



# ALERT

Stopping Medical Injustice

## Why Team Members **FAIL**

What is the most common reason that team members (a/k/a employees) fail? New team members fail because they do not know what is expected of them. And why is that? Because you did not take the time to explain clearly what you expect from them.

The next time that you hire a new team member take the time to explain the values, goals and strategies of your law firm. More than 90% of your current team members will say that they don't know the biggest goal of your law firm and less than half will be able to recite your firm's core values. And that, my friend, is a problem.

But there's good news. Once you clearly define your firm's values, goals and strategies, you won't have to re-create them every time you make a hire. The work is done at least for the position at issue and now, your employees will know precisely what you expect from them.

### How to Make Your Expectations Clear for Your Team Members

The "Open Letter to Our Second in Command" is the Position Contract for our firm's new Chief Operating Officer. Our intention is to clearly define the Values, Goals and Strategies, so that our Second-In-Command knows what we expect of him and what we will strive to accomplish under his leadership.

### An Open Letter to Our Second-in-Command

Your job is to turn my vision for our law firm into a reality. Simply put, get stuff done.

Your primary objective is to get our house in order and run our law firm. You will be the liaison between John and our team members. Your job is to make sure every team member fulfills their tasks and update John about the status of our projects and goals.

I hate administrative tasks. It is your job to take administrative tasks off my to-do list. Either you will do the administrative tasks or find someone (e.g., virtual assistant) to do them.

Your job is to make sure our law firm looks very different in 3 years. We've always wanted to expand our practice beyond medical malpractice, but more pressing matters, like trials, always seem to take precedence. This needs to change.

We want you to make decisions independently. You do not need to check with John for approval. Use your best judgment and take action.

This position contract outlines our firm's values, goals and strategies. We created this so that you will know what is expected of you.

### Our Values

**Memorize our Purpose, Values and Mission:** Always be ready to confidently recite our firm's purpose, values and mission. Nothing is more important (and we have only 4 core values).

Our purpose, values and mission are posted in our lobby and main conference room, and guide every decision that we make. They are, in essence,

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the bible for our law firm.

**Embrace the Truth:** The truth about our business model, namely, that medical malpractice is not as lucrative as catastrophic personal injury.

If you see something that is broke, point it out. We are brutally honest with our clients and each other.

**Focus on Exceptional Client Service:** If one client is unhappy, let's examine the issue and see what we can do better. Every complaint from a client matters because they tell us something about our processes and systems.

If one client is unhappy, we did not fulfill our promise of exceptional client service. Let's face this and strive to do better.

**Focus on Small, Incremental Improvement:** Any process can be improved. Look to create new systems and policies within [www.Fisherpedia.com](http://www.Fisherpedia.com).

*"Slow steady progress can erode any challenge over time...Steady progress toward seemingly impossible goals will win the day."*

**Latin motto, Gradatim Ferociter**

**Data-Based Law Firm:** Don't just bring new ideas to the table. Back up new ideas with data and research. We base our decisions upon data, not opinions.

We rely on data to make almost every important decision.

**Our Most Important Numbers:** Our most important numbers consist of:

- number of REFERRAL PARTNERS (currently, 607)
- number of GOOGLE REVIEWS (currently, 612)
- number of ACTIVE files (e.g., cases accepted for litigation)
- number of POTENTIAL files (e.g., cases that are under consideration)
- number of CONFIRMED TRIAL DATES; and
- PROJECTED REVENUE over the next 12 months.

You should keep close track of these numbers and report them so they are visible within our office. We strike a gong whenever we add a new referral partner.

**Think Long-Term:** We always think long-term. We are not worried about tomorrow. We are focused on 3 years from now.

*"It's easier to invent the future than to predict it."*

**Alan Kay**

**Eliminate Distractions for John:** Eliminate distractions for me, so I can focus on what I do best. I am in a continual quest to make a better use of my time. Micromanaging the law firm is not the best use of my time.

What does this mean? Clients and vendors cannot speak with me unless they first clear it with you. Always think, "Does John have to handle this?" If not, either you should or find someone in our firm to take care of it.

**Be a Constant Learner:** You will have constant opportunities to learn. You are welcome to attend our masterminds and attend any marketing seminar you wish.

**We are constantly evolving.** This year, I want to learn more about mass torts and consider whether we should expand into that market.

**Take Risks:** Take chances and risks. Learn about new areas of practice, e.g., mass torts, and make recommendations for new practice areas. Don't hesitate to experiment and take a chance on something new and bold.

*"Setbacks are temporary, naysayers are to be ignored."*

**Jeff Bezos**

We are not tethered by conventional thinking. For example, we view our clients as lawyers (a/k/a referral partners), not injury victims. Our referral partners will send a steady pipeline of referrals, while an injury victim usually doesn't.

