

LAWYER ALERT

Stopping Medical Injustice

3 Simple Tools that can make **Life-Changing** Differences for You

It is a conversation that will be stuck in my mind forever.

During a mastermind in Florida, a member of our tribe said, “We all have great ideas. It’s not about ideas, it’s about doing something about them.” No response was necessary. Of course, he was right. The best ideas mean nothing if we don’t do something about them.

What is the one thing you could do that, if you did it, would make a profound difference on your life? Pick anything that matters most to you. You might pick fitness, weight loss, your relationship with your son or spouse, professional development, or your relationship with God.

You are not going to begin acting on your goals on January 1st. You will begin today, and progress will not happen fast. But with time and patience and small activities done on a daily basis, your wildest dreams will come true. These are the 3 tools that can make a big difference in your life.

Life-Changing Tool #1: The Power of Streaking

The concept of streaking comes from husband and wife, Jeffery J. Downs and Jami L. Downs, co-authors of the book, *Streaking: The Simple Practice of Conscious, Consistent Actions that Create Life Changing Results*. The idea underlying streaking is simple: do one “laughably simple” activity every day that will help you progress in the direction of your goal.

1st Step: Select a Laughably Simple Activity

What is the “laughably simple” activity that, if you did them, would make a difference advancing toward your goal? Write them down.

Let’s say that you want to work on your relationship with your son who lives out of state. Your laughably simple activity might be one phone call or text message at least once a day to your son. Would this simple activity improve the relationship with your son? Your damn right, it will. What do you say to your son? Anything. You just want to show him that you love and care about him.

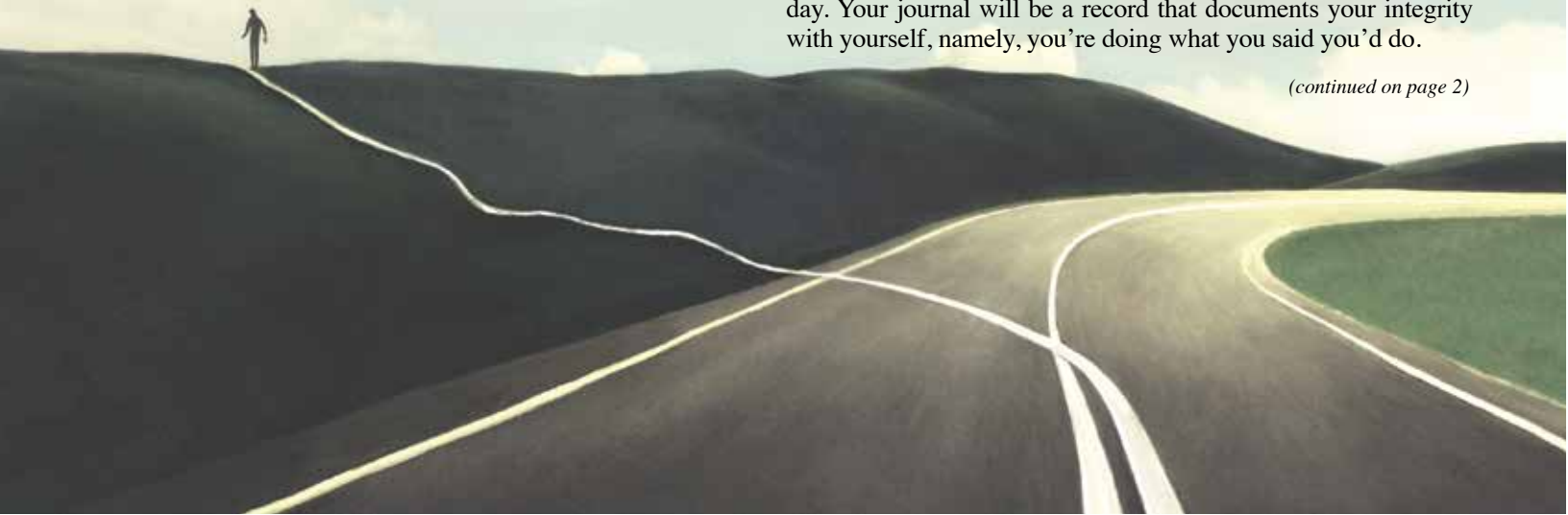
Let’s say you want to write a book. You might commit to writing at least 2 paragraphs once a week (streaking can be daily, monthly, quarterly, annual). The operative words are “at least”; you can write more than 2 paragraphs every week if you are inclined to do so, but you will write at least 2 paragraphs every week. You won’t see much progress at first, but after 3-6 months of streaking, you will have a strong start on the manuscript.

2nd Step: Keep a Record of Your Streak

There is no streak without a record of the streak. Keep a journal of the daily activities that you do. This will take less than a minute. But remember, if there is no record, there is no streak.

Document your streak in a journal. Document the date and the day of your streak (“Day #104”) and write the activity that you did that day. Your journal will be a record that documents your integrity with yourself, namely, you’re doing what you said you’d do.

