

Ep #18: Understanding "Jobs To Be Done" to Unlock Hidden Client Needs



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John E. Grant

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Most lawyers think of their intake form as something that they need to send to the client so that the lawyer can get the information they need to actually do the legal work on the client's behalf. But what if we shifted the perspective and we instead asked the question. What is the job that my client is hiring my intake form to do? That's the core of Jobs To Be Done Theory. And in today's episode, you're going to learn how to apply it to create better products and services and better customer experiences for your law 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.

Alright, welcome back to the podcast. So, in last week's episode, I talked about the concept of the Minimum Viable Product or the MVP. And suggested that as a way both to help attorneys sort of overcome the sort of perfectionism and maybe overbuilding of things that I think is a very real tendency among folks in our profession.

But also, as a way of really getting work out the door faster, putting it in front of people and getting feedback so that we can iterate that product. And get it to a better place than we would if we sort of kept it to ourselves and tried to build it and build it and build it in our heads or on our computers before we actually go out and get that feedback loop.

And I think that the MVP is a great framework for overcoming sort of a writer's block type thing for getting information. But it also is admittedly

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limited in its reach and its ability to create sort of the higher quality outcomes that we're trying to achieve with a lot of areas of our law practice. So, I think MVP is a great way to start but there are other complementary concepts that I want to make sure that you know about as well.

Now, last week I said that this episode was going to be talking about a concept called fit for purpose. But as I was preparing that episode, I realized that it actually would be helpful to introduce a different framework that serves as a really nice bridge between the Minimum Viable Product idea from the lean startup and the fit for purpose concept out of a kanban framework. And that bridge framework is called Jobs To Be Done Theory or JTBD, but I'm going to call it Jobs To Be Done. That's kind of a handful to spit out.

And the thing about Jobs To Be Done is while the MVP approach focuses on sort of rapid prototyping and testing and getting those feedback loops in place and feedback is critical. The Jobs To Be Done Theory digs a little deeper into what are your customers or your clients motivations? What are they trying to accomplish by your particular legal service or even a subset of your legal service? And the core thing is really pretty intuitive. The Jobs To Be Done Theory asks the question, what is the underlying need or the job that the customer is really trying to accomplish?

And like I said, it's complementary to MVP. It really helps ensure that your MVP or the product that you're developing, the deliverable that you're creating is optimized around getting the right customer outcome for the purpose that the client or the customer is trying to accomplish. There are a couple of books and authors where the Jobs To Be Done Theory comes from.

It was, I think, first introduced by a person named Anthony Ulwick. He has a book called *What Customers Want*. Another one called *Jobs-to-be-Done* and I'll link to both of those in the show notes. And Ulwick's key insight in

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those books and from those books is this idea that customers don't just buy a product or a service. Instead, they hire that product or service to get a specific job done. And I'll talk more about what that looks like in a minute.

The other one is a Harvard Business professor, Clayton Christensen, who is maybe more famous for his book *The Innovator's Dilemma*. But he has a book about Jobs To Be Done Theory called *Competing Against Luck*. And he actually has a great example and there are numerous YouTube videos out with him talking about this that asked the question of people, what did you just hire a milkshake to do? What is the job that you hired a milkshake to do? And I will do my best to sort of recap that in a minute. But again, I will provide links to his videos because they're worth watching.

But the key thing from Christensen's point of view in terms of how companies can use Jobs To Be Done Theory is this idea that by better understanding what is the job that a customer is hiring your company, your product, your service to accomplish. That's going to put you into a better place to be able to innovate your products and services and also compete against other alternatives, some of which might be counterintuitive and I'll talk about that in a second as well.

So very quickly, a couple of the core tenants of Jobs To Be Done Theory. Number one, it's important to understand that this is very much a customer centric approach to innovation and development of products and services. It really shifts the focus from what is this product or service, what are the features of it, what are the components of it to asking that deeper question, what is the underlying need that it fulfills for the people that are hiring it or purchasing it? What is the job that it fulfills?

