acting in bad faith. We just disagree on what people are going to do with the facts of this case." And we now have the ability to remove that in some of our cases.

Michael Cowen:

What all do you send them?

Dirk Derrick:

I've sent them results if there's something that I don't want them to see, but most of the time I've send them the presentation, I'll send them the two rooms deliberating. If the two rooms, if we present it correctly and they can watch and say, "Dang, they presented both sides strongly, and these two juries have reached a value that far exceeds our policy limits," it is good leverage on getting paid. There's an argument, trial lawyers say, "You don't want to show your hand to the insurance." I know that every client I represent, they want the real value of their claim, they want it as fast as possible, and they want to know that you're working and give them good customer service. And if I can press the button and put pressure on the insurance company, most of the time it's worth showing them the presentation and getting paid or setting them up for bad faith.

Michael Cowen:

Yeah. How long does it take to put everything together to do one of these focus groups between the recruiting the people and putting the presentations together?

Dirk Derrick:

The attorneys, they would work a couple days to put a presentation together. And it's work. You need to know the facts. Our philosophy is we attack facts early. Because if you don't have the facts, you can't do a focus group going to give you any kind of value. We want to get facts as fast as possible and then work up a presentation.

We do some pre-lit focus groups that won't have as much data, won't have as many facts. And those cases are when we have limited insurance and we think we have enough to go ahead and make them pay and they won't go ahead and pay it. Or if there's a questioning of is this action going to be seen as punitive? and we want to find out early or if there's an incident that we're trying to weigh whether or not a jury's going to think there's negligence involved before we go put a whole bunch of money in it, we'll do a pre-lit focus group that doesn't have a whole lot of facts; maybe have a video or two.

I've done a murder case for a criminal lawyer who he just had a videotape of the murder, of the incident. And we did that, presented it and made some arguments. But mostly it was just the video, so it didn't take a whole lot.

We try to file cases within six months if we've got plenty of coverage and plenty of damages to go get all the evidence regarding liability and punitives as fast as possible. But you need to have most of the facts before you can rely on the data for value. You can get good stuff without having all the data. You'll get good direction from the focus group as far as what you should go get during discovery. But if you don't rely upon it for the value, you need to have most of the evidence that's coming in on both sides.

Michael Cowen:

On a bigger case, it sounds like you do some earlier on to try to figure out where you need to go to investigate it and you do some later on to figure out what it's worth. What are the different, I guess, steps where you would do focus groups?

Dirk Derrick:

We do pre-lit where we're trying to figure out an issue of liability or issue of punitive. Then we do a pre-mediation before we go to a mediation. We have mandatory mediation in South Carolina. Supposed to be within 300 days of filing the lawsuit. Our goal is to get all the facts before that 300 days; go take all the liability depositions. And if the client has reached maximum medical improvement, go ahead and get the doctors, [inaudible 00:22:04] depositions. We have them lock down what they're going to say.

I don't bind to wait until after mediation they go get depositions taken because that uncertainty is used against our client in mediation, so we go try to get all the stuff. I want to do the mediation 45 days to 60 days ahead of the mediation so that when we get the results, if we want to send it to the insurance carrier and let them run it up the line, they have time to do that.

And then if we don't settle up mediation, when it shows up on a trial roster, we'll make any additional stuff we need to do before trial. But if it shows up on a trial roster, we'll do an all-day event where we'll add in an opening and a closing. And on those, we usually have two lawyers. We have somebody who's doing the plaintiff's side and somebody who's doing the defense side.

Michael Cowen:

And you all actually built a couple courtrooms too.

Dirk Derrick:

When I built this office, when I planned it in 2017 I put a courtroom in it because I'd always done focus groups for the larger cases and got such good value, I wanted to do them for smaller six-figure or medium-sized six-figure cases and it wouldn't cost my client so much. We put one here in Conway. We've since put one in Myrtle Beach office. We have one in our Charleston office. We're building a courtroom in Columbia and building a courtroom in Greenville right now.

Michael Cowen:

Oh, wow. And what does it cost you to run one of these groups?

Dirk Derrick:

We pay the participants $25 an hour. If we bringing them in-house, we feed them supper, give them cake, pay them $25 an hour. If we're doing them virtually, we pay them $25 an hour. That's the cost. And I have two full-time staff members on focus groups. I have Brooke who sets up the focus groups for our attorneys and outside lawyers, and then I have Nicole who's in charge of all the data we get from it.

