Ep #109: Creating Consistency in Law Firms Without Sacrificing Autonomy [Agile Lawyering Part 9]

Full Episode Transcript

With Your Host

John E. Grant

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The other day, I was working with a law firm owner to come up with some maxims for their law practice. They're based in Beaverton, Oregon, and we were inspired by the famous maxims that Nike uses to help guide their decisions. One of the maxims they came up with was, "We don't practice law by memory."

And what they were getting at is this idea that a knowledge of the law is good and useful, but when it comes down to applying it, you should always go back and make sure you're checking with primary sources.

And it occurred to me that the same principle applies to the internal practices and workflows of a law practice. Because a lot of law firms actually do run by memory, by individual attorneys' personal habits, by unspoken assumptions, and people's own personal sense of what good work looks like and how to build it.

And that can work fine right up until it doesn't. Once you add another team member who has their own way of working, or maybe someone who is really good at one thing leaves, practicing from memory is a really tough way to deliver a consistent experience to every client.

So today, I'm going to talk about how to get your practice's institutional knowledge out of people's heads and into your systems, so that consistent, high-quality client experiences aren't a matter of individual memory or luck of the draw.

You're listening to *The Agile Attorney Podcast*, powered by GreenLine. 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.

A quick note before I dive in. The concepts I'm talking about today should be useful to you no matter what kind of practice you're part of or what tools

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you use. If you'd like, stay tuned at the very end where I will briefly discuss how my software tool GreenLine helps support and reinforce the Agile practices from today's episode.

Hey, everyone, welcome back. I'm reaching the end of this 101 series. I've got two more substantive concepts to give you before I wrap up with a return to mindset and first principles. Big picture, we've been moving from resolving the internal chaos that keeps a lot of practices stuck in survival mode and working towards building a delivery system that can make and keep real promises to real clients.

We started with mindset and visibility, moved through flow, quality, capacity, cadence, then we got to the metrics for how your system is actually performing. And then last week, we made the pivot outward to look at the practice through the client's eyes for the first time.

And in that episode, I walked you through a client journey mapping exercise, how to step outside of your internal workflow and actually design the experience that your client should be having as you work together to resolve their legal problem. And that episode was about drawing that client journey map. And today, I'm going to talk about how to consistently travel that road because the map is not the same as the trip.

And actually, as I was recording this, I had originally planned to cover a lot of ground today and wrap up the series with episode 110. But I realized there was more here than I could do justice in a single episode. So, I'm actually splitting this hitting the road episode into two parts.

Today, I'm going to focus on consistency mechanisms and infrastructure that allow your practice to reliably deliver the client journey. Then next week, I'll talk about how you take that general client framework and turn it into a living specific plan for an individual client and their problem that you're helping solve. And that second part is where things really get agile, kind of in the truest sense of the word, but more on that when we get there.

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Today, I want to talk about how to set up your internal systems, policies, procedures so that you can help make sure that the journey you've designed is the journey your clients actually get, consistently, across time, across matters, and across the people in your firm.

And I want to start with how I often see smaller practices struggle with growth and expansion. And it usually starts with the original firm owner or owners becoming victims of their own success. They're experts at what they do, they do good work, and they build a reputation that causes demand for new work to expand beyond their personal capacities for completing it. And so they add team members, support staff at first, then usually another attorney, and the pattern repeats from there.

The firm leaders in the early stages of this cycle often struggle with getting that team to produce deliverables at the same level of quality and at the same delivery rate that they're used to. And that can lead to that "I'm the bottleneck" problem that I discussed back in episode 103.

Then for practices that get a little further down that path and maybe can bring in some other more experienced attorneys, a different problem can start to emerge. Instead of one individual bottleneck, you've now got multiple attorneys, each with their own competency and history, but that can also lead them to a pretty individualistic way of working.

Each person can have their own drafting style, their own timing assumptions, their own sense of what responsive or good communication means. Basically, their own preferences for what the work product looks like is what they're going to go with.