Number two, it's important to understand that while jobs can be functional and certainly I think a lot of lawyers tend to lean into some of the functional components. A contract protects us against certain types of risks, and a state plan protects clients against certain types of risks. And there are very

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much functional sort of practical components that our legal services need to provide but Jobs To Be Done Theory also focuses on the social and emotional needs. And if you remember back from episode six of this podcast I talked about what do clients really want from their lawyers?

No surprise. I broke it down into elements that include both the practical functional components of what clients are looking for and also those social emotional components. And if you haven't listened to that, I really recommend that you go back and check it out. I think it's a good one.

The third concept out of Jobs To Be Done Theory is this idea that customers hire and fire products and services based on how well those products and services are performing in the job to be done. So, success is really about nailing the job or sometimes the suite of jobs, not just having the right features in your product or the right price point. And in fact, one of the things that the Jobs To Be Done Theory proponents like to illustrate is that price is not as big a motivator for a lot of people as we intuitively think it is. Although the extent to which people are price sensitive really depends on their personal situations.

The last idea out of Jobs To Be Done Theory that I'll talk about for this episode is this idea that the competition for your products and services is a lot broader than you might intuitively think it is. We think that we are in competition with other attorneys, for sure, probably online form services, whether they be LegalZoom or Rocket Lawyer or whatever.

But there are a lot of other places that customers might be turning, potential clients to your legal service might be turning to, to accomplish a lot of the jobs that they need to be done. And looking at things through this lens can help you identify what those alternatives might be. And then figure out ways to meet those social, emotional, or other needs that people might be meeting with things that have nothing to do with your legal work.

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And I think that Clayton Christensen sort of ties it all together in his sort of famous story around work that he and his consulting firm were hired to do around fast food milkshakes. And basically, the idea was that he was hired by McDonald's to try to boost milkshake sales and traditional market research really wasn't helping. They were having a hard time figuring out ways to do whatever they were doing, introducing new flavors, things, times of day, specials, really wasn't moving the needle much.

And so instead, Christensen and his team literally camped out outside of some McDonald's restaurants and would go and interview people at different times of day. And sort of asked the question, "What is the job that you hired this milkshake to do?" And it's funny, it's a laugh line. Again, I encourage you to go watch some of the videos that I will link to of Christensen telling the story.

But there were two key insights that came out of this. Number one, there was a surprising number of milkshake sales happening early in the day as part of the morning commute. And one of the things that the team uncovered in sort of asking questions in this different way was to uncover some interesting insights around what people were thinking when they ordered a milkshake as the 8:00 to 9:00am window.

And the things that they discovered was that it wasn't just about food or calories, but it was about how the milkshake sort of occupied part of their commute. That it was something that lasted for a while and it kept it from being quite as boring as it might be otherwise. Obviously it had to do with hunger. But the interesting thing that they uncovered was this idea that the alternatives to the milkshake were really interesting.

And there were the obvious ones, like say, an Egg McMuffin, where people talked about, "It's fine, but it's got this funny wrapper on it and I've got to figure out what to do with that and I get some crumbs in my lap." But then they also looked at other things that those people, those customers were

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hiring and there was a banana as one of the examples. And the problem with the banana relative to the milkshake was again, you wound up with this funny peel, and it made your car stink and you didn't know where to go with it.

Some people hired a bagel, but the bagel was kind of dry and if you needed to get cream cheese on it, that was a pain and it had sort of the same crumbs problem as the Egg McMuffin. There were all these other ways or all these other alternatives, including just not doing anything and not having any food at all. That revealed sort of why this certain demographic was really interested in having milkshakes in the morning.

They then were able to sort of look at things around what are the downsides of the milkshake? And one of the insights that came from this research was that they actually could make the milkshake more desirable by making it a little bit thicker and allowing it to last longer during the commute. But the key thing was the introduction of the McDonald's smoothies and this idea that one of the bigger downsides that people had to the idea of ordering a milkshake in the morning is it didn't feel healthy. It didn't necessarily make them feel good about their food choices.

