

**Ep #56: Less Is More:
Why WIP Limits Boost Legal Productivity**



Full Episode Transcript

With Your Host

John E. Grant

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

If you're like most legal professionals, you are probably operating under near constant pressure to take on more work. One of the things I think we all instinctively know is true, even if we have a hard time putting it into practice, is that the secret to getting more done isn't putting more on your plate, it's doing fewer things at once. We all know that putting more on our plates is actually hurting, not helping, but we struggle with effective tools to protect ourselves from doing it anyway.

In today's episode, I am breaking down one of the core practices of the Kanban method, limiting work in progress, or limiting WIP. You'll learn about different manifestations of doing too many things at once, what it does to your brain, and how it affects your client experience and your ability to keep your commitments. Most importantly, I'll give you several tools and ideas for how to set WIP limits in your personal work and in your practice overall to regain control of your workload.

If you're ready to stop feeling like you're spinning plates and start consistently and predictably getting things done, this is the episode for you. You're listening to *The Agile Attorney Podcast*. 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.

All right. So in this episode, I'm going back to one of the core practices of the Kanban method. And since I think I've got a lot of newer listeners since I've done more of a basic overview of the Kanban method, let me explain first and foremost that The Kanban method is different from just using a Kanban board, and that's confusing, I know.

There's a lot of context for the word Kanban. There's Lean Kanban, there's Agile Kanban, there's Kanban boards that are used in Scrum, which is a different Agile practice than the Kanban method. It's all really crazy and I apologize. It's like word soup, but it is what it is. And I'm going to use the

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

actual words so that you can Google them and look up other resources and things like that. So obviously I'm a big fan of Kanban boards.

I probably should be talking about them and I will talk about them more in the coming weeks on the podcast. But there are a lot of things around the Kanban method that are really useful in addition to or sometimes even if you can't use a Kanban board. And so I want to make sure that I'm hitting on those.

High level, I think the thing that is important for you to know about the Kanban method is that it's this overarching set of principles, practices, and tools that are designed to foster managed evolutionary change, especially in knowledge work environments like law practices. And a lot of it, like many of these things, they sort of initiated in software, but the Kanban method has been successfully implemented in all sorts of knowledge work environments, and obviously I'm a big fan of using it in legal.

The six high-level practices of the Kanban method, and I'm going to rattle them off, there's not necessarily an order to it, although this is probably the order that they're most commonly implemented in. And you know, again, I don't have a strong feeling about whether you have to implement them in this order. But I would say that most of the time when we're introducing these tools and these concepts, they go roughly in this order.

So the first one is to make work visible. And I did sort of a deep dive on creating a basic Kanban board, which is obviously a tool for making work visible in episode 44 of this podcast. And then I talked about another tool for making work visible back in episode 53, where we talked about calendar blocking and calendar bucketing.

There are some other ways to do that as well, but I would say that it just is one of the most transformative things to be able to actually see knowledge work and process it in that more efficient way that your brain can process

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

visual information over trying to remember lists and spreadsheets and things like that.

The second practice is limiting work in process or sometimes limiting work in progress. I'll go for either. I usually just call it limiting WIP and I'm going to hold off on a deeper explanation because that's going to be the point of the rest of this episode.

After that, we talk about managing and measuring flow. And that's really using data. We sometimes use a metric called flow efficiency, but it's built on some other things like cycle time, which is basically the time it takes you to finish a matter from intake to closeout or finish a particular task from start to finish, whatever it happens to be.

But this idea of cycle time and then flow efficiency, which is the ratio between the working time and the waiting time. And if you want a deeper dive on this one, I haven't done a podcast episode on it yet, I don't think, but I talk about it in my Agile Attorney Boot Camp email series, and you can see where to sign up for that on my website at agileattorney.com/start.

After that, the next practice is to make policies explicit, and I've got a couple episodes on this. Episode 10 introduces the concept of making policies explicit. And then episode 22 talks about how to write effective law firm policies. And once again, pointing back to that start page on my website, I also have an Agile Attorney Policy template that you can access there.

After that, we talk about implementing feedback loops. And again, I've got a few episodes on this. Episode 38 is about delivering effective feedback to your team members. And then more recently in episode 53 and episode 54, we talked a lot about feedback loops in terms of reflecting our priorities in the amount of work through the use of weekly planning and weekly review meetings and then daily stand-up meetings.

