

Ep #116: Low Productivity in Your Law Firm? Don't Blame the People



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With Your Host

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We've all heard the line, a bad system will beat a good person every time. So why, when productivity breaks down, are we so tempted to find someone to blame instead of looking at the system's shortcomings?

In today's episode, I push back on a couple of talks I attended at a recent conference where the speakers leaned hard into the idea of low productivity as a personal failing. And I'll share a surprisingly simple way to help the people on your team approach things with a systems lens and take a collaborative approach to making things work better.

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 we get started. The concepts in today's episode should be useful to you no matter what type of practice you're part of or what tools you use. If you like, stay tuned at the very end where I'll talk about how my software tool GreenLine supports the practices we talk about in today's episode.

Hey everyone, welcome back. So I've got a little bit of a change of pace this week. I am coming to you from the site of the 2026 Association of Legal Administrators conference where I just got done giving a talk called "Beyond the Board: Kanban Strategies for Smarter Legal Operations."

And my audience was a little bit different. I normally am talking mostly directly to lawyers and sometimes other legal professionals, but this was a very targeted audience full of legal administrators, legal ops professionals, sometimes senior paralegals who maybe are directly involved in running a law practice and the productivity and effectiveness of a law practice, but don't always have clear decision-making authority. They're working more in

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a world of influence rather than control in terms of how things are going to work in their practice overall.

And I initially was going to do this episode as something of a recap of that talk, but I think a couple of things are true. Number one, most of it is review material, right? If you have listened to the 101 series, then you have the basics of what I talked about. If you haven't listened to the 101 series and you want the basics, that's a really good place to go find them.

But what I thought I'd do instead is zero in on a couple of the audience questions that I got at the end of my talk because, number one, they were really interesting. They reflect sort of the real-world lived experience of the people who were in the room. And number two, it highlights a framing of a particular challenge that I hadn't thought of in quite this way before. So I'm going to try to unpack it a little bit with you today. But first, let me paint a picture of this conference a little bit.

Number one, it is huge. It is a really big conference. I was a little surprised at how many people are here, how many exhibitors, vendors are here, and it's really a well-conceived, well-put-together, really broad set of topics. I think during my time slot, which was sort of the dreaded 4:00 in the afternoon on the first day time slot, at least it wasn't the last day.

But you know, by the time people got to my session, they'd had a pretty full day, right? Their brains were filling up. And so hopefully I was engaging and entertaining enough to hold their attention. It seemed that way from the vibe of the room. But I think I was one of like six options during this time frame, too. So there were lots of different ideas and topics and interest areas really available for the participants of this show.

The second thing from the sessions that I went to today, and maybe that reflects my choices, but certainly from the opening keynote, which was the only thing going on at the time, the big topic you might think would have

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been AI, and AI obviously came up, right? It is part of the zeitgeist right now.

But really the thing that people seemed most interested in and concerned with was this notion of productivity. Although also to the extent that there was an undercurrent, it was, "Holy cow, things are changing fast and what can we do to embrace, react, respond to all of the change that's going on around us?"

And that started with the morning keynote. And I'm actually not going to name the speaker, partly because I got quite a few quibbles with what she presented and sort of what her claims were. I think there were some definite good tidbits of information, although I would put them mostly in the category of productivity hacks, not necessarily well-grounded, well-thought-out, like long-term productivity tools.

And before I get to my main quibble, her framing was one that I didn't actually believe her premise. So the core claim that she made is that only 6% of people in any given population actually reach their goals. And I just don't think that's true.

She didn't really back it up with evidence. There maybe was some local stuff that she had done with a small sample size in her particular work, and maybe the data bore that out. I'm not sure. She didn't show the data. But to me, it doesn't pass the smell test, right? I look around and I can't say with confidence that only 6% of the people around me are meeting their goals on a regular basis. I think it's more than that.

It kinda depends on how you define meeting your goals, any number of things, but it was an interesting framing that was sort of meant to create an in-crowd and an out-crowd. And obviously, the audience was meant to be in the out-crowd wanting to get in, right? What is the secret of the success of this 6%? And again, I don't love that style. I understand it from a framing perspective, but it's obviously not the way that I try to approach things.

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My bigger issue is that she framed this, whatever, needing to achieve your goals more largely in the language of you're not doing it right or you're not trying hard enough. And she was kind of a scold. And I don't know, like, yeah, sometimes I need to be nudged into a little more motivation, a little higher expectation, and I think all of us do.