And I sometimes lament that practices that get to this place often behave more like a federation than a firm. Yeah, they've got a common name, a shared letterhead, and other shared resources, but underneath that, it feels kind of like a collection of independent operators who just happen to work in the same place. And those people feel like they've earned a certain

amount of autonomy in how they do their work and they cherish that autonomy.

And that's not entirely an accident. The legal profession is built around individual autonomy in ways that a lot of other professions aren't. Lawyers are trained to exercise independent professional judgment, and that's not a bug, it's a feature. It's a core ethical obligation. Clients depend on it, the bar requires it, and a lot of people go to law school precisely because they want to be the one calling the shots and not following someone else's playbook.

And I want to be clear, I am going to talk about making more consistent practices in this episode, but I am not trying to talk you out of autonomy. That is not the goal. But the problem is that when autonomy bleeds into every aspect of how the practice operates, not just the legal judgment calls where it probably belongs, but also the workflow, the client communication, the handoffs, what you wind up with is variability. And variability has real costs that actually functions as a form of risk.

It also means that the client experience depends heavily on which attorney or which other team member they happen to wind up working with. It also means that your team members like paralegals or legal assistants wind up having to guess at each other's expectations or managing multiple sets of expectations and preferences. It means training new people is harder because there's no consistent standard to train towards.

And it means your capacity planning is less reliable because similar matters can take pretty different amounts of time depending on who's handling them. It also means that that journey map we so carefully talked about last week is more of an aspiration than a commitment.

So, again, individual excellence is genuinely valuable, but it's also a little bit fragile. And if the only thing standing between your clients and a great

experience is getting the right person who happens to be having a good day, that is not a system, that is luck of the draw.

And so the question is, how do you actually build the kind of institutional reliability that can consistently deliver quality outcomes and the quality client experience you're shooting for when you've got all those individuals that are trying to do things their way?

Let me start with what firms often get wrong. Keep in mind, capital A Agile is a very people-first approach. And what that means is consistency from an Agile perspective isn't about handing your team a policy manual and telling them to just follow it. That's an edict, and edicts have a pretty poor track record in professional environments, and especially in law firms. It's an approach that begets rigidity, not the agility we're shooting for.

In my consulting work, it's not unusual for me to come across a firm leader or other senior attorney who, when I ask how the firm could run better, they will say, "You know what? People just need to do their dang jobs."

Now, I appreciate that sentiment, and I understand the impulse behind it, but I think it's ultimately a limiting belief. And that's because when your default explanation for your frustrations is that your people aren't trying hard enough to do their job as you define it, it closes off the much more productive question, which is, do your people have what they truly need to do the actual job well, not just follow your playbook?

And yes, that includes clear expectations, but it also requires a shared understanding of what good looks like. And crucially, the reasoning behind we think it looks that way. Because I said so is not an effective or a very durable approach, and it definitely isn't an inspirational one.

And in my experience, most people genuinely want to do good work. What they're often missing is the context to do it consistently. Now, I think real consistency comes from that shared understanding, and I want to be

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specific about what that means because I think there's actually three layers to it, and they involve the questions, what, how, and why.

Some of you might recognize those as the layers from Simon Sinek's viral framing in his "Start with Why" methodology, which is primarily about marketing, but we're using something similar here, not to recruit customers to your business, but to recruit your team members to your practice's larger purpose.

And I'm actually going to combine what and how into kind of a single layer because they're pretty inseparable in practice. What needs to happen and how we typically do it, the process steps, the workflow, the sequence of activities. And most firms when they try to standardize anything, tend to start and stop at that place. On my desk, I've actually got a copy of the ABA's book, Law Office Policies, Procedures, and Operations Manual. And let me tell you, it is a thrilling read.

But it does cover all the what and the how. The problem is, is it gives almost zero attention to the why behind the things it tells people to do. I'll also say flipping through it a few minutes ago, it is not exactly grounded in reality. There's a lot of aspirational things in there that don't seem all that practical in a typical law practice.

Now, the remaining layers are really two different levels of why. And I think of the second layer as being the procedural and legal why, not just here's we draft this document, but here's why we draft it this way. Here's the legal or regulatory reason that this step exists, and also here's what goes wrong if we skip it or rush it.

