Ep #4: Kanban Board Essentials for Lawyers

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If you've heard me talk much about anything over the past 10 years, there's a really good chance that at some point I've brought up the transformative power of Kanban boards. Some people call them Kanban boards, however you want to say it, it's fine with me, as long as you try using one.

Just the other day I was talking to a newer client of mine who runs a consumer rights law firm with four attorneys, eight people overall and around 100 total cases, including a handful of pretty complicated class actions. He told me that they used to run a case management meeting once a month, and it would take over two hours to review their whole workload. You probably know what I'm talking about, so you don't have to imagine how little everyone on the team looked forward to that meeting.

But since we put their Kanban system in place, that same meeting takes less than half an hour in front of their Kanban board. It runs so smoothly that they've decided to hold it every two weeks because the team wanted that more frequent check-in to help manage their workloads and keep cases moving forward.

And I can't promise you'll get there overnight, but I'm telling you that a well-designed Kanban board, along with following the tenants of a Kanban method is a crazy powerful tool for keeping everyone on the same page and accelerating the flow of work in your law practice. In today's episode, I break down the basics of Kanban board design so that you have a solid starting point for building a Kanban system in your practice. 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.

Today we are talking about Kanban boards and that's got to be one of my favorite topics of all time. It's definitely one of the things that I talk about the most. But the way that I've talked about it has changed a lot in the 10 or so years that I've been doing this work. When I first started, I had to spend a lot of time explaining to people what a Kanban board is. And I'm actually going to do that again today.

But back then, I was often the first person or the first place that people had heard of this tool, of this methodology and that is certainly no longer the case. Kanban boards are everywhere, and tools like Trello or Asana have gone pretty mainstream. There are Kanban boards embedded in a lot of legal tech software, Lawmatics has Kanban, NetDocuments has a Kanban interface, Clio and Clio Grow, I think both have Kanban at this point.

There's even a couple of legal specific Kanban tools. Lawcus is one, Legalboards is another. I think there's one more that I'm not remembering off the top of my head. They're everywhere. So I don't really have to teach people how to build their first Kanban board anymore because they've got all these tools that are doing it for them. That said, the way that these tools operate all are based on varying assumptions and understandings of the purpose of a Kanban system, the purpose of a Kanban board and the tenets of the Kanban methodology.

And so today I'm going to spend a little bit of time going back to basics. So even if you're already using a Kanban board, hopefully you will get some information out of this that is going to help you use it better. And if you're not already using a Kanban board then consider this a call to action. It is a fantastic methodology, it really, really works well.

So the basic structure of a Kanban board is three columns vertical, which columns by definition are, I think. And each of them has its own label. The one on the far left is usually labeled to-do or sometimes ready. This is to represent work that's in your pipeline but hasn't actually caught your active attention span yet. The middle column is usually labeled doing or in progress. That is to capture stuff that is just that. It is stuff that you are actively working on at the moment.

And then the last column is done. And one of the things that I often will say, and it seems like I shouldn't have to, but it winds up being helpful is done means done, done. When something hits the done column, it shouldn't have to go backwards at any time.

The other core component of a Kanban board is the cards. And cards are representations of work. And as I'll talk about in a minute, they can represent work at different levels of timing and complexity and breakdown. But whatever level you choose, the card is a manifestation of a piece of work in your system, in your practice. And the card travels from left to right through the board. It begins as something that needs to be done or is ready to be done. It moves into that middle place which is doing and it hopefully winds up relatively quickly over in that done column.

And that's it, that's the basic Kanban board. It's pretty simple. And a lot of people might think, well, why would I do this instead of what I'm already doing, which is probably some form of a checklist or a to-do list. And the halls of law practices are riddled with people carrying around the ubiquitous yellow notepad with long lists of things to do. And maybe you've got that. Maybe you've got a task based system on your computer or your cell phone, whatever you happen to use.

But there's a big difference between a Kanban board and a to-do list and that is the existence of the in progress column, the doing column. A checklist is binary, something that's on your list is either done or it's not done. And what a checklist struggles to capture is work that is actually in progress. And I'll back up for a minute and say if you're a hardcore Bullet journaler or have other methodologies, you may have an iconography that you use for your checklist to identify things that are in progress.

