

Ep #40: Legal Workflow Management and Matter Management Are Not the Same Thing



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A couple of weeks ago I attended the 2024 Clio Cloud Conference. And over the next few episodes I'm going to share some insights and impressions that I took away from Austin. Today I'm focusing on a Kanban inspired feature that Clio launched at last year's conference, Clio Matters Stages.

I'll walk you through why it's an interesting tool for Clio users, but also why it doesn't quite stack up to more powerful Kanban systems if you're serious about maturing your workflow. Along the way, you'll get a deeper look into some key Kanban principles and how to apply them in your own 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.

Hey there, welcome back to the podcast. So, as I record this, I am about a week removed from having attended the Clio Cloud Conference in Austin, Texas and I'm a big fan of Clio Con. It's always been sort of a fun conference for me. I don't make it every year, but there's always some really interesting information that comes out and people to see. And this year was no exception, although I will say it's interesting to me how over the years as Clio has grown, and Clio is huge now.

The conference has sort of turned from more of what I always thought of, or at least what I was there for was more listening to people give their insider information about the industry and about sort of general practice tools and information. And it definitely focuses more today on sort of how to use Clio to do certain things in your law practice and that makes sense. In a lot of

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ways, I think the conference serves as part of their onboarding and retention pathway for new clients. And then obviously the retention for existing clients as they continue to add new features. And again, this makes sense.

Far be it for me to begrudge a company that just raised another \$900 million in a venture capital round to question their marketing tactics. And I have some general impressions and I'm going to go deeper on some of them. But it's interesting to see how Clio is expanding their tool and sort of trying to take it in new directions, both in terms of capturing different markets inside of what I largely think of as the solo and small firm market.

But then also how it's really pushing more and more into the mid-size law firm market. And that interestingly is sweeping in, I think, more and more in-house teams and even some government entities that are starting to use Clio as their repository for managing cases through their practices, whatever that happens to be.

And again, I'm not going to deep dive on all of their tools, but the one that interests me the most, which won't surprise you as someone that is interested in Kanban and Kanban boards is the Clio Matter Stages functionality, which is something that they actually introduced at Clio Con last year. I missed that one. But I've been following it and I've been interested to see how it's progressing and it's an interesting concept.

It is yet another example of using a Kanban interface inside of a technology tool, in this case a law practice management tool. If you've used Clio Grow, you'll know that they've had a Kanban interface on that, really from the get go, I think going back to the Lexicata days. But they didn't really have the ability to do a workflow visual management system inside of Clio Manage and that's what Clio Stages solves for.

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In fact, if you listened, again, I keep referencing back to this Ben Hudson podcast from a few weeks ago now. But he talked about in the early days of his learning about the Kanban method. He actually was trying to shoehorn his Kanban board into Clio Grow, even for active matters inside of Manage. So, he was so desperate for sort of a visual management system that he was sort of stretching Clio Grow beyond its comfort zone.

And I personally have been aware of Stages since they announced it back at the Clio Con a year ago, but I hadn't had a chance to play with it much. I'd sort of been dependent on their video walkthroughs or other sort of marketing images. And I actually got a chance to dive in a little bit, I didn't go deep. And my general feeling is that Clio Matter Stages is fine. It's not great.

It's a little bit of, and I don't want to sound derisive when I say this, but I think of there being a difference between a visual interface that uses cards and columns to display things visually and give you some sense of a flow. And in the Kanban method that is the very first practice that we usually talk about is make work visible. And Clio Stages, Matter Stages can definitely do that. It can give you a visual sense of what are the high level stages of your matter flow, whatever that happens to be.

And then you can use cards to represent the matters and then you can see where they are inside of that flow. So, in terms of sort of very maturity level one inside of the Kanban method, Matter Stages will do. But it doesn't really help get you into the deeper parts of the Kanban method and there's a few reasons for that.

Number one, just in terms of how you define the stages, it's dependent on matter type. And so, one of the things that is a challenge when you're using Matter Stages inside of Clio is that you don't really see the different types of work that are taking up the finite capacity of your law practice all in a single place. So, if you have an estate planning and probate practice, you can see

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your stages for the estate planning side, and you can see the stages for the probate side.