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

And then the sixth of the Kanban practices is to evolve experimentally. And I don't really have a specific episode on this, although it comes up, I think, in a lot of the different discussions. The main thing here is getting back to that notion of managed evolutionary change, right? We're not going for these big bang disruptive things, implementing new technologies or completely changing out systems.

It's really about trying little things that we think are going to improve the way that we work or the way that work flows through our systems, measuring whether those things actually help us or not, and then doubling down or, if it doesn't work, changing things and really improving what we know about our practice as opposed to just sort of throwing spaghetti at the wall or putting all of our hope in some big magic wand or silver bullet initiative.

All right, so hopefully that little refresher is helpful, but I really want to focus today on this notion of limiting WIP or limited work in process. I guess I'll call out briefly only because it comes up every so often.

When I'm talking about WIP, I'm not talking about that very narrow definition of WIP that I sometimes think of as lawyer WIP, which is work that you've time-tracked but haven't yet billed for, I think is roughly what that definition is. It's more common in bigger law firms. I don't see it as much with smaller firms. That is technically a form of WIP, but it's not the big form of WIP that I'm interested in.

When I talk about WIP, I'm really talking about concurrent work, right? And it's that metaphor that I've used before of when you're juggling lots of balls, right? You are in a situation where the more balls you have in the air, the more of your time and attention and finite capacity you have to spend sort of managing the space between the balls, as opposed to actually making progress on the balls themselves.

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

And so when we talk about limiting WIP, what we're trying to do is eliminate all those little spaces and make it so you can have the time and protected space and capacity to actually make progress on some of your most important work items, get them all the way to done, and then pick up another ball and start that one.

It ties back to one of the unofficial mottos of the Kanban method, which is to start less in order to finish more, or sometimes more succinctly, stop starting and start finishing. And limiting WIP is a way to do that. There's actually a few different dynamics of WIP that I think are interesting. One of them is at a personal level. There's actually a pretty interesting book, at least interesting to me. I'm not sure I'd recommend it because it, I think, is a little designed for people in larger organizations and it's also, I think, a little bit focused on sort of corporate and technology teams. But there's still some really great things in it. And the book is titled, *Why Limit WIP?* And it's written by a guy named Jim Benson, who is one of the leading thinkers in the Kanban movement. And he talks about a phenomenon known as the Zeigarnik effect.

And this is a phenomenon that was described by a Lithuanian psychologist named Bluma Zeigarnik back in the 1920s, where he observed that there's this phenomenon that happens with people that if we have a list of tasks and we finish those tasks, then our brain has this amazing ability to sort of let it go, and we don't wind up obsessing over or sort of holding onto information about things that we've already completed. We're able to say, okay, that's done. I now can free up my resources in order to work on something else.

But when a task isn't done, our brains tend to want to keep thinking about them and they want to hold information in flight about whatever that task is or set of tasks are, and it can go into almost sort of an obsessive cycle where it's trying to get you to get this thing done. And it wants to maybe revisit information or worry that it doesn't have enough information.

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

And I think I'm probably describing a phenomenon that all of us have felt at some point or another where we, you know, wake up in the middle of the night or are, you know, doing something that's maybe not related to our work, spending time with our family, maybe at the gym, and all of a sudden, like this sort of flood of open-ended items sort of comes up and you start to worry, oh my gosh, I need to get these things done. That's the Zeigarnik effect.

So one of the reasons to limit WIP on a personal level is that it actually puts your brain at rest. We want to sort of allow ourselves to say, hey, we finished this and I can let it go.

And it's interesting, one of the things I hear a lot when I'm working with teams implementing the Kanban method, once they have a Kanban board in place, that actually winds up putting their brains at rest a little bit too. I often hear from team members that, oh, I'm sleeping so much better at night because my brain has a mental map of where the work is. Therefore, it's not trying to hold on to as much information about that work. I have confidence that I can turn on my computer or walk into my office tomorrow morning, and everything's gonna be where I put it. And that can be very freeing. And I think that's a form of the Zeigarnik effect as well.

So, you know, that's WIP at a personal level. Obviously, there's WIP at a team or an organizational level. And we talked about a lot of that again in the episodes about the weekly planning meeting and the daily standup meeting, which are both designed to sort of comb through the available activities that you have open for your team and make commitments to being able to get those things to all the way to done ideally, or at least to a natural resting state.

