

## Ep #98: What Law Firms Can Learn from Radical Product Thinking with Radhika Dutt



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**John E. Grant**

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John: Radhika Dutt has given a lot of thought to what makes a good product in the world. And her experience spans telecom, government services, consumer apps, robotics, and she's worked in companies large and small. She's also the author of a great book on the topic, *Radical Product Thinking*, which is why I am thrilled to have her on the podcast this week to talk about what it means to have products in what we generally think of as a legal services industry.

I've given a lot of thought to this too, but when I asked Radhika what the product of a law practice this might be, her answer surprised even me. I'll give you a hint, it is not the documents you deliver at the end of your process.

A quick disclaimer, as you'll hear, I was having a few microphone issues in this one, so the sound quality may not be up to my usual standards, but the conversation is too good to lose, so I'm giving it to you as is.

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.

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All right, welcome back everyone. I am really excited this week to speak to someone I haven't spoken with before. I've been following her work a little bit and was thrilled that she reached out to me actually to appear on this podcast. And so Radhika Dutt, thank you for joining me and I'll let you introduce yourself because you do a lot of interesting things.

Radhika: Thanks for having me here and I'm so excited and fascinated by both your podcast and your way of thinking. So I'm excited to be here and have this conversation. By way of background, I think it's maybe different from a lot of the people that you're talking to and our listeners, right? But I'll

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also pick out the common threads that we have. So my background is that I studied electrical engineering at MIT. I since went into the startup world. I have five acquisitions that I was part of, two of which were my own startups that I'd founded.

And, you know, all of that sounds glamorous, but I'm going to give you the real scoop, which is that we made a ton of mistakes in building these startups. And I ran into what I will call now product diseases. These are diseases that make good products go bad. And I'll give you examples, but I think even our listeners in their law firms, it might resonate for them because whether it's in a high tech company or in a law firm, you see some of these same product diseases. So here are a few examples. One disease is obsessive sales disorder.

John: Yes. The rainmaker syndrome. Yes, in legal.

Radhika: Yes, exactly. Another example is “pivitis” where you're switching from one shiny thing to the next based on whoever is screaming the loudest. Another example is strategic swelling where you're doing everything for everyone and, you know, it'll your product will make coffee if you just ask it nicely.

But these are product diseases that, you know, I realized that even in my careers, I was learning to avoid them and build good products. I was seeing that irrespective of which industry I worked in and what size of company, I was seeing those same sorts of product diseases. And then at some point in my career, even though I could avoid them, I was observing others fall trapped to these diseases.

And so the burning question for me was, are we all doomed to learning from these failures from trial and error? Or can we build vision driven products systematically? And that's what led me to *Radical Product Thinking*. And I'm working on my next book about why goals and targets don't work and what actually does. So that's my background.

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John: Okay, so there's a lot to untack there and I think I'll start and you know, I don't want to say that like lawyers don't know what products are, but it's hard to think sometimes about products in a world that is very much thought of as a services industry.

So help by just sort of defining product as you see it and then maybe we can carry on from there. I almost said pivot, but we don't want to. We're going to avoid "pivotitis." But I want to get to this idea of like how lawyers can embrace product thinking and maybe some Radical product thinking to maybe leapfrog some of the problems that have plagued other industries as we think about a world where we really are, I think starting to productize our services more and more.

Radhika: Yeah. One thing that I realized in terms of pattern matching as I started my career, you know, in different industries, I worked in product companies and service companies actually, I've even worked in government. In fact, I work with the Singaporean government. We have been thinking about product wrong, just for the longest time. We've always thought about product as a physical or digital thing. And what I've realized is that your product is your mechanism for creating the change that you want to bring to the world.

So your product is your mechanism for creating change. And when you start to think about it in this way, right, anything can be your product. And I'll give you an example in government. I was talking to the head of the Singaporean Central Bank, the Monetary Authority of Singapore, and, you know, he was saying how a policy is your product after reading *Radical Product Thinking* that a policy is a product because your policy is intended to create a certain change in the market. And so your user interface to that policy might be a form, it might be a digital interface.

But when you start to think about this way, then you can very systematically engineer the change that you want to create in the world through your product. And so the way lawyers can think about this is what is the change

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you are bringing about in the world through your work? And when you start to think about it in that way, your work becomes a product.

Even parenting is a product. Your kids that you're launching in the world, you are launching them in the world to create a certain change that you have in mind and you've hopefully raised your kids in that way. So parenting can be a product, anything that you work on is your product to create the change you want.

