Ep #54: Action without Action with Tim Lennon

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With Your Host

John E. Grant

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In a world where legal professionals and their teams seem to be constantly overburdened by the amount of work on their plates relative to their finite capacity, one of the most important skills a team can cultivate is conservation of energy. That means developing a mindset and tools for triaging those demands on your finite capacity to help make sure you're able to give the right amount of attention to the right things at the right time.

Today, I'm excited to welcome Tim Lennon back to the podcast to help us dive into this challenge. Specifically, Tim introduces the Taoist concept of Wei Wu Wei, or action without action, as a way to carefully consider the steps that are most likely to help you accomplish your client's objectives and the goals of your firm. Tim and I explore why understanding and navigating obstacles is more important than busting through them, why feedback loops are essential to making progress and how to make your feedback loops more effective, and why preparation and intentionality are the keys to true agility.

You're listening to the *Agile Attorney Podcast*. I'm John Grant, and I help legal professionals of all kinds build practices that are profitable, sustainable, and scalable for themselves and the communities they serve. Ready to become a more agile attorney? Let's go.

John: All right. Well, Tim Lennon, welcome back to the podcast. I am excited to have another conversation with you. We've had lots of conversations. We just don't always share them with other people. So it's exciting to be able to sort of put this out there on the podcast and get your thoughts on a few things again. So welcome.

Tim: Yeah. Thanks for having me. It's good. Good to be back.

John: Yeah. Okay. So a few things that I want to cover number one, and, you know, for those of you that have been listening to the past few episodes, you'll know that I've been doing a little bit of marketing inside of my own podcast, you know, oh my, I'm not the best marketer, but I do want to make you all aware of some stuff that we've got going on. And the thing that is coming up that I think you all should pay attention to if you can is that Tim and I are going to be teaching a class together. And that class is a Kanban Systems Design class, KSD for short. This is an accredited class through Kanban University. It's something that Tim teaches a lot. I have only taught it a couple of times, although I'm accredited to teach it, but we are doing it unique this time and that we're really trying to focus the examples and the concepts on things that are specific to the needs of lawyers and law firms and law practices. So Tim, I don't know if you can give us just a little kind of preview of the KSD and sort of how you like to approach it when you're working with people and teams that are sort of ramping up in the Kanban method.

Tim: Yeah, thanks. You know, the KSD is, first of all, it's probably the most popular of the classes that we deliver. So lots of people from a variety of different industry segments are coming trying to figure out, you know, better ways of working. And what's interesting about the KSD in particular is because it's not typically focused on an individual industry, everybody kind of shows up looking to see themselves in Kanban. And so what we essentially do is we, we take people through first kind of the mindset, because we kind of have to step away from this idea of big bang, like just all in all at the same time, all at once. And, you know, we all know how those results tend to be.

So in the KSD, we started actually talking through the philosophical approach and what the benefits are, and then start teaching the individual practices and techniques to help people get started, really fleshing out their own Kanban system. One of the fun things about the class, I will say, is we take people through a progression on learning how to ask the right questions about their work. One of the fun things, I would say, is the aha moment at the end of the day. People take a step back, they look at the final lab, and typically what they're seeing is their work represented in a way that is more detailed, easier to understand, and probably most importantly, easier to manage.

The KSD is a lot like drinking from the hose, they say. We teach lots of techniques, and no single technique is going to give anybody exactly the same result as, say, another person might. You walk out very equipped, and then literally one of the things we actually make a joke about is we want people to learn things in the class that they can start using the next week.

John: Absolutely. Yeah. And that's consistent with my experience, is that I think more than anything, and really more than a lot of the other classes, the KSD seems to be really empowering for people. So they often come in to the KSD, feeling a lot of overwhelm, feeling these things that you and I talked about last time you're on the podcast, and I talk about all the time, this feeling that I'm on the hamster wheel, but I'm not making any progress. I've got so many balls that I'm worried that one of them is going to come crashing down, or even worse, is going to fall through the cracks without me noticing.

So there's all this stuff that people are feeling, and they've got that elephant on their chest or, you know, racing heart rates, stress reactions, overwhelm, etc. And the KSD, I think, gives people, number one, permission to just take a couple of steps back and try to see the forest for the trees, but then also introducing really actionable tools and techniques that are grounded, as you said, in sort of principles and philosophies, right? There is very much a philosophical aspect to certainly the way you teach it. And I think, you know, because I learned from you, the way that I teach it is part of why you and I agree on a lot of these approaches.