But there's no visual way to get a sense of the total amount of work in your system short of going to a report or a dashboard and seeing it in sort of the old textual way, having the list of matters. And, again go back to the Ben Hudson episode with Melissa Shanahan, one of the things that really surprised Melissa, that worked really well with Ben is that we were actually tracking all of his matter types on a single board. And the reason that's so powerful is that it gives you visibility into the entirety of the demand inside of your practice.

The commitments that you've made and how you can then prioritize those commitments relative to your capacity in order to get the most important work out the door as effectively as possible. So again, Clio Matter Stages doesn't really support that. Also, most of the law practice management Kanban systems that I've seen, don't support that. I don't think that is part of Lawcus, although it's been a little while since I've been inside of that.

Legalboards tends to tie into Clio, although there is a standalone version. And again, it tends to want to push you towards this idea of having different boards for different lines of work or different practice areas. And again, inside of that practice area, it's great. In terms of getting global visibility to your practice, maybe not so good. But where Clio Matter Stages and again, this is true of Lawcus, I'm pretty sure, this is true of Legalboards, they're not really Kanban systems.

And what I mean by that is they're not grounded in the principles of Lean and Agile ways of working that are going to sort of help you see the work differently, orient your capacity to the work differently. And really change your behaviors in response to what you're seeing on the board so that you can get that work flowing. And you can make better decisions about how to

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both commit to new work and then actually move that work forward through your practice.

There's not really support in any of these tools, at least not easy support for some of the fundamental practices like establishing quality control checklists for different stages, what I call the definition of done, or the flipside of that, the definition of ready. So, being able to use the tool to say, "I'm not even going to start doing research on this particular phase of work until I know that the previous phase is 100% complete." And maybe that's just intake and engagement.

So, the definition of done for the intake and engagement phase is probably a signed engagement letter, a fee deposit, maybe a basic questionnaire or some other stuff from the client. And then internally we've got all of the things set up in our internal system so that we know that once we start doing this work, we're going to have the tools and information we need to make it flow smoothly.

And I think, inside of Clio and other tools, you can kind of do that with task lists, but I draw a distinction between a task list and a quality control checklist. And when I'm setting up Kanban systems I use both. So, the quality control checklist is really that high level three to eight bullet points of all the things that need to be true or at least accounted for in order to truly consider this phase complete. And that winds up being a really powerful tool for making sure that you don't have backflow in your system.

You don't have to go back and do something over again because you didn't get it all the way to done or you didn't consider all of the things you needed to in that previous stage. And again, as a tool for making work move forward, that is really impactful.

Another technique that I use a lot that's not really supported by these more basic tools is the use of different board design elements to control the flow

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of work and to make visible the flow of work in your practice. And there's two that I think are really effective and again Matter Stages doesn't really support it. Again, I keep talking about Legalboards and Lawcus because those are the other two sort of Kanban for lawyers tools that I'm most aware of, but I don't think these support it either.

So, the first one is the ability to designate a column as a queue column or on the flipside of that, a waiting column. And this gets into an interesting, I guess, discussion of how I think of how work flows through a law practice. When we think about making our workflow more efficient, we often focus on ways to improve the efficiency of the time we spend actually working on the thing, the matter or the task or whatever the deliverable is, to move something forward.

But if you look at how work actually flows through the typical law practice. And the mental exercise I will sometimes say with my clients is, imagine the matter itself has a GoPro attached to it. And at any time, the client can login and see what's happening right now with this matter, with their case. And the reality is that 90% of the time it's just going to be waiting. It's just going to be sitting somewhere waiting for something else to happen. And I love to use queue columns in my Kanban board design to represent those waiting phases.

And high level there's really two different types of waiting phases. One is an internal waiting which is, I think of as a true queue. So, I have a new piece of work that's come in. I need to draft a thing. I'm not going to throw that work straight into a drafting column on my board. I'm going to stick it into a drafting queue. And we're waiting for someone on the team that has the knowledge and skill and ability to draft that particular thing, to also have the time to do it. To have the block on their calendar, or to have it come up and bubble to the top of their to-do list so that that work actually gets done.