John: Okay, so I love that. Well, and maybe in a self-interested way because so much of the work that I do is helping legal teams rethink and ultimately improve their workflows, right? And I think that those workflows really are the product of the practice. And yes, we're trying to achieve an outcome for our client.

And I think in terms of the change in the world, it often is really very specific to what is the change that client is trying to accomplish. And we don't even necessarily always think of it that way. I mean, there's a couple of frameworks and my longer time listeners have heard me say this before, but there's one that I like, the question is what is the problem that lawyers solve in the world?

And there's two sets of answers that I like. And one of them comes from a professor, Daniel Katz, who says that lawyers help people navigate complexity and mitigate risk, full stop, right? And that's the beginning and the end of how lawyers help in the world. And I think there's a lot to that.

But I've added on this sort of social emotional piece, which is I also think people help people who are experiencing complexity and experiencing risk to gain information, so knowledge seeking, then there is advice seeking, which is another level. So getting the information is one thing, but what should I do with that information is the next.

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And then the third one that I think gets overlooked a lot is we provide a sense of consortium to people. We really give people a sense that there is someone who cares who is in it with them. And I again, I have this other formulation that I think that lawyering is fundamentally a caregiving profession, which is not the way that most people at least initially will think of it.

So when we talk about the change for our clients, it's really, how do we get them from this world where they are overwhelmed by this complexity or this risk, whatever it is. And it could be in the context of their family, it could be their immigration status, it could be a criminal status. It doesn't matter. And get them to a place where they are able to kind of move on with their lives in as healthy and supported a way as possible.

So, you know, little things, right? But I think if we think of that as our product, or at least that is the change that we're trying to produce, then I'll ask you, like, what are some things that we could think of as helping people along that journey to be able to achieve that outcome or help them achieve the outcome that they certainly or at least we think that they want and that we want for them.

Radhika: Wow, there's so much to unpack in what you said, John. And first of all, this way of thinking, it is just so profoundly different and rare from what I generally come across. And I think in my entire career and life, there's only one lawyer who worked in a law firm whose mindset is very much like what you just described.

And she worked in immigration law and she was talking about the work that she was doing to help immigrants and fight their cases, et cetera. And she thought about it as a mechanism for creating change. She was an immigrant herself and she was dealing with a lot of pro bono cases.

But this whole way of thinking about your work as creating this change in the world. And what you said about providing a service that is both the

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emotional part, but also the knowledge navigating, the advice, the consortium. I have never heard someone talk about it in such a profound way.

You know, to me, I think a lot of what you talk about comes down to, what is one's vision for their work? And in the *Radical Product Thinking* book, right, there is a fill in the blanks vision statement where it really helps you define whose problem are you solving? What is their problem and how are they solving it today? Why is the status quo in the world completely unacceptable? And then you can answer, what's the end state I envision? And finally, this is finally where you can talk about your product, how you're bringing it about.

Now, if you think about most vision statements, right, those vision statements in the corporate world are like, you know, being the leader in data storage or there was one startup, their vision was democratizing justice. And if you looked at their product, it was actually a product that they were selling to high end law firms. In no way was it democratizing justice. But, you know, they felt like that was the vision statement that sounded meaningful.

But going back to this fill in the blanks vision statement, it is about writing a vision statement that is devoid of bullshit. It is about being completely honest about what is your vision in practicing law? And what is the problem statement?

You know, I love what you're saying that it's not just about providing information and navigating complexity because maybe, you know, I could ask ChatGPT for just information. And yes, it's not perfect right now and it'll give you hallucinating information. But let's say they've figured this out and things are better five years from now. Yeah, okay, you can get information, but that's not the problem that most lawyers who really care about their work, what they're setting out to solve.

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You know, if you just think about it from the perspective of your users or the people you're serving, like, what is their pain? How would they solve it otherwise and why are they coming to you? So what is unacceptable about the status quo and where do you come in? I think that piece is just so powerful. So if you think about your role in that and therefore what is the world you envision? I think that is the starting point, right? And that helps you really frame for yourself, what is the impact and what is the change you want to bring to this world and how you're bringing it about.

John: Yeah. Well, and to put it another way, if what you currently think of is the activities that make up the bulk of your law practice is something that ChatGPT is likely to be able to do in the next few years, then that's an existential risk. And it means that you're probably not thinking expansively enough or thinking in enough of that visionary way.