That it really is, yes, there's tools, yes, there's techniques, but there's also this incredible mind shift change that happens over the couple of days of that class. And coming out of it, people really do have fresh eyes for how to approach the various problems that they are seeing in whatever their work environment, but you know, obviously for this one, we're thinking very specific to law practice or at least things that are legal adjacent.

Tim: Agreed.

John: Yep. And that's actually a great segue. So I, it's funny, I, you and I talked about an order of things, but I'm going to take them out of order already, which is you were gracious enough to let me read an early draft manuscript of a book that you're working on and no pressure to get it published as we, as we talked about before we turned on the recording button, you know, sometimes working on a book is great because the act of writing just helps clarify your thinking around stuff. And I know it'll get published in some form at some point. And hopefully this one will get published because I've really been enjoying it so far. But the thing I want to get into, you have a section in the book that you're sort of tying elements of the Kanban method back to some Taoist concepts, which is a natural fit, right?

Because the thing about lean and Agile and a lot of these sort of modern ways of working is they really are sort of grounded in some Eastern approaches to work and people and society and all kinds of things that I don't want to get too, too deep. But specifically, you talk about the Daoist concept of Wei Wu Wei, which there's a few different translations that right one is acting without action or low effort action. The one that was interesting to me in the context of legal is it's sort of the act of non-striving.

And the reason that's so interesting to me for lawyers is that almost all of the lawyers I know are strivers, right? You don't make it through law school, you don't get successful in law practice without having a striving personality. So I'm kind of rambling about it a little bit, or giving you at least a long intro, but I'm wondering if you can talk a little bit about Wei Wu Wei as you approach it and how it connects to workflows and systems and Kanban things.

Tim: Yeah, Wei Wu Wei is a, especially in the Taoist philosophy, is a pervasive concept. So it literally is the underpinning around all the decisions that we make on a daily basis. Wei Wu Wei, as you mentioned, is a variety of translations, but most of the time we're talking about action with no action, which sounds really weird and counterintuitive and a little mystical, but it's actually not. It is the idea of effortless action. Effortless action is when we are – it's that serendipitous moment where the things have aligned for us and we are literally kind of going on with the flow, but it's going the way, direction at least, that we'd kind of like for it to go. Wei Wu Wei really requires that we're thoughtful and mindful about the decisions we make and being strategic.

Throughout nature, there's this idea of the path of least resistance, right? We see it in fluid, we see it in electricity, we see it in heat, whatever. Everybody gets it. Human beings tend to do the same thing, but the problem is that we're not thoughtful about it. We tend to make decisions based on what's easiest in that moment, based on some calculus, but divorced of all the other things because we're in a hurry, right? For all the reasons, we're overwhelmed, we're overburdened, we're freaking out, we were running the hamster wheel to death. Wei Wu Wei is about conserving all that nervous energy that we would normally spend spazzing out and trying to do 100 things at once, and being thoughtful, and cautious, and careful and deliberate. And focusing on what is the least amount of action I can invest to yield the maximum amount of return on my investment. It is investing.

John: Right. Right. Yeah. So it's interesting. So let me give you a example, maybe a couple of examples that I've seen in the legal world. And actually I'll give you an example from way back when I practiced law, which feels like a long time ago now, but I did copyright law and, and I sort of represented both sides. I represented copyright owners, but also I would sometimes represent people that were accused of infringing on someone else's copyright. And often that took the form of photos on websites on the internet, right? And people very easily would do a Google search, see an image they like, throw it on the website, and didn't have any concept that, oh, yeah, I'm supposed to get permission or pay a license in order to use that image.

And that was especially true 10 or 15 years ago in the earlier days of the internet. And there were companies that rose up that had spiders crawling the internet. It became easier and easier to find these instances of infringement. And sometimes my clients and sometimes other people would send basically these nasty letters that said, you're doing this dastardly thing of infringing on copyright, and you have to usually pay up. Give me a chunk of money.