Some people will circle the check box once they've started something, and then check it off once they've finished. That's great. Anything that captures the work that's in progress, I think, is helpful. I like Kanban because it gets you out of the system's two thinking, which if you know Daniel Kahneman's *Thinking Fast and Slow*, system two is the more energy intensive analytical way that our brains process information versus system's one thinking which is the more visual sort of lighter weight pathway that our brains process information.

And the to-do list definitely is in that system's two place because you have to do a lot of reading and you have to do a lot of organizing within the list in order to sort of get the information out of it. Kanban is more squarely in system's one. You can use a Kanban board to see, based on where a card is in which column, what the progress is, where it fits within your overall workload. And the advantage of a Kanban board is it makes it so easy to perceive how much work you have in flight, how many balls you have in the air. And that's really it.

That is the basic Kanban board, those three columns. And it can be incredibly useful as a sense making tool. If you are feeling overwhelmed in the moment with the amount of work that you have, you might consider taking the top x items off of your checklist and write them down on sticky notes and throw those sticky notes on a wall, on a whiteboard, on a window. Maybe draw some lines between them, maybe don't. Just know that the left column is your need to do column, your middle column is your in progress column and your right column is done.

And I think as much as people get a lot of satisfaction in checking items off of their to-do list, there's a lot of satisfaction to be had from moving those items physically across your board and seeing them stack up in the done column. It gives you a great sense of satisfaction. But the real power of a Kanban board starts to come when we add complexity to it because that complexity allows us to model different things.

And I should stop there for a minute and call out that a Kanban board is a model. I sometimes say it's a visual fiction that allows you to see knowledge work because knowledge work is inherently challenging to perceive. It exists on our devices, between our ears, and these sort of mental models. But we don't often have a physical, tangible representation of the knowledge work and so the Kanban board provides that.

That being said, I think I need to point out the famous George Box quote that, "all models are wrong, some are useful." The Kanban board is just a model. It is not supposed to be perfect. It is not supposed to be the ideal representation of your work or your workflow. It's a sense making tool. It is an information gathering tool. It is designed and meant to give you slightly better information from using it than you would have had from not using it. And then as we add complexity, we also hopefully get better and better information out of it.

So when I'm working with teams, setting up their first Kanban boards. One of the first pieces of complexity I will often suggest is adding a fourth column to the right of in progress, called waiting. And I try to have a really specific definition for that waiting column, and there are other types of waiting columns or queue columns that I'll talk about in a minute. But for this first waiting column I want it to be very specifically waiting on an outside party or waiting on a third party.

I don't want this column to be where work goes because you started something, but then you didn't quite get to finish it. And so you just set it down on your desk and you intend to pick it up again. We don't want that to happen as much as possible. So when I use the waiting column, again, I want it to be waiting on something that you don't have direct control over. You might have influence, but you don't have control.

And in this very simple board, that would be where you put work, like waiting on opposing counsel or opposing party or waiting on a response from your client, or maybe it's out with a court. Whatever it happens to be, you're going to put it in that waiting column because it's something that you don't have direct ability to work on right now.

From there, the complexity that I add, the columns that I would add to the board really depend on what you're using the board for. And I'm going to give you two very high level distinctions of types of boards that can be useful in your law practice. One of them is what I think of as a fast flow board or a task oriented board. And it's a board that is going to capture work at that task level. And the idea is that the tasks themselves should be moving pretty quickly through the flow of your board.

You don't want stuff to sit and wait and linger. I use this imperfect rule of thumb that a task is something that someone should be able to complete in a single sitting. And I don't know exactly what a sitting is. It seems like it's probably less than a day. And it might be more than a few seconds, whatever the level of task that you're working on is. But the key thing is that I want it to be something that once you start it, you are capable of getting it over into the done column without it getting stuck.

And that might mean decomposing things into smaller bite sized tasks and things that you can actually do. If you need a piece of information from a client or from a third party in order to do the bigger project, then make getting that information its own task. And then once you've made the request, that card can go into your waiting column until the request comes back. Then once the request comes back and you have a drafting or a research or whatever the next task set is, that information getting card moves to done.

And the new card comes in and that goes into your working column or your in progress column. So when you're working at that task level board, that fast flow board, the thing that winds up being most helpful is expanding the to do column further to the left. And having different gradations or different time periods for how you're going to prioritize the individual tasks or the sets of tasks that you are going to do over the course of a certain period of time.