We've taken the data, all the survey answers that people fill in before they sign up, and we put all the case specifics in the database. We grade the jurors pro-plaintiff pro-defense in 11 different categories. All of that goes in our database. We have a team of data scientists who have come up with a dashboard where all this stuff is in where we can then go back and say, "What's the average value of a cervical herniation in Horry County?" And it would tell us, "We've focused 10 cases. Here goes what the values have been."

Also, they're working... And hopefully I have in the next three or four months to where we can put the jury list of the jury in a county, run those names and information into the data in the database. It will kick out a grade based upon the type of case and the people who have served on those types of cases in our focus groups who make good jurors and who make bad jurors. Because one of the biggest findings we've found is you can have somebody who's a great juror on one case and is a terrible juror on another.

And the last case we picked, we tried in Horry County. Well, I had nine middle-aged, conservative men on the jury. And I know the defense lawyer thought I was having a brain aneurysm. What was I thinking? But

our data showed they've made the best jurors. And they outperformed the two focus groups we have done in-house by putting them on there.

And we let anybody serve on our focus group. We have insurance adjusters. I have ex-defense lawyers. I've had all kind of people. We let anybody serve. And sometimes an insurance adjuster or somebody will come in and will tank a particular jury from giving a good award, but it's valuable to hear all the arguments they give to try to sink the case. And sometimes that's the best value we can get out of a focus group.

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:

And how predictive have you seen on the cases that have gone to trial, the results?

Dirk Derrick:

I think three for three on our criminal cases. Which I was a little anxious about our criminal cases because we don't do a whole lot of them. We have been consistent on the ones we've tried. The one in Horry County, we had a million dollar verdict in-house, $1,000,001. And then we picked the conservative jury and got $1.25. That's consistent.

We've done some outside focus groups for a drowning case in Myrtle Beach. Our focus group came back at $15 million. And they went to trial and got $13 million in actual $7 in punitives. But they did not present a punitive case to the focus group.

It makes it harder to go to trial if you can show everybody who's involved what the value of the case is. I don't know if you found that when you focus group, if you share the results, it's the missing link. And we just settled a case, a death case, and they were at $3, we were at $6 or $7 million and in-house counsel was asking our attorney, "What multiple are you using? This is an elderly gentleman. You're being unreasonable." We showed him. We said, "We've had 15,000 people sign up for focus groups who've given us their opinions without knowing any facts what a life is worth. And then we've presented this to I think 82 focus group members." And he goes, Well, the average value is. We don't go by multiples." And we got the case settled.

Michael Cowen:

Yeah. Well, I love trying cases, but I know most of my clients would prefer to settle. Trials are a lot of fun for the lawyers, but not so fun for the people have to sit there that don't have any control over anything and frankly that only have one shot. Because if you or I try a case and we guess wrong, we just get up the next day, dust off and go hit the next one, whereas our poor clients, they have one shot. I think we always need to give them the best options that they have so they can make an informed choice about whether to settle or not.

Dirk Derrick:

Absolutely. And I tell our attorneys we do not make decisions for them. I make them ask me several times for me to give an opinion because I want them to make the best decision. And doing these focus groups, that's the best data I know how to give them. Here goes what these 12 people said, here goes what these 80 people have said. You do whatever you want to do. There's no proof that you want to have these exact same people on a jury. He goes, "25% of these people thought you should lose this case, 75% thought you should win the case." If we get 25% who have a couple of strong leaders on it, they can suck it down. We give them the information and let them decide; just put it in their lap and let them make a decision.

Our goal is to find the truth in the eyes of the appraisers. If we do our job right, present both sides in a way that is most likely going to be presented in court in an order that the juries will most likely hear it at opening and they give us their opinions, that's the best I know to do to give people as much information as they can have to make a logical, informed decision.

When we leverage the truth, when we find out the truth, I tell our attorney, says, "There's several ways we can leverage it. One way is if the focus groups are telling us, 'Hey, we need to see A, B, C and D; that could change our mind.' We need to go see if those pieces of evidence exist, leverage it with our lawyers, go build a stronger case and then come back and focus it again."

Other way to leverage it is with our clients. And sometimes our clients think the case is worth a figure that is higher than the focus group thinks. And you can show the client what they had to say, give them a choice to go ahead and litigate a case if they want to, but them hear what people are saying. And then also leveraging it with the insurance company.

