

## Ep #26: Start with What You Do Now



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**John E. Grant**

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Today, I'm going to talk about one of the core principles of the Kanban method and really of Agile and Lean methods overall. It's a principle that I use all the time in my work with my clients, both in law firms and in-house teams of large organizations. And it's even something I tried to keep as part of my approach when I was on the Board of Governors with the Oregon State Bar and I served on the Futures Task Force.

And that principle is, start with what you do now. It's about understanding the status quo. It might sound simple, but trust me, it is a powerful concept that's easy to overlook or to want to skip past when you're doing improvement work. So today I'm going to unpack it and explore why it's so crucial for creating meaningful and durable change in 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.

Everyone, welcome back to *The Agile Attorney* podcast. My topic for today is one of the six foundational principles of the Kanban method, which, as I've said before, that's the Agile approach that I've found works best for lawyers and legal teams. And this is one of Kanban's change management principles and the imperative is to start with what you do now. And that means the first task of any process improvement or organizational improvement effort is to truly embrace and try to get a detailed understanding around what is your status quo that you're wanting to improve upon.

So, let's begin by trying to understand what this principle means at its core. Start with what you do now is about respecting your current processes and

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the people involved in them. It's recognizing that wherever you are in your practice, there's a reason you got there. And I know some of you might be thinking, look, my practice is nowhere close to where I want it to be. There's so much that needs to improve.

And I get it, some of you aren't experiencing all the success you want or expect from your practice. And even for people where things are going reasonably well, there are almost always frustrations mixed in with the achievements. That's totally normal. There's always ways that things can be better. But here's the thing, you've gotten to where you are because of good work, good results and good deliverables along the path of your career and your life.

If you're running a law practice and holy cow, you have made decisions and put in the work to create something that's benefiting people, your clients, hopefully yourself and your family, your community and your probably society as a whole. So, before we run off and start changing things, it's really important to respect where you are and how you got here.

And in the Kanban method, there's actually a couple of sub parts to this principle. And the first is about putting people first and it's respecting existing roles and responsibilities and job titles. So why is it important to start with what you do now? One reason is that it's a method for making sure that you're putting people first in your efforts. Yes, we want the work to flow. We want to deliver work in a more productive and streamlined and ultimately more efficient way, but it has to work for people too.

We don't want to sacrifice individuals, including yourself, for the sake of the work. And we especially don't want to create a culture of individual heroics and diving catches to save the day because it ultimately isn't a reliable or sustainable approach. So, we want to be aware of the human needs, of yourself and your team and whoever's helping you deliver that client facing work as much as we can. We want to work towards a place where we

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understand the needs of your practice in doing the legal work and aligning that with the interests of the people who are doing the actual work.

A lot of people talk about work-life balance, and that's part of it, but even better than that, in my opinion, is alignment of purpose and goals and values. And I'm not necessarily saying you can create a world where people would rather be working for you than doing other things. There are important parts of people's lives that aren't work, obviously. But we do want people to find satisfaction and fulfillment, and even occasionally joy from the working part of their lives, in addition to the other parts.

And so, in the Kanban method, one of the ways we practice the principle of start with what you do now in the context of putting people first is by respecting existing roles and titles. And this might be more of an issue for bigger teams than with smaller firms, but it's still worth keeping in mind. There's a great quote by systems thinking pioneer, Peter Senge, that really captures why this is important. He said, "People don't resist change, they resist being changed." And so that's exactly what we're trying to address when we talk about respecting roles and titles and starting with what you do now.

People often have a lot of their identity wrapped up in their work roles and titles. And we don't want to start changing those things right off the bat because it can lead to a feeling of displacement and uncertainty for the people on your team. When people feel like change is being forced upon them, that's when you're most likely to see resistance from them. Instead, we want to take an approach where we're inviting people to be part of the change process.

We're saying your current role is valuable, and we want your input on how we can make things better. It's an approach that helps make people feel more secure, it creates psychological safety. And that in turn will help them be more likely to embrace the change rather than resistant. It also allows them to have some ownership in the change, which helps again make them

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more engaged with the work and the improvement work of your firm. Remember, the goal here isn't to maintain the status quo forever.

This is about creating a stable foundation from where change can happen organically and with the buy-in from at least most of the people involved. You won't always sell everybody on it, but I think you can really shoot for the majority of the people on your team.

The other component of starting with what you do now in the Kanban method is understanding your current processes and workflows. And this means understanding them as they're actually practiced. This isn't what you think should be happening or what you've designed on paper. It's about getting a clear picture of what's actually going on day-to-day in your practice.

When I work with law firms, I often find that the reality of how work gets done can be quite a bit different from what the firm's leadership believes is happening or what they designed to be happening. And that's not necessarily a bad thing. It's just a reality that we need to acknowledge and understand.

The people doing the work, whether they're other attorneys, paralegals, support staff, have often developed their own ways of getting things done. They've responded to stimulus. They've created workarounds for common issues. They've found shortcuts that save time. Maybe they've added steps that improve quality. And those adaptations, they're not deviations from some ideal process. They're the actual process. So how do we go about understanding what's actually happening on the ground?

It's not necessarily complicated, but it does require a bit of effort and sometimes some humility. And the best way to learn about the status quo is to just get out there, ask questions, observe what's really happening with your team, talk to your people, ask them to walk you through how they handle different types of problems or sets of tasks. And don't just look for what they do, although capturing the what is important, you also want to try

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to understand why they're choosing to do things that way, what's their thinking behind their process.

