Voiceover:

This is Michael Cowen and welcome to Trial Lawyer Nation.

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:

Trial Lawyer Nation is brought to you by LawPods. LawPods is the company that produces these podcasts. They make my life so easy. All I have to do is show up and talk and they do all the recording, making sure it sounds good, the editing, the putting out clips for social media. If you are thinking about doing your own podcast, I highly recommend LawPods. We're going to start a new feature on this podcast. It's Ask Michael and Mallory Anything. If you have anything you'd like to ask, either Mallory or me, we're going to start doing an episode every couple months where we're going to answer your questions. So just send them into me at michael@cowenlaw.com and Mallory and I will answer them. Anything from legal strategy, marketing, management, anything else in life you want to talk about, we'll be glad to talk about it with you. Again, Ask Michael and Mallory Anything, just send us an email. We'll be glad to answer your questions.

Today on Trial Lawyer Nation. I am joined by attorney Brian Glass from Fairfax, Virginia. Brian's with BenGlassLaw. How are you doing today, Brian?

Brian Glass:

Michael, I'm awesome. How are you?

Michael Cowen:

I'm doing great today. We're not airing this right before Thanksgiving, but it's the three days before Thanksgiving, son's home from college, other one I didn't have to get up and get a 13-year-old dressed and off to school this morning. So my life was more peaceful in the morning than normal. So I'm having a great day.

Brian Glass:

We are living opposite lives because my last week I deposed a drunk driver for six hours on Monday, I flew down to Miami, attended a conference for two days, came back at 10:00 Thursday night, went to our office holiday party, and then went to the soccer tournament for Saturday and Sunday. Didn't get back until 6:00 last night. And then I got an 11, a nine and a six-year-old off to school today.

Michael Cowen:

Oh, wow. Yeah. No, for some reason they take the whole week off this week and I'm fine with it. He's a good kid, but getting up in the morning's not his favorite thing. It wasn't mine either. So Brian, tell me a little bit about you as a lawyer.

Brian Glass:

Yeah. So I have a car crash practice in Virginia, Fairfax to be specific. Graduated law school in 2008, and I like to say I graduated into the teeth of the Great Recession. So all the jobs dried up and I went and I worked at a general practice firm for the first six months of my career before discovering personal injury work, which I did, have done now for 15 or 16 years. The first 10 years of my career I worked... I should say I'm Ben Glass's son, right? Because everybody who I meet is like, "Oh, I know your dad." But the first 10 years of my career, I practiced across town in a competing, ostensibly competing firm, because I wanted to make my own friends my own way of doing things and my own reputation, and then I joined Ben's firm in 2019. He and I are partners now. We have five lawyers and about 20, 25 staff members, some of whom are overseas, and we operate the plaintiff's personal injury practice and a long-term disability appeals practice.

Michael Cowen:

And you do, I guess, more of the PI and your dad does more of the disability?

Brian Glass:

Yeah, I'm exclusively PI and he's exclusively LTD. We'll read each other's briefs and we'll help on the biggest things, but for the most part we stay in our own lane.

Michael Cowen:

So your dad already had a practice and pretty well-known successful practice. Why did you decide to go out and practice somewhere else first?

Brian Glass:

Because of exactly the feeling that I have now, which is everybody that I meet, "Oh, you're Ben's son," and I didn't think that that was the best way for a 25, 26-year-old lawyer to start his career, and I wanted to make my own way of doing things and my own mistakes and my own network and friends and be able to carry my own water in terms of generating cases and bringing in revenue to the firm. And so to be honest, our long-term goal, it was never as though it was like, "Okay, when you're 15 years into the practice, then you'll come and work for me."

We kind of circled each other for a while and there was a time in 2018 where my firm decided not to move into larger office space, his practice did move into larger office space. I lost an assistant and then my wife had a really difficult birth of our third son, and it was like, okay, I kind of looked up, and he was 65 I think, said, "If I don't do it now, then I might not ever get the opportunity to come and practice." And so I made the move five or so years ago and it's been really good, but it was never really the intention from when I got out of school.

Michael Cowen:

For very selfish reasons, I want to explore this, because I have a son who's a sophomore who currently says he wants to go to law school and currently says he wants to... Well, frankly, he says he wants to take

over my firm. He doesn't just want to work for me, which is a little audacious for a 19-year-old, but at least he's got goals. So I want to talk to you a little bit about some of the pros and cons of working not just with family but the father-son, because there's a big difference between the father-son dynamic and law partner dynamic. So what are some of the things you've done to make it work?

Brian Glass:

That's a great question. It's truly a family firm. So my mom has kept our books for 25 years and my wife came over in the last two years to run our human resources department. So it is dynamic that's beyond a father-son-in-law partner. I think the thing that we do exceptionally well is that we stay in our lane and we are both very self-aware of the things that we're good at and the things that we're not good at, and we're willing to defer to the other person for the things that we're not good at or that might be out of our lane, and we've been running since a couple of months after I started here, running on EOS, which has been helpful. He's the visionary, I'm the integrator, and it's a helpful framework for saying, "Okay, this decision really is an integrator decision." If it's budget, if it's numbers, salaries, bonuses, whatever, that's in an integrator box, and so I get to make that decision. And if it's big relationships and direction of the firm, that's the visionary box and that's the decisions that he gets to make.