And so, you know, those open matters, open tasks as a form of team WIP. And again, just like that juggling metaphor, right, the more active things you have open, the more time and energy you and your team has to spend just

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

tracking stuff, right? It's just pure administrative overhead. It's not making progress on anything. It's just making sure that you don't lose track of anything.

The other thing worth calling out is the effect of WIP on client experience. And I talked about this way back in episode three when I talked about finding and fixing bottlenecks. And then more specifically in episode five, where I talked about the relationship between work in progress and delivery speed, where I discussed Little's Law or sometimes the Kingman's Formula. They're basically saying the same thing, where the time it takes to deliver an average piece of work is proportional to the total amount of work that's in your system.

So the more WIP you have, the longer it's going to take you on average to deliver any one piece of work, and that directly impacts how your clients are experiencing your legal work product. You know, one of the ways I talk about this with my clients sometimes is that every commitment you make to a new client or to a new piece of work when you're already at or over capacity is actually stealing from the experience of clients that already have work in your system, right? It's stealing your finite capacity from commitments that you've already made.

Another way to think of the same concept is when you make a commitment to a client or to anybody, right? A customer doesn't have to be a client. You kind of put yourself in what I sometimes think of as a form of debt. I call it delivery debt.

So once you've made a commitment, you owe a debt to that person that you have to then deliver on, ideally within a reasonable timeframe or a promised timeframe. But the more additional work you let into your system, number one, the more your delivery debt is piling up, but number two, the less likely you are to be able to actually meet your commitments that you've

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

already made. So again, I'm kind of saying the same thing, but hopefully one or both of those ways of thinking about it is useful for you.

All right, so how do we limit WIP? And I'll admit, right, this is way easier said than done, but there are specific tools you can use that will help make you better and more intentional about the number of commitments you're making when you already have work in your system and as I said at the top of the show a lot of those I've been talking about on the podcast recently anyway, right calendar blocking, calendar bucketing, it's a great way to sort of show what commitments you have or at least give space on your calendar to the commitments you already have. And therefore, when you're out of space on your calendar, that's sort of your WIP limit.

I also talked about it in the Agile meetings, like the weekly planning meeting, where we have a hot list, but we cap the number of matters it's going to get on that hot list. Or the daily standup, when we're clear that when we make commitments for the next 24 hours, that we're only committing to things that we genuinely think we can deliver in that 24 hours. And we've got this feedback loop if we don't. So we're sort of working ourselves into a personal WIP limit through the practice of the daily standup.

Another way to implement a WIP limit, and in a way this is a form of a policy and I haven't talked about it a lot on the podcast, I don't think, but is to use your Kanban board and set WIP limits on the board. And you know, partly this depends on what tools you're using. If you're using some of my preferred tools like Kanban Zone or Business Map, it has the ability to set WIP limits at a lot of different places that you can do it at the column level.

You can do it at the board level, some of them let you do it at the personal level, but you can actually use the tools to enforce the limit. Like if you try to go over it, it just won't let you. You can also set a lot of them up to signal you when you are at or over a WIP limit without necessarily stopping you

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

from putting new work in. So it turns things red or orange and throws up a bunch of flags. But at least when you do exceed your WIP limit, you're doing it knowingly and not accidentally, and that's an improvement.

Even if you're using a tool that doesn't natively allow for WIP limits, and I know Clio Matter Stages doesn't support WIP limits, I know LegalBoards doesn't support WIP limits, I know Lawcus doesn't support WIP limits, Trello doesn't support WIP limits, although there's plugins I think that can help with that. A lot of the more common tools don't have native support, but you can still, you know, in the title of your columns or in the title of your section, you can put a WIP limit in, just throw a number in parentheses after whatever the workflow stage is, and at least you are committing to that cap. It doesn't enforce it in that way, but you can still start to get some visibility by implementing a WIP limit whatever way your tool allows you to do it.

You can also set a firm level WIP limit, right? Either on your Kanban board by saying, okay, these are the maximum number of matters that we're going to allow in to the board, or you can just have it as a firm policy. And I talked about that back in episode 21, when I told Laura's story and how she came to this realization that you can't scale your way out of a sustainability problem. And so she got really intentional about capping the number of cases and even coming up with a weighted number that reflected the difficulty of some cases and was able to sort of reclaim her capacity and get work flowing as a result of that.

And I'll actually share with you something that I got as an autoresponder from an attorney that I had emailed last week that I thought was great. It really encapsulates, and this is not someone that I've talked to. I'm not sure if they're a podcast listener and maybe they got some of these ideas from the podcast or not, let me read from this response email for you because I think it's great.