But I felt like she really came at it from sort of a place of wanting to make people feel bad about where they were and feel inadequate about the progress they were making and therefore buy into the process and system. She had a book that she was very liberally promoting through her keynote. And I don't know, it all fell a little flat for me.

And then after that, there was another session by a guy who, again, was sort of talking about productivity in the context of personal productivity, and the title of his talk had something to do with calling BS on the notion of busy. And his was interesting in that he did talk about some themes that resonate with me. A big one of them is the need to curate your commitments, clean things out a little bit.

And obviously, I'm a big fan of that. But he still framed it in language of a personal shortcoming and that if you're finding yourself overwhelmed by tasks or not delivering on the highest priority tasks or otherwise not achieving what you hope to achieve, it's because of your personal failings or your personal choices. And there was a lot of blame-type language that, again, it's just not my vibe.

And so I actually led my talk kind of responding to those earlier sessions, and I tried to reframe and say, yes, there is an amount of personal knowledge, personal motivation, personal dedication that it takes to be more productive, get more done, build teams that are getting more done, etc. But I tend to look at it more through the lens of a systems challenge rather than a personal failing if the productivity of a person, a team, a firm isn't quite where they want it to be.

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I think of it more as a lot of law practices haven't done the deeper work and the visioning work collectively around creating the environments and then building the structures, the processes, the procedures, the training, and the tool sets that allow for high productivity work as opposed to high-effort work, which is, of course, what most law firms are rewarded for. And basically that it has more to do sort of with the air we breathe and the water we swim in than it does the individual failings of any one person or set of people within the team.

And I centered or sort of reframed the direction I wanted to take things with one of my favorite W. Edwards Deming quotes, which is, "A bad system beats a good person every time." Even with the best of intentions, it's really hard to achieve what you want to achieve or even what the organization needs you to achieve if the systems and the structures aren't there to support both the work that you're doing and the way that you need to be working in order to accomplish that work.

And then, of course, it'll come as no surprise to you that I talked a lot about Kanban. And obviously Kanban boards and Kanban cards and Kanban-based systems, but also a lot of the principles and practices, things that I touch a lot on in the podcast. In fact, a lot of my slides had references to specific podcast episodes where people could go a little deeper because, you know, with only an hour, I could only bounce over the top of some topics.

But frankly, the best part for me, and in retrospect, I wish I'd left a little more time for questions because the audience questions I got were amazing. And really coming from a little bit different angle than I often hear when I'm working directly with the lawyers. And there were two separate questions that kind of danced around this same topic and, again, no surprise, I talked about bottleneck theory and identifying bottlenecks and the importance of working to improve the flow of work at the bottleneck.

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And we had two different people that spoke up with a version of a question that I've actually addressed before, but from a different angle. So the topic that I've addressed before, and this is back in episode 36 of the podcast, is what to do when I'm the bottleneck. The question I got today was a little bit different.

Again, this is coming from law firm administrators or other operations professionals, is what to do when I know where the bottleneck is, it's not me, but the person who is largely responsible for the bottleneck doesn't have good self-awareness around the fact that they're the bottleneck.

And that is a way stickier wicket. Number one, because sometimes calling someone out as the bottleneck, it risks something of a blame framing. Like, why aren't you getting the work done? And especially for people in the positions of these legal administrators, that can be a little bit of a risky thing to do, right?

They don't necessarily have the power of ownership, leadership, management, especially I think at least one of the questions was the bottleneck was clearly the managing partner of the firm. So, right, there's definitely a power dynamic there that you have to be sensitive to when you're doing this work.

The other thing, and I addressed this in episode 103 as part of my 101 series, I think at least one of the two questions, the identity of the person who is the bottleneck was wrapped around this idea of individual heroics, right? They saw all of the work that they were doing to keep things moving forward as a big part of the value and the worth that they were bringing to the law practice. And so they actually kind of liked that they were the bottleneck because it gave them ample opportunity to engage in those diving catches, heroic saves that I talked about back in that prior episode.

And so here's how I answered that question. And actually, very specifically, one of the questions was basically, how do I tell this other person when

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they're the bottleneck in our overall practice? And my answer to that is, you don't necessarily tell them, you show them. And what I mean by that, it's pretty consistent with the advice I gave all the way back in episode 36.

If you start by making the work and the workflow visible and you can see number one, what the overall process is for this particular firm to get work from intake to close out through the stages of whatever they happen to be for their practice area, and I didn't actually learn the practice area for either of these questions. But the beautiful thing about a Kanban board is it makes the bottleneck really clear. When there are lots of cards stacking up in a particular section or column on the board, you can be pretty darn sure that that is the bottlenecked phase of your practice.

