

LAWYER ALERT

Stopping Medical Injustice

Your Personal Manifesto for CONQUERING the World

Your personal manifesto (a/k/a “The Guide to Working with John”) provides insight into your personality and how you prefer to work. Expose the whole firm to this and share it when onboarding new team members. The more that people know about you, the better.

The Guide to Working with John

This is a guide to my preferences and management style. You are welcome to share this with our team members, vendors and anyone we do business with.

How I Communicate: I hate email. I rarely look at email and you should not expect me to respond immediately to email or even a text. Responding to email is not a productive use of my time.

If you have to communicate urgently with me, call my cell.

I hate unscheduled phone calls, especially sales calls. If a client needs to speak with me and you can't answer their questions, schedule a phone call between 4 p.m. and 5 p.m. Unless absolutely unavoidable, avoid scheduling phone calls for me during the morning or afternoon.

How I View Success: I define success as having a major impact on the lives of severely disabled persons. That's it—there are no financial parameters involved in success. I don't need a fancy car or a big house. If we've changed the lives of the disabled—even a few of them—we've served our purpose in life.

John's Personality: I love interacting with our clients and referral partners. I especially love strategic planning for our law firm and helping other lawyers with their law firms.

I love self-improvement and attend many seminars. I encourage you to do the same (we will pay for it).

I love fitness and nutrition. I am a fan of the fitness program, www.MyBodyTutor.com. If you would like a membership, we will pay for it.

My Management Style: I like having large blocks of time with no distractions or interruptions. This is conducive to productive work. Interruptions are the enemy of productive work.

When distracted, it will likely take at least 5-10 minutes to return to the focused work. Whenever possible, try to avoid distractions unless completely unnecessary.

I do not want to be involved in intake decisions unless a new case is pre-qualified for merit by our intake team. Try to avoid interrupting me with intake questions unless you believe that a case meets our criteria for a meritorious case.

I will be accessible to our team members at our daily huddle. If you have questions or concerns, bring them up at our daily huddle.

We only work with exceptional team members. I don't want you to ask me what to do; rather, I want you to tell me what to do. You have ideas that can make our firm better.

I want you to

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think for yourself and create policies and systems that we don't have.

Before coming to me with a question, I want you to follow the 1:3:1 rule:

- #1: Identify the problem.
- #3: Identify 3 possible solutions.
- #1: Make a recommendation.

Everything we do is a team effort, including the initial intake to the trial. If the initial intake is not handled well, we do not get the case. Every member of our team is just as important as the others.

I strongly encourage the use of "We" and "Us", rather than "I" and "me".

What Gains and Loses My Trust

Dishonesty. We have a zero-tolerance policy for dishonesty. If one of our team members lies—even a small lie—they are shown the door. It's that simple. If a team member can't be trusted in little things, they can't be trusted at all.

Lack of effort. If mistakes are made due to lack of effort, that is not acceptable. If you are trying your best, it's okay if mistakes are made.

Being late. It's okay to arrive early to work and/or stay late. It's not okay to be chronically late to work.

The Things John Hates

Asking twice. I hate asking a team member more than once to do the same thing. Having to ask more than one time for the same thing is irritating to me.

Negativity. I hate negativity. There is always something we can complain about, but life's too short. It's far better to see the good things in our life, not the bad. If something bad has happened in your life, it's okay to share, but let's try to find the good in every person who crosses our path (including defense lawyers).



The Things John Loves

Passion for the disabled. I love working with team members who love working for the disabled and are passionate about the rights of the disabled. Passion for the rights of the disabled is the single most important quality that our team members must possess.

Take the Initiative. I love working with team members who take the initiative and don't wait for permission to act. I will never fault you for taking too much action or making mistakes. We hired you because you are exceptional and I want you to use your skills without asking for my permission.

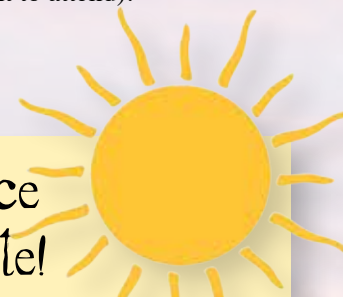
Exceed Expectations. Do more than you're asked to do. I love it when a team member exceeds my expectations and does more than I ask.

How John Handles Disagreements

We have a no gossip rule. Do not bad mouth another team member behind their back. If you've got something to say, say it to their face with kindness and empathy. No one is perfect—we are fallible human beings.

Permission to Spend \$: You have my permission to spend up to \$200 without asking for permission. If you want to buy a gift for a client, don't ask for my permission. If you want to take a client to lunch, you don't need my permission.

If you want to attend a marketing or self-improvement seminar, we will pay for it (and I might want to attend).



The Mastermind EXperience Returns to the Sunshine State!

My wife made a good point: If I have to explain the value of a mastermind to a prospective member they are not a good fit for the mastermind. I learned this lesson the hard way.

A mastermind is not a seminar. It is an exhausting day working one-on-one with elite lawyers working on the biggest challenges in marketing and management facing your firm. By the end of the day, your mind will be spinning with new possibilities that you never considered. You will form new relationships with high achieving law firm owners who you can call for help on a moment's notice. Our mastermind is the gift that keeps giving. There's nothing like it.

Apply at www.MastermindExperience.com

The next Mastermind Experience will be held at the law office of Craig Goldenfarb in West Palm Beach, Florida on Friday, January 26, 2024. Want to join our tribe? You can apply to join our mastermind at www.MastermindExperience.com and if you have questions, you can call my cell, 518-265-9131.

We hope to see you in the Sunshine State!