And the most common way that I will do this with folks that I'm working with is to rename that to-do column to today. And then I'll add another to-do column to the left that I might call tomorrow. And then maybe another one to the left of that, that I would call this week. And then I try not to get too detailed. The further into the future we go, the fuzzier the time frame can be. That's okay, because we don't have perfect crystal balls. Our best intentions, we typically don't have the ability to plan our weeks and our months down to the minute.

And so to the left of this week, I might put a column called soonish or sooner. To the left of that I might put a column called later. It's not perfect. It really is just directional, call it whatever you want. The key is to not get too fine grained about it because the best laid plans of mice and men.

The other thing that I often suggest with this type of board to convey more information, to sort of improve the model is to use different colors on your cards or some notation. It doesn't have to be a color, it can be an icon. I guess it could be a text description, although as I said, text is often less ideal for system one thinking. What I'm looking for is some way to easily tell the difference between different types of tasks.

So you might use one color for client work. You might use another for internal business items and maybe a third color for personal items and that would be a great start. If you want to get more complex from there, you might have different types of client work. So if you have a practice that has multiple matter types, even if it's sort of a single matter type. So if you're a family lawyer, you might have one color for a divorce with kids and another color for a divorce without kids.

If it's an estate plan, you might have one color for taxable plans and another color for non-taxable plans. The same thing with your back office work. You might start with just a single color for your on the business work, but eventually you might branch out a little bit and have one color for marketing, another color for your financial activities, another color for internal development, CLEs, training and things like that. The thing I'll caution you on is, don't get too complex too quickly. Start simple.

I think the first three that I recommended is a great place to begin. And then as your brain starts to crave more information and more sense making about what's going on with your day, with your practice. Then you can start to add more complexity to answer questions that you have. Don't go to this full complexity mode too quickly because it just will start to be a lot of noise.

The last thing I'll suggest for this fast flow board for this task oriented board is actually a specific kind of waiting column that I'm going to call quality assurance or quality check. And that's basically when there's something that needs to be done, but you want to give it a once over before it goes out the door. Then you can use that quality check column for two things. Number one, to note when you're going to do that quality check work.

And if you have more than one person on your team, it's often a great idea to make sure that the person that does the work is different from the person who checks the work. But even if you're just a one person team, or if you're going to do your own quality check, it's a reminder that you actually need to do this. So having that column on your board helps reinforce the behavior that you know is the successful behavior. But when you get in a hurry, your brain is sometimes going to tell you, I can skip that.

And I'll back up for a minute to say that one of the purposes of the structure of the Kanban board is to reinforce the behaviors that you know you should be doing. I sometimes say that the Kanban board is a scaffolding that can help us protect our future selves from our own lesser instincts. We all are human, we get in a hurry. We want to rush things and having that quality check column on your board helps sort of force your brain into the proper behavior, the desired behavior, and get yourself out of that hurry mode that can lead to more problems than it solves.

So I said that's the last thing I'm going to cover. There are a lot of things that I want to cover. So don't think that that is the end of the discussion. We haven't talked about WIP limits, Work in Process limits. We haven't talked about policies. We haven't really fleshed out different types of waiting columns and I'll talk about that in a minute when we get to the slow flow board.

But I think that's a great place to start if you're new to Kanban, some people call this personal Kanban. I sometimes call it productivity Kanban. It really is the best way to take your to-do list off of your yellow pad or off of whatever your system is and try operating in this new way, this visual way that is a little bit more complex as you can tell, but hopefully yields better information about what's going on with your daily workflows.

So the other type of board or the other way to expand that basic three column board into something more useful and interesting is what I sometimes call a slow flow board or a project level board or a matter level board. And in the fast flow board where really what we're doing is expanding out the to do column and using it to create a funnel of work into our active attention span.

With a project level board, a slow flow board, what we're doing is expanding that doing column or that in progress column to recognize that there are multiple phases of doing for these more complex pieces of work. So if you run a transactional practice, your columns in a slow flow board are probably going to start with intake. And then they might move on to an information gathering phase, a strategy development phase, a document drafting phase, probably some sort of internal review, maybe some sort of client review.