And I think that context transforms a checklist item into something that makes a little more sense to people. And frankly, to the extent that firms do get into the why question, this is where most of them land. And again, understandably so.

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But the third layer is the one that really changes behavior, and it's the one that most practices rarely get to. And that's the client journey why that we talked about last week. Basically, you're asking, how does this particular task or deliverable advance the client through their journey? How does it connect to the goal they came to us for in the first place?

When your paralegal understands that the financial disclosure form they're chasing isn't just a paperwork requirement, but is literally the thing standing between your client and a clear path forward, it changes how they pursue things.

And I've seen some pretty profound transformations happen when teams get all the way to that third level. You actually get to be more flexible about the how, which is interesting. I mean that seriously, when people genuinely understand what they're trying to accomplish and why, you can give them more room to accomplish it in their own way.

And what winds up happening is even if they deviate from your preferred approach, they tend to go in the right direction. They make judgment calls that serve the purpose even when they don't follow the script exactly. And that's exactly what you're looking for from a team of professionals.

Another great benefit is that that same deep understanding creates the conditions for healthy experimentation. And people who understand why things need to work the way they do are often in the best position to challenge other assumptions constructively. To say, I think there might be a better way to do this, and actually mean it in a productive sense rather than an excuse to just do things their own way.

And that's how practices get better over time, not by adding more rules, but by developing this shared understanding that is strong enough to support ongoing refinement.

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So the big question then is, how do we get there? How do we get that shared understanding at both layers of the why, the legal and the client journey oriented why? And I'll warn you, this is probably going to take a little more work than you might think that it should. And that's because you can't get there just with documentation. It's going to take some conversation. That means deliberate structured conversation with the people who actually do the work.

And a lot of firms are reluctant to take the time to have those conversations, partly because the conversations aren't easy, and partly because they're not billable. But for me, they're an essential investment in a smoother, more predictable law practice that consistently delivers on its promises.

Longtime listeners will have heard me joke before that the unspoken line on every law firm job description is "must have ESP." And I think most of us can relate to the experience of not knowing something that seems completely obvious to someone else and maybe having them get a little frustrated with us for it.

But of course, your team can't read your mind when you haven't given them access to it yet. There's going to be loads of things about your practice that feel self-evident to you. After all, you've spent years, maybe decades building that knowledge. But that's the same reason that those things are genuinely not obvious to the people around you. And accepting that reality is the first step towards actually doing something about it.

I'll also warn you that you're going to be tempted to treat this as a top-down exercise. And yes, you could definitely just draft your policies and procedures with something of a why statement at the beginning. And honestly, if that's all you have the time and energy to do at first, I'll take it. It's definitely better than nothing. But at the end of the day, that's really just a slightly more documented version of the edict approach I warned you about earlier.

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Overall, it is my experience that a structured conversation, especially one that leads to an output that documents a shared direction, is actually a faster and more effective way of getting to that shared understanding we're looking for than a top-down approach will be. And here's the thing, in our new AI age, that can actually be easier than just writing it from scratch. More on that in a minute.

So who should be in the room for these conversations? And again, you're probably going to have an instinct to try to keep it tight, right? Key decision-makers only. And I get where that instinct comes from, but I think it's the wrong one. I'm going to urge you to be as inclusive as you possibly can for a couple of important reasons.

The first is that the people who are closest to the work at the ground level, your paralegals, your legal assistants, your intake coordinators, often have the clearest insights into what's actually happening from the client's perspective. These are the people who see where things actually get stuck, where clients get confused, where handoffs break down.

And they've got knowledge that senior decision-makers don't often have because they're touching parts of the process every day. If you leave them out of the conversation, you're building your shared understanding from an incomplete picture.

The second reason to involve people is maybe even more important. And that's that when people help build something, they feel ownership over it. It's kind of like the IKEA effect. One of the reasons people value IKEA furniture is that they have non-monetary investment involved in giving it form and function.