There have been some growing pains, especially in the last couple of years over marketing decisions because he and I are also running Great Legal Marketing together now. The way that we've marketed historically for auto accident cases has changed because speed to lead has become so incredibly important in our business. And so years and years ago, everything was written and request the book and learn all about the auto case, and then maybe you'll discover that it's too difficult for you and you'll reach out and you'll hire a lawyer. We've flipped that entirely and we've moved that process so much faster now from initial contact to, okay, let me send you a retainer agreement. So there's some adjustments that have gone on in that, but I think it's helped that that's been my vertical, and he's said, "Okay, here's how I would make this a little bit better," but he's not overruling me in personal injury and I'm not overruling him in long-term disability cases.

Michael Cowen:

Well, you have to have a pretty healthy father-son dynamic to be able to do that. What do you think some of the things would make it where... Not all fathers have the ability to say, "This is what I'm good at, this is what I'm not," when they're dealing with their children, what do you think some of the things are that has made that work?

Brian Glass:

Well, we both have coaches. We both have business and professional coaches who are really adept at identifying our weak spots and letting us know our weak spots, and I think a lot of it comes back to that and having somebody who's not a business partner or a spouse to say, "This is the problem that I'm having," and then in the example of my coach helps me see it from the other person's perspective a little bit more, and knowing that your business partner is having that conversation as well and is being educated on your perspective has helped us navigate around a couple of landmines, because it can be challenging. So I think having that really high-level self-awareness and then having somebody else who you don't have a familial tie to tell you when you're wrong about things.

Michael Cowen:

Yeah, I could so easily... Years and years, I'm talking in the late '90s, I tried or my dad... It wasn't my idea. My dad decided he wanted to work with me and it didn't work, but often the things we would be

blowing up on each other would not be the issue we're talking about, it's something that happened 10, 15 years before that led to certain triggers being really easily triggered. So I think you definitely would have to have, one, a pretty healthy relationship, but two, having a coach or someone to go there and identify, am I mad at him because I disagreed on this personnel decision or am I mad at him because he yelled at me 15 years ago?

Brian Glass:

It's funny that you say that it's often not the issue, because at home you might get into a fight over a dirty dish that's left in the sink, but it's never actually about the dirty dish. Yeah, stepping back and having that awareness of like, "Okay, what are we actually mad about?" Yeah, it's a skill.

Michael Cowen:

Yeah. Family's just so much more complicated than regular business. One, you can't fire family. I mean, you can fire them for the job, but they're still family and you have a permanent relationship and you just have a lot more history. You don't get that clean start. But it could be good. You mentioned EOS and just because not everyone who's listening is familiar with that, that's Entrepreneurial Operating System. It's consulting books. A guy named Gino Wickman has written the books and it's this great stuff. So you guys implement that at your firm?

Brian Glass:

Yes, and we tried to self-implement for about three and a half weeks. Our firm at the time, we probably had 12 employees and nine of them were on the leadership team, which that doesn't work out. And the reason that we began implementing it is it offers you really a good framework for making decisions. And so small law firm owners know that if you aren't empowering your people to make decisions within their boxes, you say, "Hey, this is your box of accountability and I trust you to make decisions in there," then you are going to end up with the line of people asking you questions outside your door every single day of the week, and you're not going to actually get any work done either on the business or in the business.

And so the EOS framework allows you to assign accountability and responsibility within those roles to people who are not you and then provides you a framework for having weekly meetings, and then we have an implementer who comes in five times a year for three quarterly meetings and then for a two-day annual offsite event with our leadership team to help facilitate the broader discussions about, "Okay, what's the most important thing for the business to accomplish in the next 90 days and in the next year? And ultimately, what's the vision for what it is that we're building here?"

Michael Cowen:

And I want to use a few terms. One is visionary. What is the visionary under the EOS framework?

Brian Glass:

So in most companies you would call this your CEO. It's the person who's responsible for the culture of the business, for the largest relationships and for setting the direction that the business is going in, and juxtapose that with the integrator who effectively is the COO in most companies who's responsible for things like revenue and profit, number of leads, personnel management, and then leading, managing and holding accountable their other members of the team.

Michael Cowen:

Yeah, and that is so important to have and there are very, very, very few people that are talented at both, I would say.

Brian Glass:

Yes. Yeah, and it's hard to be talented at both, number one, but I think it's impossible to do both at scale.

Michael Cowen:

And I think one thing that's hard for... I'm the visionary at my firm. Well, actually I have two firms. I'm the visionary at one of my firms, I'm neither the visionary nor the integrator at the other one. I'm director of legal. I mean, you got to stay in your own. Another one, my partner offered to make me a co-visionary and I didn't think that would work. I said, "I trust you. We need one vision. That ship doesn't go well with two captains going in two different directions." But at mine I'm the visionary, but I have to learn that I have to let my integrator be the integrator.

So for example, my COO will come to me with about a salary issue or about a hiring issue, and I want to make a 20% margin and I want to have gross revenue this much. How we get there is your deal. I don't care who you hire, I don't care what you pay them. This is the culture I want to have. These are the profits we want to make. You don't need to ask me on those kind of issues anymore. You just know what the big picture is. But it's hard and it's hard for her because she has to learn that I'll trust her enough to let her make those decisions and not second guess her, and then it's hard for me to let go and let someone else do the things I'm not good at.