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And the thing that queue columns really help with is one of these other tenets of the Kanban method which is limit work in process. What we don't want to do is start drafting a thing maybe in a half hour window or even a one hour window, not get it all the way done but run out of time, have to move on. Maybe there's an appointment. Maybe there is an email that comes in that you've got to pay attention to. Maybe you just hit the end of your day.

And now you've basically started this thing, but you haven't finished it yet. And those little bits of WIP, work in progress will really add up to create a lot of turbulence and a lot of delay in your practice. When you pick that thing back up, even if it's the next morning, you're still going to have to reboot your brain around it. You're going to have to make sure that you have time. There's administrative cost that is going to wind up making it less efficient to move that work forward overall.

So, the ideal state is that once you pick up a piece of work, you should be able to work it all the way to done, or at least to its next natural resting state. So maybe if it's a drafting task you're not going to finish the drafting task entirely because you're going to draft something and someone else on your team needs to review it at, what I usually think of as a quality check or a quality assurance phase. And that's okay, if you put it into the quality assurance queue, you've found the next natural resting state.

But as long as you're trying to keep it in your own plate and you need to continue to work on it, that is less than ideal. So again, the first sort of Kanban board design element that I really like to use that isn't natively supported with a lot of these tools is a true queue column where you're waiting for some internal resource to become available in order to get this piece of work done.

The other one and it's related, this is another waiting column is an external waiting column. And that's when you have maybe filed something with the

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court, but you're waiting on the court to get back. Maybe you've served a complaint, but you're waiting for an answer. Maybe you've made an offer in a transaction and you're waiting on a response to that offer. Maybe you're dependent on some third party.

So, if you're in a probate or a trust administration and you need to get an appraisal on something, and now you're waiting on that appraiser to do their work. Whatever it is, having a specific holding place on your Kanban board that designates something as waiting on an external party can be invaluable. Because as you're then scanning the board and understanding what work on this board is actionable to me right now. You can be really clear, I don't need to worry about this right now because it's out with the appraiser. I told them they've got a month and only two weeks have passed.

So, there's literally nothing I can do with it right now. And that's incredibly powerful in terms of sort of easing your cognitive load around the work that you're keeping track of in your practice. And helping you prioritize how to, again, apply your capacity to the stuff that is actionable so that you can get the work done.

And I should say there's no reason why using Clio Matter Stages or Lawcus or Legalboards that you couldn't create a stage that is either a queue stage or a waiting on others stage. In fact, I think you should if that's the tool that you're using. If you're already finding some success with these tools, I want you to maximize your use of them before you sort of chuck the whole thing and go sign up for a new piece of software. Because signing up for new pieces of software and doing that learning and migration and all of it, it's risky and it takes a lot of time.

So, optimize what you're doing first and then when you really need to do something that the software doesn't support, that's a good time to think about making a switch. But the way that you would do it is to just say again,

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create a matter stage or create a column on whatever tool you're using that tells you exactly what it is. This is the drafting queue. This is the queue, see queue. This is the waiting on appraiser waiting column, however, you want to designate it.

What I like about other tools and specifically the one I'm using more and more is Kanban Zone. Although you can do this in Businessmap and others is you can kind of design the sections of your board in ways that it's not just adding horizontal columns and therefore adding a lot of width to the board. One of the complaints that I get, and firms that I've worked with that have maybe tried to do this on your own, is it's really easy to get to a board that is so wide. Even if you've got a wide screen monitor or other sort of tools for viewing it, it's really hard to take in all of the information at once.

And again, part of the value of making work visible is you need to be able to see all of the work. So again, just a little quibble, but I do think that and Clio, folks, if you're listening, I would love the ability to add a queue column. And then I also would love the ability to be able to stack queues differently. So, in Kanban Zone, a lot of times what I'll do is, we'll put a queue column actually below the working column and so it's kind of a single column but with a horizontal delineator in it.

And sometimes we think of those as swim lanes, although a swim lane in a Kanban thing is also a different thing that I won't dive into right now. But there's just tools you can use in board design to make it more intuitive and make it more effective so that you can take in all the information at once.