(top) John Morgan, of Morgan & Morgan, holding court at the Hawaii mastermind.
(bottom) I love our tribe!

4 Steps for Winning Your Next Case with Your Expert

Preparation is everything when it comes to expert testimony. When you see a brilliant expert testify at trial, you are only seeing the end result of 2-3 years of preparation and hard work. Spend 10X more time preparing your expert than the defense will spend with their expert. Preparation of the expert is the key to your success at trial.

Step #1: Screening the Expert

Do not work with an expert before thoroughly screening their credentials and background. Before you retain the expert, ask these questions:

- Are you actively treating patients?
- What have been the topics for cross examination when you've testified in other cases?
- Do you have any ethical or disciplinary issues?
- Have you ever been on probation or had your medical license suspended?
- Do you advertise for medical-legal work?
- Do you have a website for medical-legal work?

Do a Google review of the expert and check their social media accounts.

Step #2: Instructions to Expert

Most experts have no idea what exactly they should do. You must make it clear that the expert should follow these instructions:

- Do not make notes.
- Do not prepare a report.
- Communication should be via phone, not email.

Emails will be reviewed by defense counsel and will be a topic for cross examination. Be careful what you put in an email.

Bring the file materials to court when you testify. Bring a flash drive containing the file materials to court in case the expert forgets to bring their file.

Step #3: Preparing the Expert for Trial Testimony

When you prepare an expert for cross examination, it should be more difficult than what they will experience at trial. The expert must be firm in their opinions.

The anticipated topics for cross examination include: (a) expert fees; (b) incomplete case materials; (c) prior trial testimony and articles; (d) judgment call; and (e) benefit of hindsight.

- Don't you have the benefit of hindsight?
- Wasn't this a judgment call for Dr. Smith [defendant]?
- You made \$17,000 for this case alone? [with a look of astonishment in front of the jury]

Deviations from the Standard of Care: Make the deviations as simple and clear as possible. No ambiguity.



The goal of the testimony is simplicity. The defendants' goal is complexity and confusion. Your expert must make their testimony easy to understand on a 5th grade level.

Previous Testimony & Articles: Review the expert's transcripts from previous testimony and review articles authored by the expert.

Confirming Trial Testimony: Once a date for trial testimony has been scheduled, it cannot be changed. Get a firm commitment in writing from your expert about the date of their trial testimony.

Look at the Jurors: Look at the jurors during trial testimony, not defense counsel. Turn your chair to face the jurors and make sustained eye contact with each juror (at least 20-30 seconds for each juror). Tell the expert that they should not rely on their notes; the expert should put their notes away and connect with eye contact with each juror.

Stand Your Ground: Do not argue or fight with defense counsel. You will lose this fight. But be strong and firm in your opinions.

If the defense lawyer does not let your expert explain their testimony, the expert should ask, "May I explain?" This is a cue to you that your expert wants to explain something that you should address during your re-direct examination.

Use Exhibits: Use exhibits, time-lines and models to visually explain your testimony. Whenever you can explain your testimony with exhibits, do this—it will make your testimony more engaging. Get the expert off the witness stand and let them connect face-to-face with the jurors.

Step #4: Get to the Expert's Opinions FAST during the Direct Examination

Keep the expert's trial testimony brief and get to the expert's opinions within 90 seconds of their testimony. Speed is essential. Within 5 minutes, the jurors should know the expert's opinions. If not, you will lose the jurors' attention.

There is no need to cover the expert's qualifications and legal-medical experience at the beginning of their testimony. This will bore the jurors and they will stop paying attention. You should cover the expert's qualifications and medical-legal experience at the end of their testimony.

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THE ### NUMBERS ### THAT MATTER THE MOST

What do the top law firm owners do better than anyone? At a moment's notice, these law firm owners have a mastery of the most important numbers for their law firm. Without exception, knowing your numbers is the most important thing for your law firm's success.

Do you know your law firm's most important numbers at the tip of your fingers? If not, you're not alone. Few lawyers take the time to master their numbers and as a result, their law firm stagnates from one year to the next.

Set aside a couple of hours with your team members to document the most important key performance indicators for your law firm. Then, have your executive assistant report these numbers on a monthly basis. Share the numbers (except the financial numbers) with your team. Now, my friend, you have a command of the numbers that matter most.

These are our firm's Key Performance Indicators ("KPI") in case management, marketing and finances:

CASE MANAGEMENT KPIs

Active Lawsuits: # of Active Lawsuits (or cases accepted for litigation).

Potential Cases: # of Potential Cases (cases under consideration, i.e., not rejected, but not accepted for litigation).

Confirmed Trial Dates: # of Confirmed Trial Dates over the next 12 months.

Referred Out Cases: # of cases referred to outside counsel that have not been declined.



(left) "Lawyer Alert" comes to the Indian Ocean! Matthew Tully, Esq. enjoying "Lawyer Alert" in the Maldives.

(above) Nothing like a football weekend at Notre Dame with our son, Alek. Go Irish!

MARKETING KPIs

Leads: # of leads this month.

Referral Partners: # of Referral Partners.

Online Reviews: # of Google Reviews.

Website Traffic: # of unique website visitors to www.ProtectingPatientRights.com

Website Links: # of links to our website, www.ProtectingPatientRights.com.

FINANCIAL KPIs

Projected Revenue: Projected revenue for firm over the next 12 months.

Revenue and Income for Calendar Year: Revenue and income year to date.

Side to Side Comparison of Revenue and Income: Revenue and income year to date compared to previous year.

Non-Medical Malpractice Revenue: % of revenue derived from non-medical malpractice cases.

Practice Limited to the Representation of Seriously or Catastrophically Injured Persons

www.MastermindExperience.com