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3rd Step: Join a Community of Streakers

Join a community of streakers and share your success with them. You will celebrate your streaks with your fellow streakers, and you will be astonished by the changes that have occurred in your life and the lives of your fellow streakers.

Don't know where to join a streaking community? You are welcome to join our private Facebook group, "The Streakers". There's just one criteria for inclusion: you have to be an active streaker. If you're not streaking, you won't remain in our group for long.

How Streaking Can Change Your Life

Once you begin a streak, you will do anything to make sure the streak does not end. With time, your commitment to your streak will grow stronger and you will become a force to reckon with.

Not convinced yet? Here's a sample of my streak:

Jogging Streak

Laughably Simple Activity: Jog for at least 1 mile every day.

Duration of Streak: Day #609

Results: Jogged 1,537 miles (equivalent of 58.6 marathons) and the best fitness of my life. My energy levels increase, I have no aches or pains and I feel great.

The Results of Doing Simple Activities on a Daily Basis

When you streak, you become unstoppable. No one will catch up with you *because they're not streaking and you are*. The results won't seem like much at first, but over time, you will be amazed by the results.

Here's my challenge for you: start a streak today and join our private streaking community in Facebook. We will encourage you, make sure you don't give up and keep fighting to keep your streak(s) alive. Send an email to jfisherlawyer@gmail.com and I will add you to our streaking community.



Life-Changing Tool #2: The Four Disciplines of Execution

The Four Disciplines of Execution: Achieving Your Wildly Important Goals, written by Chris McChesney and Sean Covey, is the perfect complement to streaking.

Step #1: Select a Wildly Important Goal

The concept of the Four Disciplines of Execution is simple: select a wildly important goal that will take your business or personal life to a higher level. The wildly important goal should be something that is virtually unfathomable and if achieved, will change your life. Remember to think big and without limitation.

Step #2: Select Lead Factors for Your Wildly Important Goal

You pick the activity that will make a big difference in your life (known as a "lead factor"). Much like the "laughably simple activity", a lead factor is the activity that you need to do to achieve a goal.

If your goal is to create a strong YouTube channel for your law firm, you might commit to creating at least 1 new video for your YouTube channel every week. Recording a video will only take 10 minutes a week and a video editor can do the editing and uploading for you. Over just 2-3 months, you will slowly gain traction on YouTube and you will have a great set of information-laden videos for your website.

If you want to create a stronger website for your law firm, commit to posting at least 1 new article every week for your website. Your content will always be much better than a ghost-written article because you know the law better than anyone. If you create at least 1 new article every week for your website, you will have at least 52 compelling articles in 12 months (and crushing your competition).

Step #3: Track Your Progress on a Scoreboard

As you streak and continue to make progress, you document your progress on a scoreboard that is in a highly visible location, (e.g., your law firm's lobby or conference room). The scoreboard is updated on a daily basis as you make progress.

You aren't simply celebrating results on the scoreboard. You are also documenting the progress that you've made with lead factors, namely, the activities that will help you advance toward your goal. The scoreboard becomes a fun and easy way to celebrate your progress with lead factors (activities necessary to achieve a goal) and lag factors (goals).

The scoreboards in our conference room are updated daily with funny snippets, "Crush Goldenfarb" and "No Soup for Goldenfarb" (our firm had a Google review contest with South Florida injury lawyer, Craig Goldenfarb, Esq. and his firm—we lost). Scoreboarding has to be fun and ideally, you should get your team to create and update the scoreboard.

Step #4: Keep on Track with Weekly Meetings

Set aside 20 minutes every week to meet with your team members about your progress. You will discuss what you did last week and what you plan to do the upcoming week. Did you do what you said would do? This is an accountability meeting and will make sure you stay on track.

A Wild Experiment that Mixed Streaking with The Four Disciplines of Execution

Why should you do this? You keep moving in the direction of your wildly important goal and the outcome becomes almost inevitable. There's no denying the powerful impact of streaking when combined with the Four Disciplines of Execution.

Will this work for your law firm? Here's a sample of my experience:

Google Reviews for Law Firms

Wildly Important Goal: Increasing our law firm's Google reviews, so our firm stands out above our competitors on the web.

Lead Factor: Request at least 1 Google review for law firm every day.

Duration of Streak: Day #606

Results: Google reviews increased from 124 to 541. There is only 1 law firm in New York with more Google reviews and our firm's reviews are a consistent source of new leads.

To put this in perspective, it took 8 years for our law firm to get 124 Google reviews. When combining streaking with the Four Disciplines of Execution, we generated 417 Google reviews.

Life-Changing Tool #3:

The Power of an Accountability Coach

Ideas mean nothing without implementation. So, what can you do to take this to a higher level? You need an accountability coach, namely, a friend or colleague who will hold you accountable with daily phone calls at a specific time, e.g., 9 p.m. every Thursday. You will report your progress every workday and hold your partner accountable for their goals.