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

It says, due to my current caseload and commitments, any requests for new work are currently being added to a waiting list. New projects will be started on a first come, first serve basis as each current planning project is concluded. In the meantime, I recommend you look at some of the informational resources about estate planning that I've provided in the FAQ section of my website.

So I love that, right? Number one, they're really clear that they have a case limit, that they're managing their practice in a way that is intentional. Number two, they've got a first-in-first-out policy, which I love. I'm totally overwhelming you with other episodes right now. They should all be in the show notes, and there's gonna be a lot of them this time, but I talked about a first in, first out policy in episode 27.

And then the other thing this attorney is doing is they're not really saying no, they're just saying not yet, and then they're directing the client or the potential client to information on the website. So they're caring about the experience. They want the client to get smarter. They're just being really clear and direct about what their boundaries are, what their overall limit is.

The final thing I'll call out from this auto-reply that I love is the notion of a waitlist. And I think that's not uncommon. Once you've decided that you're going to cap your case count, you need a waitlist, you need a queue. But one of the things, flipping over to Kanban boards, is I think it's great to have a queue at the front end.

And I've talked about I won't mention another episode number because I've already gone with too many. But when we talk about putting the bottleneck where you want it and the episode I did with Clark Ching, right, having those queues be at the front of your process, right? The metered on-ramp to the freeway is a great place to have it. But a lot of Kanban board tools will also support the use of queue columns or buffer columns inside of your workflow.

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

And so again, this is something that a lot of the simpler Kanban systems don't support, but the robust ones, the ones I recommend really do, is the ability to have these interstitial queues or buffers where as we finish one part of the workflow, we don't necessarily immediately start the next part of the workflow. We might go into a little holding area or a queue column where things can hang out for a minute because we've at least delivered the value of the first phase or whatever phase we just completed, and we can take a breath before we start on the next one.

Almost always when you're engaged in board design, if you're going to implement a WIP limit on a column or on a section of work, you almost always also need to implement a queue or a buffer upstream of that column. Otherwise, you'll leave work living in the previous column before it. It's not the end of the world, actually. It can be sort of an advanced practice to eliminate those buffers because it helps you get to those total WIP limits. But for teams that are just getting started with the method, I almost always will use these buffer columns or queue columns along with WIP limits because it just allows us to park the work somewhere while we're in the process of lowering the overall total amount of WIP in the system.

Alright, I'm going to leave it there for now because I think this is sort of an information-dense episode. I guess a lot of them are, but this one seems denser than even my normal. If I need to leave you with a closing thought, it's this idea that so much of like modern society and sort of the pressures of business and even a lot of the things inside of legal culture or the legal profession, they're all designed to make you think that you need to be doing more with the resources you have or even doing more with less. And you hear that in all of the legal technology pitches. You hear that in some of the marketing pitches. Certainly you'll hear that from a lot of practice management coaches or programs or things like that. And it's just I don't know. Right. I think that that's a great idea. I think that it's obviously very attractive. I just don't think it's that realistic. The best way to do more with less is to do less. And you can't actually do more.

Ep #56: Less Is More: Why WIP Limits Boost Legal Productivity

You've got finite capacity, which means that putting a WIP limit on, right, limiting the number of things that you're going to let into that capacity, forces you to then prioritize. And it's that flip side, right? The honest reckoning of capacity is the first step. And then the brutal assessment of priorities is the next step. And the WIP limit is designed to reflect what your actual capacity is, which forces you to make better prioritization decisions.

So you're not going to be worse off for doing less because you're going to be doing less of the more important or less of the better things. This idea that we just have to do more and more and more, it's going to make you crazy and it's not right.

So really think about what is your finite capacity, come up with ways to visually or through policies represent that finite capacity. A WIP limit is a great one for it and hopefully you'll get yourself from that roiling boil down to something more manageable, the gentle simmer that I talk about, so that you can really make real progress and feel in control of the work in your practice.

All right, thank you for listening. As always, if you want to leave me a review on Apple Podcasts or Spotify, it helps other people find this podcast and hopefully you find it useful. Also please share it with colleagues or friends that you know who could use this content because I'm putting it out there. I think it's really helpful for people.

This podcast gets production support from the great team at Digital Freedom Productions, and our theme song is the instrumental version of Hello by Lunara. That's it for today. Thanks for listening, and I will catch you next time.