And when I advised people who received those nasty grams, cease and desist and payment letters from law firms in particular, my advice to them was take down the image and shut the heck up. Don't do anything else. Take it down and go dark. And the reason I knew that was successful, frankly, is because so many lawyers had such bad practice management systems in place that they were wired to respond to stimulus. So they expected, I send a letter and I'm going to get back something that says, Oh my gosh, I'm so sorry. I didn't mean to and blah, blah, blah. And it turns out in copyright law, none of that matters because copyright infringement is a strict liability case, right? It's a strict liability issue.

So it doesn't matter whether you meant to infringe or not. There's no mens rea into the legal stuff, right? But people don't know that and people want, you know, naturally apologetic or whatever, but by advising them to take it down and go dark. That's a minimum, right? That's sort of the Wei Wu Wei approach. And it put all of the onus on the lawyer, right? The law firm that is chasing this down to figure out what to do. And many, many times, the other firm would be stymied by it because they didn't get the reaction. They might have something particular in their calendar. It comes around again. They go and look on the website and say, oh, it's not there anymore. And then they have to ask the question, what do I do? And that what do I do question wound up basically short-circuiting their systems, and oftentimes they would just go away.

Tim: Yeah, because there's no next step.

John: There was no next step, right? And you weren't in this tug-of-war, right? Everyone knows how to do the dance when the other side executes their part of the dance. But if the other side disappears, it becomes harder to figure out what to do. Anyway, that was one of the things that I realized like, oh, I actually was advising people on that path. The anti-pattern that I see, and this is an interesting one, and you and I have talked about this and I've talked about it on the podcast. So in legal workflows, law firm workflows, the bottleneck in the practice, right? The biggest sticking points are very frequently client homework phases.

And sometimes that's the client homework of giving the lawyer enough information to be able to go do the legal work. Sometimes that is the client homework of having to review the lawyer's drafts once the legal work has been done. But either way, clients are terrible at doing homework. But when lawyers are overburdened, they love to assign homework and they engage in a practice that I refer to as fence checking. It's like, okay, I'm gonna do my little bit here and then I'm so busy, I just have to put this somewhere and so I'm gonna chuck it over the fence.

And maybe as I say this, this is an example of the wrong kind of low effort action, because that is a very low effort action, is to chuck it over the fence and make it the client's problem, and then get really frustrated with the client when they don't respond. But the better action, as I've learned, is to actually give the client a little bit more context, a little bit more direction, usually a deadline, some other things. So I guess talk to me about how Wei Wu Wei isn't always do the lowest possible thing. It's to do the minimum viable thing to get the result that you like.

Tim: Right. So that's the distinction, right? There's that whole idea of the path of least resistance that we see everywhere. nature. That's natural. That is a natural behavior. Wei Wu Wei is intentional, and it's not reactionary. It is literally the definition of a feedback loop. We're going to take some information. We're going to make a thoughtful decision about it. On the tail end of that, we'll have something we should do in the next course of action based on that info that we should move forward. It's the evaluation piece that makes it powerful. All of us struggle with being mindful. That is just part of the human condition, right?

And especially in the modern world, we are bombarded by notifications and text messages and emails and angry phone calls. We get it. But if we can start thinking about why is this so hard? How many times do we ask ourselves that, right? God, this is hard. Why is hard. That is an excellent tickler to think and think about Wei Wu Wei. Because is this hard because I'm misinvesting my energy in this moment, right? And thinking carefully about the steps towards the favored outcome, what we want to happen.

There are the things that we're doing in this moment. First of all, the least amount of energy we can expend and also advancing us towards our ultimate goal. In the product development industry, and it's interesting how we see the same behaviors called different things in different places. Wei Wu Wei is actually throughout product development world, and we refer to it as weighted shortest job first. And it is a thought process, it's a philosophy for evaluating the different possible things we could do, assigning some effort, some number, something that means something to us to it, and then comparing it with the amount of value we think we're going to get on the tail end of that. And that is the big unlock, because now we are, what is the minimum amount of energy I need to expend to advance me towards where I'm actually trying to go? And that's the power of it. We do it in product development, and when we're thoughtful and mindful, we do it ourselves all the time.

John: Yeah. So to flip that back, I love that. And to flip it back to this client homework thing, which is, again, pervasive in almost every law practice I work with. It's the difference between getting it off your plate, which again, is a very natural human reaction when you're overwhelmed, you want it off your plate. And checking it over the fence to the client is a great way to get it off your plate. But it's not a great way to advance the matter.