Brian Glass:

It's really hard for lawyers to delegate that stuff, right? But if you don't delegate it, you'll never grow past where you are right now, and you think back the first time that you had somebody else take a deposition for you or answer interrogatories for you, even draft a complaint, those were scary things to let go of also, but if you don't let go of those little things, then you only have 24 hours in a day, and so you only have so much time when you can actually think about strategy in your cases or strategy in your firm, and if you aren't willing to let somebody else make the decision about should we pay 100,000 or 105,000, then you're just never going to grow.

Michael Cowen:

And especially if you're 50 or 55,000 for a lower level employee. If you get in the middle of all those little decisions, or do you reduce your fee by $500 to keep a client happy? If you have to be involved in all those decisions, it's really tough to get anywhere. And it's also just life's no fun. I mean, you get decision fatigue. It wears you out. You talked about a box of accountability. Can you elaborate on what a box of accountability is?

Brian Glass:

So EOS calls this the accountability chart, and so for any position, you have the job description, but you really have what are the four or five or six key component parts you are accountable for making sure we're running? So for your marketing director, it might be number of qualified leads coming in. Marketing might have some oversight over intake and sales. So it might be number of the percentage of qualified leads who ultimately turn into clients. You might have something like, okay, how many of those cases did we work on and then have to drop within the first 90 days because intake wasn't actually doing a very good job of screening? And having the person who knows that this is my responsibility and there's nobody else in the firm that has to answer for these numbers or this category gives the owner the ability

to look at that chart because as you grow to 20, 25 people, you kind of forget who's responsible for each thing that's going on.

But it gives you the ability to look at and say, "Okay, when we have a problem, who do I need to go and talk to?" And marketing is maybe not the best example for that, but in operations, knowing exactly which paralegal is responsible for making sure that the lien letters go out in the beginning of the case so that we don't get to the point where we settle it and now we've got to figure out who do we owe money to, and now we've pushed dispersal 120 days down the line.

Michael Cowen:

Right. Yeah, that's one of the things we've been working on is the reducing... I mean, we want to reduce time on desk in general without losing value, but really reducing the time between when a case is resolved and when the client gets their check because that... It's amazing how you go from a happy client, and most of my cases are referral, happy client and happy referral partner to a pissed off client and a pissed off referral partner on the same amount of money, but the longer they have to wait for it, the less happy they are about the amount.

Brian Glass:

Yeah, especially if they feel like or they get the sense that you should have done something earlier in the case. Man, when you have to explain that there was something we should have done 12 or 18 months ago that we didn't do and that that's why we're just now telling the health insurance company that you have an auto accident case and you might owe them some money back. Man, clients get really mad really fast about that.

Michael Cowen:

And it's really hard when they're right, when you should have. So to run a law firm profitably in the personal injury space, you have to have non-lawyers doing certain tasks. How do you balance between giving them some freedom to operate within their box of accountability but still making sure lawyers are supervising and lawyers are making legal decisions?

Brian Glass:

We are wrangling with that right now. Probably in 2023, we had delegated too much responsibility and oversight to a paralegal case manager and we weren't doing a great job of making sure that she was doing the things that we ask her to do, like check in on the clients every 30 days, make sure that those letters are sent out in the beginning of the case, and so we are wrangling with what is the responsibility and where does it come from to make sure that somebody is doing all of the tasks. And so we have case managers and we have paralegals and they're not doing anything that a lawyer would have to do, but there's a lot of little things that go on in the middle of a case that a lawyer doesn't need to do, that the paralegal of the case manager should be doing. Checking in every 30 days. Have you seen any new doctors that we don't know about? How's the treatment going?

As you get to these certain timelines in a sprain or strain case and there's not an objective finding on an MRI and there's not an upleveling in care, triggering the lawyer then to have the conversation with the client about, "Hey, you should go and see an orthopedist or you should mention this to your doctor, and we see what happens." So we've built all of that into our system in CASEpeer and we're moving over to Filevine here in the next year or so, and we built all of those tasks in and we are relying on the paralegal or the case manager to actually be doing them, and what we had in 2023 was somebody who is checking

the box, but it turns out not actually having those conversations. So that's what we're figuring out, how do we best manage that?

What we found works for us right now is a section-wide meeting once a week where we are in the rhythm now where we go through every single case once a month. So we might do 25% of the cases each week and then once a month we're hitting every case, and then we have a separate meeting for our top 20% of cases by estimated value where the lawyers are putting their heads together on what's the best way to strategize for this. Because most of the cases that are coming through our firm by volume are not cases where you can add two or three x the value if you just think really hard about it, but our top-end cases, they are. You can find more coverage, you can get the right medical visual, you can bring in the right expert. And so meeting regularly on those cases with all of the team of lawyers to take $150,000 case and make it worth $250,000 for instance.

So those are the things that we're doing. There's automation that's built in our case management software and then in some messaging that goes out to clients, which is a great supplement to having a good team in place, but it's not a substitute for having the good team who's calling the clients, who actually cares about the clients, and is reporting accurately back to the lawyers what's being said.

Michael Cowen:

Yeah, that's so important. When you go to Filevine, or start thinking about building at Filevine, you're welcome. We've put a lot of work into it and we do make sure we have our client contacts, make sure we have a file review meetings, we have all sorts of metrics. We build out a dashboard in something called Legal BI or Legal Business Intelligence to extract data by firm, by lawyer, by paralegal and create all these charts where I can see how many cases do I have where someone's not contacted the client in the last 30 days and document it. It's not just calling them. We have a set of things that have to be put in there and a document, has to be saved to the file, but they also have to put the date that they did it. Now, we still are exposed if someone just lies unless we catch them in a random audit, but making sure those meetings are going on.

