

Referrals

Did you know that referrals are our number one source of new cases? People find us several different ways, but mostly they come from other lawyers, current and former clients, and friends and family. We are so appreciative of the referrals that we like to thank our friends directly. But sometimes we don't know when a true referral was made, or the new client doesn't remember who recommended us. Please, if you refer someone to us, let us know so that we can express our gratitude.

Reminder About Our Communication Policy

Our promise to you is that while your attorneys are working on your case, we will not check or answer emails, take phone calls, read faxes, or surf social media (unless we are surfing for your case). When we are working on your case we will be completely focused on the task in front of us. Because of this promise, our attorneys do not take unscheduled inbound phone calls. It makes us much more productive and helps get your case resolved faster. You can always call the office at (434) 363-3414, and schedule an in-person or phone appointment. That is a lot better than playing "phone tag." The same goes for email or MyCase messages. An email or message is "quick," but is checked no more than twice a day and replies are then scheduled into the calendar.

Tell us what you want to know!

Our goal is to be well known to our clients, referral partners, local attorneys, and healthcare providers. So with that in mind, tell us what you want to know! Send us an email at inquiry@osterbindlaw.com.

THE INSIDE LOOK

Osterbind Law PLLC

March 2020

Newsletter #8

What's On My Mind



by: Brandon S. Osterbind

"So, how do you get cases?" The big city/big law lawyer asks, condescendingly.

A small grin comes over this lawyer's face as he thinks quietly to himself, "as if we would tell you."

The truth about lawyer advertising is simple. Don't advertise.

How can I say that? We advertise all the time. We do this newsletter, website, print ads, social media, etc.

You name it, we have probably done it. And, I'm a big believer in making your own destiny. I'm not just sitting here in my office twiddling my thumbs hoping and praying that a new case comes in. No. Instead, we do things that make other things happen.

Advertising has such a negative connotation in the legal world. For a long time, lawyers were ethically prohibited from advertising. But, since that rule inadvertently violated the First (and Fourteenth) Amendment rights lawyers have to commercial speech, the United States Supreme Court opened up the floodgates to lawyer advertising. See *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977).

The rules in Virginia have also changed dramatically over time. Even most recently in 2017, the Supreme Court changed the legal advertising rules to pretty much allow anything as long as the advertisement is not false or misleading. What is false or misleading, though, is still largely interpreted by prior legal ethics opinions (or LEO's). Rule 7.1 says that a "communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading."

For example, using the phrase "no recovery, no fee" was deceptive under the prior rule and it is still deceptive under the new rule. This has been true

for some time because the statement omits any explanation that the “client [is] obligated to pay litigation expenses and court cost, regardless of whether any recovery was obtained.” LEO 1750.

That notwithstanding, you see lawyers say this very thing all the time. When, on the other hand, if you’ve ever sat in a free initial strategy session with me you know that I explain to difference between a fee and a cost to a fault. I’m not mad at those lawyers, but they will either have to answer to the bar for their misleading statements, or to an upset client when the case is lost and there are thousands of dollars of reimbursable cost.

But all that to say, I don’t consider what we do advertising. I’m not opposed to advertising, but I feel like

lawyers, as leaders in the community, should focus not on getting new business but providing value to real people. It used to be that lawyers would educate and inform the public on matters of societal importance. Now, it’s largely a bate and switch. In other words, they give out just enough information but the secret sauce, if you will, can only be revealed after the lawyer is hired.

If you read much of these newsletters, then you know we spill the secret sauce quite often. We do it because we feel like you should know this information so that you can make better life decisions.

Instead of creating fear and intimidation to compel someone to hire us, we use information and education. And we try to educate our clients about the process

of litigation while we are in the middle of it too. This is not their everyday thing. Most people only use a lawyer once or twice in their life. It is not only our job to litigate, but it is our job to educate. We educate our client about process, we educate insurance adjusters about the case, we educate the judge and jury about the facts and law surrounding the case, etc.

We have to view ourselves as educators to really start to make a difference. This is why we ask for your questions every month. If you’ve never noticed, on the back page of every newsletter you will see a statement where we ask you for your questions. We’ve received some and we hope we’ve answered them. If you have questions though, send them to us so we can help you understand the legal issue better.

Gaining Perspective In Sports and Life

by: Hannah Bowie

Fun fact – I really enjoy sports. I like playing sports; I like watching sports. I love going to sporting events. I have my favorite teams and favorite athletes.

Growing up, I played a handful of them—softball, soccer, basketball, and golf. If there were more than four seasons in a year, I know I would have tried to fit in others. Through my entire childhood, I played competitively and on the playground at school. I played when I got home from school. At night, the motion sensor light in our driveway would flicker on and off as I perfected my free throw. The summer before my senior year in high school my brother and I played tennis every evening after we got home from our jobs. Every winter growing up, when my extended



family gathered in Maine for Christmas, we played pond hockey. We have some really great home videos of this. Some of my favorite memories include bring bundled up in the near zero-degree weather running around the ice rink my grandfather would create for us on the lake. I still get butterflies in my stomach when I watch “Rudy.” Who doesn’t? All that to say, when the topic of sports comes up, my ears perk up and I lean in.

About twelve (12) years ago, I was listening to a sermon and the topic of golf came up. You are probably asking yourself, “why is someone talking about golf during a sermon?” Hang with me. I’ll explain.

When you watch golf, you see a number of things going on. Players talking with their caddies, strategizing the next move. The players are hitting drives. Spectators gathered tightly around each green hoping to get a glimpse of their heroes. There is something that happens, though, when a player approaches a putt. Unless the golf ball is teetering on the edge of the hole, you see a player walk around the green away from their ball, skootch down as low as they can, and look around. Sometimes this is done from various places on the green.

If you are unfamiliar with golf or have just never understood what is going on in the mind of the golfer when they do this, they are planning their putt by approaching the shot from the other side—they are getting a different perspective. You see, the putt looks one way when you stand over your ball and aim for the hole. However, when you take a moment before you react, and walk around the green to view the angles, slopes, and possible impediments, you better understand what it takes for your ball to make it to



the hole. You see the situation from different point of view and are able to strike the ball with a well-informed game plan. You gain information about the putt you are going to hit that you would not have gained had you not taken a moment to look at it from a different perspective.

Now let’s apply this action to a different scenario. You have a friend, family member, or co-worker whose behavior has been absolutely awful. They snap at you when you speak to them or have said some pretty mean things to you. They don’t give you the time of day. They are simply miserable to be around. Before writing them off for good, what if you paused for a moment? What if you took yourself out of your shoes and tried to put on the shoes of the other person? What if you tried to understand why they are reacting like they are? What if you changed your perspective for just a moment and got a different point of view?

I believe by taking time adjust your perspective, relationships can be reconciled, friendships can continue, and communities can unite. It doesn’t

take much effort to do this. All you need to do is mimic what the golfer does. Remove yourself from your typical approach to a given situation. Talk to another about why they feel the way they do—look for impediments. Try to understand what is happening in their life that may be affecting their attitude and behavior and identify the path they have been on and how they have gotten to their current station in life. Again, it doesn’t take much effort and you gain so much knowledge about a person.

I’ve learned that changing my perspective is necessary. It is something that is necessary to do with everyone I come in contact with both at work and outside of work. It has allowed me to learn more about people and gain insight as to why things are the way they are. Taking a moment and changing my perspective before I react to someone or some situation has never hindered a relationship or outcome. In fact, I wish I learned this earlier in my life. I am forever grateful for this lesson I learned mainly because I have learned so much more about God and His creation by simply changing my perspective.