And so, McDonald's used this research and these insights to come up with a similar product that very slightly, but importantly better hit the overall jobs that the customer was trying to accomplish. So, both occupy my commute in something that was clean, easy to get rid of. You just take the whole thing when you're done and throw it in the trash can, but also this new need that was uncovered around slightly healthier eating.

So, I'm going to pause for a quick break and when we come back I'm going to talk about how I've used Jobs To Be Done Theory with some of my clients. And how you can think about Jobs To Be Done Theory to better understand what is the job that your client or potential client is hiring your law practice to do.

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So, what is the job that your client or your potential client is hiring your law practice to do? And I've used Jobs To Be Done Theory with a lot of my clients to really improve how we think about defining the products and services. And eventually sort of realigning our workflows to make sure that they are specifically tailored to meet different customer jobs, different client Jobs To Be Done throughout the course of a process in addition to the legal product or service overall.

And I'll start with estate planning. So, I think there are some Jobs To Be Done from the estate planning process that are pretty intuitive. One is that people want to make sure that they're providing for their loved ones and causes that they care about after they die. Sometimes we use the language of preserving their legacy. Obviously there's the piece that we don't always talk about out loud, but it's always underneath that, which is avoiding taxes or other sort of unnecessary payments.

A lot of estate planning lawyers I know really talk about this idea of promoting family harmony. Making sure that having a clear estate plan really makes sure that your heirs and loved ones are less likely to fight about stuff after you die. And that's very important to people, especially as they reach their later years and have adult children, things like that. And those are all really intuitive and important components of the Jobs To Be Done with an estate plan.

But there's one other one that we came up with when really interrogating what is it that people are trying to accomplish when they hire an estate planning attorney? And that is to get my financial planner to quit nagging me about getting my estate plan done, and that's a really interesting one. There's almost this sort of social emotional pressure coming from a different trusted professional who, in trying to care for a person's overall financial goals, is telling them, "Look, you've got to get a will. You've got to get a trust done."

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And it's not something that sounds very fun to people. It's not something that a lot of people will want to take time out of their busy lives to go take care of. But eventually that nagging, that pestering, even though it comes from a place of love and support, it gets old.

And so, a financial planner being able to connect their client with someone that they trust is going to do a good job and sort of give the social signals that look, this isn't going to be that bad, just go get it done. That can be a really important signal to give to that referral source in addition to their client, or who might now be your shared client in terms of getting that estate planning work completed.

Another thing about my lawyer clients with estate planning practices is that they obviously also will often have a probate or a trust administration or an estate administration component to that practice. And when you look at things through the lens of Jobs To Be Done. You realize that the jobs of the estate administration practice are really different from the jobs of the estate planning practice.

And when we're talking about probate or trust administration, obviously there is the component of wanting to get through the process so that the property and the estate can get distributed to the beneficiaries. And that usually includes the trustee or the executor, whoever is administering the estate because they're often usually someone who's going to receive from the estate as well.

But of course, that desire to sort of get things handled quickly is counterbalanced by a need to avoid certain risks. And that is legal and regulatory and compliance risks, again, maybe some tax risks if you don't get things done completely right. And then there are the social, emotional risks of preventing in-fighting amongst the beneficiaries and sort of the impatience that they might have, or the disappointment they might have.

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And then on top of all of it is the fact that the person who is the trustee or the executor is often experiencing a loss of a loved one and so there are Jobs To Be Done around caregiving for that person. And one of the things that a lot of my estate administration clients have turned to is, while we're acknowledging that there is grief happening and that there needs to be time to mourn the loss. Some of the regulatory and administrative deadlines are surprisingly quick.

The state kind of doesn't care that you're in mourning. They want you to do certain things relatively quickly. And so, in the early messaging around the administration or the probate process, we acknowledge that to the client. And we make sure that they understand that yes, we care about the fact that you're mourning, but we're kind of going to be tough on you for a little bit because there are these initial compliance things that we've got to take care of. And you can see how you might do this in other practice areas.