And I heard a good quote, what gets measured improves, but what gets measured and shared publicly improves drastically, and so one thing we do is we have a lawyer meeting every Friday at 4:00 and we go over the numbers, and so if you are behind on something, we ask you why if your paralegal hasn't done that. And then what we're moving to next year is we're picking just three key performance Indicators, but for the paralegals, one's going to be they have to achieve a 98% client contact rate per month. They have to have a 98%. I think we're going to put the paralegal in charge of sketching the file reviews, because yeah, the lawyer's ultimately responsible, but a paralegal's setting most of the appointments, they're setting the depositions. So if the paralegal knows that their are bonus is tied to it, so the 98. And I forgot what the third one is, but instead of just getting a discretionary bonus after the end of the year, they're going to know that their bonus is contingent on them following the rules, and I'm hoping that's where I'm going to get buy-in.

Brian Glass:

So that publicly reported piece for most law firms is a tremendous culture shift. We hear this phrase praise in public, criticized in private, and that's what we were doing with this paralegal, and as soon as we started in those meetings saying, "We've been talking about this for three weeks, how come it's not actually done?" She quit shortly after that, but it was improving. And it's not in the PI section, but in one of our mastermind groups at Great Legal Marketing, we have a lawyer who's a family law lawyer, said, "I'm having a hard time getting some of my lawyers to bill what's expected of them, number one, but what everybody else is number two," and we said, "Just put it on a dashboard and display it." "Well, we

don't want to make that lawyer feel bad." Well, no. One of two things is going to happen. Either lawyer's going to bill 20% more than they've been billing or they're going to quit and you're going to replace them with somebody who's billing 20% more than they've been billing. Which one do you want?

Michael Cowen:

You win either way. I agree. We're actually for the first time starting next year... Actually, I announced the number to the firm, but we're actually going to have a dashboard everyone can see starting next year, even our firm's gross revenue, which all the lawyers were scared to let the lawn lawyer staff know what we were making, but it was so weird because our COO, we had a goal, and so she could announce, "We settled some cases. We're 75% to our goal," but no one knew what the goal was, and people were like, "Well, if people knew what we were making, they'd all want raises or they'd all want dissatisfied," and I have two responses to that. One, if anyone who works for me has a problem with me making money, they shouldn't work for me, period. I mean, if someone really deep down does not want me to succeed, I don't want them on my team.

But the second is I guarantee you... I mean, I drive a nice car, the firm has a plane. If you asked any of our employees what they think I make, I guarantee you it's three or four times what I really make. I don't make anywhere near what my people think I make. They think I'm have just unlimited money and it's just I'm very happy with what I make, but it's also costs a lot of money to run this place. Costs a lot of money to bring in cases. It costs a lot of money to pay rent and health insurance and everything else. I think the more transparent we are, the better off we are.

But even comparing what lawyers are bringing in, we did it at one time, it helped get numbers up, but it created some toxicity and I stopped doing it. I think it was a huge mistake. I think the problem I had was toxic people that would go spread dissatisfaction, "Well, so-and-so's getting better cases because that's Michael's favorite," or spreading really, really bad rumors why one female lawyer may be getting better cases than another, and the solution there is not to stop sharing the number, is the solution is to get rid of your toxic people, which happened on its own later anyway in a very ugly fashion, but would've been much better just to say, "Hey, that's not acceptable here. You either stop doing that or you don't work here."

Brian Glass:

That is the fear is that everybody tries to reverse engineer, "Okay, if this is the revenue, then what are Michael and Brian taking home?" And you're right, that if those people are going to do that and they're going to do it anyway, and you may as well have it just out in the open so people can select do I want to work here, do I not? And then as the business owner, your job is to create a place that outside of salary and benefit package is just a really exciting and interesting place to work. If I'm working on the B cases of Michael's office, that's better than working at the A cases on somebody else's.

Michael Cowen:

So what are some of the things you do to make it a fun, exciting place to work?

Brian Glass:

Man, this is another. We're always trying to figure that out. So one of the things that we've done is we just ask everybody, "What would be perfect for you..." When the pandemic hit and we shut down, I don't know, do you want to work from home? Do you want to come into the office? Do you want to be able to bring your kid into the office? I can't tell you that I'm going to be able to meet any of those expectations,

but if you don't tell me, if you just have some unmet or unsaid expectation in the back of your mind, then I can't actually do it for you.

Ironically, along those same lines, we always had this policy of if you see a training or something that you want to go to, you just tell us and we'll pay for it. If you see a book on Amazon that you want, we'll just buy it for you. And nobody ever took us up on it until we put a limit on it because they want to know what actually is the expectation of your money that I can spend on my training and education. So for our staff members, it's 1500 a year. For our lawyers, I don't know what it is, but having that expectation in place of what do you think is reasonable that I can spend money on actually will get your people to spend more money than if you give them an unlimited budget. Same thing with PTO, by the way, unlimited PTO. If you actually start tracking your people, you'll see some of them take super advantage of it and some of them don't take any days off because they don't know what you think is reasonable.