Tim: Right.

John: And so being intentional, and I'm going to loop it back because one of the other things I wanted to talk with you about since I've got you today, the last three episodes that people will have listened to before this one publishes of my podcast have been about feedback loops. But they've been very specifically about some of the Agile cadences of working with teams. So my first episode of the year was about a weekly planning and weekly review cadence. The next one was about a daily stand-up cadence. And then, most recently, I talked about the use of calendar blocking and calendar bucketing as a way of allocating capacity to the commitments that you make in the weekly planning and the daily stand-up cadence.

And part of why I'm giving this long intro is, I think, part of the preparedness, right? And sometimes the way I will say it is part of agility is strength and preparation and training, right? So, you know, we watch a gymnast or we watch an athlete who looks Agile, and it looks flawless and fluid and easy and carefree, a dancer, you know, any number of roles. But what we don't see is the amount of training and preparation and intentionality that goes into being able to perform in that Agile way. And I think what I see, and you probably see too out in the world, and again, certainly in law practice, is we spend so much time on execution that we don't do the things we need to do to get stronger, to get smarter, to understand our moves better, whatever it happens to be.

And so, I think what I'm hearing is that there's a connection between Wei Wu Wei and preparation and specifically, you know, to tie it all the way back and get a little bit nerdy about it, this idea of the intangible work item types, which is, you know, the things like fixing your roof, where most people don't think to fix their roof until there's a leak in it. But if you wait until there's a leak, then the cost of that problem with your roof has now gotten really, really high. Whereas if you say, hey, look, this is a 15 year roof, and I'm going to make sure that in 14 years that I have it scheduled to put a new layer of shingles on or or replace it, or whatever. Then you can avoid some of those things. And so, again, I'm talking too much for an interview show, but talk to me a little bit about that preparation and the need to sort of do that on the business work?

Tim: Right, so, you know, it's funny when you talk about front-loading the client with homework so I can get some breathing room for my space, or for myself. And I hate to call it for what it is, it's kind of a stalling tactic, right? Because what we've actually done is we've deferred the outcome that we're actually trying to get to for the immediacy of the moment. So feedback loops, first of all, a lot of people talk about feedback loops in context of, oh, well, it's not a feedback loop if there's not, if a decision doesn't come out of it or an action, well, it's a decision. We care about the decision, right?

So for example, I can drive well, and I do drive maybe a little bit above the speed limit occasionally. What am I doing? I'm ignoring feedback loops in my own brain because my brain and we know you're supposed to do 35. I choose to ignore it, but my feedback loops are still doing all the things. We don't like feedback loops for a couple of reasons. First, we have to meet, right? We have to meet and that is hard. Not only is it hard for time, but in a feedback loop, we're going to be exchanging information. And a lot of times, the information we get out of feedback loops doesn't feel awesome.

And the thing that we miss is that's actually a good news story. Hearing things we don't like is actually good news, because that becomes the impetus to do something about it, right? In Kanban, especially, we talk about do something about it. So in order for our organizations, regardless of their size, to be able to react the way that we want them to, to be Agile, to use that parlance, to be flexible. They need feedback loops the same way the gymnast in your example does, right? They are so good. They were not born that way. They were not born gymnasts. Nobody was born anything.

But what they have done is through a series of practice and reinforcing feedback loops and getting smarter about interpreting the information those feedback loops are giving them, they become more Agile, more flexible, and better able to respond to the demands of their environment in the moment because of the feedback loops. So we have kind of like, especially at least in my experience in the business world, there's this love-hate relationship with them. We don't like having those kinds of meetings. We don't like decision-making meetings. They're hard. There's lots of information. Sometimes there's pushback and sometimes there's conflict. And at the end of the day though, all of those things are the friction that go into making a really quality decision and helping our organizations adapt to our needs the way we need them to, when we want them to.

John: Yeah. Yeah. No, I mean, you know, not to, it's funny, we've talked a little bit about religion and now I'm going to bring biology into it. But there's a reason that most animals have evolved to have both dopamine reactions and cortisol reactions, right? They’re both useful, right? The positive feedback loop of, hey, this feels good. I'm going to keep doing it is great. It's useful, but life is not flowers and rainbows all the time. You know, we need that stress reaction. We need those sort of negative impetus or negative signals as well to tell us, hey, that's something that is not serving you well. And probably you want to spend a little time figuring out how to not do that anymore.