I also, Saturday Night Live had a skit that made a point that I've been making for years just this season where they make fun of lawyer mission statements and, you know, at Dewey, Cheatem & Howe we have a combined experience of 87 years doing blah, blah, blah for the community. And, you know, the joke is eventually they bring on a tortoise as a partner so that they can add to the number of years of experience in the mission statement of the law firm.

So that's not a vision per se, but that is what passes for a lot of law firm mission statements. And so I think what you're talking about in terms of again, if our product is the change that we're helping our clients make and our communities more broadly, I should say. And our vision is for that better state for that better world, it really does put us into a far more expansive way of meeting those needs and one that is to my mind at least a lot less likely to become overrun by technology as technology continues to accelerate.

Radhika: Yeah, I so agree with that. And I think this is one of the areas where we can bring in the human factor. We bring the empathy. You know,

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AI can pretend to have empathy, but we bring in the empathy and really understanding what is bringing this person to you. We're not just optimizing a number. We're not just optimizing for having them be a returned customer and you know, the billing time, et cetera. What we're optimizing for is how well are we solving that problem for them.

John: Right. Well, so then let me ask you sort of my next burning question because the way that we in legal traditionally, at least traditionally for the last 60 or so years, right? The billable hour is not, doesn't go that bad far back, but it does go about 60 to 70 years back. And so we've pretty much reached a place where there are very few people of a generation that remember what legal was like before the billable hour, which is an interesting pivot point. And it's one of the places where we talked before I started recording and my listeners have heard me say, right, I'm a fourth generation lawyer.

And I actually have been able to pull some of that old, old way, right? There are members of my family that practiced before the billable hour was dominant. So I have at least some understanding, right? I didn't necessarily experience it in the way that they did, but...

Radhika: I'm dying to know how did it happen before billable hours?

John: It was very much flat fee. It was agreed upon services. And in fact, there used to be rate cards that were published by the bar that were eventually found to be an antitrust violation because if the lawyer were to go below the rate published by the bar, they could be sanctioned. So that's price fixing, which we don't like. But that said, the solution to that problem isn't abandon flat fee, flat rate work. It's don't fix prices, right? Let the marketplace do what it's going to do.

But it turned out that the billable hour became dominant for other reasons, right? And basically it was a really good way to make money. It was a really

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good way to bake profitability into the mechanics of the firm. But to my mind, it leads to some really interesting kind of suboptimal outcomes.

One is it focuses your product on your efforts as opposed to your outcomes, which isn't to say that lawyers who bill by the hour don't care about outcomes, they do, but it's not where the incentives lie. Either if you're a small firm owner, it's not where your incentives lie in terms of your personal economic and if you're in a larger firm, it's not how you score points in the game of law firm. The hour targets are the, are the way that we keep score.

It also creates this funny, almost antagonistic relationship between lawyer and client where clients are reluctant to pick up the phone and call their lawyers and have discussions and all the rest because they're worried about the rate. The flip side of that is lawyers are terrified of going flat fee because they feel like their clients are going to call them all the time.

And one of the well worn tactics of dealing with, I guess, over anxious or over eager clients is to manage them through your bill and just make sure every time they call that it does show up as a 0.2 or a 0.3 on your bill and eventually they realize that they don't want to pay for it. And so, but again, it's this very perverse antagonistic posture, which to me runs counter of this vision that you're talking about of achieving the outcome for the client and working together, right?

I often will talk with my consulting clients about how can we find ways to get out of this posture where we are going face to face and talking at each other and get on the same side of the table so we're both looking at the future, at the problem, at the solutions and we're aligning ourselves in a direction as opposed to going at each other in that relationship.

So that's a lot of me talking, but I want to come back to, so if a lawyer or law firm is currently in a world where maybe they're doing hourly billing because it's what they know, it's what the culture is set up to support, but

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they want to think about changing that model, right? And this is a revenue model more than a product model, but I think there's ways to think about the product they deliver that aligns them in a revenue standpoint as opposed to these oddities that the billable hour creates. So I'd love your thoughts on that.

Radhika: I love everything that you're saying and, you know, this so resonates for me on the product side. When I talk about product strategy in *Radical Product Thinking*, I talk about four questions that we have to answer. So the first question is, what is the pain that makes someone come to you? The second question is, what is your product? So what are they engaging with from you to be able to solve that pain?

So that's, that's your solution, right? The third question is, what is your underlying engine to be able to deliver that solution? And then finally, the fourth question is, what is your business model? How do you deliver this? So this is where you think about your pricing strategy, your sales channels, et cetera.