We've had some plaintiffs that we use the focus groups to prepare them to give testimony. We will let them say what they wanted to say if they have strong feelings of what they feel like they need to say, do a direct, do a cross-examination and focus group the case and then show them what the jury had to say about their case and their testimony and then make some adjustments in their testimony to show what kind of difference it will make if they answered a certain way. It has helped let plaintiffs see what's going to happen in a courtroom if they take off and go in a direction that maybe they shouldn't.

Michael Cowen:

Yeah, absolutely. You shared a lot in this podcast, but there's some things, when you get into the details of the data, you don't feel comfortable sharing in a public forum because you don't want the other side to hear it. But you actually have what's called a closed podcast called the Appraisers Podcast. Can you tell us a little bit about that?

Dirk Derrick:

Yeah, we just started that. Robert at LawPods is doing that for us. It is a closed podcast for plaintiffs attorneys. They can certify that they are plaintiff attorneys; won't share the information. We'll give them permission to go in. And we're doing case studies. And having attorneys on who focus group cases and then telling other plaintiffs attorneys what they learned about their case by focusing it and what they learned about a particular community, what the jury thought about the facts and the people and the issues and the damages just to share what we're learning.

When I started doing this, I didn't start off thinking I was going to watch 700 juries in five years. I was doing it to give young lawyers a chance to stand up and learn about their cases. But it's so valuable. I want to make that available to other attorneys.

When I was a sole practitioner and I felt that the insurance industry had such a leverage on me and my clients as far as my ability to know what the value was, I wish there was something like this I could have

listened to and watched and found a way that I could flip those leverages or have somebody come in and help me flip those leverages against the insurance company. I think there's a lot of cases that are not the eight figure cases, but they're mid-six figure cases that the insurance companies save a lot of money on. I think there's a lot of cases that we settled for $150 to $200, that if you run it by a focus group and if the presentation's done in the right way, it may be a $600,000 or $700,000 case.

Michael Cowen:

Oh, wow. Well, not only is that life-changing for a client, but across the board at your law firm, if even 10% of your cases triple in value, that's going to make a huge difference on your bottom line.

Dirk Derrick:

I like these focus groups for what they do for our clients. They make fans of our clients because we can show them what the real value is and we can get it faster by leveraging the truth. But from a business person standpoint, if I can get higher value in lesser time with the same overhead, it helps our cash flow. And it's the reason that we have been able to grow like we've grown is because those things help become a healthy business. And if I do it fast but I don't get the real value, that's not good representation, in my opinion. If I get real value but it takes me five, six years, that's good outcome, but a lot of our clients don't like that. They don't like the wait that long. If I can flip the leverage quicker, it helps them and it helps us as a business.

Michael Cowen:

If someone wants to try to sign up to access that appraisers podcast, what do they need to do?

Dirk Derrick:

Go to the derricklawfirm.com, and there's a link on there to sign up on it. Sign up for it. They'll fill out a form. It'll go to Nicole, our member of our focus group team. She'll make sure they're plaintiffs attorneys. And then she'll send them a code.

Michael Cowen:

We're going to put the link in the show notes, but it's D-E-R-R-I-C-K-L-A-W-F-I-R-M.com to look at your website and find the link to go try to sign up for that. And for our defense lawyer friends that are listening, they will check you out. They're going to check you out with a bar and your website, so don't bother applying because they're not going to let you in.

I've got another question I was thinking of us as we're talking. You've grown, like I said, from one to 29 lawyers. And I can see a lot of it's just the success you've had and how you've run a firm not only doing all the focus groups but doing the hard work it takes to make sure that you deliver a solid representation to all the clients, but you also have to have people know about you. What have you done to market yourself to grow that quick?

Dirk Derrick:

I actually did not market. I think I had a static webpage in 2009. I was not excited about marketing. I was anti-marketer. And I got, in 2009 got to a point I was 49 years old that the marketers had come into our market and basically taken the PI work, or most of the PI work. And I remember staying up at the office one night between Christmas and the New Year's trying to figure out how I could market and do it in a

classy way to let people know what we did without doing something that I felt I did not want to do professionally.