Tim: Exactly. You know, the example I use a lot is putting your hand on a stone. What if we ignored that feedback loop that the burner is too hot? We're not gonna be able to use the hand quite so well probably by the time we're over with it. And we should expect the same thing to happen when we ignore feedback inside of our organizations. So if we don't wanna ignore it, we have to collect it and we have to talk about it.

John: Yes. The flip side of that and the hand burner is not the best example for this, but I'll go back to, let's say distance runners or gymnasts or anything else, right? When you're doing training, your muscles hurt, right? When you go fast and go hard, it is painful, literally painful. And one of the things that elite athletes learn is that there is the early feedback loop of your body starts sending you sort of certain pain signals that actually are kind of okay and normal to live with. And you almost, what's the concept? Failure training, right? You sort of get to the place where you understand more, oh, this is normal stress and this is okay, versus, oh shoot, actually I'm on the cusp of injury here, I really should stop.

And I think getting back to feedback loops in a work cycle. We have to train ourselves to be comfortable with the discomfort of being told that we're doing something suboptimally, right? That we could be working better. And accepting that feedback as something useful, you know, I mean, literally it gets positioned as constructive criticism sometimes or whatever. So, you know, it's not like a new concept, but I think that there, it is human to want to avoid situations of stress and pain and discomfort, but we also have to force ourselves in those situations in order to improve.

Tim: Yeah, you know, it's funny, I have this, and this is a Tim thing, so in my brain I think of friction, and I think about friction a lot, and situationally, and I'm always trying to decide what type of friction do I feel right now. Is it constructive friction? Because that is the thing, right? Like the vast majority of products that we make require friction, right? It's a good thing. Or is it negative friction? Am I pushing against something that either cannot be moved or maybe just isn't the right or best use of my time in that moment?

But the getting to that, when we feel the friction, we're going to, right, in a meeting, on a phone call, reading an e-mail, when we feel it, again, that's a signal that, hey, either something is right or something is wrong. So we tend to feel friction and always react to it, feeling gross. We don't like it at all, but what we don't do as good of a job of is recognizing that sometimes friction is a really, really good thing. You know, think about in a group setting and we're trying to come up with an agreed upon course of action. That's going to be probably a high friction environment.

However, the expense of friction is going to result more than likely into a more quality end product or decision because of diversity of thinking, because we talked about it, because we encouraged friction. So that's one thing I wish people would do a little bit more is, in the moment when I'm feeling friction, decide if it's good or bad. Because back to feedback loops. If we've got that mindset where, hey, this is friction for the right reasons, this is friction in the course of solving a problem, then maybe those feedback loops stop feeling as uncomfortable and we can maybe take a little step back and say, okay, you know, it's for the greater good and this is why we're doing the feedback?

John: Well, and not to get meta about it, but a feedback loop about your feedback loops can be helpful too, right? When you realize we're going to commit to an uncomfortable practice, right, like a weekly planning meeting, like a daily standup, or any other sort of way of sort of coming to consensus and agreement about what the direction is going to be. And in the short term, especially for teams that are converting to those practices, there are often people who really don't like it, right?

The whole this meeting could have been an e-mail or, you know, this is a waste of my time. I just want to get my things done. And all this coordination, all this kumbaya, all this whatever, waste of my time. And I think being able to have some bigger picture, maybe it's through the act of goal setting, maybe it's through the act of just measurement in general, where we say, okay, yeah, we get that this requires investment, and it requires investment of time and effort and energy that your natural inclination is that you would rather be doing something else. But we know for the good of the team, the good of the product, the good of the client outcome, it's worth investing this time and effort in this way.

Tim: Yeah, you're kind of talking in at least what shook free for me about the regularly scheduled retrospective is the feedback loop of feedback loops. Because if you think if we're doing it on a regular basis and we're looking at how we've done, what we've delivered, what we could improve, it is inclusive of all of those results as well. All of those previous decisions from those earlier feedback loops are part of the context for the retrospective. So I say that because when I coach teams, especially, there's all these meetings that teams need to perform, they need to do. But typically, which is the one that we want to start doing?

