

Ep #94: Alternative Intelligence for Lawyers: Empower Your Team Before Turning to AI



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John E. Grant

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John: We are obviously all hearing a lot lately about artificial intelligence, what it can do for your law practice, how it can save you time, make you more efficient, and I believe that AI has its place. But as you know, I'm also into Lean and Agile and a lot of proven but often counterintuitive ways of running a law practice. And one of the most important lessons from those approaches is that the best improvement doesn't come from tools or technology alone. It also has to come from people.

So if you're turning to artificial intelligence before you've fully tapped into the alternative intelligence that's already inside your firm, the living, breathing, creative people on your team, you're probably overlooking one of the most effective ways to make your law practice work better.

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 I came across a quote the other day from an old standby management thinker, and that sparked a few ideas for this podcast episode. W. Edwards Deming is one of those names that sort of quietly shaped the way that almost every modern business operates, even if a lot of people today don't know that much about him.

Deming was an American management thinker. He was actually trained as a statistician who kind of came of age in the mid-twentieth century, the post-World War II era. And he's maybe best known for what many people now call the Deming Cycle, which is this process improvement loop of plan, do, check, act, or the way that I like to phrase it is plan, do, study, adjust.

Now, interestingly, Deming himself credited that idea to a mentor of his, a guy named Walter Shewhart, and Deming always referred to it as the Shewhart Cycle. But Deming was the one who popularized it and sort of

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embedded it into the management philosophy that became the foundation for what we now know as Lean manufacturing, or maybe just Lean, or maybe the Toyota Production System. And that's a system that kind of revolutionized post-World War II Japanese industry and then eventually spread to factories and hospitals, technology companies, and even professional services firms all over the world.

And Deming had this kind of core focus on a couple of things, one of which was really improving the system that is producing your product or service, so that the system itself is designed around delivering a quality work product in a predictable and consistent way, right? Things you hear me talk about all the time. And for him, that meant putting a lot of value in the people who actually do the work and engaging them in solving the problems around the work.

And the line that I came across the other day that sparked the idea for this episode is this. He said, "The greatest waste in America is its failure to use the abilities of people." Now, he said America, I think it's probably true for any place in the world, right? This is not an American-centric episode. But place names aside, that quote feels especially relevant right now in this era where so much attention and sort of the oxygen in the room is all taken up by discussions around artificial intelligence.

And I am not a Luddite when it comes to AI. I use it in my own practice. I have a lot of client law firms who are using it in their practices. You've heard me invite a lot of different podcast guests, and I've got some more coming up in the not-too-distant future that are going to all be talking about ways that they're using AI to make law practice better.

So it definitely has its place. But I also think it's important that before we rush and put too much of our stock in the value of artificial intelligence, it's worth remembering that Deming's revolution was built on human intelligence, on empowering the people closest to the work to identify

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issues, to test improvements, and to really make things work better for the business overall.

So today, I'm going to explore a little bit about what that might mean for your law practice and why, before you go and invest too much energy in artificial intelligence, you'll want to make sure that you're also fully using the alternative intelligence you already have inside of your team.

Now, we all have this sort of natural tendency to want to look for quick fix or magic bullet solutions. So when something in your law practice feels inefficient or overwhelming, our first instinct is gonna be to often turn to technology, or outsourcing, or some other way of addressing the problem quickly. Now, I think you've probably heard me talk before, and this is consistent with the sort of this Deming view that I think the most robust and the most durable improvement comes from working with people, processes, and tools, roughly in that order.

But it's undeniable that we tend to have sort of a tools-first approach, maybe followed pretty closely in legal by this tendency to want to outsource things, right? Whether that's offshore virtual assistants or maybe contract paralegals, whatever it happens to be. And again, these things have their place. There are some great tools out there, and there are smart ways to automate or delegate certain types of work.

But I also run into this problem over and over again, where efficiency or this quest for efficiency, and I have a tenuous relationship with the word efficiency, right? You'll hear me very intentionally refer to consistency and predictability as being better than efficiency. But the shorthand is we like to look for efficiency, and the problem comes from when efficiency turns into this kind of reflex for cost control rather than focusing on how do we orient our people, processes, and tools around value creation for our customers or our clients.

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And especially in times of economic uncertainty, which we seem to be entering, at least in parts of the population, I see a lot of law firm owners or practice managers treating cost control almost as sort of this north star for their operations. And I want to be clear, cost control matters. Every business needs to keep an eye on expenses. But when cost control becomes the primary lens for decision-making, it's easy to wind up saving pennies at the expense of dollars. And the reality, right, we all know you get what you pay for.

