Ep #9: Focus on Quality To Improve Efficiency

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With Your Host

John E. Grant

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Here's a paradox. What if the best way to improve the efficiency of your law practice is to not even try to improve efficiency, but to focus on something else instead. In today's episode, I'll teach you why focusing on quality, not efficiency, is the key to unlocking more balanced workloads, increased capacity, smoother workflow, and ultimately, greater efficiency, all while delivering a much better client experience along the way. 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.

So as I record this episode I am about three-quarters of the way through a new book by the author, Cal Newport. And the book is called *Slow Productivity: The Lost Art of Accomplishment Without Burnout*. To the extent that you recognize the name, Cal Newport, you may be familiar with probably his most famous book, which is *Deep Work*. And that book is really about the importance of finding long blocks of time and uninterrupted time to allow people, especially knowledge workers, to really get into the mind state and the flow state that is needed to accomplish big things. And *Deep Work* is a great read.

Since that book he's written a couple others that are also really good. One of them is *Digital Minimalism*, which is basically just about the onslaught of signals and messaging that we get from all of the various sorts of devices and sites and digital tools that we use that have a way of distracting us out of that deep work state. And Newport understandably promotes a minimalist approach to using a lot of these digital tools.

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The one that he wrote after that, without giving you his full bibliography is a book called *A World Without Email*. And what's interesting about *A World Without Email*, well, a lot of things, but he coins this term, the hyperactive hive mind. And again, I'm not going to dive too deep into this one, but it ultimately talks about email as a really suboptimal way of communicating, partly because of the digital distraction that comes from email.

All of that is a long build up, well, before I leave that I should also say the thing that I like. Of course, as an agile coach and as a Kanban practitioner. is that ultimately, what Newport says in *A World Without Email* is that the best place to have communication within a team about a project and if you're a law firm, your project is probably a legal case or a legal matter. And in *A World Without Email*, what Newport says is that email is not a great place to have those communications.

Neither is Slack or Teams again, partly because they are so built to this point of distraction as opposed to just in time delivery of information or as needed delivery of information. The place that he recommends where you should be having those conversations is inside of a card on your Kanban board. And he specifically mentions Trello, I think probably because that's sort of the lowest barrier to entry tool, but it doesn't matter what tool you use.

Any good Kanban board software is going to give you the ability to have those conversations inside of a card. So Newport's newest book, *Slow Productivity*, I'm really loving it so far. And it may feel a little inappropriate for me to be recommending a book that I haven't finished yet. And to be fair, it came out two days ago as I record this. So I haven't had the time to sit down and get through the whole thing. That said, I highly recommend this book.

And one of the things that is interesting to me about this book is it is effectively talking about some of the core tenants of the Kanban method without calling them Kanban, which I kind of get because Kanban is a weird

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word. It's Japanese. People don't know how to say it, whether it's Kanban or Kanban, so he just avoids it entirely. And he's talking about the principles and the practices of the method without actually naming the method and that makes sense.

His primary job is as a computer science professor. So of course he's been exposed to a lot of agile tools and methods and concepts in the course of his work doing computer software. And Kanban is really this emergent methodology inside of software development as being a really more useful way of working for teams than maybe some of the earlier versions of agile. One of the things I like about the book and it's interesting because he coins a term here that I really like, but he doesn't use it all that often.

I'm not sure that he recognized that this, at least from my perspective, is such a powerful term. And this is specifically referring to that tendency of knowledge workers to put too much on their plates because it's really hard to track knowledge work. It's hard to see all of the commitments that we've made. And the term he coins that is the result of that overburdening, that taking on of too many things is something that he calls anxious overload.

And that really to me, describes a lot of people that I work with, that reach out to me, that I've interacted with in the legal profession. I've been calling it overwhelm and I think that's the same thing. But I like the sound of anxious overload because I think adding that concept of the anxiety that is produced just because of all of the tracking of things is really real to me.