Does accountability coaching work? Since January 18, 2021, I have had daily accountability phone calls with my body tutor (a fitness and health coach at "My Body Tutor"). During the daily calls,

my body tutor and I spend 5-10 minutes discussing the previous day's food consumption and exercise. With my tutor's help, we adjust my diet on a daily basis and he keeps me on track when I go off-track. And the results?

Weight Loss

Laughably Simple Activity: Document food consumption every day on a website.

Duration of Streak: Almost 2 years, began on January 18, 2021.

Results: Body weight decreased from 193.6 lbs. to 165.4 lbs. and my waist size dropped from 36" to 32". I wear "skinny" jeans for the first time in my life.

Will this work for you? What have you got to lose? If you want to work with an accountability coach (or me), let me know (jfisherlawyer@gmail.com or cell: 518-265-9131) and we'll make an introduction. You've got to try this—there is nothing more powerful (credit: St. Petersburg, Florida disability lawyer, Nancy Cavey, Esq., for accountability coaching).

Let's make TODAY the beginning of a great future.



A STORY THAT HAS TO BE TOLD

It was a surreal moment. I could hold this inside or share it only with colleagues and close friends, but that wouldn't be the right thing to do. This is a story that has to be told.

It was the first day of jury selection. Before jury selection begins, the prospective jurors complete a juror questionnaire about their age, family and employment status. On the jury questionnaire, 3 members of the jury panel shared that they are members of the Jehovah's Witness.

During the first break in jury selection, defense counsel asked to speak with the Judge. In the courtroom, defense counsel told the Judge that she has encountered members of the Jehovah's Witness during previous jury selections and in her view, they are not appropriate for jury service based upon their religious views. Specifically, defense counsel explained that it is well known that members of Jehovah's Witness place God's law before the law given to them by the Judge.

In a sarcastic tone, the Judge rhetorically asked, "What is God's law anyway?" I asked the Judge to speak with the members of the Jehovah's Witness to inquire about potential biases and determine for herself whether they were appropriate for jury service. The Judge declined my request and stated that the members of Jehovah's Witness were not appropriate for jury service. The Judge dismissed the 3 members of the Jehovah's Witness from jury service.

After their dismissal, a 37-year old male, one of the members of the Jehovah's Witness, approached me. This man shared that he viewed it his civic duty to serve on a jury and he was disappointed that he would not get the chance. This man acknowledged that he would always place God's law before anything else, but he could conceive of no circumstances in the medical malpractice trial where such a conflict might occur.

This man, his wife and another member of the Jehovah's Witness were sent home and not permitted to be a member of a jury, although only 1 of them had spoken with the lawyers or Judge. Even months after this occurred, I am still stunned.

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A STORY THAT HAS TO BE TOLD

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Following the trial, I had a decision to make. I could ignore what happened during jury selection, or I could file a formal complaint against the Judge. Without question, the easier path was to do nothing.

Filing a formal complaint against a Judge is not good for a lawyer's career. I knew that there would likely be harsh consequences, not only from the Judge, but the Judge's colleagues in the small county (Putnam County, New York) where the discrimination occurred. But I knew ignoring discrimination was not an option. There was really no choice to be made, so I filed the formal complaint against the Judge.

What happened next was not entirely surprising. For the first time in my career, I was sanctioned by the Judge and I had to pay \$7,500 for my "misconduct". I paid the fine and appealed the Judge's Order to New York's Appellate Division. I am confident justice will be served by the higher court and most importantly, the Judge's discrimination will be exposed.

It is irrelevant what religious group faced the discrimination. I would have done the same thing whether the discrimination was against Hindus, Muslims, Sikhs or atheists. The religious views of the prospective jurors do not matter. What mattered is that the courtroom was closed to 3 members of a particular faith and I could not look the other way.

During the commencement speech for law school, our Dean told us that we were not becoming a "Notre Dame lawyer" on that day. The Dean explained that each one of us would eventually face the most difficult ethical decision of our career. We would be forced to choose between an easy path of doing nothing or the difficult path of doing the right thing, even knowing that there would be harsh consequences. And on the day when we made the difficult ethical choice, only then would we be a "Notre Dame lawyer".

On that day, I wasn't quite sure what the Dean meant...but now I do.

Practice Limited to the Representation of Seriously or Catastrophically Injured Persons



(top left) Patch and his new sister, Lily.
(above) Lily's puppy, Lily, with Santa Paws.

What's John UP to?

Grateful to have my second article, "Seeing is Believing", published in the January, 2023 edition of the American Association of Justice's *TRIAL* magazine. The article is about the use of hospital surveillance video to provide critical evidence of negligence that jurors can see for themselves.

During the trial of *Melkonian v. Albany Medical Center*, we used surveillance video to prove that the hospital did not conduct a physical examination of the patient (contrary to the medical records). With the surveillance video, we were able to visually show the patient's distress, including clenching his chest and his activity throughout the emergency department.

The surveillance video was critical evidence during the trial that led to the plaintiff's verdict of \$7,600,000. This would not have been possible without the work of our trial team and co-counsel, Bill McCarthy, Esq.