

## Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity



### Full Episode Transcript

With Your Host

**John E. Grant**

[The Agile Attorney](#) with John E. Grant

## Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity

You've probably heard of the Four Ds of productivity: do it, delegate it, defer it, or drop it. It's a framework that shows up in a lot of places, but in practice, only two of those choices are reliably good options. Today, I'm going to explain why I'm not always a big fan of delegation and deferral, although I will also talk about how you can think about those two things in a better light to help them work more reliably. And I'll also talk about how that fourth option, the one we never actually want to take, can be instrumental in helping you clear your plate so you can apply your finite capacity to the work that really matters.

You're listening to the *Agile Attorney Podcast*, powered by Agile Attorney Consulting and Greenline Legal. I'm John Grant and it is my mission to 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.

Hey, everyone. Welcome back. So, last week in episode 88, we talked about this client law firm of mine, a transactional firm that had this pretty incredible jump in their throughput in August of this year. And there were a lot of things that went into it, but I think there were several parts of the mindset shift that were really important, right? Number one is we stopped talking about being the firm that works on client matters. And instead, we started to build a self-identity and some internal messaging around being the firm that finishes the matters, that gets things done across the finish line.

Now, in doing that, they realized that they needed to be recruiting the client to their own cause. And so, there was this sort of second mindset thing, which is we can't want it more than the client does. And then there was this third part, right? Where if the client wasn't actually pulling their weight in responding to client homework requests, getting the information or documentation that was needed, then the firm had the fortitude to just stop following up. They would drop that particular piece of work, at least for now,

## **Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity**

until the client came back and said, okay, we're ready to actually engage around this.

And I think I hinted at this a little bit in the episode, although I didn't maybe call it out explicitly. But the choices that they made are examples of what I initially learned as the Four Ds of productivity, right? And those Four Ds are do it, delegate it, defer it, or drop it. And in today's episode, I want to talk about those Four Ds and why two of them are far superior to the others.

So obviously, when we talk about those Four Ds, the one we want to be able to use most of the time is do it. But that do it is a lot more slippery than it might initially seem. It requires that you have all of the information and documentation you need to actually do that task. It requires that you have all of the skill and sort of experience that you need in order to accomplish it. And then, of course, the trickiest part is that it requires that you have a block of time where you can actually apply the information and your knowledge and skill to actually produce the deliverable that you need to produce. That's not always easy to accomplish.

Now, one of the things that is kind of just part of the conventional wisdom of law practice management and maybe productivity in general, but I think is maybe not as good a choice as a lot of people might initially think it is, and certainly as a lot of productivity gurus would like you to believe that it is, is that you should be delegating more. And the theory is that by delegating certain lower-level work and getting it off of your plate, then you're going to free up part of your own personal finite capacity to be able to apply it to better work, right? Stuff that is more attuned to your skills, your credentials, and maybe even being higher dollar value work in terms of how it relates to the client's needs.

In theory, it is a great idea, but in practice, it winds up being way trickier than anyone wants to admit. And I had a good conversation about this way back in episode 36 where we heard about Ben Hudson or heard from Ben

## Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity

Hudson. And that was one where also Melissa Shanahan was in on the call. And Ben talked about how he had bought into this conventional wisdom that you should be delegating work, but one of the mistakes that he made that he realized once he had put his work onto a Kanban board where he could see the bottlenecks better was that he was delegating work that was upstream of his actual bottleneck, which was his attorney review, right? The sort of quality assurance phase for his practice.

And he was delegating that work, and I can't remember now. He's in Canada. So it was either to a junior associate or to an articling student, and I can't remember which it was. But either way, what Ben found was that delegated work was boomeranging back on him, and it was creating even more of a backup at that quality assurance phase of the work.

And so in this world where Ben himself was the bottleneck because he wasn't able to get to his function as the quality assurance sort of head for his particular firm, then the work just piled up more and more and more. And so one of the takeaways when it comes to delegating is that if you are going to do it, be really careful about delegating things that are going to take up your capacity later because you might find that you don't have that capacity. And now you've actually invested in paying the salary of your employee or the cost of a contractor or whoever you delegate to, and you can't actually realize a return on that investment because you can't find the time to do the quality assurance work that will actually get that deliverable out the door and in front of the client where they also will find it valuable.

So, sort of the two takeaways from that story: Number one, if you can avoid boomerang delegation, you should. And the two ways of doing that: Number one is by only delegating work that is sort of downstream of your bottleneck. So if Ben had used that associate resource or the articling student to do sort of the file closing and cleanup work or other things, even if it wasn't the sexiest work to have delegated to them, it still was going to be better for the workflow overall in his law practice.