So the first thing I would say in terms of listening to this podcast is to take a step back and think, am I suffering from anxious overload? Am I worrying, am I stressed out about just the sheer volume of things that's going on without maybe worrying as much about the individual things? Although maybe that's the case, too. So because Newport's book is about slow productivity, and again, *The Lost Art of Accomplishment Without Burnout*, I really like the subtitle too.

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He kind of boils it down to three rules, and each of these rules is a section of his book. The first of them is, do fewer things. And as I said, this links up really well with the Kanban practice of WIP limits. A lot of my earlier episodes, if you've been following along, talk about the honest reckoning with capacity. And then the evaluation of the priorities that you have, to make sure that you are working within your capacity. And that's what do fewer things is about. So rule number one really clearly in line with a lot of the things that I've been talking about already in this podcast.

So rule number two or technique number two from the book is, work at a natural pace. And I'm actually going to save this one. I'm going to talk about this in a future episode. It's something that I hinted at in my last episode in my interview with Dave Maxfield with the client that was doing the red files. And I've got an update on that and I'm just going to tease it for now. I will get to that in a future episode, I promise.

But ultimately, what that gets to is, the part of my mission statement, if you listened to the intro to the podcast where I talk about building practices that are sustainable. This is really a sustainability challenge and a call to action to make sure that you're working in a way that doesn't lead to burnout. And like I said, I'm going to dive deeper on that in a minute.

The one I want to talk more about today is the third one which is, obsess over quality. And I'm going to read you the specific callout. This is the fourth part or the fourth section of the book, and ironically, it's the one that I haven't fully finished yet. But it is so clearly consistent with a lot of the teachings that I have that I'm going to riff on it anyway.

And what Newport specifically calls out is that we should, "Obsess over the quality of what you produce, even if this means missing opportunities in the short term. Leverage the value of these results to gain more and more freedom in your efforts over the long term." Now there's a lot to that, and partly he's talking about expertise and building expertise and the freedom that comes from that. I'm not going to talk about that so much.

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What I'm really going to talk about is this idea that the goal should be to produce good quality work, even high quality work, although there's a difference between those two things. And high quality work isn't always required. Sometimes good quality work is good enough. Again, I'll talk more about that probably in another episode too. But this idea of quality being the thing you should focus on, or as Newport says, obsess over is, I think, really important.

And I'm going to talk about, well, one of the lessons I learned in my early understanding of these methodologies and these techniques actually came out of the lean discipline and a guy named Russell Ackoff. And he's a business school professor, expert in process systems. And sort of his primary working time were the 60s, 70s and 80s. So maybe a little bit older, certainly, a generation or so ago.

But the thing that Ackoff said, and I don't have his quote quite in front of me, so I'm going off of memory. But it's effectively the idea that quality improvement and process improvement are the same thing. And I'm going to let you sit on that for a minute. Quality improvement and process improvement are the same thing.

The other thing that Ackoff talks about, and this is from a YouTube video of a speech that he gave and I will link to that video in the show notes. But he talks about the only useful lens for assessing quality is through the eyes of your customer, through the eyes of your client, in the case of your legal work. So this is a tough one, I think, for lawyers because a lot of times our clients aren't well positioned to evaluate the quality of our actual legal work.

And so we do have to substitute a certain amount of our own judgment for our client's judgment in terms of understanding what quality is. That said, the client's perspective, the client's perception of value and quality really is one of the most important things. And so making sure that your documents look good, making sure that you explain it so that the client can actually understand what's going on. I think things like that are important. But what

does he mean by quality improvement and process improvement are the same thing?

Well, I'm going to give you an analogy that I've been using for years. And if you've seen me speak at conferences or anything, you've probably heard me talk about this. But I want you to imagine a world before the power drill, where if you are a fine furniture maker and you need to drill a hole in your wood, in your lumber. You actually are going to have to put some sweat equity into it. You've got one of those hand crank things, the old fashioned round and round. And it's going to be some work in order to get that hole made.