And the same thing goes for the processes and procedures in your law practice. When people on your team participate in and contribute to your development of these tools, they're almost automatically engaged with it. They will feel a sense of ownership over it.

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What that also means is you don't have to invest in complex change management work to get buy-in on a policy that you or someone else created and handed down from on high. The adoption happens naturally because the people who need to follow the policy were the ones who helped shape it.

And I get it, one of the reasons you might be reluctant to get this diverse group of people in the room to talk about how work should get done is that it's going to take a minute. You are going to surface difference of opinions, extended discussion, perhaps genuine disagreement. But that's actually the point. You want to know where those differences exist. The question is, what do you do with them?

And keep in mind, you don't have to get everything resolved in a single conversation. There is going to be room for different approaches. I often tell my consulting clients that the point isn't to agree on everything, it's to figure out which parts of the practice can be reduced to sheet music and which parts can we hold open for jazz solos. You know, we're shooting for something approaching that 80-20 rule, so that you can take that more routine, sheet-oriented work and get consistent about the notes and the tempo, maybe even speed it up a little.

But we do it while still leaving room for the deeper thinking, the more creative work, and the genuinely nuanced approaches that different people need to take to get their job done in a way that makes sense to them. You don't need uniformity on everything, you need it on the things that matter for consistency and client experience.

Finally, if you do find that you still have genuine disagreements on topics that should be routine, then what I usually suggest is setting up a way to find out which approach actually works better. Is there an experiment we could run or a comparison we could make so that we can eventually pick a winning practice that becomes the organizational standard?

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And that way, we can transform a disagreement into a set of hypotheses to be tested. And we also keep the conversation oriented towards getting better rather than just someone being right. They will like being right, don't get me wrong, but we're trying to get better.

I've actually been encouraging and facilitating those types of collaborative conversations for years, but we're now in an era where a little AI assistance has significantly streamlined my workflow for turning those conversations into workable law practice policies and procedures. So let me take a minute to share my approach for doing it.

It starts with what I've been calling my purpose-based policy template for law practices. And something I've dialed in over several years of working with my various client firms. And it's really become the backbone for how I approach this work.

And I'm not going to walk you through every element of it today, but the thing I want to highlight is that it's specifically designed to capture those why statements I talked about at the top of the episode. Not just what the policy is and how to follow it, but why it exists. What's the problem it's solving? And how it connects to the client journey and the firm's larger purpose.

And actually, if you want a copy of the template, drop me an email at john.grant@greenline.legal, and put policy template or something like it in the subject line. I'm happy to share it with you.

Now, one unexpected thing that I've learned to like about the template is it also gives you a ready-made agenda for the conversation you're going to have with your team. Instead of walking into a room and saying, "Okay, how do we do this?" that can produce a lot of wheel spinning. You're walking in with a structure.

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Now, where the AI piece comes in is that I now record these stakeholder conversations with everyone's knowledge and consent, of course. I then take the transcript and feed it into an AI project that I've created specifically for this purpose.

And I happen to be using Claude at the moment, but I've had a previous version of it in another tool. It worked pretty well. I've got the template loaded into the project along with some examples of adopted policies from the same firm if I have them, and an increasingly detailed prompt that helps me dial in the output that it produces with the kind of language I like to include.

And what comes out the other side is a really workable first draft. It's by no means ready to implement, but it's a useful artifact for continuing the conversation and getting to that common understanding of how we should be working.

And there's something about reducing that conversation to a document that I find is really helpful in getting people to critique it and engage with it and really work to push it over the finish line into an implementable version.

Now, a couple of quick notes about healthy AI use.

Number one, my prompt instructs the tool to give me verbatim quotes from the conversation to support the things that wind up in the policy. If there are unsettled topics, I've instructed it to clearly mark sections with something like "more discussion needed." And then I do actually give the AI permission to suggest things, but I've instructed it to clearly mark AI-introduced material for the team to consider with a label.

And so far, I've found that those guardrails do a reasonably good job keeping things on track as long as there's also plenty of human in the loop activity. Again, AIs love to jump guardrails, but I think keeping it honest with

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my own review and my own recollection of what happened in the meeting really helps me get to that result pretty quickly.