And that again means respecting their perspectives and trying to create a sense of psychological safety. If your team thinks that you're going to be mad or frustrated because they're not doing things your way, then they're going to have a tendency to hide things from you. And this whole thing, this can be especially tough if you find out that something is being done incorrectly from your perspective or in a risky way. You've still got to make sure that you and your team can have productive conversations around the work.

This is actually another one of the principles of the Kanban method, which is, manage the work, not the worker. But I'm going to save that topic for another episode. The main thing here is to approach the process with curiosity and not judgment. You're not looking for right or wrong ways of doing things. You're looking to understand what's actually happening and why.

And that understanding forms the foundation for the improvements that you're eventually going to want to make. Because when you start with what you actually do now, again, not what you think you do, not what you wish you did, not what you designed it to do. You're building on reality, and that is a much more solid foundation for change than any idealized process you might have in mind.

Again, your team has developed their practices for a reason, and by understanding those reasons, you're tapping into a wealth of practical knowledge and experience, and that understanding is invaluable. As you work to make the practice overall more efficient and more effective.

And I will say, to the extent that you find out someone on your team is doing something truly wrong from your point of view and you feel like you need to correct it. I'll encourage you to engage that team member around why you want things done a certain way first, making sure that they really

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understand the bigger picture. And then you can better work with them to improve the what they're actually doing. And this is consistent with some of the stuff I talked about in episode 22 around law firm policies so I'll leave it at that for now.

The main thing I want you to take away is before you start thinking about how to change things or what is actually making the changes, it's really important to take the time to understand what you do now. Another way to put this into practice is to use a tool called an Agile Retrospective, which is something I almost always facilitate when I begin a new consulting engagement. And I know it sounds a little funny to start an engagement with a retrospective, but I've found that it's a really useful diagnostic tool when I'm getting started with a new team. Here's how it works.

We get everyone on the team together, ideally in person, but I've learned how to do it virtually too, the pandemic was good for that. And everyone gets a pack of sticky notes and a sharpie and I let them know that I'm going to ask a series of three questions. Their job is to write down as many answers to each question as they can think of, one per sticky, and then keep the completed stickies in front of them until further instruction. I usually give about two minutes for people to think of their answers to each question and get them written down.

And the reason we do it that way is to create a distinct period of ideation for everyone. If we jump straight to discussion, there is a funny phenomenon where people tend to stop coming up with ideas and start to think and respond to only the first one or two topics that come up in conversation. And usually, those topics are brought up by management, or sometimes by the more extroverted members of the team. But by giving everyone an equal opportunity to participate in ideation and the time and space to do it, we're more likely to come up with a robust and diverse set of answers to each of the questions.

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So, the first question of the retrospective is, what's going well in this law practice that we want to make sure we keep doing? And the idea is to identify the things that are working well so we don't lose them as we start making changes. We don't want to throw out any babies with the bathwater. Once everyone has their answers and I have people read their stickies one by one and sometimes I give a little bit of context, but I try to keep it brief. And then we put the stickies up on the whiteboard.

And I'll usually have the first person leave a lot of space between each of their stickies. So that subsequent people, I can ask them to group their answers with existing ones if there's similarities or themes that are starting to emerge, and there are always themes that wind up emerging. And I've found this is a really great way to capture information about what's going on with a team. It also generates team cohesion and it starts to build that psychological safety around the broader improvement efforts.

When people understand that their answers matter and that their perspectives are respected and that they're being given the time and space to give those answers. They're going to be a lot more likely to engage in the improvement work down the road. So, I have plans to do a future episode just about retrospectives, so I'll leave it there for now, except I'll give you the other two questions. You can also go search about Agile Retrospectives and you'll find good information online.

The second question of the retrospective is usually, what's not going well that we need to stop or change? And obviously that's the harder one, which is why we want to establish psychological safety before we ask it. And then the third one is what are the things we should try that are new or different to try to improve things?

Alright, before I wrap things up, I want to go back to something I mentioned at the top of the episode that is really important from my perspective. Wherever you are in your journey around building and improving your law practice, and this is whether you're one of my existing clients or maybe



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someone who's just stumbled on this podcast. I want you to take a moment and step back and appreciate what you've already accomplished and what you've built so far.

Even if you're straight out of law school, you have already accomplished a lot. And if you're a few years into your practice, or obviously if you're more than a few years in, you've almost certainly developed useful and effective ways of working. The things that you and your team are doing, you're doing for a reason. Someone, probably you, made some intelligent decisions along the way, at least your best efforts to try to accomplish something meaningful.

And I'm not a guided meditation type of person, so I'm not going to ask you to close your eyes and breathe deeply or anything like that, although I truly appreciate people who can lead a good mindfulness exercise. But I do want you to give yourself credit for what you've built so far even if you feel like there's still a long way to go before you've built the practice that you ultimately hope to have.

Alright, to recap, the beauty of start with what you do now is it creates a stable foundation for change. Remember, it's not about keeping what you do now and maintaining the status quo forever. It's about understanding where you are so that you can chart a course to where you want to be. And by respecting what you and your team have already built, by respecting what you're already doing, and by respecting existing roles and responsibilities, you reduce resistance to new ideas. That way you're not saying, everything we've done up till now is wrong.

Instead, you're saying, we've done good work to get here. Now, how can we build on that to get even better? And this approach allows for small incremental changes that can lead and build up to significant improvements over time. I've talked about this notion of kaizen from lean manufacturing. It's not about revolutionizing your entire practice overnight. It's about creating the conditions for steady, consistent progress towards your goals.

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Alright, as always, I hope you found this helpful. If you have any follow-up questions or topics you'd like to hear me discuss, please don't hesitate to reach out. Thanks for listening and I will talk to you again next week.

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](mailto:john.grant@agileattorney.com).

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