Culturally, we have a lot of lunch and learns where we bring in people who are doing interesting things either around Northern Virginia or in the legal space, and we'll bring them in and ask them to talk to the team, buy lunch for the whole team on those days, and then we try our best to support the outside the office dreams of the staff. So we had Spirit Week was last week, we did Vision Board Making Day on Monday and everybody came in, got together, cut out things out of magazine, made vision boards, and we try to be open about if you want us to help you achieve some of that stuff, we will.

But I tried years ago almost an internal coaching program because coaching has been so beneficial for me and people didn't like it. They said, "Well, if I tell you I want to run a marathon and then I don't run a marathon, I'm afraid you're going to use that in my performance review." So we backed off that. But we try to find cohorts of other similarly situated people to set our team up with. So Paralegal Association in Northern Virginia, Marketing Director Mastermind, things like that just that are opportunities that maybe you wouldn't have or wouldn't be supported on office time at other firms.

Michael Cowen:

Now, you do car crash law, auto law. That's one of the most competitive marketing fields, and you also help run Great Legal Marketing, a marketing... I don't know what you'd call it. Coaching idea?

Brian Glass:

Yeah. The name is a misnomer because most of it is coaching and consulting and masterminding.

Michael Cowen:

It's part of the reason that this podcast exists. Part of the inspiration I got from years ago going, I think it was... I know it was pre-2010 when I went to the first one. I'm not sure. The first one that I went to, not the first one ever, but it was a while back. What are the channels you use to market your firm?

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.

Brian Glass:

In 2024 until last week, we shut off all of our paid digital marketing, and the reason that we did that is because we had an intake problem and we had a sales problem that we needed to fix first, and so we have level by level been getting better and better and better at data. So we've been on Lead Docket I think for about a year and a half or two years, and as I said, making that transition to Filevine so that I can have exactly what you described, like broken down by lawyer, revenue per case, all of that stuff.

And one of the things that we discovered when we got into our lead data was that there's so many people that were calling us for the first time that by the time we got back to them, had already found another lawyer because our intake and our sales was slow. It was a one person operation, and most like law firms, we had gone from reception does the intake to lawyer does the sales process to, okay, we should have somebody 40 hours that does this, so we're going to find somebody overseas who does it. And when we brought that position back to somebody who could run screaming down the hallway like her hair was on fire when a good case called, our conversion shot through the roof. So we're up 52% more auto cases this year signed than last year on no additional marketing spend, only on better conversion.

So what channels do we use? Right now it's organic SEO and we've done some coaching with Jason Hennessey, but implement it all in-house, and we produce videos on YouTube in the long-term disability and the personal injury vertical and they're on separate channels, and we produce some social media proof that we exist and we're normal human beings, but it's nothing super sophisticated. And then we have a print newsletter that goes out once a month to past and current clients and referral sources. But what we did when we turned off our digital marketing spend is we rerouted that into a person. So we elevated our, if she was a receptionist at one time, she's kind of an office manager, we made her a director of referral relationships and put her in charge of setting us up with in-person lunches with people who come into contact with our clients before we do. So in the car crash space, it's chiropractors, physical therapists. In the long-term disability space, it's financial advisors to doctors, lawyers, dentists.

The only paid marketing that we were doing in that field was to a website called White Coat Investor, which is a financial advice for doctors, and we were advising on what to do with your claim after it's denied and that's probably our greatest lead source for our highest quality clients is that doctor website, which is interesting. We turned back on LSAs because I feel like now we are good enough at answering the phone that I can afford to spend a little bit more money and see if it works, but we don't do any pay-per-click. I don't even know what else might be out there. We trade really on word of mouth.

Michael Cowen:

Now, one thing that makes it tough I think when you're marketing, especially in the personal injury context, is that a consumer has no idea how well you write a complaint. They don't know how long it normally takes. They definitely have no clue what the value of their case is. They may think from someone, but they don't know whether you did a good legal job or not for them. How do you differentiate yourself?

Brian Glass:

Service. Which also you wouldn't know until the end of the case.

Michael Cowen:

Well, maybe.

Brian Glass:

Yeah. Well, you wouldn't know until after you'd sign the retainer agreement. I compare us to realtors actually because it's a transaction that you do four times over the course of your lifetime maybe or maybe never, and being injured in a car crash is kind of the same thing, and all of a sudden you're thrust into this world where there's an insurance adjuster calling you, you have a friend that has some opinions, but you really have no idea after you've executed the agreement whether that lawyer or that realtor could have gotten you 10% more, 10% less, whether they could have sold your house any faster, settled your case any faster.

But what you do at the end of that exchange is whether you liked the experience and whether you were educated the whole way on what was happening, what was going to happen next, how long it probably was going to take, and ultimately, what the value of the transaction might be. We really, really stress that from the very beginning and all of our processes are designed at educating our clients on what's going to happen next because the feeling that you have of being the client I think is if not more important, it's easier to tell than whether my lawyer did a good job for me or did a bad job.

Michael Cowen:

Absolutely. And what do you do in the marketing space to, I guess, differentiate yourself by the fact that you all provide such a great experience?