Can we just pick one and start doing it right now? I always encourage us to pick the retrospective because if nothing else, we can have this one moment maybe every two weeks to talk about how it went and then agree to what we want to change, one little tiny thing. There's a tremendous amount of power in just the retro itself. Then as you become more sophisticated, you can introduce more meetings to get more information. And to make better decisions.

John: Yeah, boy, that's an interesting one. So I kick off almost all of my engagements with lawyers and legal teams with a retrospective. And I always kind of have a half joke in there that it's very strange to start with a retrospective because what do we have to retrospect about? But it winds up being, I think a really good, icebreaker is not quite the right word. It's a great tool for the team to sort of be given permission to take a deep breath, take a step back. Specifically, I like to do the retrospectives where there is individual ideation time, and then we bring ideas to the group. So it's not just everybody talking about, oh, how's this going? It's a lot more intentional than that.

But it also, for me, when I'm coming into a new environment, it's a great sense-making tool, because it really helps bring me up to speed to understand what's going on. And teams that I work with always, I think, almost always get good value out of that retrospective, but I often have a hard time convincing them to make it part of a cadence. And it's funny, you said every two weeks, I'm struggling to get people to do two a year. So, you know, I tell my teams, I'm happy to do them. Like if we can commit to this quarterly, that would be amazing.

And again, it's partly this is me compromising because I know in a world full of overwhelm, the idea of taking an hour every two weeks to do this retro on top of the things that I'm already, you know, and again, trying to get people to do weekly planning and daily standup. And all of a sudden they're thinking, oh my gosh, you know, I've already committed three to four hours a week to meetings, to coordination. That's usually not quite that much, but you know, when am I going to get the work done? And the counterintuitive thing that I've seen and you see over and over is it's introducing these cadences and committing to these cadences actually will help you get maybe less total work done, but that's intentional, because it will help you focus on getting more of the right things done.

Tim: Right. I like to play the Pareto principle play, the 80-20 rule, right? 20% of the work results in 80% of the outcome. So, when we're talking about meetings like that, specifically those decision-making, those feedback loop meetings where we're getting info or making decisions. It should be relatively a small cross-section of the overall amount of time we spend doing our work. But we also have to recognize it not as a cost of doing business, we have to recognize it as an investment into our business because that's literally what we're doing. We're reinvesting our energy and our time into our business to make it perform better.

John: Well, and the other thing, and I know you see this too, is that if you only do a retrospective twice a year, the retrospective is going to be clumsy every time you do it because it's impossible to practice it in a way that gets it. And so when you only do a retrospective twice a year, the discussions tend to stay very high level. You know, it feels good still because it is a way of getting things out and it is certainly useful. But if we can flip over and commit to doing it every two weeks sounds crazy to me just because of the content, you know, I have such a, so I would love to be able to do that.

But let's just say we could do one monthly and we introduce a monthly cadence of retrospective. So, you know, again, using sort of these Agile cadences of coordination, we've got a weekly planning and review cadence. We've got a daily standup cadence, and then we've got a monthly retrospective cadence. The thing about that monthly, you know, again, assuming we can get there, is the team will get better and better at it. And you'll also start working on sort of more and more sophisticated problems.

Tim: Yes, because you're going to run out of low hanging fruit, right? That's typically when we first start doing retrospectives on a regular basis, we find all kinds of things. And that, I'll tell you, I mean, in the beginning, maybe the first month, maybe a year, depending on what's what's going on. Every time we have a retro, like, ohh, wow, we got that fixed. And we've got one new thing. And then, you know, we start to plateau. Why? Not because we've run out of things to fix. But because the things that we have to fix are a little bit more sophisticated and a little more complex than the ones we've gotten done.

And this is also when teams and groups and such start running out of energy around the retrospectives, because all the low hanging fruit is gone. It's not as fun anymore. Right. But you know, the interesting thing on time interval with retrospective, at least in my own Tim world and based on my experience, what I've observed is the farther apart retrospectives are spaced, the more they tend to be qualitative. They tend to be more how it felt, how I remembered it, what it feels like, what I'm experiencing. People remember being very upset. They don't necessarily remember all the specific details, but as we start tightening up how frequent that retro thing is, we tend to get more and more concrete specifics.