The upshot is that the whole process from recorded conversation to validated policy is significantly faster than when I was creating the draft policies from scratch. And honestly, the output is better because it reflects what folks actually said in the room as opposed to just my recollection of it.

But regardless of how you build them, here's the way I want you to think about the consistency mechanisms I'm talking about, because they're not just internal operational tools, and they're not just dry policies and procedures. They're really the means by which you keep the promises that are embedded in your client journey map. Every mechanism we put in place is in service of that client journey.

So you can start with the definitions of ready and definitions of done that I talked about back in episode 104. And at the time, I framed them primarily as flow guardrails, right? Ways to reduce rework, prevent backflow, keep work moving cleanly through your system.

And all of that is still true. But viewed through the lens of the client journey, they take on this other dimension because your definition of done at each phase isn't just an internal waypoint, it's the moment you've delivered something meaningful to the client.

And your definition of ready for the next phase is effectively the coordination tool between you and the client, something of a handshake that says, "Hey, we're both prepared to move forward." So those definitions become the joints in the journey, the places where progress becomes visible and tangible.

Now, I do want to introduce kind of a new practice that helps tie all this together, and it actually builds directly on something I covered back in episode 107 when I described cycle time. And remember, cycle time is the

elapsed time from when work starts to when it's done. It's the closest thing that we have to that objective measure of client experience, because for most people, the faster the work moves through your system and keeping the quality high, the better that experience tends to be.

But of course, cycle time is a whole matter tactic. It tells you how long the entire engagement took, which is useful, but it's a pretty blunt instrument when you're trying to understand and improve the client's experience at a more granular level.

And so the tool that I want to introduce is called a service level expectation. And they're basically a phase level cycle time. A quick aside, I'm calling them service level expectations instead of service level agreements, and that's intentional. SLAs tend to be, at least for lawyers, contractual commitments that can have real consequences for missing them.

SLEs are more about operational guidelines. They're things we want to hit, but they're not hard deadlines with immediate consequences like the fixed date work item types I talked about back in 106. Missing an SLE is meaningful feedback, but it's not a crisis.

And so we use those SLEs to measure not how long the whole matter took, but what are the timing commitments for each individual phase of the journey? Something like, once a client returns their estate planning questionnaire, we endeavor to get initial drafts out the door to them within 7 to 10 business days. Now, just like whole matter cycle time, these SLEs need to be grounded in reality.

So the right service level expectation for a given phase is one that genuinely meets the client's need for progress and predictability, while also being something realistic that your system can consistently deliver. If you're too aggressive, you're setting yourself up for failure, and if you're too loose, you're not actually providing that managed experience that builds trust with your client.

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But when you get them right and you do that by embedding them in your policies and procedures, the SLEs do something that raw cycle time data alone can't do, and that's to make these timing commitments visible and explicit to the client before the work even starts. They wind up basically part of the journey map, they're part of the process.

And actually, let me call something out explicitly because if you look at the structure I talked about when defining the phase of the client journey map last week, the purpose of the phase, the goals it serves, the timing, what the client needs to do, and then what we will do, that structure maps almost exactly onto what an effective law practice policy should contain.

In both cases, we're trying to give people the context they need to achieve a quality outcome, and we're doing it by engaging them at a human level, not as cogs in the machine. The philosophy is basically the same, it's just the audience is different. In the journey map, the audience is your client. For your policies and procedures, it's the members of your team.

And that's helpful because then you can use your policies and procedures to connect them to the client's lived experience on that client journey map. Because when you're building out your policies and procedures for each phase of the journey, I want you to think beyond just the work activities and the timing commitments to explicitly design in the client-facing touchpoints, too. And that's the moments when you're asking for something from the client and the moments where you're delivering something back to them.

On the asking side, that's your client homework requests, the information, decisions, approvals you need in order to move the client forward. And we talked about this before in the series, but the key is that every request should be clearly tied to a purpose that the client understands and that it supports that sort of quid pro quo microtransaction that I talked about last week. You give something, you get something. It's right there for people to easily understand.