And the easy mnemonic for this, by the way, is RDCL or "Radical." The R is the real pain points, the D is the design or the solution for these pain points. The C for capabilities is the underlying engine, that's the lawyers, the paralegals that you have. And the L for logistics is the business model.

And one thing that I say often is we often in our product think about the first three things, at best. We think about who's our user, what's our product, the solution? And then the third thing is how do we deliver it? Maybe it's the technology. Recently, all the talk is, oh, how AI is going to deliver it.

But the last part, this L for logistics, which is, how do we deliver the solution, meaning the business model, sales channels, et cetera. All of that is something that's an afterthought. And often, I think what happens in businesses, and this is especially true given everything you just mentioned

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for attorneys, the business model is fundamentally at odds with your clients' interests very often.

So, I'll give you an example, another business where the business model is at odds with the user's interest, insurance. Every time you file an insurance claim, your insurance company is losing money. So how often does it happen, by the way, that you file an insurance claim and they deny it, right? Because their business model is fundamentally at odds with what is in your interest.

So there's a company called Lemonade and they rethought their business model and they're doing really well. So what this company did is they rethought the business model in that when you pay your insurance premium, it goes into a pool of money. And they take a fixed fee out of that pool. Everything that is left over in that pool is what they pay insurance claims out of.

So their business model is no longer at odds with you. So their insurance claims get paid out really quickly. And the other piece of this is as an insurance customer, if there's leftover money in that pool, it goes to the charities that the customers pick out.

John: Oh, interesting. Okay.

Radhika: So the business model aligns everyone's interest. Now, going back to law firms, you know, this is something for us to think about. I'm not sure what is the right model. Maybe it is fixed fee, maybe it's something else, right?

John: Well, it's interesting. Sorry to interrupt, but it occurs to me, there's an entire branch of the legal world that only exists because so many insurance companies are misaligned with their customers in terms of their model. And that's basically personal injury or plaintiff's lawyers. And the vast majority of what they do is fight insurance companies.

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And interestingly enough, they are the biggest sector of the legal services industry that does not use hourly billing. They use contingency fees. And so they've adopted, right, for years now, model that does, right, you don't pay if we don't win. It does align them with the work. Now there's other issues and challenges in that practice, but at least that fundamental thing of that misalignment with their customer interests, they've solved through a different billing model, a different, I guess, logistics model using your framework.

Radhika: Yeah, and, you know, exactly. And I think for other types of law firms, there may be a different model. And I think the big question is, we can innovate not just in terms of how we deliver the service, but in our innovation can be in that category of logistics of how are we delivering our service?

And that's part of the pricing model. You know, I won't say marketing or sales channels because that's a bit problematic in terms of innovations through that category, but, you know, it can be a thoughtful approach is what I'm saying. It can be a thoughtful approach to align our interests with customers and it has to be what is right for your particular model.

John: Going back to something you said at the very beginning before you started talking about the four part framework, in terms of what are the triggers that cause people or what are the things that get people to the point where they hire a lawyer and one of the things that I jokingly say, half jokingly say, is that what lawyers don't realize is in order for most people to make the decision to hire a lawyer, the underlying problem they're experiencing has to get bigger than their fear of hiring a lawyer.

Because of these misaligned and there's so much of a common and I think justified perception that hiring a lawyer is really expensive. It can be complicated. There's a lot of unknown things about what's going to happen. Some people fear a loss of control once they hire a lawyer that, oh, now

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this lawyer is going to take it over and I won't have as much agency anymore.

And so all of those things are very real and in order for people to turn to professional legal help as opposed to asking an aunt and uncle or a family friend or maybe a, you know, other trusted member of the community, things have to get kind of bad.

Radhika: It is so true. And, you know, when we just align our business model with the clients' interests and it can even happen through a conversation. It doesn't even have to be a law firm's general policy.

I remember one really amazing experience that I had. So we were in the process of selling our house and it was to a tenant who was already living in the house. And, you know, we had such a great relationship with those tenants, but somehow when we were going through this agreement to sell the house to them, all of a sudden they were being, I don't know, really bitchy about it.

And they said, oh, we're only going to talk through our lawyers. And I was like, I don't understand. They had this whole long punch list. And, you know, we were even being really nice and saying, you know what, instead of going through a broker, which would have cost us X, we will sell you the house at exactly the same price that we would have put it on the market at. And I'll split the difference with you, even though every negotiation book says, don't split the difference. We were like, you know, I'm happy to like split the difference of what we would have paid a broker.