I practiced in intellectual property, mostly copyright law back when I had my practice. And one of the things that I came to understand is that it's not just about the money with a lot of copyright. The creators often feel like their creations contain a part of themselves, their creative energy. And so copyright infringement really hits people at sort of this deep, personal, almost level of someone has usurped a part of their identity. And it's a very different thing than just the dollars and cents elements of you used this thing without permission, and now you have to pay.

There are a lot of artists and musicians and others who, it's not uncommon to have this sort of emotional component that really upsets them when someone is using their work without permission. And so, my challenge as a copyright lawyer, if I was representing those people, was to obviously make sure that I was helping them feel like they were protecting that component of their identity and their creative work.

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If I was representing an infringer, it might come across as, well the job to be done is to make sure that the person whose work has been infringed upon is getting a genuine apology. As we're acknowledging that look, we get that this was a mistake and it wasn't personal, it wasn't intentional. And that can sometimes go a long way, depending on who the copyright owner was. If it was a Mega Corp, less of a deal.

But if it were individual artists, then sometimes just that little bit of saying, "Look, I'm sorry", could go a huge chunk of the way towards getting the matter resolved faster and maybe even less expensively for the person that did the infringement. I could go deep into a lot of other practice areas.

Family law, there's all sorts of complex social, emotional needs. One of the things that I do talk about with family law clients and this can apply to estate planning as well. But one of the Jobs To Be Done is to make people comfortable. And especially if people are coming into your office, it's kind of, I don't know, seems like a straightforward one. But investing in comfortable furniture and good quality Kleenex can be an important way to meet some of the Jobs To Be Done for people that are experiencing that tough time that is represented in family law or other practice like that.

The other thing I want to get across for you is that the Jobs To Be Done and the jobs that your client is hiring, something to do aren't necessarily the end to end piece of it. It might be just a specific subset of your overall legal service. So, when someone is trying to get a consultation with a lawyer, they're trying to solve a very specific job, which often has to do with the information gathering and the navigation help that I talked about in my episode six around what clients really want.

And the job to be done might even be what is accomplished when the client or the potential client visits your website. And he's talked about it a lot in a lot of places, but I will bring up Patrick Palace, who has this chatbot on his website that helps people understand what's the value of their potential

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workers compensation claim. And it will actually go so far as to say, "Okay, what is the part of your body that was injured?"

And after an opt-in gate, you have to put in your email address. But you can get information that says, "The pinky finger on your non-dominant hand is typically worth this amount of money in a workers comp suit." And that's very practical information that people are looking for when they're reaching out about hiring a workers compensation attorney. So, Patrick and his team sort of meet that need very quickly. That generates momentum that makes it more likely that the client is going to hire his firm in order to actually do the work.

The last thing I want to hit on for you is this idea, and I mentioned it before, but it's worth repeating. That when you're thinking about Jobs To Be Done, a lot of your competition is coming not from your fellow lawyers that are practicing the same area of law in your area, but from things that you wouldn't necessarily think of traditionally as competition. And I think a lot of you probably get this, obviously do nothing is really one of our biggest competitors for anyone in the legal industry. And I've talked about this before too.

There is a lot of stress that people have, a lot of uncertainty and doubt just about the legal system overall and maybe some distrust about lawyers. And starting with Shakespeare and right on down through culture, there is sort of this deep-seated thing that says, "Okay, lawyers aren't trustworthy." And so, people will look for alternatives to hiring a lawyer. And they'll run through a lot of those marks before they even get to the point of checking you out on your website or making that call for a consultation.

And so, one of the Jobs To Be Done when you are promoting or marketing your legal services is maybe to reduce barriers to entry, to promote trust. To give a friendly and welcoming attitude that counteracts some of that cultural predisposition around first let's kill all the lawyers.

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Another thing to realize though, and this is kind of the flipside of it, is that there's this funny thing that happens once someone gets over the hurdle of hiring and trusting a lawyer. Is that they then want the lawyer to do more jobs than maybe they originally signed up for. And that can manifest itself in obviously getting questions about areas of law that you don't practice in. There's this tendency that once someone gets over that hump, they now think of you as 'my lawyer'. And they're going to call you about lots of different topics that maybe aren't the thing that you practice.