Brian Glass:

Yeah, mostly Google reviews, right? Because when somebody is calling an auto crash lawyer, if they don't know you... This is the other thing that we looked at data-wise. If you don't know me and you're coming from organic SEO or from LSAs or from PPC, I'm a commodity. Very, very few people are doing a whole lot of research before they're calling, especially on smaller cases. What you find is on the big cases, they're almost exclusively coming from referrals, either from another lawyer who doesn't practice in your area or in your practice area, or from a friend. The people who are calling you because they've been referred by somebody, you have a much longer timeline before they'll sign an agreement either with you or with the next lawyer they called, but if somebody clicks on your ad, calls you, and you don't immediately answer the phone and solve their problem, they're more likely to click on the next person's ad and call them and see if they can answer the phone.

So things that we've done is if we can't get you to a decision while you're on the phone, we have a sequence of texts and emails that go out after that often pointing you back to frequently asked questions sections either on our website or on our YouTube page, all of which is just like... I sent one to a woman this morning who sent us an internet lead over the weekend, we didn't get back to her until Monday morning. By the time we got back to her, she's already talking to another lawyer and if I don't sign with him, I'll call you back, right? So I went into our YouTube vault and I sent her the video on how to select the right auto accident lawyer for your case.

Now, maybe it's me, maybe it's not, but saying things like, "Hey, you need a lawyer who's not only barred in your state, but practice is actually in your jurisdiction. Here's the things that you should expect," and you build up this list of questions to which you are always a yes. The lawyer should have this quality. Oh, Brian's got that. Lawyer should have a system that does this. The lawyer should have over 355 star Google reviews. Oh, look, Brian's got that. So finding subtle ways to reinforce all of these little trust clues and point them back to, you can trust me. People don't trust lawyers, but you can trust me. That's what we do. And not necessarily in our front-end marketing, but certainly in that pause between I've got the retainer agreement now digitally on my phone or on my computer, I just got to check one more place before I make this decision. Giving people guideposts back to that place.

Michael Cowen:

Yeah, we find at least in our other practice that most of the time if we don't get them to sign the agreement while they're on the phone digitally...

Brian Glass:

Yeah, we don't try that. We always send it after the phone, but I'm routinely surprised at the people who have the thing open for 35 seconds before they click the Sign Here button.

Michael Cowen:

I'm telling you, you would increase conversions if you text it to them while they're on the phone.

Brian Glass:

Yeah, I'm sure. And this is a mental hangup, right? It's back to I don't know that I would want a client who didn't put it... But they're not putting that much thought into it anyway. The days of, "Hey, you should go and talk to three lawyers and see which lawyer you get the best impression of and have the most trust with," nobody's doing that.

Michael Cowen:

I think in the non-catastrophic case, I think we really are being viewed more as a commodity nowadays, and one way I learned this is we opened up in the state of New Mexico. We're new to the state, we wanted to be different. We knew we'd have to compete on service. So even though we wanted to do incredible legal work, we had to provide just a better service than anyone else coming into the market, and so one thing we thought is we'll make sure that every client could meet with a lawyer in person, and we'd fly up there and then we'd schedule all the clients and like, "Why did I have to come take time out of my life to meet with you? Everything was going fine. It's annoying to me to have to take time out of my life to sit here and talk."

They don't want to talk to a lawyer all the time, which shocked me. I thought they'd all want to talk to a lawyer. They'd want to know that they had a lawyer that had tried over 100 cases, that's here to meet with them in person or by Zoom or over the phone, and a large percentage of them don't want that. What they want is convenience, like get me through the process, keep me educated, keep me up to date. I don't care if it's a lawyer or non-lawyer calling me. I want to make sure there's a lawyer behind the scenes. I want to make sure if I want to talk to a lawyer, I want to be able to get in quickly and talk to a lawyer. But that personal one-on-one was not as important to consumer as I thought it was, and I think a lot of times they don't think that one lawyer's really going to get them any more than the other.

Brian Glass:

I don't know if this changed with COVID or if COVID revealed it, but I used to have this belief that if you wouldn't set aside some time and come into my office and meet with me, that when we got to the time where I was going to tell you what your case was worth, you wouldn't listen to me. In COVID, nobody was coming into the office and people didn't even want Zoom calls. I could send you a Zoom link or we could talk on the phone. Just talk on the phone. And so do you have a sense of whether that's a change or just a revelation?

Michael Cowen:

I think it's a change. I don't know if it's COVID or not, and it's definitely a change from the 1990s when I started where it was just you would have to go meet multiple times in person to get that level of trust. I think there's this false perception that a case is worth what a case is worth, and as long as you get a lawyer, you're going to get that value, which I think is wrong, but I think there's a consumer perception of that so that they don't necessarily value that. I think as long as they feel like they're being treated well and they're getting what it's worth when it's not life-changing money, I got hurt, I'm going to get a few grand in my pocket, but this isn't like I'm going to not going to be able to work again and I need money. And the bigger cases, they definitely want that time with their lawyer or that big personal relationship, but I think when it's not life-changing money, I think it's just not that important to them.

Brian Glass:

Yeah, it's interesting because the opposite seems to be true when it comes to resolving the case is that when it's not life-changing money, it's much more difficult to convince them of the value if it's less than their cousin's case was worth, but when it is life-changing money and it's because they've had these huge problems that they've overcome and dealt with and you've been there every step of the way, but when it is life-changing money, they seem to just trust you.