So the deal was all great, right? And they were just being unreasonable. And so I was just really tired of going back and forth with the lawyer. I just called him up. And I said, look, I just find this completely unreasonable. Here's where I'm at. If they don't want to move forward, that's fine. I'll just list it on the market and it's going to be much more painful for them to deal with. And they want to live there. It's going to be their problem.

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And the guy said to me, you know, I so agree with you. If they want to be like this, I don't want to work with them. So they're not my kind of client.

John: Interesting.

Radhika: That one conversation and he said, I will let them know. And he turned the thing around and we moved forward, the deal was signed. You know, it was all because he had values and it wasn't about increasing his billing. He could have certainly continued to play the game.

John: Right.

Radhika: It would have been a miserable experience for all of us.

John: Yeah, well, and it's, it gets to, and it's interesting because that's an example, and I'm sure that folks who are listening have heard this in so many different ways, right? I did a workshop a couple of weeks ago with a divorce firm and so much of how much someone is going to spend when they're dissolving their marriage depends on the lawyer their soon to be ex hires. Right? That is the single biggest wild card when it comes to how is this going to go.

And if you get a lawyer on the other side that wants to be problem solving oriented and wants to move people towards an amicable resolution, then you can do that. If you have a lawyer that is marketing through the metaphors of either fighting or pitbulls or all of these things, they have a way of sort of ginning up a certain attitude. Maybe they attract a certain type of people, maybe they engender a certain type of response, but whatever it is, that divorce regardless of whether you've hired the most collaborative, sane lawyer on the planet, the other side makes such a big difference.

Radhika: Wow. I didn't know that, but everything that you say makes so much sense.

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John: And so then my question, right, so thinking back and I actually, I'll kind of use this, this lens. So maybe a little free taste of your thinking for this, for this firm who I think listens to this podcast. But in a world like that, what is the product? Right? So there's the dissolution, right? There's a divorce, but the way that let's call it a sane firm or a rational firm wants to, well, and that's not to say the others are insane or irrational.

They have different interests and they have different things that they care about and different visions for their world. But in any event, that firm that wants to help keep the client experience clean, the client costs as low as possible, how might they think of their product differently? As opposed to, right, there's the divorce decree at the end, which is the tangible manifestation of the finality, but that's not the product in and of itself, I don't think.

Radhika: Yeah. So in that case, right, when you're the sane lawyer, you don't necessarily have control on the outcome because it's going to cost your client whatever it costs, right? And it might be a really shitty agreement at the end, but you do your best, but you don't have control on the outcome.

And in that case, right, if you go back to this framework of what is the real pain point that the person is coming to you with? You know, the pain is that they're dissolving something that they cared about. You know, clearly they were in this, they made those commitments because that was something they cared about. There's the emotional aspect of this and then there is the financial aspect of this.

You're going to do your best on the financial side, but there's the emotional side where that is part of your product that, you know, you can address. One piece of this is the expectation setting even. You know, what you just said about this workshop that this reality that look, we are going to do the right thing. We are trying to be reasonable. Those are our values, our principles. We are going to do the best we can. We are going to try to

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appeal to their sense of being reasonable, rationality, but, you know, it is what it is.

And so kind of emotionally preparing your client for where they're at and what this emotional journey is going to look like. Not just the financial impact, right? But it's the vindictiveness from your partner that you're going to have to deal with emotionally as well. That is part of where this attorney is coming in. You know, even from that perspective, we can be thoughtful in terms of what is our business model too.

John: Yeah, that's interesting. So one, one of the things that I've kind of learned through the work that I'm doing in this space is a lot of lawyers think of their product, right, and I hinted at this a minute ago, as the widgets that they produce, the paper that they create, whether it's contracts or whether it's court decisions or whatever it happens to be. And I should say, those are important, right? Those definitely need to be good quality, sufficient quality. Right? They are the thing that is sort of controlling if the dispute were to ever unravel or come to life again, things like that.

However, when it comes to thinking about what is your product, it's a really imperfect one because your clients are not in a good position to judge the quality of that product, right? That maybe judges can judge it, maybe your opposing counsel or colleagues can judge it, but if clients could come up with good quality legal documents, they wouldn't need you for that piece of it.

And so I sort of asked myself through the lens of, again, working with lots of other firms, so if that's not the product, what is? And the thing that I've landed on, at least for now, is the quality of the client experience through the journey. Because that is the only thing that they can effectively judge, right?