And so the lower-cost software tool might help you tick off certain tasks more quickly, or a contract outsourced assistant might help you move your work from one stage to another because they're doing certain mundane tasks. But neither of those options are really going to help you engage with the deeper questions of why is the work getting stuck to begin with? Where are the real bottlenecks inside my practice? Or how can we do things that are going to improve the experience both for our clients of the firm and also for the people inside of it doing the work?

So I'm kind of a big fan of investing in longer-term, dedicated team members, having employees on salary where you're investing certainly money and probably a lot of time, but over time, I think that it's going to create a better return on that investment.

When you hire and engage someone who understands your clients, who gets to know your system, who has goals that are consistent with the goals of your firm, you're not just buying labor; you're growing the capabilities of your law practice. You're building capacity for problem-solving, for innovation, and for sort of all the continuous improvement things inside of your practice.

So yes, watch your costs, and outsourcing things can be a great bridge to be able to have those full-time employees. So again, I'm not knocking the utility of using technology, using outsourcing to sort of get you and build you up to the place where you can make that bigger investment. But the main

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thing is that you should be looking for a good return on that investment, not just in the dollars, but in terms of the overall engagement and the validated learning and the long-term health of your practice overall.

And you know, when we talk about return on investment, it's not just the size of the return, it's also the time horizon. Deming was famously critical of organizations that chased short-term profits at the expense of longer-term systems improvement. His message was pretty simple. If you want consistent and reliable quality, you have to invest in building the systems and the capabilities of your processes and your people that are going to pay dividends for years or even decades, as opposed to just chasing short-term profits.

And that's kind of one of the beauties of law practice, right? We're not in practice for the short haul for the most part, right? We're not stuck having to report our earnings on a quarterly basis like a Fortune 1000 company might be. We're trying to build something durable. We're trying to build a career, a team, a reputation, and that means balancing the need for short-term wins with the sustained, although slower, work of building the systems that are going to make your practice work better and better over time.

Deming referred to this as the constancy of purpose, which is basically the discipline to stay focused on long-term quality and improvement even when the short-term pressures are trying to push you towards quick fixes. Quick wins can be great, but lasting wins are better.

And if you've been listening to this podcast for a while, you've probably noticed that these ideas echo a lot of the themes that I come back to again and again, right? Respect for people, continuous improvement, actively managing your capacity instead of just reacting to it. Those are all rooted in the same basic truth that Deming was getting at decades ago, that quality work happens when we trust and empower the people closest to the work. And whether you call it Lean or Agile or just good management, it all comes down to creating systems that let smart people do their best thinking.

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So what does it look like to actually use the abilities of the people on your team to activate what I'm calling alternative intelligence? And that's an alternative to your own intelligence that's probably already sitting inside of your own practice.

There's a few things I can point to, all of which I've talked about before, and I'll give references to the episodes where you can go back and sort of dive a little deeper if you want to. The best place to start, I think, is making work visible. You can't improve what you can't see, and I talk about this all the way back in Episode 1 of this podcast, where I introduced visibility as the foundation of an Agile system. A good Kanban board acts as what Agile folks tend to refer to as an information radiator. It broadcasts the state of your work in a way that everyone can see and understand, not just for the managing partner or the project lead, it's for the whole team.

And the other thing that happens when you make the work and the workflow visible, basically, you're showing the entire process that your work has to go through from intake to completion. And in doing that, you're giving people crucial context about how their personal responsibilities fit into the bigger picture of the practice's work. And that context is what helps turn individual contributors into team-wide problem solvers.

And what we're looking for is instead of each person optimizing their own piece of the process, what in the Lean world we refer to as a local optimum. With visual work tools like a Kanban board, everyone on the team can see how they're contributing into the creation of value for the system as a whole. And that's where a lot of the best sort of efficiency and innovation comes from, is when people stop trying to kind of win at getting their own task done and start trying to help the team win together.

Another core concept is the need to create psychological safety. I talked about this back in Episode 26, where we talked about the importance of starting with what you do now. The reality is, if people don't feel comfortable

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raising problems or suggesting improvements, you're never going to get the full value, the contribution, of their perspective.

And psychological safety does not mean being soft or avoiding accountability. It just means setting up your systems, your conversations, your values, your practices, so that curiosity comes before judgment. You want people to have the freedom and the confidence to be able to say, I think this process is broken without people taking that as an accusation that, oh, I've been doing it wrong, right? We want to make the thing better without fear of backlash.