If you're doing transaction work of some sort, there might be a negotiation phase and then probably an execution phase and eventually you'll get to a closeout. If you have a more litigation or dispute oriented workflow then your phases are probably going to sort of mirror the rules of procedure for whatever tribunal you practice in front of. Here too, you'll probably start with intake, hopefully move on to some sort of a strategy development phase. And then from there it'll go again into the rules of procedure.

There might be a pleading stage, there might be written discovery, depositions, motion practice, pre-trial, you know the drill. And obviously for this type of board, the cards themselves aren't representing individual tasks. They're representing the matter itself, the big picture piece of work. And the tasks themselves might get represented.

And here it really depends on what the capabilities are of the system you're using. But most of the online Kanban systems have the ability to add checklists, or some systems call them sub tasks on the cards themselves. And that's where you would have the individual task items that you need to accomplish for that pleading stage or for that information gathering stage. Here too you can use color or some other visual indicator to represent different types of work, different types of matters within your practice.

So if you're an immigration lawyer, you might use one color to represent family based immigration and a different color for business type work. But overall, the thing we're trying to model with this slow flow board is the flow of work through your larger system. I sometimes describe it as being akin to getting up in the catwalk on a factory floor where you can look down and see the widget getting made, whatever it happens to be.

Raw materials come in through the intake dock, they are processed in some way, they're then assembled and finished and eventually sent out of the factory through the shipping dock and delivered to the customers. And I want to see your law practice in something of the same way. And obviously your law practice is very different from a factory floor, but we do want to establish some sort of flow of work. And just starting with that basic structure, it can be really helpful.

It's what I see in a lot of the Kanban boards that are built into law practice management tools, that's really the level that they're trying to capture. And I think it can be incredibly powerful because as with being on the catwalk of the factory floor, you can look down and see where in the process any one matter is at any given time. And then you can also see at a high level where work is piling up, where work seems to be getting stuck within your system. And that gives you information about things you can try to try to alleviate those bottlenecks.

But there are a few things you can do in this style board to add some nuance, some complexity, but I think useful complexity, that will help you better model your system. The first one is to be really clear when you have a column on your board where you're dependent on somebody else. I described that earlier as a waiting column or a waiting on third party column

I think that when you're doing this intake work, it can be really useful to maybe divide the intake column into two parts. One of them is our work and one of them is client homework because a big challenge that I see in almost every law practice I work with is, work often gets stuck in those client homework stages. If you have a litigation practice, it may look a little bit different. Not only will you have that client homework stage, you're going to have a lot of phases where you've got work that is out with the court, with the opposing party, opposing counsel.

And I think having a discrete column on your board that says pending response to pleadings or pending response to discovery request, can be really helpful. Because it allows you to differentiate between things on your board that require your attention and things on your board that are at least some sort of a natural resting state.

And that's not to say you won't have a little bit of activity to follow up on that client homework or follow up with opposing counsel if they're not getting the information to you that you need, but it's a lot less involved from you. It's not like you have a giant list of things that you need to do. And so I think these third party or client homework or external tracking columns can be really useful in helping you understand what work in your system is actionable by you and what sorts of action it needs.

The last thing I'll suggest for now when you're setting up this matter level board is to go to each column you've created. And think about two checklists that can be really useful in managing the flow of work through each column. And in this case I really am suggesting a checklist.

So if you are familiar with the Atul Gawande book, *The Checklist Manifesto*. You'll know that he talks about sort of the highest and best use of a checklist isn't as a to-do list. It's as a quality control list. We're trying to create a quality standard so that all of the work that passes through this column, you can have confidence that this quality standard has been met.

So when I talk about these checklists, the first one and probably the easiest one to do for each column is what I refer to as the definition of done.

And the definition of done is usually sort of a high to medium level list of things that contains all of the things that have to be true or at least accounted for in order for you to feel like your work at this phase is complete. So if it's that pleading stage, then obviously you need to have the pleading drafted and quality checked, but you also have to have it filed with the court. You have to have it served on the other party. You maybe want to get a copy to your client.

Whatever it is that you think are all of the things that until these are accounted for, we are not done with pleadings. We have to make sure that these things are all true. And one way to think about the definition of done is it's a backflow prevention valve. One of the things we want in a Kanban system is for work as much as possible to move from left to right through the board. We don't want backflow, we don't want stagnation. And so the definition of done helps prevent that. It helps us from having to go back and redo something that should have been done in that phase to begin with.