Michael Cowen:

Well, I found when it's not life-changing money, 90% of them just trust us, and then there's the 10% that I don't know if it's distrust or because people... What I see a lot is people say, "Well, you need to negotiate. Never take the first offer," and they don't realize you have to negotiate with the other side, not with your own lawyer who's trying to represent you. And some people just want to game the system because they know by being difficult, the lawyer will give up and cut the fee to get the people out of their hair, and you just have a few of those people out there. You try not to represent them, but if you have any kind of volume, you're going to get some. That's the dirty secret in this game that if you're just totally irrational, abusive, a pain, make bad decisions, sooner or later, the lawyer will cut their feet just to put more money in your pocket and make you go away.

Brian Glass:

Yeah, don't tell people that.

Michael Cowen:

This podcast is directed at other lawyers, so I doubt the general public's going to hear that, and it's awful, and most people just aren't those kind of people even if you did tell them that. I know if I'm dealing with a realtor, I don't mind paying the percentage that I promised to pay and I would never do woe. Now, I know they work on commission and if I said, "I wanted more money on my house and if you don't cut your commission that could sell for this price because you weren't good enough to get me the price it really deserved, I'm not going to..." A lot of them would give up and take some commission rather than just sending me away, but I don't want to live life like that. I think most people are fine with agreements they sign and have no problems honoring, but there is that small percentage that, frankly, you are better off cutting your fee and getting them out of your life.

Brian Glass:

Yeah. Well, and then this is back to kind of the accountability chart stuff. It's like, okay, I don't want to have to make every single one of those decisions over 500, $1,500 because it is a better use of your time,

lawyer, to just take that $1,500 discount than it is to litigate the case for three months in a effort to get another $5,000, which would net the client the same amount of money in their pocket.

Michael Cowen:

If you even could get another 5,000, and oftentimes you can't, you've got the best offer. Sometimes it's policy limits and you've got a judgment-proof defendant, you've got the policy limits offered and you've done everything you could possibly do, and there's no reason when you've got the maximum possible results that you should give a discount, but sometimes that's the only way you're going to get the deal done and you need to teach other people, give them an education about when to do it and when to not do it and when to bring it to you. Even like our case signups and at the Cowen Rodriguez Peacock firm, where attorney referral base, fairly selective firm, we have an automatic yes, we have an automatic no and we have a gray area, and so 80% of the cases, the leads that come in are auto-yeses, are auto-nos. Most of them are auto-nos, unfortunately. And then we have a process for dealing with a gray area, and I think you can do the same, you can set up the parameters and then get people to do that.

Brian Glass:

That's one of the things that we fix in our into, I call it our deal box. If it's something is squarely in our deal box, you just send the retainer. You don't have to ask me. And if it's got little color on the edges, all right, let's have a conversation about it and maybe set up a phone call so that... I've found that the lawyers are the best at asking those next three, four, five questions and doing the lawyer cross-examination thing about either prior injuries or facts of the crash. Because we're in a contributory negligence state, so if you're 1% at fault... Having that clearly defined category so the team knows what they can be trusted to move forward with and what they can't. It makes everybody's life easier.

Michael Cowen:

Now, you don't just help run two businesses, do the marketing, be the integrator of the business, you also try cases and get some pretty good results. I mean, I know you've got a four and a quarter million dollar verdict in a car crash case. How do you do both?

Brian Glass:

How do you do both? It's been a couple of years since I've tried a case. That was the most recent one, it was four and a quarter and back in 2022. It helps that at the time we were smaller volume than we are now. It helped that at the time I was not also deeply running Great Legal Marketing. I think the thing that lawyers who want to do both have to figure out is how do you delegate all of the stuff that doesn't help you meet those goals? I have an EA who does all my email and scheduling and travel. I have a meeting with my marketing director, but then she's got a virtual assistant who helps her implement all of the things, right?

Again, there's only so many hours in a day and I make it a point in the spring and the fall to leave at 4:00 because I coach baseball and soccer teams. So yeah, it's challenging to do both. You have to surround yourself with a good team and you have to be able to delegate the things that really are not needle-movers for you, and then you have to... Getting better at this I hope, although my wife might disagree, you have to say no to a lot of opportunities.

Michael Cowen:

Yeah, I think trying cases is a lot easier. If you're looking at the EOS framework, if you're the visionary, if your job is to set the vision, be the face of the firm, do major relationships, then you're not involved in as

many little things, so you can drop everything and try a case for a week or two. If I was the integrator, like you are, and I was to have as many meetings, be involved in as many decisions, I don't think it would be as easy for me to try a case, because there's nothing worse than you've gotten out of trial... When I'm in trial, that's all I do.

Unless it is mission-critical, and people know someone else is in power to make that decision while I'm in trial. Same when I'm on vacation, actually. I kind of put them both in sacred spaces where I'm going to be fully focused on my family on vacation or my case when I'm in trial. But if I was having to be fully present in trial all day and then take an hour to go deal with people's business problems and then go back to preparing for the next day, I don't think mentally I could handle it.

Brian Glass:

It'll be a challenge for the next multi-million dollar case that comes through the door is whether it's going to be me and it will be completely disruptive to a lot of other things that are going on in the business, or whether that's going to be something that I have to delegate and just sit second chair and conduct voir dire. I don't know. Yeah, we'll have to figure that out the next opportunity that comes our way.