The other thing that I use all the time in sort of Kanban specific tools that aren't really supported, at least natively in the more simplistic sort of cards and columns tools is WIP limits or work in process limits. And that's actually saying to your software and when you're doing the design of your workflow, hey, we don't want to have more than three drafting tasks going at any one time as a tool to prevent me from throwing too many balls in the air at once.

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And I've talked about this before, but sort of the unofficial slogan of the Kanban method is stop starting and start finishing. And what a WIP limit does is, it sort of helps protect you against your suboptimal instinct to have shiny object syndrome and say, "Great, we have this new piece of work. I need to get started on it." What a WIP limit does is say, "No. You have to finish something that is in this column and move it, again either to done or to the next phase of your overall workflow before you start something new."

And this gets into the concept of a good Kanban workflow is a pull based system, not a push based system. And I'll give you a quick tangent just based on a conversation I had with a client yesterday, which we were talking about their delivery Kanban system, which this particular client is using Kanban Zone. Versus they're getting the work pipeline system, their sales and marketing system, which they're currently using Lawmatics.

And the thing we talked about is that we don't want Lawmatics to be pushing work into your delivery system. We want the delivery system to be pulling work out of Lawmatics when we have enough capacity to actually deliver on that work. And that is maybe one of the biggest things that I see in terms of the mindset change that you get out of the Kanban method is this transition to more of a pull based system. And the WIP limits are essential, work in process limits or work in progress limits are essential to enforcing that pull.

And again, I don't want to give you the impression that you can't do it at all in a sort of more simple Kanban tool and again, Matter Stages, all of the rest. The way that I would do it if you're already using Stages or you're already using Trello, which also doesn't support WIP limits, there might be some power ups that do. Asana, I don't think supports WIP Limits, Monday, all the rest of these, Click-Up.

Again, these are tools that are great and they're really good for that level one of making the work visible. But they don't support a lot of the deeper

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techniques of the Kanban method, but again you can fake it. So, one of the ways to fake it is, if you have a column that is draft pleadings and you want to make sure that you're really focusing on getting one set of pleadings done before you start on the next one. Then you might title the column draft pleadings, and then in parentheses put max one or max three and that's your WIP limit.

And it's not something that the system is going to enforce because obviously that's just text in the column title. Whereas again, a tool like Kanban Zone or Businessmap or these others will actually prevent you from pulling work in or you can set it up to prevent you from pulling work in. Or sometimes give you a popup warning that says, "Hey, this will exceed your WIP limit. Are you sure you want to do this?" Either way, I think having that systemic thing is helpful, but it's not totally required.

If you know that we want to have a maximum of three things that we're drafting pleadings on at once, just put it in the title. And then try to make a mental note to enforce it. And it's a start. It's not perfect, but it'll get you at least oriented to the concept.

Alright, so to pull this episode out of sort of a product review and into something actionable for you. If you are using a simple Kanban board or if you're using any of these cards and columns tools. I guess a couple of board design tips.

Number one, is to think about your queue columns, your internal waiting columns. And try to figure out ways to set up and design your system so that you have these natural resting states, that you're not trying to push new work into somebody's workflow before they actually have the capacity to process that work and ideally get it to move all the way to done. Think about external waiting columns and again whether it's courts or opposing party or client homework is a great example of an external waiting stage.

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And really be explicit about what is everything I need to get for this stage and how do I define it that way. Again, definitions of ready and done for those columns so you really know what it is that you're going to get out of each of those stages, including especially the external waiting stages.

And then think about WIP limits. How many things do we actually want to push into our system at once. Or are we going to use WIP limits to allow us to pull work in when we know we've got capacity so that we can be more likely to complete a task or a set of tasks in a single sitting. As opposed to having to put it down and basically rely on our future selves as a resource in order to get this finished and get it all the way to done.

So again, queue columns, WIP limits, definitions of done. These are really key components of a well-designed Kanban board. It's not essential out of the chute, just making the work visible is helpful, but starting to do those things is going to make a huge difference in your ability to get work moving as opposed to just sitting inside of your system.

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