They can't judge the quality of your output, but they can judge how they feel along the way and how well supported they feel, how well informed they

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feel, how well you sort of predict for them what the different things that might happen might be so that they're not surprised when something takes a left turn.

Radhika: That is so interesting, right? But I think from a product perspective, I want to add on one trap that one could fall into with this way of thinking, which is often in tech products, we think about, oh, I want to delight my users, create a great experience. But what is the definition of a great experience?

One thing that I learned a lot from was this insightful conversation with the head of the central bank in Singapore. The head of the central bank, Ravi Menon, you know, he often said that the Singaporean Central Bank is very strict. We're not here to be lax. Creating a better experience for financial institutions and consumers doesn't mean that, you know, we are lowering our standards any. What it means is that if we're going to tell you no, we will do so quickly and you'll understand exactly why that is the case.

And I think that is so beautiful, right? There is clarity in their thinking in terms of what is the problem that they're setting out to solve? And the idea is not to please all of their users. It's not about delighting users in saying yes. And so for a law firm and I think for lawyers, you can think about it in a very similar way. You're not there to bullshit your clients, make them feel good. It might be a really shitty situation that they're in.

You're setting expectations. You're making the journey like you have to define what is a good journey? What is the definition of a good user experience? Right? And it might be that I'm going to tell it to you like it is. You have my support, but I'm not going to bullshit you. I'm not going to baby you either. Like you have to figure out what is a good experience? What do you deliver? That I think is an important angle of what is the product.

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John: Yeah, it's interesting because I could say in a way that the lawyers that do market themselves as the pitbulls or I'm going to fight for you and I'm going to do all the things, right, which again, a lot of that language comes from fighting insurance companies in the plaintiff's lawyer world, but I think it has also leaked into, well, and it also frankly makes sense in the criminal defense world because we're fighting against the big, the overarching opponent that is the government and the weight of institutional power. And that's maybe true in immigration law as well.

But when we're talking about divorce, which is the example that I brought up, it becomes sort of an anti-pattern where you are delighting the client by feeding their sense of vindictiveness, by feeding their sense of wanting revenge or all of these natural human emotions. I'm not saying that they're wrong per se, but they're not productive ones.

And so that's maybe where one law firm's product might be feeding into that and taking that delight the customer approach whereas a different law firm and probably the kind of firm that I tend to work with tends to be more along the lines of, look, we're sorry you're in this tough spot. We're going to get you through it, but we're not going to shine you on while we do.

Radhika: It's such a beautiful thing. The way you describe it, like, I think being thoughtful and creating the impact that we want to create is less soul sucking for us as individuals, right? If you're a thoughtful person working in that field of let's say divorce law or whatever it is, you know, if you can be that thoughtful person and your values are ingrained in your work and the product that you produce, that in itself makes work and life less soul sucking. And I remember before we started this recording even, you were saying being a lawyer doesn't have to make work suck, right? Like it's...

John: Right. No, I do. I joke sometimes that my elevator pitch is I help, well, I used to say I help lawyers suck less, but that is a little accusational. And so I changed it to I help lawyering suck less, which I think is a little bit more

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accurate. That's obviously not my full on mission statement, but it kind of boils it down. It doesn't have to suck.

And it, I think for me at least in my way of looking at the world, it sucks less when you're finding alignment than when you're in this sort of oppositional posture. And again, it's challenging, right? Because the American legal system is an adversarial process and we're taught that in law school that we fundamentally believe that the truth will out through this one side has a lawyer, the other side has a lawyer and you're duking it out. So there is this sort of at least baseline assumption of this antagonistic process.

But just because that's the way it's going to work if you wind up in the pressure cooker that is an actual courtroom, the statistics vary somewhat, but somewhere between 90 and 95% of all cases settle before they actually get to trial. So it's this funny thing where you have to prepare to be able to take a case to trial, but the likelihood of it actually getting there is really, really low.

And I think that even colors and not, you know, I don't want to exclude my transactional listeners, right? So the, those lawyers that are doing agreements and other things, but the contracts we write or the deals that we help create, those are designed to hold up in court as well. So that adversarial system is at the backdrop of everything.

But again, the real value maybe comes from getting on the same side of the table or at least looking instead of being against another thing or against another party, really finding those places of alignment and working with them first.

Radhika: There's a friend of mine, Minal Bopaiah, she's the author of a book called *Equity*. And, you know, she has this quote. She says, "being against something is not a vision." And I love that, right? Being against something is not a vision. Like, what are you for? What do you stand for? So even for those lawyers, you know, if you're being antagonistic towards

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the other side, that's not a vision. It's what do you stand for? I think is really what we need to ask ourselves.