Like this was a problem, this took X amount of time, it should have taken Y, and Y, and can we break it down and discuss that? And even monthly is not weird. I mean, there are monthly retrospectives, so if I said bi-weekly and everybody is secretly freaking out. I apologize. But yeah, monthly is not strange at all. And still within that kind of span of short-term memory, that people can have concrete things that they recollect, and they can bring to the retrospective to help improve.

John: Well, and I love that. And again, maybe I don't want to just fall in love with the idea of a monthly cadence for law firms because it came up when we started talking about it. But there are natural monthly cadences for a lot of small and mid-sized law practices anyway, which is your monthly billing cycle, right? And so one of the things that can maybe a little bit of an anti-pattern is because that is the one concrete data set that law firms are committing to, they maybe tend to over-emphasize and overreact to the data they're getting out of that monthly billing cycle, as opposed to having some other metrics that they might be looking at in the context of a retrospective or the context of of whatever experiments they're trying to run.

And I'll tie it back to sort of maybe pitching the KSD class. So one of the things, well, and I'll also introduce, right, and this is no surprise, but the whole stereotype around lawyers and math and all the rest is mostly true. Right, lawyers tend to be sort of more in the verbal analytical space than the numerical analytical space. But one of the things I love about the KSD, and then actually it goes a little deeper and the next class that comes after that, which is the Kanban Systems Improvement class, is we talk about measures and metrics that are going to be useful for workflow improvement that aren't the same as how much money is in my bank account at the end of this month.

Tim: That's right. You can have an incredibly efficient system and no money in the bank account.

John: Yes.

Tim: So, yeah.

John: And vice versa. You can have a lot of money in the bank account and an incredibly inefficient system. And in fact, actually that's really common in law practice. And I don't need to dive into hourly billing, although I will preview that I'm gonna have a few guests coming up in the next couple of months that are gonna be talking about alternatives to hourly billing. But one of the knocks on hourly billing is it rewards inefficiency. And so there are a lot of law practices over the years. And when I say over the years, I'm thinking over the last 50 or 60 years that are able to profit from inefficiency in the system, and sometimes that's their own efficiencies, sometimes it's inefficiency of the justice system more broadly, but whatever it happens to be, as long as I get to bill for my effort, it's okay.

And in fact, even like going all the way back to the client homework example, one of the sort of perverse practices, and it's effective, is, oh, the client's not doing their homework, well, I'm gonna bill them for every time to have to ping them to follow up on the homework. And eventually they're gonna get sick of paying my point ones and point twos of an hour for the follow-up that I'm doing, right? And that's gonna be the thing that gets them to engage with the homework, is you're basically introducing pain as a way to get them motivated.

And again, it can be highly effective. I think there are more effective practices, which is about engaging the client with the purpose of the homework and basically re-recruiting them to their own cause as frequently as possible. So, and again, not to say that there's not sometimes gonna be a place for the pain anyway, but I still, I think it's interesting just getting into these ideas of having numbers, having metrics that you're gonna look at on a regular basis that just help you understand how you're doing?

Tim: You know, frequently when I start introducing the numbers in class, I talk them in terms of vital signs, right? Think about us, and there's plenty of us who do things, like we've got fitness watches and cardiac cards, and we're checking all the numbers, and we're checking all the stats and trying to decide if we can have sugar right now or not at all. And it's no different than checking in on our systems. It's the instrument cluster in our car, you know, but how fast are we going? How much fuel is in the tank? It’s basics, we're not really talking about you know all the gauges and instrumentation you would need to fly to the moon right, just a couple two or three basic things to get started off that are usually easy to get to and also pretty powerful as far as telling us what's happening. Imagine if your heart rate was like I don't know what everybody else's is, if mine was 10 beats per minute lower, right? What's the reaction? How do you react to that?

And that's what we're doing with these systems, is when we start collecting these metrics, we're trying to see how the patient is doing, and does the patient need more support? So the numbers are, I mean, let's be honest, I mean, some people love math, some people hate math. You know, our goal isn't to teach people math, it's to teach people just the bare minimum amount of information you need to know from a numeric standpoint. Here's the problem. If you put five people in a room and you give them a problem, the five different people are probably going to have five different solutions. So we have to have these numbers in order for us to align on what we think the problem is better?