The other checklist that is a little bit harder at first, but also incredibly useful is the definition of ready. What are all of the things that have to be true or at least accounted for before I even want to start the work in this phase? How do I make sure that I have all of the tools and information and raw materials for whatever my process is so that once I sit down to do the work, I can do it as smoothly and as quickly as possible?

A great real world example of a definition of ready is the ingredients list in a recipe. Before you sit down to make cookies, you want to make sure that you've got eggs and flour and all of the things that are needed to execute that recipe. The last thing that you want to do is have to pause in the middle of your baking and go to the grocery store or go bug the neighbor for the cup of sugar so that you can actually finish that work.

Oftentimes, if you do that, the work that you started can become stale, it can become suboptimal. So we want to get something like that going in your law practice. So you make sure that before you start drafting something, you've got all of the client homework back, all of the information you need. And that definition of ready helps again, protect ourselves from jumping the gun on starting work too early. So that we really do have the ability to sit down and get it done in a single sitting.

And eventually what happens and I do think it's useful at first to keep the definition of ready separate from the definition of done. But eventually what you'll find is, the definition of ready for one column tends to merge with the definition of done for the preceding column or any of the upstream columns. So it doesn't have to be the immediately preceding column but that exercise of going through what are all the things that I need in order to be successful at this stage can be a really effective one at improving the flow of work through your system overall.

The last thing I'll mention for now is that these two types of boards, the task board and the matter board or the fast flow board and the slow flow board, they're not mutually exclusive. You don't have to choose one or the other. In fact, I think a lot of the best results from using a Kanban system can come from having both.

And one of the things I love about the really good Kanban software tools. And I will pause here for a minute to say that a lot of the lawyer specific ones don't actually support this functionality, which is why there are some other tools that I tend to recommend and I'll talk about those in a minute. But it gives you the ability to create a parent child relationship between a matter level or a project level board and a task level board.

So you can have a task on your fast flow board that is the same thing as one of the sub tasks on your matter level board. So if there are specific deliverables you need to execute in a day, you can relate these two boards together and it gets really powerful. That said, I wouldn't try to do that right from the start. That is a level of complexity that you kind of have to grow into.

I would pick one of those two boards in between the two. If you're running a law practice, I would say start with a matter level board. If you are an individual worker within a law practice, then maybe start with a task level board, but start with one of them. Get comfortable with the use of Kanban cards to represent your work, the flow of work across your board. There are other tenets of the Kanban methodology that I'm going to talk about in other episodes. So there's a lot to do.

The Kanban board, the beauty of the methodology is that it's really simple to get started. But it really can evolve and adapt in an infinite number of ways. And there is no one right way to do it. Different people have different ways they want to structure their boards. Different practices have different needs about how we visualize the work within those practices. I think there are some things I've learned along the way that tend to be pretty commonly useful, but none of them are absolute.

So I'm going to leave it there for now. It's been a little interesting and challenging trying to describe an inherently visual system through an audio only mechanism. But hopefully if you're already using a Kanban board in one of your software toolsets, or maybe you even still have a physical board on your wall. Hopefully this has given you some ideas about things you can do to improve that board and make it more useful.

If you're not already using a Kanban board, hopefully this gives you a little more information about the potential of the methodology and how you might get started with it. There's a lot more information on my website, including on my resources page, my recommendations for sort of my preferred software tools for diving into the Kanban methodology. Two of them are not lawyer specific tools and they are far and away the most powerful Kanban tools that I recommend.

A couple of them are lawyer specific and they've got some great functionality. I don't want to knock them, but there are other parts of the Kanban methodology that they don't fully support yet, and I'm working with them. I actually have great relationships with all of these companies that I recommend. And part of the reason why I recommend them is that they all are dedicated to improving their tools and making them more useful specifically for lawyers to adopt the Kanban methodology and grow with it.

Regardless of what tool or system you use, and I'll pause for a minute to say that whatever you're using now, stick with it at least for now. There isn't a great reason to change tools or software until you actually come up against the limitation in that tool. If you have any questions about how to implement a Kanban system inside of your law practice, or how to improve the Kanban system that you've already gotten started with, please don't hesitate to reach out. I love talking about this stuff.

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