John: Yeah, I've got a great example of that, which is a firm I've worked with years ago and it was a women owned firm and they came together and formed a practice because they'd all had really terrible experiences working, you know, for older generation lawyers in a certain way and they felt like they had escaped. And they came together to be able to have more work life balance and sort of build the firm that they wanted to see.

But the thing that they had in common was that they didn't want to recreate these terrible experiences. And it wasn't enough. The partnership failed because ultimately the three of them did have slightly different ways of thinking about what they did want to bring into the world. And I actually think it's okay now that the partnership failed. It was painful at the time. But it's a great example where the spark of creation had to do with this almost shared trauma, but that shared trauma wasn't a vision for the future. It was just a way to get out of the present.

Radhika: That is so fascinating. I love that example.

John: And I think we mentioned you've got this whole other way of thinking around goals and metrics and things like that I think we should save for another episode because it's so great and I don't want to give it short shrift.

So to kind of like bring back and come up with some concrete things that people can think of in terms of having a law practice. And that might be your own law firm, that might be you're part of an in house legal team, which is basically, as I said before we started recording, kind of like a small law firm inside of a company, or even if you're part of a larger law firm, still you have a practice group. I think a lot of lawyers and teams have a fair amount of autonomy.

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How can they start sort of using the Radical framework that you have described to maybe make their own lives a little bit better and certainly make their clients lives a little bit better.

Radhika: I love this question. So here are some practical things we can do. So, so far on our podcast, we talked about vision and how you can write a clear product vision for your work as a product as a lawyer, right? And the second thing we talked about was the Radical strategy, the RDCL strategy, so that you can align the pain point that you're solving for your solution along with the business model.

But there's one other piece that we didn't talk about, which is there's vision and strategy, but then there is the short term business needs too. And the reality is that you have to balance the long term, which is the vision against the short term, which is survival. And so, you know, how do you do that in a way that aligns with your values?

So the way I like to make that explicit is, you know, we use intuition, by the way, to always think about long term versus short term. When you were studying for the bar exam, you had to think about, like, am I going to party tonight or am I going to or am I going to study? And you made the right choices based on long term versus short term.

John: I had a one year old at the time, so I had an even different set of issues, but yes.

Radhika: Right. And so that sort of intuition, let's make that explicit, right? So that we can think about it really clearly and deliberately. So draw an X and a Y axis. Your Y axis is vision fit. Is this good for the vision or not? And now you have a framework for writing a really clear and detailed vision so that you can assess if something you're pursuing is good for the vision or not.

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Now you can draw up the X axis, which is, is this good for survival or not? And when I think about a law firm, you know, typically survival is about financial survival, right? It's about billing, goals for billing, et cetera. And so the things that you can think about are along the lines of these four quadrants that emerge from this X and Y axis.

So things that are good for vision and survival, well, those are the easy decisions. But we don't always get to just stay in easy decisions, nor should you, because if you're always only doing easy decisions, then you're never investing in the vision.

So investing in the vision is where it's good for the long term vision, but it's not good for short term survival. And so an example of this in the tech world might be, you know, you're investing in training, you're investing in revamping systems internally. And once I describe the four quadrants, maybe you can think about some examples of investing in the vision.

John: I've got a great one. So yes.

Radhika: Oh, excellent. Okay. And the opposite of investing in the vision is vision debt, which is where you're doing things that are great for short term survival. So maybe it is bringing in those billing hours, but it's not great for your long term vision. Even you are finding that work is soul sucking for you. Maybe it is that you're working with clients you feel like they're not even aligned with your values, et cetera, right? So maybe that is vision debt.

The question for you is, how are you balancing these quadrants? The last quadrant I didn't talk about is the danger quadrant, which is bad for both vision and survival. Nobody explicitly wants to be in that quadrant, but very often you might take on something that you think is vision debt and it ends up in the danger quadrant, right?

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But I'd love to hear your thoughts and the balance across these because by thinking about these quadrants, right, we can implement or we can use our vision in everyday decision making, what opportunities we work on, how we choose to spend our time so that work can be less soul sucking. I'd love your thoughts.

John: Yeah. Well, okay. So without going too too deep into sort of the things that I talk with my clients about and have talked on the podcast a fair bit, I would say my experience is that the overarching situation for most law firms is one of overwhelm. They actually have more demand for their help than they have supply of time and attention to do that.