**Be Frugal:** Ruthlessly cut our expenses. We are constantly looking for ways to cut our costs. Look at our firm's recurring monthly costs and what we can cut.

**Our Daily Huddle:** Every day we meet in the morning to share each team member's top 3 goals for the day. Be prepared to discuss your top 3 priorities. If you are having any struggles or challenges, our "daily huddle" is the time to bring them to our attention.

**Do not be late to our Daily Huddle.** We will not wait for you.



**Be Systematic:** Our firm's systems and policies are set forth in Fisherpedia.com. If you have any questions about how our firm operates, go to Fisherpedia.com and enter a query in the search bar. For example, if you want to know about our system for accrued paid time off, go to Fisherpedia.com.

Everything that we do on a recurring basis should be a system/policy in Fisherpedia.com. This could be an administrative task, such as "How to Send a Fax" or "How to Open the Front Door". Your job is to create systems and encourage our team members to create them. We want you to create systems from Day #1.

**Our Team:** Our team is talented and devoted to our firm's purpose of "Stopping Medical Injustice" and I love working with them. Quite a few of our team members work remotely.

**Kelly Gonnely:** *Litigation paralegal*  
**Serena Mirrow:** *Intake Specialist*  
**Carly Zomerdyke:** *Intake Specialist*  
**Celise Gomez:** *Intake Specialist*  
**Antonia Chiricola:** *Onboarding Specialist*

**Kari Noonan:** *Deposition Scheduler*  
**Maureen Logan:** *Accountability Manager*

**Rachana Wooley:** *Director of Referral Relationships*  
**Mekela Flood:** *Bookkeeper*

We are a team and no one is greater than anyone else. We do not use the terms, "I" or "me", rather, we use the terms "We" and "Us".

Every part of our process and systems is interdependent. If one team member does not do their job, we will not be able to get the job done for our clients.

## Our Goals

**Our Biggest Goal (a/k/a our Hairy**



**Audacious Goal):** Transform our law firm within 3 years. **Within 3 years, our goal is to transform from a medical malpractice law firm to generating at least 50% of our revenue from catastrophic injury cases that are not medical malpractice.** This goal is our number 1 priority.

Our target practice areas for expansion are:

- Construction accidents in New York;
- Truck and train wrecks; and
- Uber and Lyft accidents.

We will never lose sight of our purpose, “*Stopping Medical Injustice*”, and that will continue to guide our decisions in our core business.

**Our Marketing Goal:** Aggressively market to lawyers, especially those in New York. We want to have our books, *The Power of a System* and *The Law Firm of Your Dreams*, on the bookshelf of every plaintiff’s lawyer in New York.

**Our Case Management Goal:** Our most important case management goal is getting confirmed trial dates. Trials are how we make money. We need to streamline the process of getting cases to trial. Our goal is 18 months from the filing of the lawsuit until the first day of trial.

**Our Ultimate Goal:** Our ultimate goal is a self-managing law firm that can function without John’s involvement.

## Our Strategies

These are the strategies and tactics for transforming our law firm within 3 years. The flywheel that will accelerate our growth is lawyer referrals.

**Our Most Important Tactic:** Open a law office in northern Manhattan or the Bronx.

**Tactic #2:** Join a mastermind for truck wreck lawyers.

**Tactic #3:** Schedule a March Madness party for referral partners and clients at Rough Draft in Uptown Kingston.

**Tactic #4:** Inform the firm’s referral partners about our 3-year vision and how we can help them with trucking, train wreck and construction cases.

**Tactic #5:** Create a website for construction-related accidents in New York.

**Tactic #6:** Launch a nation-wide digital ad campaign for truck wrecks and focus the ad campaign within the Hudson Valley.

**Tactic #7:** Add new content to our non-medical malpractice websites, [www.SpinalCordandBrainInjury.org](http://www.SpinalCordandBrainInjury.org) and [www.TrucksWreck.com](http://www.TrucksWreck.com)

**Tactic #8:** Be fanatical about updating referral partners about the status of referred cases. This should be done on a daily basis

with at least one referral partner.

**Tactic #9:** Organize our referrals and create an automated process for following up on cases that we refer to law firms.

**Tactic #10:** Restore life into our charities (“Living with a Sense of Purpose”)

**Tactic #11:** Consider opening a medical malpractice law firm in Rhode Island or Florida. Why? Because I love those states and the legal fees in medical malpractice are much higher in Rhode Island and Florida than New York.

For malpractice cases outside of New York, create “*The Medical Malpractice Law Firm, P.C.*” and expand into other states with co-counsel agreements with local lawyers.

**Tactic #12:** Add a client portal to our website, so our clients have better access to their file materials.

## Our Motto, “Never Give Up”

You will turn my visions for our law firm into a reality. This will not be easy. What we do is hard; this is not where people go to retire. We will struggle and fail at times, and that’s okay. But we can NEVER GIVE UP.