And when you have to invest that physical power, you're going to have a sore arm at the end of it. You're going to be a lot more careful about making sure that you're drilling that hole in the right place. We want to make sure, not only from our own individual effort, but we also want to make sure that we're not ruining a perfectly good piece of wood, that we're going to have to throw out and start over. Any number of reasons.

This idea that understanding what quality is, what in this situation is a high quality hole because it's going to help us make a high quality piece of furniture. You're going to invest in that. And someone who has made that investment in understanding what quality looks like both with respect to the hole itself and the end product. If you then put a power drill in the hands of that person, they're going to get more efficient because they already understand what quality looks like.

And that maybe they aren't going to have to invest as much of their individual sweat equity and they're going to be able to make that piece of furniture faster. So a furniture maker who understands quality is going to be able to do better work with better tools than they are able to do with lesser tools.

But if you go straight to a power drill, for someone that doesn't actually know what a quality hole looks like or doesn't actually know what quality

furniture looks like. The power drill itself doesn't make them more efficient at creating furniture. All it does is make them more efficient at creating holes. And the problem is if you put that power drill or any tool in the hands of someone that isn't already aware of what quality looks like, is, they just put more holes in more things more quickly and that is not quality.

I've actually broken this down to sort of a cascade of events. And I have a graphic, again, that I've used in a lot of presentations and I'll put this in the show notes as well, but that if you start with the efficiency. The problem with efficiency is that the pursuit of just efficiency can lead to corner cutting. It can lead to quality problems and that is not what we're looking for. But if you start with quality then you get this almost automatic or sort of natural cascade of things that happens.

So number one, if you can define quality, what quality looks like, what is a good intake process? What does it mean to have a high quality pleading? What does it mean to have a high quality discovery request? What does it mean to have a high quality client homework request? But you actually sit down and think about what are the elements that have to be true or at least accounted for in order for this to be good quality or high quality work? Once you've done that, then these other things start to happen in this almost sort of magical way.

So when you create that quality standard, you define quality. The next thing that happens is that you and your team will begin to standardize your work around that quality, meaning you're getting more predictable outputs for that particular thing. That leads to consistency of the output. If you have a team that is more than just you and you've got a handful of people on it, the more you can define quality standards that multiple people can follow, that gives you the ability to load balance inside of the organization.

Different people can do the same task. You don't have these single point bottlenecks inside of your process. It allows you to apply the resources that are available rather than having to wait for someone to come free. That in

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turn actually increases the total capacity of your practice because that quality standard and people being able to follow that quality standard means that you have the capacity to get the work done by more than one person.

You're going to be more effective at doing that work, and that in turn allows the work to flow more effectively. It's not going to get stuck as often at these bottlenecks because resources that are capable of doing it are going to come available more often. And it's that flow, the work is actually moving in a clear and consistent and ideally, predictable way through your process. That's what leads to efficiency, because now the work itself is being done more efficiently. The amount of time it takes to deliver the final product is a lot faster.

So like I said, I'm going to put this graphic in the show notes, you can follow along. But quality leads to standardization, leads to consistency which leads to more balanced loads, which increases capacity, which increases flow, which ultimately leads to efficiency. And that's a form of efficiency that is really consistent with improving your client experience because as I'm pretty sure I've said before, I can't remember what episode. Clients don't hire us for the joy of living with a legal problem or having their legal problem worked on. They want it over with, they want to be done.

And we know that there are certain things that can't be done quickly because of all the various due process rules and just how long it takes. But we don't want them waiting unnecessarily either. And so the better flow efficiency we have for the work, the happier the clients we have are going to be. And I'm going to leave it at that. So strong recommendation for Cal Newport's new book, *Slow Productivity*, really consistent with these principles of agile and Kanban specifically that I'm so fond of.

And specifically my challenge for you this week is, think about what are your quality standards. And I used a formulation that hopefully is useful to you. What are all of the things that have to be true or at least accounted for

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in order for us to achieve a high quality outcome or produce a high quality deliverable for this particular piece of work?

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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