So they have created what I refer to as a, I love your framing of vision debt, because I sometimes talk about delivery debt, which is you've committed to a client to help them solve their problem, but every new client you bring into your system actually makes it harder for you to deliver on your commitment to help a different client in their situation. And so I often refer to what I call the honest reckoning with capacity, which is basically, how are you going to make sure that you're not overloading your systems so that you can actually deliver on the commitments that you make.

But then there's another piece of that. And I think this is where your vision debt comes into play, which is all of that is great for delivering the work inside of the practice, but it does nothing to build your capabilities, to establish your systems, to sort of grow what I think we're defining as the product, right? Your way of working for delivering on these commitments.

And so the very, very rough thing and you'll recognize 5% time as being sort of roughly stolen from this Google idea, but I use it a little bit differently in legal, which is I ask the firms that I work with to commit at least 5% of their total capacity, not just the firm owner, but the entire team to doing on the business and generative tasks and projects and things like that as opposed to client delivery work.

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And I always have this fascinating thing when I suggest that because people hear 5% and they think, oh, well, that's not that much. I can do 5%. And then I say, yeah, that's four hours every other week. And all of a sudden that feels like a ton and especially in a world where we bill hourly or, you know, a lot of us bill hourly.

So, but I think it's a version of what you're saying, which is you're basically preserving 5% of your capacity to specifically pay down your vision debt or to build credit maybe on the vision side of the equation as opposed to the keeping the lights on, delivering the work, bringing in the revenue part of the work. And, you know, ultimately, I think 5% maybe isn't enough. Certainly for leaders, it's not enough. It's a challenging enough starting point that I don't, I dare not go higher than 5% to start with.

Radhika: But you know, I love what you're saying because it also is just really resonates with this investing in the vision approach, right? Because what you talk about, this 5%, what you're really saying is just 5%, four hours every other week, I want you to think about how are you going to invest in the vision with that, right? And it might be revamping systems, it might be figuring out how you deal with this delivery debt. Given all the vision debt that happens, like how are you investing in the vision?

And so I think it's a very tangible way now to think about even these four quadrants and what you're saying is, you know, there's all this vision debt that we take on, how often are you investing in the vision? What might be ways that you're going to invest in that vision? And otherwise, we're always going to be just in easy decisions quadrant or vision debt, and most often even vision debt, right?

John: Yes. All right. Well, so I really recommend that certainly law firm owners, team leads, even in house counsel, in house attorneys, pick up your book. So what's the best way to connect with you to find the book and maybe do at least starting with that visioning exercise that will help you

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even understand when you're starting to have vision debt? Because if you don't go that far, it's hard to even recognize that vision debt is happening.

Radhika: So the book is *Radical Product Thinking*. It's on Amazon and other bookstores around you. You're welcome to reach out to me as well on LinkedIn. I'll share links to both of these after our podcast for our show.

John: We'll get them in the show notes for sure. Yep.

Radhika: And I always love to hear from people just as they're creating change in the world, tell me about your experience. I'm so curious to hear.

John: Great. Well, Radhika, I would love to have you back to talk about metrics and what's wrong with the way that so many places think about goals and metrics. So let's call this a preview of coming attractions. But thank you so much for all of this thinking and explanation around product. I hope that our listeners find it really useful.

Radhika: Thanks so much for having me on. This was such a fascinating conversation.

John: All right, thank you so much to Radhika for a really thought-provoking conversation. And I am definitely having her back in the new year to dig into goals and metrics. And be sure to look for the link to her book in the show notes.

Here's what really stuck with me from today. First, I love her framing that your product isn't the widgets you produce, it's your mechanism for creating the change you want to see in the world or the transformation your clients are counting on you to provide.

For lawyers, I think that's a really powerful reframing because it shifts the focus from being a technician focused on documents and tasks to being a strategizer and a caregiver guiding your clients through the legal process.

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Second, your business model is part of your product. And if the way you build, deliver, or charge for your services puts your incentives at odds with your clients needs or expectations, your product's going to come out feeling misaligned, no matter how good your technical work is.

And finally, a good client experience isn't just about delighting people. It's about that true caregiving relationship built on clarity, honesty, and helping them understand the path forward, even when the answer isn't necessarily what you think they want to hear. So I'll leave it at that.

If you have any questions or feedback about this or any other episode, please don't hesitate to reach out to me at [john.grant@agileattorney.com](mailto:john.grant@agileattorney.com).

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