John: Right. So just to, you know, torture a metaphor of the dashboard or the instrument cluster, we're not talking about, you know, as you said, right, at creating the dashboard of a 747, right? But we might be saying, okay, you know, you're good at looking at your speedometer and you're good at looking at your fuel gauge. Now maybe let's introduce one or two other metrics that are gonna help you make sure that your car is gonna run smoothly, gonna run reliably, gonna run predictably, so that you know whether or not you can commit to the long family road trip, right? Or winter driving season or whatever else is sort of coming up and you know is in your front view.

Tim: Yeah, exactly. When we go to the doctor, almost regardless of what type of doctor you go to, what are the things they do? They take your blood pressure. They take your height and weight and they usually take your temperature every single time and that's really the type of – that's really what we're talking about doing here as well. A couple of things regularly to see how it's going.

John: Great. There's so much that you and I can talk about, and I think we should keep doing it more and more. And again, I'm excited. I am working more and more closely with Tim. I'm kind of trying to like draw him into The Agile Attorney umbrella, convince him that attorneys are fun and interesting to work with. And I think you're finding that. I mean, you've done some classes with me. You've done some workshops. We got some stuff coming up. So hopefully people will sign up for the class, February 21st and 22nd. It's gonna be virtual. You can do it from anywhere. We haven't nailed. I think we've decided we're going to do it at either the central or the mountain Time zone. I forget which one, but.

Tim: Mountain right now.

John: Okay. Great. So mountain time zone, it's a full day class. So it is a commitment and it's two full day classes. Yeah, but it really is worth it. And so if you or, you know, someone on your team, it's a great class for maybe a senior paralegal, maybe an office manager, someone, it doesn't just have to be, you know, the law firm owner, but someone that you want to sort of invest in and give some ability to start taking more of those vital signs and trying to design systems inside of your law practice and recruit the rest of your team into those systems and sort of be more of a subject matter expert who can help guide your improvement efforts over time, the KSD is a great way to get started with that.

Tim: Beautiful.

John: All right, well, thank you, Tim. We'll have you back and thanks everyone for listening. Talk to you next week.

Tim: Thank you, take care.

John: All right, as always, when I talk with Tim, there's a lot to unpack, but here are my key takeaways and some things that I think you can put into practice right away. First, when we talk about Wei Wu Wei or action without action, we're really talking about being intentional rather than reactive. It's not about doing the absolute minimum, but about finding the most effective path to your desired outcome. And this might mean spending a little more time up front with client communications or process design in order to avoid bigger problems down the road.

Second, we need to get more comfortable with productive friction. Whether that's in team meetings, in client interactions, or in your process improvement work, some tension and discomfort is not just inevitable, it's actually valuable. The key is learning to distinguish between constructive friction that leads to better outcomes and negative friction that's just wasting energy.

Third, our conversation around retrospectives provides something of a capstone on my last several episodes around certain types of meetings and practices that create feedback loops in your law practice. I hope what you'll take from these last four episodes is the importance of implementing feedback loops, but also of finding the right cadence for your practice and your team. For example, while Tim advocates for biweekly retrospectives, with a lot of my clients, I'll settle for quarterly, although I think monthly is still probably the better option, especially if you can tie a retrospective to existing rhythms in your practice, like your monthly billing cycle. But whatever cadence you choose, the key is consistency and actually using what you learn to make those continuous incremental improvements.

Finally, when thinking about metrics, remember that measuring your practice's health doesn't require complex mathematics or sophisticated data capture. Start with the simple vital signs to help you understand whether things are moving in the right direction. The goal isn't to build an airline cockpit's worth of gauges, but to have enough information to make better decisions and course corrections as you go.

One more plug before I go. If you're interested in diving deeper into these concepts, Tim and I will be teaching them in our upcoming Kanban Systems Design class on February 20th and 21st. If you're interested in that type of training but you can't join us this year in February, or if you're listening to this episode after that particular session is passed, I'll be posting additional training opportunities on my website or you can always set up a discovery call with me to discuss your specific hopes and needs. That's it for this week.

As always, this podcast gets production support from the amazing team at Digital Freedom Productions and our theme music is Hello by Lunara. Thanks for listening and I'll catch you next time.