

Ep #17: How Minimum Viable Products Can Improve Efficiency AND Quality



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One of the things I often see with lawyers and law practices is the desire to make everything you do delivered to the highest possible quality. We want to polish our work to help us stand out as experts and leaders in our field. And while I applaud that instinct and I share it in a lot of ways, it can be brutal on your overall productivity as you work to meet these high and maybe impossible standards you set for yourself and what it means is it makes it a lot harder to get things all the way through to done.

In today's episode, I'm going to talk about a framework you may have heard of called the minimum viable product and how you can use it to counterbalance what might be your natural tendency to overbuild things in your early attempts, but then also use it to ultimately land on a higher quality product than you might have come up with if you tried to build some big, complex thing all at once. 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.

Welcome back to the podcast. So for the next couple of episodes, I'm going to continue to talk about this idea that I've been hinting on for a while around getting things right and working towards quality. And I've talked about it in the context of quality control checklists and this idea from *The Checklist Manifesto*, the Atul Gawande book. And those are great and they're useful and hopefully you've found them useful but the thing about those checklists is that they are coming from situations where you probably

Ep #17: How Minimum Viable Products Can Improve Efficiency AND Quality

already have a decent idea of what quality looks like, what your standard should be.

And today I want to talk about the concept of the minimum viable product or MVP and how you can use it to build things that are new even when or maybe especially when you don't necessarily know what good quality is going to look like when you're setting out to do this new thing.

And just to give you a little bit of background, so this idea of minimum viable product or MVP, it was a term that was first coined by a guy named Frank Robinson back probably 15/20 years ago, mostly was popularized by a Stanford Business professor named Steve Blank, who wrote a book called *The Four Steps to The Epiphany*.

And then really it hits sort of the mainstream, maybe a decade or so ago, a little more in a book called *The Lean Startup* by Eric Ries. And that's something that maybe you've heard of. It was something of a kind of a Bible for Silicon Valley and startup businesses for a long time and with good reason. And the idea behind it is that when you're going to do something new, and *The Lean Startup* is mostly about product development. But this idea of MVP, it can pervade, it can be effective in a lot of other places too.

And the idea is that it's not really a good use of your finite time and energy and money and other resources to build a really complex thing when you don't actually know what it is that your audience is looking for. And that could be your customers in terms of the people that are paying you for your products and services, that could be customers in terms of the judges or bosses or other sort of interstitial customers for the work product that you create.

So the thing that is the core idea of the minimum viable product is just like it sounds. You want to build, at least at first, the simplest possible version of

Ep #17: How Minimum Viable Products Can Improve Efficiency AND Quality

a product that still delivers value for the intended purpose of that product or work product. And the thing to keep in mind is that building an MVP is not about building something complex piece by piece.

So if we're talking about building a tool that is going to transport you efficiently from point A to point B, maybe a couple of miles away. One way to think about that is, if I want to build a car I would start by putting together the chassis and then maybe adding the body and then creating an engine, eventually attaching that to a drive train and some wheels etc. But the problem with that from an MVP standpoint is that each of those steps along the way can't get you from point A to point B.

The chassis by itself is useless, the engine by itself is useless, even the wheels by themselves, not effectively useful if they're so big that they need an engine to drive them. And so the idea behind an MVP is that you would start with something truly minimal, that still meets the need like a skateboard or a scooter. And that once you understand what customers need or what their actual need is in getting from point A to point B. Maybe it needs to be a little bit faster, and so you would go to a bike or a motorized scooter.

Maybe it needs to be weather protected and so then you might look at a trailer or some other thing. And then eventually you might get to a car but the idea is that by starting with that simple thing, you, number one, actually do accomplish the need even if it's suboptimal, you still are getting there. And number two, you're learning and you're getting actual feedback through the course of building the thing and really making sure that you know how things are being used, what they're being used for, what people's motivations are.

And that's going to ultimately get you to iterating towards a better product as opposed to, again, building the complex thing right out of the chute. One of the other misconceptions around this idea of minimum viable product is

Ep #17: How Minimum Viable Products Can Improve Efficiency AND Quality

that it's about cost savings. And that is true, part of what you're trying to do is minimize the investment you make on the front end so that you don't overinvest in something that either doesn't work or that people don't really want.

And so we are trying to limit the investment, but we're doing it in the name of getting better information. And so the real value of the MVP approach is that it accelerates the rate at which you learn about the thing that you're trying to create. It creates these rapid feedback loops where you put an actual thing in front of a user, in front of a customer and you get information back from them about how it's working, what else they want, what they like, what they don't like and things like that.