But another is that sometimes people will now start to lean on you as a trusted professional to meet certain social, emotional needs that maybe aren't the thing that you want to be helping them with. And an example with a lot of the family law clients I work with. There's this tendency for people to treat their lawyer as sort of a therapist and want to talk through all of the things that are going on in their divorce, whether it has to do with their overall sort of legal issues or not.

And so, one of the techniques that a lot of family lawyers do and I think this can be useful in other areas as well is that they create other resources that say, "Hey, I understand that you have this job to be done where you're working through these complex emotional things. I'm not the person for that, but here are some recommended counselors or therapists that you can talk to in order to satisfy that job to be done."

Or here are some child counselors or here are some financial planners that you might lean on because you're making this transition to a change in income as a result of your divorce. And so, it can be really helpful once you understand all of the Jobs To Be Done for your client, recognize that you don't have to do all of them. But by coordinating and by referring people to other trusted professionals, you're actually doing good service to your client, and it's going to help increase their trust and loyalty to you as the lawyer that is doing your specific component of the work.

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The key thing I'll leave you with is this idea that the job to be done is always through the lens of your customer, through the lens of your client. And so, whether you're trying to sort of use this concept to better serve them in your overall legal practice or whether you're using it for just a subpart. I think it's important to really try to get yourself out of your own frame of reference and put yourself in your client's shoes.

And I'll give you one last example, which is the dreaded intake form. And this is an area that I think a lot of professionals, not just lawyers, really fall flat on, where they think that the job of the intake form is to get the client to dump as much information as they can into that form because it makes my job easier as a professional. And there certainly is a lot to that, and you certainly need that from your intake form. But if you shift your perspective and you say, "Okay, well, what is the job that my client is hiring this intake form to do?" Then it puts a different spin on it.

And by asking that very specific question with some of my clients, we've wound up creating intake forms that are designed to help people navigate and better understand what is the legal issue that we're up against. So instead of just saying, "Who are all your children", if you're going to be doing an estate planning intake.

We might be able to put a little paragraph in that or a sentence that just says, "In order to craft a will or a trust that is tailored to the specific needs of your family. It's important that we get the names and ages and birth places of any children you have, either in your current marriage or in a previous marriage or out of marriage", whatever.

But somehow giving people context to why am I asking that question, how does it fit in the overall goals of the client in hiring you for the estate plan overall? And I think making sure that you're doing that for all of the elements of your intake can help, number one, increase the likelihood that you're going to get good and accurate and timely answers to that. And

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number two, you're actually delivering this navigation, this education piece as the client is walking through this thing. You don't have to be doing quite so much of it verbally with them or in other parts of your legal work.

Okay, so I'm going to leave you at that. Think about what is the equivalent of the question in your law firm. What did you hire this milkshake to do? What did you hire this estate plan to do? What are you trying to hire a green card to do? What are you hiring a trademark application to do in terms of your overall practice? But then also for the subparts. What are you hiring my initial consultation to do? What are you hiring my intake form to do? What are you hiring my engagement letter to do?

You can really use the Jobs To Be Done lens to think about and improve the way that you deliver your products and services and all of the components of them in a way that is going to improve the customer experience, improve their loyalty to you and I think create better outcomes.

One of the things that I find with my clients that are increasingly taking this approach is that they have more engaged clients throughout the lifecycle of the legal matter. Which means that the lawyer is more likely to get the information they need to complete the work, or more likely to engage the client to review the contract or the estate plan or the draft settlement agreement, whatever it happens to be. And that actually helps improve the flow of work through the practice.

And again, I say this all the time, but that's what we're going for with an agile approach. We want to improve flow, improve predictability. We want things to be smooth and easy. We don't want surprises. We don't want sticking points. We don't want work to get stuck. So how can Jobs To Be Done Theory help you do that? Hopefully I've given you some good ideas. Stay tuned for next week. We are going to actually dive in on the concept of fitness for purpose.

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