**Welcome to our team!**

## THE MASTERMIND EXPERIENCE AND THE 7 FIGURE ATTORNEY ARE COMING TO BOSTON!

The *7 Figure Attorney* will be held on **Thursday, April 11th** and the Mastermind Experience will be held on **Friday, April 12th**, at the Hyatt Regency in Boston.

### THE 7 FIGURE ATTORNEY IS UNIQUE

The marketing and management team at Gold Law in West Palm Beach, Florida will show you exactly how they grew from one lawyer and a secretary to a powerhouse firm in South Florida with 80 employees (and annual revenue exceeding \$10 million). Craig Goldenfarb, Esq. and his team leave no stone uncovered and they share the management and marketing tactics that have worked as well as those that failed.

I have learned a ton from Craig Goldenfarb, Esq. and his team. Craig is one of the most generous persons I’ve

ever known and he is willing to share everything he knows with you. The highest and best use of your time is spent on business development and Craig and his team will show you precisely what you need to do to grow your law firm. If you come to *The 7 Figure Attorney*, you will be rave about it.

You can register for *The 7 Figure Attorney* at [www.SevenFigureAttorney.com](http://www.SevenFigureAttorney.com).

### YOUR CHANCE TO JOIN OUR TRIBE IN BOSTON

The *Mastermind Experience* is not a seminar. It is a workshop with premier law firm owners who will push you to do things that you never dreamt possible. You will share your biggest fears and challenges and let the team of law firm owners provide solutions that

you never thought of.

This is the magic formula for success. Specifically, to surround yourself with leading law firm owners who have mastered marketing and managing a law firm. At the *Mastermind Experience*, you will have the chance to learn from the failures, mistakes and successes of elite law firm owners. There is nothing like it.

If you’re not willing to take one day away from your office for a day spent on business development, you don’t really have a business—you have a job. And truth be told, if you need convincing, you’re not a good fit for our tribe.

**Apply for the Mastermind Experience at [www.MastermindExperience.com](http://www.MastermindExperience.com)**

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## How to Avoid a **GAP** in Coverage in Your Professional Liability Insurance

Errors and omissions policies are a weird combination of claims made and occurrence made policies. The claim must be made within the policy period of the professional liability policy and the occurrence that gives rise to the claim must be brought within the policy period or within the period of your retroactive date.

If the occurrence that gives rise to the claim is not within the policy period of coverage and occurred before the retroactive date of your policy, you have no coverage. In this scenario, your professional liability policy provides no coverage and is essentially worthless.

If the policy period for your professional liability policy is July 10, 2023 to July 10, 2024 and the retroactive date of the policy is July 10, 2022 (one year before the policy period), you are exposed to a major gap in coverage. Your insurance policy will only provide coverage for claims made during the policy period (July 10, 2023 to July 10, 2024), where the occurrence that forms the basis for the claim occurred no earlier than July 10, 2022 (the retroactive date).

With most legal malpractice claims, there is a significant period of time between the occurrence that forms the basis for the claim and the filing of a claim. The time between the occurrence and the claim can be as long as 2-5 years. If the retroactive date of your policy only extends one year prior to the beginning of the policy period, you may not have insurance coverage for the majority of claims.

### A Simple Solution to Avoid a **GAP** in Coverage

The retroactive date for your professional liability policy should extend back to the date that you opened your law firm. If you opened your law firm on March 14, 2013, then the retroactive date of your policy should be March 14, 2013. With a retroactive date that extends back to the date that you opened your firm, you will be covered regardless of the date of the occurrence that forms the basis for the claim.

Check the declarations page of your professional liability policy and specifically check the retroactive date. If the retroactive date does not extend back to the date that you opened your law firm, you should call your insurance broker to request a change in your coverage immediately. Tell your broker that you insist upon a



*(above) Great catching up with friends, Jamie Mathews and Matt Nolfo, Esq. for a Knicks game.*

retroactive date that extends to the date that you opened your law firm. Do not accept anything less.

You should not wait for the next renewal period to change your coverage. If a claim is brought before the renewal period, you may not have coverage. This is the most important thing you can do to make sure your professional liability policy will protect you in the event of a claim.

## Exciting News from The New York Injury & Malpractice Law Firm, P.C.

The New York Injury & Malpractice Law Firm, P.C. is excited to announce that Vincent DeCicco has joined the law as its Chief Operating Officer.

Vincent DeCicco, former Principal of Kingston High School, will manage the law firm operations for The New York Injury & Malpractice Law Firm, P.C. and expand the law firm's presence in New York City, Long Island and open new offices.

*Practice Limited to the Representation of Seriously or Catastrophically Injured Persons*

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