So, let me give you a few concrete examples about how you might be able to apply this concept of MVP in a law practice. And I'm going to start with one that is sort of internal to the law practice and that is marketing or maybe specifically your law firm website. And one of the things that I think is pretty common is that there's this sort of conventional wisdom around all the things that you need to have in a website in order for it to be an effective website.

You have to have a certain number of pages and a certain amount of content and a certain amount of imagery and photography. And then you've got to have search engine optimization and content marketing and all these things and that might be useful. I'm not saying those are a bad idea, but when you're first starting out, you don't necessarily need to build the big, complex thing right out of the chute. I've said this in the context of intake, but it's true even upstream of intake, which is your sales and marketing function.

That overinvesting in parts of your practice that maybe are going to supply more work into your delivery system than you can actually handle is in fact a form of waste. Overbuilding a website that is too effective is as wasteful

Ep #17: How Minimum Viable Products Can Improve Efficiency AND Quality

to your overall practice as building one that isn't effective enough. They're going to cause different kinds of problems, but they both are going to cause problems. And so I often talk to lawyers about building a minimum viable website. And what does that look like? And I sometimes will categorize this as a brochureware site.

What's the purpose of the website? What are you trying to do with it? And again it's going to vary depending on different practices but for a lot of the lawyers I work with, most of their new work is coming from referrals of some sort. Sometimes past client referrals, oftentimes referrals from other trusted professionals, financial professionals, counselors, you name it. And so when you're getting most of your work from a referral, the purpose of your website isn't really to sell because the referral's kind of done that for you.

The purpose of the website is to validate to the world that you exist and that you actually do the things you claim to do and it doesn't take much to do that. And so a single page website that just says, 'Hi I'm attorney X and I practice in these areas of law. In order to get in touch with me, click here'. That's enough.

It can be just a single page as long as it kind of meets the basic need of your most common customer type or prospective customer type, then I think that that's going to be enough. And certainly to get you started because that's definitely enough to get feedback from people, get some data from your analytics, whatever you happen to use. And start to learn some things about how that website is performing. And then once you have that actual data, both subjective and objective, now you can decide what improvements you think are actually going to be helpful.

You can run some experiments around those improvements, maybe adding some services pages. Maybe adding a self-scheduling tool, whatever it happens to be, but you're doing it in response to real feedback and not just

Ep #17: How Minimum Viable Products Can Improve Efficiency AND Quality

your idea of what a website should be, or even what a professional's idea of what your website should be. Because a lot of website professionals, it's kind of in their interest to overbuild the first thing for you.

There are certainly exceptions to that rule, and I know a lot of great web developers that are happy to do this MVP approach. You just don't have to go all the way in right at the beginning.

So another place where actually it's not uncommon for lawyers to use sort of a minimum viable product approach is when they're drafting actual legal work, a brief or a memo, a pleading, a motion. And I think there are a couple of different ways to look at how you do that but one of them, to my mind, is superior to the other.

And so the suboptimal one is this thing that maybe we did in law school and maybe a lot of us still do. I'm not saying it's the worst way to do it. I just think there's a better way to do it. And that is if you're drafting let's say a motion or a legal brief and you know that you get to make these arguments in the alternative. And so the idea would be to do as much research as you can to figure out all of your arguments and then basically come up with, okay, what do I think the right ones are?

Write all of my things out and then go back and maybe draft the statement of facts and the introduction and the conclusion in a way that it's going to support the whole suite of your arguments as opposed to building those things as you go. And again, I don't think that's a terrible way to approach it. The problem with it is that if something were to happen, if for some reason you were to get busy, if you were to lose some capacity for some reason. And that can be losing members off your team, or that could be your own, maybe health and well-being - whatever it happens to be.

If you are working just on researching all of the possible arguments, then at no point during that research do you have something that you could

Ep #17: How Minimum Viable Products Can Improve Efficiency AND Quality

actually submit to the court or to the other party, whatever it is that you're doing if the time you anticipated to do the work suddenly got shortened. So I would still say, do some upfront research obviously because you want to know what the flavor of the arguments are.

You maybe want to have a handful of contenders for the arguments you're going to make. But then once you've got a decent idea of maybe a few of them, I would say pick your favorite one, the best one based on the information you have right now. And think about writing a minimum viable product document that is a complete document, a complete motion or brief or whatever.