Michael Cowen:

It is tough and problem is you can only do it by trying a lot of cases with somebody. If I try a case with my partner, Mallory, I mean, literally she can bring me in a few weeks before trial and say, "Michael, this is the case. This is the theme. I want you to do these parts of the trial," and it's easy because we've tried cases together for 11 years and she knows how I want things done, and she's brilliant and we can do that, where my other lawyers are really good, but we have not tried a lot of cases together, so I have to get involved much earlier at a much higher level of detail, which I could not do if I was the integrator.

Brian Glass:

It's that level of trust.

Michael Cowen:

It is. Well, it's not just trust, but I mean, people don't know what they don't know. If you've not been to trial with me, there is no psychic transfer of knowledge. Because I'm only trying two to four cases a year, it's not like there's so many different things that could come up. I mean, we do trainings, we have procedures, we have policies, but it's just until you're in there, in battle together, it's not the same. Some things just when they're not things that happen every day, it's hard to put everything in writing and have someone go know what to look for. And they don't know how important it is until you get in there.

Brian Glass:

I tried a case up here a couple of years ago. It was a medical malpractice firm case that happened in Fairfax, and the firm that originated the case was in Georgia where the decedent's family was. And early on they said, "Well, what's different about Virginia than Georgia?" I don't know. I don't know anything about Georgia. You ask me a question about how do you do voir dire or what are the evidence rules? I can answer that, but I can't tell you what's different, and that's the thing that you miss when you're expecting somebody else to handle parts of the case the way that you like them handled, but you haven't downloaded all that information to them.

Michael Cowen:

And people don't know what they don't know, and I've learned that getting ready for trials in New Mexico. I mean, I've had a few surprises because there's things that we just didn't know until you get in there and start doing it that the judges expect certain things or that the local trial culture is a little different. Even in different counties within the same state, you don't know what you don't know until you get in there. Now, you can hire local counsel sometimes and get some guidance, but if you don't know to ask the question, you don't get the answer, and they just assume that you know because that's how they do things. It's always a process, but I think part of business growth is you have to accept that things aren't going to be perfect, and if someone can do something 80% as well as you can, then unless it's something that brings you great joy, you should do something where no one else can do it as well as you can, at least 80% as well as you can.

Brian Glass:

Yep.

Michael Cowen:

So this has been great. Anything else you want to cover?

Brian Glass:

I think this is good. I'm looking back. You haven't been to an event since 2016. You ought to come back.

Michael Cowen:

I haven't. I did some of the online stuff. I speak so much, I'm kind of evented out, but I probably will at some point. I know I think I've sent people. I know I've sent people since then, but I don't think I've personally... I delegate out a lot of them. Again, marketing, come up with kind of big concepts and then send other people on the execution and some of the old school stuff, like the writing a book or writing the information-based products works really, really well. Still on the B2B side.

Brian Glass:

Well, that's the whole... it's the Big Rig Truck School.

Michael Cowen:

I had my own Big Rig Boot Camp that was partially inspired by y'all, partially inspired by Chris. A combination of different things. I started off with really small, just lunch, one hour. You get a free lunch, you get an hour of CLE and then it grew over time, then we did things with multiple speakers and now on the Big Rig Boot Camp, I'm the only speaker. We still do other seminars with other speakers within the firm. We don't do things with... We don't need to market other people's practices to market our own anymore.

Brian Glass:

Yeah, it's a bigger, better version of the book.

Michael Cowen:

Yeah, we had these little shucks, these little mini books until I decided for my own one I wanted to do it, I wanted to be a real published author with a real publisher and not just doing it myself, but two, I just thought in the personal injury space, trial guides was the way to go. So I specifically had a goal of getting

a trial guide's book and that was actually a much longer process because the first few times I asked trial guides, they weren't interested in me, and actually, two other really good lawyers who were both friends of mine, both had the contract to write the trial guide's book, but neither one of them finished it, luckily for me. So eventually my star started shining a little more brightly in the trucking world and at the same time, the other people that had the initial opportunity just were too busy practicing law and weren't able to finish the book, and I was able to get the contract and then over five years actually finished the darn thing.

Brian Glass:

Awesome.

Michael Cowen:

My next one's not going to take five years because I'm going to partner with a good integrator. I'll probably co-write it with Mallory or somebody else that actually is super organized and punctual. Great. If someone wants to find you out in the world, let's say they have a case in Virginia or they want to talk about their marketing for GLM, how can they find you?

Brian Glass:

I am probably most active on LinkedIn. It's just under my name and then every other social media, it's @thebrianglass and then BenGlassLaw is the website if you want to come and see what we're doing in terms of trust-based marketing there.

Michael Cowen:

All right. Well, thank you so much for coming on and thank everyone for listening to this week's Trial Lawyer Nation.

Brian Glass:

Thank you, Michael.

Michael Cowen:

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 can also visit our episodes page on the website for show notes and direct links to any resources in this or any past episode. To help more attorneys find our podcast, please like, share and subscribe to our podcast on any of our social media outlets. If you'd like access to exclusive plaintiff-lawyer-only content and live monthly discussions with me, send a request to join the Trial Lawyer Nation Insider Circle Facebook group. Thanks again for tuning in. I look forward to having you with us next time on Trial Lawyer Nation.

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. This podcast has been hosted by Michael Cowen and is not intended to, nor does it create the attorney-client

privilege between our host, guest, and any listener for any reason. Content from the podcast is not to be interpreted as legal advice. All thoughts and opinions expressed herein are only those from which they came.