## **Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity**

And remember, one of the things that I want my client firms, my customers to do is think like there's a GoPro on the matter itself and that at all times, the client can log into that camera and see what's happening with their matter. And what you don't want is for the client to log in and see the matter just sitting there, right? What you want is for the matter to be having a sense of progress, a sense of flow. It should be moving forward as much as possible. And so when work gets stuck waiting for that quality assurance phase, that's not good flow, right? We want to manage the work more than the worker. So even if it's not necessarily the sexiest work for the person you're delegating to, it's okay if it's in the context of getting the work out the door faster and smoother.

Now, the other way to avoid boomerang delegation is to make sure that you don't have to spend all that much time doing QA to begin with. And so that's where a technique that I have recently come to call, and this is partly through a lot of discussions that I've been having with Tim Lennon, and I'm actually hoping to bring him onto the podcast to discuss this concept. The concept is negotiated working agreements, and I want to throw out there that negotiated working agreements are a superior form of a policy or procedure, right? So a typical policy procedure is basically an instruction set. I need you to follow these steps. And what we're looking for instead is some agreement between both the requestor and the deleguee on what success will look like for this particular task or project or set of tasks.

And again, what we're going for is this shared understanding of what will make the work fit for its intended purpose so that it doesn't boomerang back and wind up in this position where the delegating person, right? The person sending it out for work winds up having to either spend a lot of time on quality assurance and then send it back for rework or spend a lot of time on quality assurance and then wind up fixing a bunch of errors themselves. Either one of which just is sort of the antithesis of flow in the overall matter.

## **Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity**

Now, the one other thing around delegation that I'll mention briefly because I did a whole episode about this back in episode 73, is that we all, or not all, but a lot of us have a tendency right now to want to delegate parts of our work to an AI. And we think, oh, well, that's going to be the thing that speeds us up and allows us to take on more work because the AI can be more efficient or help us be more efficient in actually delivering it.

And the title of episode 73 had to do with magical thinking around AI. And so I'll just encourage you, there are some great uses of AI, but there are a lot of pitfalls, a lot of problems, a lot of quality problems. And if you're not really dialed in on how you're using AI in a specific use case, you can be in that same boomerang situation where you think the AI is going to do something, but it really boomerangs back on you to do a lot of polishing and fixing up and making it actually presentable. Now, that still might make you faster, but it's not probably going to make you as much faster as you think it is.

All right. So let's move on to one of the other Ds, which is defer it. And there's a few things I want to hit on about deferring work. One of them is that in some ways, deferring is actually the same as delegating. It's just that when you defer something, what you're doing is delegating to future you. And as much as I want to believe in future you, and maybe if we're working together, we'll get future you dialed up so that it really is a better resource than it might be right now.

But as I joke with my clients a lot of the times, future you is a pretty unreliable resource, right? There's just no way for you to know what your life is going to be like, what the other demands on your time and attention and capacity are going to be down the road. And we often have these sort of rose-colored glasses, like, oh, I will definitely have time to do XYZ, you know, in three weeks. But then three weeks rolls around, and guess what? Your life is just as busy then as it is today. And so now you've got to keep kicking the can further and further down the road.

## Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity

And of course, the problem with that, as I talked about back in episode 83, is that now you're building delivery debt, right? You're taking on more and more commitments based on these sort of rosy estimates of when you're going to get work done. And you've got to deliver it at some point, but you keep carrying it, you keep holding on to it, and then eventually, right, you get that failure demand of people calling in and saying, hey, what's going on with XYZ matter? How come you're not doing my thing? And now you've got to respond to that in a way that isn't actually adding value, right? It's just overhead, it's just maintenance cost. It's not actually doing the work.

Now, there are healthier versions of deferring, and I do want to talk about them a little bit. And actually, I talked about one of them last week when I talked about this firm's nightclub policy, right? They aren't going to let a new matter into their workflow until one of their older matters gets done. So we're basically tying the entrance to the exit so that the indoor won't open unless the outdoor has opened as well.

And of course, that just creates a queue, right? We all experience queues in our everyday lives, and one of the things that all of us do, consciously or not, when we're evaluating a queue is we're trying to figure out how fast is this thing moving. And with a relatively short queue, we maybe don't care, right? As long as it seems to be moving or we're relatively close to the front, then maybe we're willing to get in that line. And that's going to be true of the clients that you're sort of holding behind the velvet rope in this sort of nightclub policy. They might be willing to wait for a little while, depending on your practice area. But if that line gets too long or if it doesn't seem to be moving very quickly, then there's going to be a lot of people that will just opt out and say, you know what? I don't want this right now, or I don't want it bad enough to wait in this particular queue.