And so that would mean writing an introduction just for that one argument. writing a statement of facts just for that one argument. Making the argument itself obviously providing the support for it, and then writing a conclusion just for that one argument. Now is that the ideal brief? Absolutely not. We do want to make sure that we have done additional research, that we are learning what we can and making these arguments in the alternative if we have them.

But the thing about that brief is it is a submittable product. It is something that were all other things to come crashing down around you, if you needed to do it, you could file the thing. And I think that's really important. It also is something that you can get feedback on. You can give it to a colleague, you can give it to maybe someone that you trust to give you some feedback around this one argument that you've made. They can poke some holes in it. You can make that one argument better. But it's going to give you the ability to begin collecting feedback, even from yourself.

If you write that single argument brief and put it down for a day or two, when you come back to it with fresh eyes, you're going to have a better sense of how it's performing relative to what you're trying to achieve on

Ep #17: How Minimum Viable Products Can Improve Efficiency AND Quality

your client's behalf. And then once you feel good about having that complete product, you can start to add arguments.

You can say, "Okay, now I'm going to put argument two in and maybe I have to adjust the intro a little bit to account for argument two. Maybe I have to add some things to the statement of facts. Maybe I need to update the conclusion." That's okay because now we're updating. We're not having to draft this whole thing from scratch. And by the time you do that for your second argument, again, you have something that you could submit and it's better than the thing that you created the first time.

And you can do that as many iterations as you have the availability for, as you have the time for up until the deadline, and obviously the page count for and other things like that. But the thing that I like about that approach is that it gets you into this idea of, number one, I have something that is viable. And number two, it gives me something that I can really collide with reality to start to get some feedback about.

The third one I'll talk about only very briefly, partly because I brought it up a couple of episodes ago when I talked about the email communications policy but I am a huge fan of using minimum viable policies within your law firm. And again, I think I talked about it in that episode, but the main thing is that having something of a policy, even with just a few sentences, maybe some bullet points is better than having no policy at all.

And so as you're coming up with things around, how do we do intake? How do we have a communication policy? How do we have these other things that we do within our law practice? It's okay and you can download the template and I'll put instructions again in the show notes. But if you go to agileattorney.com/start, you'll see a place where you can download my version of the email communication template. And then use that email communication template as a template for other policies in your law firm. It's got some pretty good section headings, some bullet points.

Ep #17: How Minimum Viable Products Can Improve Efficiency AND Quality

You may not even need all of them in order to create an MVP, but the idea is that by getting in the habit of having at least a little bit of documentation, that you can then use for yourself, that you can use with your team. It's going to get you in the place where you'll learn about how that policy is performing. You get feedback from your team members. You get your own personal feedback as you use it yourself and then you can go back and iterate and make improvements to it and make it better.

But just having that basic policy is minimum and it's viable and it gets you started on the path towards creating better and more robust policies overall for your law practice.

Alright, so going forward, hopefully you can take this out into the world, into your practice and find some things that are useful for it. What I'm really hoping for, I know, we lawyers, we tend to be perfectionists. We tend to want to build the ultimate perfect thing. And then we put a lot of pressure on ourselves to get things right in a complex way instead of right in a simple way and there are definitely places for that.

I mean, obviously we hope not to submit the minimum viable brief to the court. We hope not to have to put it in front of opposing counsel. But what I'm saying is that you want something that if you needed to, you could, and it would still be viable. Same thing in these other things, it's a way to sort of, not so much counter the perfectionism, but channel the perfectionism into a way that you are constantly using it to make a better and better product. As opposed to trying to conceive of this big, complex thing that might be challenging to build all the way to the standard that you hope to build it to.

And being able to do that starts with understanding what viable looks like, and so it does take a little bit of work upfront. You need to understand what is the purpose of this thing that I'm doing, whether it's your website, whether it's legal work, whether it's an internal policy.

Ep #17: How Minimum Viable Products Can Improve Efficiency AND Quality

Think about viability, and then think about how can I do the most simple, the most basic thing that still meets that viability standard? But it is also going to get me in a position where I learn about the thing I just created and I get that validated learning out of my efforts. As opposed to keeping it all in your head or keeping it all to yourself over the course of building the complex thing. So I hope you find that useful.

Stay tuned. Next week we're going to talk about the related concept of building things that are fit for purpose or the notion of fitness for purpose. As opposed to building something that is exactly perfect or sort of the ultimate version of the thing you're trying to do. Because again, sometimes overbuilding a thing is every bit as problematic, albeit in different ways than underbuilding a thing. So stay tuned for that.

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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