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On the delivery side, that means your progress communications, the updates, the deliverables, the milestone markers that tell the client where they are on their overall journey and what's coming next. And remember, this idea of managed versus unexpected waiting. We want to plan those communication touchpoints inside of your policies because they're opportunities to convert potential anxiety into actual reassurance. The client doesn't need to wonder what's happening because your system has already accounted for telling them.

There's actually a third type of customer touchpoint or client touchpoint that I want to call out. And this is maybe the most important one, but it's the one that is often missing in law practice workflows, and that's a strategic check-in.

And I don't mean the, "I know in my head how this should go" strategy. I mean an actual strategy document, something akin almost to a project plan that captures for your client and your team alike, what we know about their situation, what we think we should be doing based on what we know right now, and how that could change based on what we learn along the way.

And that's the bridge to what I'm going to cover in next week's episode, because having that documented matter strategy plan is really the thing that takes your general client journey map and makes it specific to a particular client and their unique situation. And honestly, this might be the most genuinely agile idea in this whole series, so be sure to come back next week for that.

But today, I want to close with a thing that I think this all adds up to because I don't want it to get lost in the mechanics. Everything I've been building in this series, the visibility, the flow, the quality standards, the capacity discipline, the cadence, the metrics, the client journey map, and now the consistency mechanisms, they're all in service of one shift. And that is moving a practice from where outcomes depend on which particular person

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happens to be handling your matter to a practice where the system itself is what produces good outcomes.

Yes, the legal judgment remains individual, but the operational reliability becomes institutional. And that distinction matters because individual excellence, while important, like I said, can be fragile. It's hard to see when it's happening or when it isn't, and it doesn't work well when the person who's needed to deliver that individual excellence is bottlenecked or overwhelmed.

It also doesn't scale well. It doesn't survive turnover, it struggles under sustained pressure of your systems. But institutional reliability can continue to perform. It's what makes your promise-keeping machine actually keep promises, not just when everything is going well, but when things get hard.

And building this institutional reliability does not require you to become a different kind of lawyer or a different kind of firm, but it does require you to be intentional about the things that have maybe been left unexamined or unstated. You need to bring in the conversations you haven't had, the policies that live only in people's heads, the standards that everyone assumes but nobody's actually written down. That's the work that you need to do. And trust me, it is worth doing.

One of the features I'm most proud of in GreenLine is our functionality around setting and showing progress against service level expectations. Remember that the columns on your board reflect a phase of the work in your client journey, and for each column, you can set an SLE in the system for how long a matter should spend in that column.

And we've got this great functionality that when a matter exceeds that threshold, there's a time and column indicator that turns red on the board. There's no report to run, there's no manual checking. It's just visible right there where you're doing the work itself.

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And here's the cool part is the GreenLine system calculates the average time your matters have actually been spending in each column over the past month, and it shows you that data when you're setting up your SLEs. So that way, you're not guessing about what the SLE should be. You're giving a reasonable estimate based on the flow of actual work in your system. Your expectations are grounded in your firm's performance, which is exactly what I was saying a good SLE needs to be.

Now, the data also gives you a broader systemic feedback loop. So if your average time in a phase is consistently longer than what you'd want to promise to a client, that's a signal. Either you need to adjust your client expectations to reflect reality, or you need to give that phase of your workflow some attention to speed it up. But either way, the system's giving you the diagnostic information you need to improve.

If you'd like to see how SLE tracking works in GreenLine or any of our other features for creating smooth and predictable flow in your law practice, head on over to greenline.legal and click that book a demo button. I'd love to show you how it works.

All right, that is it for today. If you found this episode helpful, please spread the word by sharing it with a colleague or friend. And just a reminder, I've made a couple of offers over the last two episodes to share some resources with you. And please don't hesitate to take me up on them.

One was the client journey map template from last week, and this week it's my law firm policy template. And if you'd like to take a look at either of them, shoot me an email at john.grant@greenline.legal.

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

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