Now, one of the best tools for creating psychological safety is something I've talked about, known as the retrospective or the Agile retrospective. I talked about that all the way back in Episode 7, and it's come back several times since. And even a quick 30-minute check-in, although the first few times you do it, it's probably going to take longer. But if you get in the regular habit of doing it, maybe once a month would be ideal. This half-hour check-in every four to five weeks could uncover insights about things that would otherwise stay buried, or people wouldn't feel like they have the right opportunity to bring them up.

Just as a reminder, the three main questions of a retrospective. Number one, what's working well that we should keep doing? We should acknowledge our wins. Number two, what's not working that we need to either stop doing entirely or we need to change something about? And that's where the psychological safety comes in. And then what are some things that we can try to make things better? Right? Creating this opportunity for ideation and experimentation. Not every idea that comes up is going to be a good one. We're not going to try all the things that come up as suggestions, but having the freedom to have that ideation space is really helpful.

The last thing I'll talk about for now in terms of tapping into that alternative intelligence inside of your team is this move from top-down policies to these

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negotiated working agreements. And this is something I dug into recently, Episode 90 back with Tim Lennon, and we talked a lot about how co-creating these working agreements that ultimately lead to policies, but it creates a much stronger buy-in than that top-down new-rule style of policy creation.

When people have a meaningful opportunity to participate in defining how you're going to work together, they're going to take more ownership in the results of that new way of working, and they're going to be way more likely to follow through and actually engage with and create the new systems that you've talked about creating. And as Tim said in that episode, it's really about building alignment instead of focusing on compliance with a particular set of rules. And that shift can really transform the culture over time.

Now, there's one thing that all of these things have in common, and that is they require engagement. They require time and investment in actually spending the time and doing this work together, and you can't automate it. You can't outsource it. But when you invest in it and you create that culture of continuous improvement, of psychological safety, of team-wide problem solving, the return on that investment is going to be fantastic, right? You're going to get smoother workflows, happier clients, and a more resilient and innovative team overall.

Now, here's the catch, right? In order for your team to be able to do that kind of deep, creative problem-solving, they can't be constantly drowning in their day-to-day work. And so I'm going to bring up a few more of my previous episodes. One of them is Episode 2, The Honest Reckoning with Capacity. And the other is Episode 3, The Brutal Assessment of Priorities. And the reality is that the type of sustainable improvement I'm talking about only happens when your team is operating comfortably within its actual capacity, right? You can deliver your work product on time in a predictable and consistent way.

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And then number two, you're actually prioritizing this process improvement work as part of this brutal assessment of priorities that I talk about. And you've also heard me talk in the past about this notion of 5% time, where I recommend to all of my clients that they be spending at least 5% of their team's total time, and that's everybody on the team, on doing this sort of on the business process improvement work instead of doing the in the business product delivery work.

So if you're thinking about using an AI tool or really any sort of automation or technology or even outsourcing, just make sure that you're fully engaging the people on your team who already know your business, your practice, the best.

Give them visibility into the work and the total work of the team, invite them to share their perspectives, and then trust their judgment, right? Actually listen and see their perspective is going to augment what you know. It's not going to supplant, right? You're all working together against the problems of your firm. It's not sort of an us-versus-them inside of the practice to see who can comply with the rules the best.

I'm going to make a quick plug here. If you're looking for a way to get more visibility into what's actually going on in your law practice and then balance the commitments you're making against the capacity of the team that you have, whatever that happens to be, I'd love to invite you to come take a look at greenline.legal. We're trying to build Greenline to give you that digital Kanban board, which is what I've been talking about, a true information radiator for your law practice.

It helps you and everyone on your team see the commitments you've already made, see what's moving and what's stuck, and then figure out whether your team is working within its capacity, which, as I keep saying, most of the teams I encounter are already over capacity. So then it becomes a question of how can we apply the capacity we have in a

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smarter way to help get things unstuck and make sure that the work is flowing through our systems as opposed to pooling up behind bottlenecks.

So if you're interested in learning more about that, head on over to greenline.legal and look for that Book a Demo button.

And that's it for today. If you found today's episode helpful, please share it with someone who might benefit from a more Agile approach to their legal practice. And if you have any feedback or a topic you'd like to hear me cover, I would love to hear from you. You can reach me directly at john.grant@agileattorney.com.

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'll catch you next week.