

Ep #1: Four Agile Principles to Help Your Legal Practice



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John E. Grant

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Do you ever feel discouraged or overwhelmed by the amount of unfinished work in your law practice? You know that feeling that you're juggling so many balls that you're worried something is going to drop and you may not even notice when it does? In today's episode, I introduce four principles from the agile methodology that you can apply to your legal practice to help break the cycle of spending so much of your capacity fighting fires, that you never have time left in your day to work on fire prevention. Ready to become a more agile attorney? Let's go.

Welcome to *The Agile Attorney* podcast powered by Agile Attorney Consulting. I'm John Grant and I've spent the last decade helping lawyers and legal teams harness the tools of modern entrepreneurship to build practices that are profitable, scalable, and sustainable for themselves and their communities. Each episode I offer principles, practices, and other ideas to help legal professionals of all kinds be more agile in your legal practice.

Hey, everybody, welcome to the podcast. As I restart this podcast, I am going to do a bunch of episodes early on, sort of laying some foundations for the agile methodology and the process and systems improvement work that I care about so much for lawyers and legal teams. And I can think of no better place to start than talking about what it means to be an agile attorney. And it's interesting, in those 10 years my practice has expanded to be more than just agile and cover more than just attorneys.

I really do think that these principles and practices can work well for legal professionals of all kinds. I've actually got a few clients that aren't even in the legal industry at all, that I've done some work with. And I've learned a lot from them as well about how to apply some of these things. And I'm not just focusing on agile anymore. There's a thing that is capital A Agile that is a whole movement and methodology and it's great. I love it and I'm going to talk about it more today.

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But it really is part of this broader sort of network and a group of practices that I think loosely falls under the umbrella of systems thinking. And it includes stuff like lean, sometimes known as lean manufacturing or the Toyota way. It includes Lean Six Sigma, which is a slightly different version of lean, and that's the one that maybe has had the most traction in the legal industry so far. Although for some ways that I won't get into today, I sometimes say that Lean Six Sigma I think is not the best entry point for lawyers.

I think there's a lot of dogma and complexity in the way, at least the way some people approach Six Sigma that I think can be a little challenging in the legal environment. It includes things like the theory of constraints, which is one of my big ones and I'm going to do a whole episode on it very soon. If you've heard me talk on other people's podcasts, you've almost certainly heard me talk about the theory of constraints and bottleneck theory. So that's a big one.

But going back to what it means to be an agile attorney, I would start with the idea that it means exactly what you think it means. To be agile is to be nimble, is to be responsive, is to be flexible. I think there's a certain amount of strength and preparation. If you're using sports metaphors, obviously you could think of gymnasts. I myself was a pole vaulter back in the day, a healthy division three athlete, track athlete. And so there was a certain amount of agility obviously required for that.

But I think in a knowledge work environment and in a customer service, client service environment, it really is about being able to take in new information, really even just perceive that new information. Because an agile attorney is someone that is, I think, scanning the horizon to sort of take in and see what's going on in the landscape. And then respond appropriately to what you've learned and sometimes the appropriate response is to do something.

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Sometimes the appropriate response is to use your experience and maybe just your temperament to take a wait and see or understand that maybe this doesn't need a reaction right now. But I think the core of agility is to be able to take in new information and do something useful with it. Now, if I talk about what it means to be capital A Agile, and I'm not going to go into the deep dive today around the genesis of the agile movement in software development and the technology world more broadly. Obviously, that is where it started.

I think we're now 20 plus years into that movement. And it undeniably has grown beyond its original footprint in the technology world to apply to knowledge work more broadly and more generally. One of the cores and really when we talk about principles around agile, I would say the first thing to start with is its focus on delivering customer value. What are the things that your customer truly needs or truly wants? And how can you orient your business and your practices and your behaviors, your deliverables around meeting those client needs or those customer needs?

And you can hear just there, I try to use the word customer whenever possible. I think the client is obviously a very important customer in any law firm, in any legal practice, but it's not the only customer. You have internal customers. You have external customers. There are lots of different people for whom you are delivering work or performing work. And I think it's important to sort of think about who is my customer more broadly. And then of course, what does that person need or does that group of people need?

The other reason that I try to be careful around using terms, customer versus client is that sometimes your client can be a resource in your project as well. They're not really acting as a customer. They're acting as a member of your delivery team. And again I will talk plenty about that in future episodes. But I think it's important and useful to be really clear about what is the role any one person is playing within the context of what you're trying to do right now.

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Another key feature about being agile is a respect for people and individuals and really making sure that delivery of the work that you do is a team sport. And that everyone on the team feels like they are a meaningful part of it, that they have opportunities to contribute. That you're taking advantage of the humanity and the intellect and the creativity that each person brings to the delivery of your team's work product.

I think legal and obviously not just legal, but a lot of industries have a tendency towards micromanagement and legal is certainly one of them. I think it's something I run into a lot in the work that I do with clients. It's something that I see a lot as I sort of scan and talk to other attorneys. I read a lot of Reddit posts about lawyering and law firms and paralegals and other things.

And it really is fascinating to me, the extent to which it is a high stress environment, to be sure and the work that we do is important. But a lot of the traditional management style of law practice in general, I think, really leads to a lot of the complaints and a lot of the problems that you hear about in our industry. And agile, I think, can be a really healthy and useful antidote to a lot of that without sacrificing quality.