And let me say, in the context of your law practice, that isn't necessarily a terrible thing. I still don't mind losing some customers up front if your pipeline for delivering the work is still full and you're still making good



## **Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity**

money from that pipeline, right? I would rather you add capacity to your delivery pipeline before you start letting more work in than let more work in and then try to figure out where you're going to find the time and energy to actually do all of it. That said, it's always a little bit of a bummer to like be, oh, I could have had this client, but I didn't get it because I couldn't respond quickly enough. And that never feels great.

And you know, that, of course, is why so many firms wind up working with people like me to try to improve their capacity, improve their delivery capabilities. Now, there are slightly better versions of these queues or these lines, and it's a kind of thing you might see at an amusement park where if there's a particularly popular ride, then there might be a sign that says, you know, expected wait time 15 minutes from here or 30 minutes from here. And so while it still isn't ideal, if the ride is popular enough, then at least the customer in this case is going to be able to make an informed decision. Do I want to wait 15 minutes or 30 minutes in order to do this thing, or am I going to opt out and go do some other ride or go do something else with my time?

And that's actually closer to what this firm I talked about last week is doing. They're not just holding a line and letting people wonder when are we going to get started with your legal work? They're telling people, hey, it looks like we're about a week out in when we can start new matters, or we're about two weeks out in when we can start new matters. And so they are doing some sign posting for these potential clients and again, giving them information that tells them whether it's worth waiting or not. And for the most part, I don't think they're losing any clients based on that wait time.

Now, if you want to get really sophisticated in how you defer work, then you would convert to more of a reservation or an appointment system. And you know, obviously we see that in the world of restaurants or in the world of a lot of medical care or maybe even personal care, where you don't just do walk-ins. You're not waiting in line to see a masseuse or a dentist, right?



## Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity

You are making an appointment, and they've sort of figured out how much time and energy and effort they need for each particular client. And that way they can sort of parcel out in blocks of time when they're going to see their new customers.

And again, obviously, depending on the nature of your practice, that may or may not be realistic, right? I know there's lots and lots of types of legal work that just don't have the predictability to be able to sort of set clear appointment slots. But it's not a bad approach if you can get there. And I talked about this a little bit more back in episode 64, which is my whole thing, my wild idea around the dental chair theory of lawyering.

Okay. So we've talked about three of the four Ds now. We talked about doing the work, we've talked about delegating it, we've talked about deferring it, which is really just delegating to future you. Now let's talk about the fourth and the one that I think is the most difficult one for people to want to do, but can really be super powerful once you decide you're going to do it. And that's dropping things.

Or another way of saying this is you're decommitting from commitments that you'd already made. And that's part of why it doesn't feel great, right? Is if we've made a commitment and then we have to back out of that commitment, that doesn't feel good. It's not a good look. It's not something we want to be doing on a regular basis, which is why we want to get to this honest reckoning of capacity so that we don't have to do this. But when you're already overloaded and you're feeling the stress, you're at the red line, you're maybe approaching burnout because of the overload, then just getting some things off your plate any way you can is not a terrible option.

And you can go all the way back to episode five of this podcast where I do my sort of deep dive on the concept of close the closable. And, you know, if you're close to delivery, right? I don't think it necessarily makes sense to drop something at that point. If you're so close that you can actually get it

## Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity

across the finish line, you should just get it across the finish line. But if you've made a commitment and this thing is languishing in the early phases of your workflow, maybe because you don't have capacity or maybe like the firm I discussed last week, because the client isn't holding up their end of the deal, right?

Having some good policies, some explicit agreements or some negotiated agreements in place that says we're not going to keep throwing good effort after bad. We're not going to keep sort of chasing these hopeful projects that we can't actually do for one reason or another, we're just going to get them off our plate. We're going to drop them. It's the hardest choice, but sometimes it is a courageous choice. And in terms of managing the total workload in your firm, it can be a really good choice.

Now, there's sort of different sort of levels of abstraction at which you can drop work. And you know, the one I'm talking about right now is dropping like individual matters. It might be dropping clients entirely, right? If you do the kind of work where you do a lot of repeat work for certain clients, if you've got clients who are problematic, you know, I don't hate that old conventional wisdom around every so often, you should sort of grade your clients on a, you know, maybe an A through D, and you should drop your D clients. And those ones that don't bring you joy, the ones that don't bring a lot to the table, or maybe they aren't holding up their end of the bargain, right? If you just get rid of them, it's going to free you up to be a better lawyer to the clients that you keep.

One of the other contexts that I love dropping things is in the context of practice areas. And it's no secret, I talk about this all the time with people that one of my favorite things to do is talk law firms into dropping practice areas. I think it can be one of the best things for their overall productivity. It helps clarify your business development pipeline, right? It makes it a lot more clear to your perspective clients who you are and what sorts of

## Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity

problems you solve for and what sorts of people you help when you're solving those problems.