And just blessed that at that time Google was new and there wasn't any lawyers marketing with Google. I came across a website, Foster Web Marketing, say you get a website, put content on the website; Google would send people to you. I remember going home and telling my wife, "I think I've figure out a way that I can market, grow the firm without doing something I don't want to do from a marketing standpoint. I'm going to get a website, I'm going to hire a full-time marketer who's going to put content on that web page, and Google's going to send me people." And she thought I'd gone crazy.

And that's what we did. It was me and one and a half paralegals. And I hired a marketing assistant to come in and start putting content on. And just got on the front end of Google. The older lawyers at the time weren't going to do it, and there weren't a whole lot of younger lawyers. I think the first five years we dominated on organic Google and grew the firm with just the cost of one employee. Those are the old days. But we just got ahead of Google. When they started reviews, I had already been getting questionnaires for my clients at the end of representation on how we could be better, how they've rated us in different things. We just converted that to one star to five star and got ahead on reviews. And so we just took off. We've always just marketed online mostly on our advertising.

Michael Cowen:

That's great. Yeah, you must be doing something right because you have grown. And I love seeing that.

Dirk Derrick:

I like the idea, and it came from my father about not bragging on yourself; let other people talk about you. And our entire marketing has been treat people right, let them know you're working for them, and do the best you can and then let them brag on you. Let them tell the public what you've done. And we've been fortunate that we've had clients who would go online and tell people what we've done for them.

Michael Cowen:

Oh, that's great.

Dirk Derrick:

Between the reviews, the client testimonials, almost all our marketing is based on other people talking about us.

Michael Cowen:

And what kind of cases does your firm handle?

Dirk Derrick:

We handle all kinds of personal injuries, although we do not do medical negligence cases. We do personal injury, on-premise cases, and worker's comp.

Michael Cowen:

And if another lawyer has a case, what states do you... Is it just South Carolina, or do you do other states as well?

Dirk Derrick:

As far as representing clients?

Michael Cowen:

Yeah.

Dirk Derrick:

We do South Carolina only.

Michael Cowen:

Okay. If someone either has a case that they want to co-counsel in South Carolina or they just have a question about South Carolina and want to do a focus group for somewhere, how would they get a hold of you?

Dirk Derrick:

They would call me at 843-248-7486. Set up a phone conference with me and I'll talk to them about the focus group service and what we can do. We've started doing some out-of-state focus groups. We're scheduling one now. We're getting one scheduled in the state of Washington where the attorney will present over Zoom to 12 jurors in Myrtle Beach. But we'll also send that out to 50 or 75 people in King County in the state of Washington to get local feedback.

Michael Cowen:

Oh, that's great.

Dirk Derrick:

We've started doing some stuff outside the state. We did one in Augusta, Georgia last week. I'm excited about seeing how other people, how demographics compare across the country or different locations with the people we have here in South Carolina.

Michael Cowen:

It is interesting because are some things are universal, but I have noticed that I'm used to a more skeptical panel than I was doing a focus group in Pittsburgh, and it was so much more respective. I'm sorry, receptive to our arguments. And just a different demographic. But even within Texas, we're so diverse that we have different parts of Texas that are like different countries.

Dirk Derrick:

In Horry County, right here at Myrtle Beach, about 50% of our jury panel will be from the northeast.

Michael Cowen:

Oh, really?

Dirk Derrick:

I don't know how there's anybody left in New Jersey because every night I do a focus group, there's one or two people from New Jersey. We got a very wide range of states represented in our focus groups.

Michael Cowen:

Well, Dirk, thank you so much. It's been a joy talking to you. And I'm looking forward to the next time we see each other. And hoping you approve my application to listen to the Appraisers Podcast because I'm fascinated. You and I have talked about this in person before. I've learned more on this podcast, and I'm really, really looking forward to learning more from you and applying it in my own firm.

Dirk Derrick:

I appreciate that. And I enjoy your podcast. It's a mandatory podcast for our attorneys to listen to. I think you do a great job in getting speakers to come in and share information. We've listened to you for quite a while, so I appreciate that.

Michael Cowen:

Well, thank you. Thank you for joining us on Trial Lawyer Nation. I hope you enjoyed our show. If you'd like to receive updates, insider information, and more from Trial Lawyer Nation, sign up for our mailing list at triallawyernation.com. You could also visit our episodes page on the website for show notes and direct links to any resources in this or any past episode.

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Voiceover:

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