And in fact, I think that an agile approach is more likely to deliver a high quality product more consistently than the sort of 'thumb on everyone on your team' and pushing harder and creating the high stress environment that is common in a lot of law firms and legal teams.

Another component of being agile is managing capacity, especially relative to demand to avoid the sort of overburden and overwhelm that leads to problems, that leads to errors, that leads to burnout. When I'm working with a new team or a new client, it's often the reason that they brought me in is because they are just at their wits end. The things I hear all the time are, "I feel like something is going to fall through the cracks. I feel like I'm juggling too many things, and something is going to drop. I feel like I'm spending all of my time fighting fires and I have no time for fire prevention."

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And there's sort of a tacit recognition in that it's no way to go through life, it is a stressful feeling to be that way in your work. And so a lot of what I do in the early parts of my engagements is just work to try to take that roiling boil down to a more gentle simmer within a law practice. And that almost always has to do with better managing capacity.

And again, I'm going to do a whole episode on the importance of an honest reckoning with capacity. And balancing that with the demand that's effectively bottomless in most law practices of the number of things that you could be doing to take up that capacity. And using that honest reckoning of capacity to help you sort through and prioritize the options that you have for allocating that capacity.

But again, the main thing about, or the main feature of an agile team is that they are actively managing capacity, not passively managing capacity. Because when you're passively managing capacity, you're going to go over capacity. There's just no really two ways about it. The demand for our work is too, too high.

The final thing that I'll talk about for now, that is a key component of being an agile team is that you create a culture of learning and experimentation and ultimately continuous improvement. That allows you to learn things, to adapt, to grow, ideally in at least something of a data driven way. And I'm a little bit of a Goldilocks approach when it comes to data. I think that you have problems when you have too little. And I think there are other problems when you have too much.

The main thing for me is to get a little bit of feedback around how is your organization performing relative to something of a target or a goal? And it can really just be a line in the sand. It doesn't have to be etched in stone, but, performance against a standard of some sort and getting that feedback loop, measuring how you are doing against that standard. It's the key to learning. It's the scientific method.

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And ultimately, agile really is grounded in the scientific method. You form a hypothesis, you run an experiment. You measure the outcome of that experiment to see how your hypothesis performed, and then you adjust and react. And the thing about the scientific method, if you're doing true sort of lab science, is that most of your efforts are going to fail. There's going to be a lot of times where your hypothesis turns out to be wrong. And when an experiment proves your hypothesis wrong in science, that's a good thing.

And I won't pretend that there's not a level of a bummer in it. We're human, we want to succeed. We want to see our efforts pay off. We want our guesses to be right. We want to feel smart. But what scientists know and what the scientific method is all about is trusting the process. And the purpose of experimentation over the long term is to get to better and better solutions.

But in the short term you want to be proving things wrong. You want to be challenging these ideas, even the closely held ones, because if you can prove something wrong, it forces you to make a better hypothesis. It forces you to get smarter about the problem that you're trying to solve and really that's the core.

One of the things that I hear a lot in the agile world, and I think this is great advice is, fall in love with the problem, not your solution to the problem. And if you do that, if you really think about how can I better understand the needs of my customers? How can I better understand my process for delivering work? How can I better understand the needs and the interactions of my team members in delivering that work? Then the better you're going to get at doing that work. The better you're going to get at delivering valuable things for people who care about it.

So to tie it all back, I think today I've talked about four key principles around being agile. It's focus on delivering customer value. It's respect for people. It's actively managing your capacity so that you can deliver valuable work product. And it's about creating a culture of learning. And I think the best

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place to start is if you just give yourself permission to slow down and think about what each of those things means in the context of your practice.

And if you are feeling that overwhelm, that overburden, I get that slowing down feels like a luxury. It feels like an impossibility in a lot of practices. But I assure you that slowing down and taking in the landscape and really thinking about each of those areas is the first step to making your work life better and your workflows better and your work team better. So I'm going to leave you with that for today's episode.

If you want to learn more, there's lots of, lots of places on the internet, you could start, there's actually an agile manifesto, it's at agilemanifesto.org. It's old, it focuses on the needs of software teams. And I think that modern agile has expanded a little bit, not a little bit, I think modern agile has expanded a lot beyond just sort of the software focused terms that are used in that original document.

That said, I think that the principles and the core tenants of the agile manifesto are really valuable. So I would recommend taking a look at that. There are some other places as well. There's, I said, modern agile, there is actually a modernagile.org website that has evolved and adapted some of these things. And then I've got a lot of writing on my website as well. So if you go check out the blog at agileattorney.com, you'll see some basic information about agile as it applies to legal practice.

Hope you found this interesting and useful. Feel free to reach out to me if you have any questions. You can find my social media and email address in the show notes or in the outro for this podcast.

Thanks for listening to *The Agile Attorney* podcast. I'm your host, John Grant. If you found today's episode interesting or useful, please share it with someone who you think would benefit from a more agile approach to their legal practice. If you have any questions, feedback or maybe a topic you'd like to hear me cover, you can reach me at john.grant@agileattorney.com.

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