It also is good from a productivity and workflow standpoint because every additional practice area you do in your practice is another set of legal issues that you have to stay on top of, another set of policies and procedures and workflows that you have to monitor and track. And it also means that it's harder to track your matters all in one place because you have to maybe have if you're using Kanban, you maybe have to have different Kanban boards to represent the different types of flow that one matter might have versus another matter type.

I'll say this one more way, right? It is not a sign of weakness to drop things. It is a sign of maturity, right? It's a sign of actually coming to grips with your honest reckoning with capacity and being able to say, you know what? I just simply don't have the bandwidth to do this thing, whether it's on a matter level, a client level, or a practice area level.

All right. So I'm going to wrap it up from there. So of the Four Ds, obviously, the superior one, the one we want to be able to do most of the time is to just do the work, right? It's the thing that gets us closure, it gets the client happy, it usually results in us getting paid for that work. And so whenever possible, right, this close the closable theory, if you can actually get things across the finish line or sometimes just to the next natural resting state, you should do it.

But if you can't and you're tempted to move into one of the other three Ds, I want you to be really careful about how you use delegate and defer because we tend to over rely on it, and it winds up just coming back to bite us some other time in the future, right? We're not actually solving problems, we're avoiding them. And if we can get to the place where the actual delegation is working, we're handing off the baton instead of throwing a boomerang, I'm all for it. But if it's just going to come back and create more

## Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity

work for future you, I think we should try to avoid it whenever possible, which often means your second best choice, right? The hard choice, the emotionally difficult choice, but maybe the mature choice is when you find yourself over capacity, sometimes you just have to decommit. You just need to drop some things.

In the Kanban workshop that Tim Lennon and I taught a few weeks ago, we talked about, what are the opportunities to Marie Kondo your law practice? Right? So for those of you who may not know, Marie Kondo is an author. She's Japanese. She has, I think, a Netflix show. But her book that became a bestseller was *The Life-Changing Magic of Tidying Up*. And she had this sort of very specific method where if you were cleaning out your closet, say, you were supposed to drag everything from that closet out into the middle of the room and like actually make it a problem for yourself that you now have to solve. And it's kind of like the Kanban thing of making work visible, right? You want to drag everything out so you can see it. And I like doing that with a Kanban board.

But with the Marie Kondo method, you then are supposed to, you know, sort of take each piece of clothing and hold it up or hold it close and determine whether it sparks joy for you. And if it does, then great, put it back in the closet, give it space inside of the finite capacity that you have. But if it doesn't, then the idea is that you should thank it for whatever service it has given you in the past, and then move on from it, right? And give it away or throw it away or otherwise get rid of it.

So she's really talking about just two options. We're either going to keep it or we're going to drop it. We're not going to defer it, right? She's not talking about, well, if it sparks a little bit of joy or if it maybe sparked joy in the past, then you should go pay a lot of money for a storage unit that you can, you know, rent monthly and just keep it in there, so it's not in your personal space. That's not what she's saying, right? There's either keep it or drop it.

## Ep #89: The Four Ds of Productivity: Removing Bottlenecks & Managing Capacity

There's no in between. And I think the more you can do that with certain elements of your law practice, the happier you're going to be overall.

One other thing before I go, I know I keep adding sort of new references at you in this episode, but there's a great Freakonomics podcast episode called The Upside of Quitting. And I'll put a link to that in the show notes, but it can be a really useful and sort of empowering message that I think is maybe worth listening to. And then the other is a book by an author named Leidy Klotz called *Subtract*. And it kind of gets to the idea that in order to add things in your life, in your business, in your planning, whatever it happens to be, you have to make room for it by letting some things go. And so these are both related to this concept of dropping things being a powerful way to deal with them.

And with that, I'll just say, if you would like to talk through any of these concepts with me, or if you have questions, please don't hesitate to reach out. You can reach me at [john.grant@agileattorney.com](mailto:john.grant@agileattorney.com). If you want to get a sense of how the Kanban software that I'm helping build will help you sort of drag all of your matters out into the open so that you can see them and then figure out whether or not they spark joy for you. If there's opportunities to either do them or drop them, or, you know, again, we can delegate and defer as is smart. But you can check out that software at [Greenline.legal](https://greenline.legal), and we're still signing up a few more clients in the beta of this, and then we're hoping to get it launched in the next few months in terms of an official release.

As always, this podcast gets production support from the fantastic team at Digital Freedom Productions, and our theme music is Hello by Lunara. Thanks for listening, and I will catch you again next week.