And so one way to think of it and maybe a level-one answer to the question is, when you make the work visible on a Kanban board and you make the bottleneck explicit, then when you go to the person who is the bottleneck and just show them a picture, you don't have to say, hey, that's you, they're likely to come to that realization on their own.

In fact, it's better if they come to that realization on their own. And while that won't always lead to the self-awareness that, oh, I'm the problem and therefore I need to do something about it, I think it's more likely than not to get to that kind of a result.

Now, the level-two answer, and I actually like this one even better, is that when you show where work is getting stuck, you can sort of convene the team, right? All of the people who are responsible for parts of the work, and instead of lingering on the why is it getting stuck or who's responsible for getting stuck question, you can sort of go straight to solution seeking.

And you can say, okay, the work is getting stuck. It doesn't matter why. But what can we try in terms of running experiments with our process or streamlining our tools or improving our templates or our quality standards

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or any of these other tools that I love from process improvement and the Kanban method?

But what experiments can we try to improve the flow of work at the bottleneck? And in that way, you've completely skipped over anything that is likely to lead to sort of the bad emotional feelings around guilt and shame, which yes, they can be useful motivators in a certain context, but I just don't think they're that effective in the grand scheme of things. Making people feel bad is not a good overall engagement strategy and it's not a good overall productivity strategy.

But when the team sees it and sees it as a challenge and an opportunity and then engages in a productive discussion together about what solutions can we try and of this universe of possible next steps, what are the one or two that we're going to take now in order to run that experiment to see if things get better? That is a really empowering discussion. And I think it's one that fosters team cohesion and unity and engagement, sense of participation.

And then if it works, then you also have this great thing where people have a sense of pride and ownership in the outcome. And it begins to change the culture of the practice of the team of the firm so that we are now the kind of team that is able to identify problems and then come to solutions as opposed to identifying problems and blaming someone or something for them.

Hey everyone, a quick note on how my software tool GreenLine supports some of the concepts I talked about in today's episode. And I'll start with one that I've talked about before, right?

GreenLine is a Kanban system and it is really excellent at making both work and workflows visible in a unified place that all team members can look and see and understand what's going on high level with the flow of

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work, including how well work is flowing and where it is getting stuck, where those bottlenecks are.

And, you know, a lot of Kanban systems could be good for that. There's a lot of features that are legal specific and also a little deeper into the Agile methodology that I think you'll find GreenLine is a better option than some of the other tools that are out there.

The other thing, and this is really important when you're running experiments about improving the flow of work at any part of your practice, but especially at the bottleneck, is the metrics we can give you in terms of cycle time and flow efficiency and dwell time in any particular column.

Those are the tools that give you the baseline in terms of how your practice is performing today that allows you to then gauge whether the process improvement or technology improvement experiments that you run tomorrow have actually made things better, right?

You can look at the metrics, at the data, and you can see how your new efforts are performing, and then that lets you know whether you need to keep doing more of what you just tried, or maybe that wasn't effective and we need to try something else.

So if you'd like to get a look at GreenLine and how it can help you both establish those visual workflow management systems and also track the data associated with them, head on over to greenline.legal and look for that book-a-demo button. My partners and I would love to show you how it works.

All right, that's it for today. Hopefully, if you weren't at the ALA conference, this gives you a little flavor of what it was like, both at the conference and in my session. If you were there and you've started listening to the podcast, thank you. And thank you for coming to my talk. Hopefully, you found it useful. Obviously, if you are now listening to the podcast, you found it

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useful enough to come on over and give me a listen. And I hope you are finding whatever episodes you've listened to to be useful in your practice.

If you haven't already, I do recommend that 101 series and especially apropos to today's topic, that episode 103 about avoiding the heroic saves and really getting to a more systematized way of delivering work predictably and consistently without having to make any diving catches. I think that one will really resonate.

If you find today's episode interesting or useful or really any of my episodes useful, I always appreciate it if you share it with a friend or colleague who you think would benefit from a more Agile approach to their legal practice. And of course, it's also always helpful if you rate or review me on Apple Podcasts or Spotify or YouTube because that helps other people find the show in a more organic way.

If you have questions or topics you'd like to hear me discuss, you can reach out to me at john.grant@greenline.legal and I'd be happy to either address them on the air or we can take it offline and dig a little deeper one-on-one.

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.