

## Ep #134: Why Your Law Practice Should Avoid Diving Catches & Other Heroics



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With Your Host

**John E. Grant**

[The Agile Attorney](#) with John E. Grant

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You may have noticed that I didn't get a podcast episode out last week. That was not my plan. It was actually just one of several balls I wound up dropping for reasons I've been trying to unpack for a few days now. Here's where I've landed.

I experienced one of those one-two punches where I was already working way closer to my full capacity than I like to. Intellectually, I know better. I know to leave some slack, but I let myself get there anyway. And then, last Monday, I had this unexpected issue come up that required my intensive focus for the bulk of the afternoon and into the evening. And I made the diving catch, but it fried me in the process, to the point where I didn't feel like myself for most of the rest of the week.

So, in this week's episode, I'm doing a little introspection, maybe some mea culpa, with the hope that, especially as we turn the corner from summer into fall, you all can learn something from my situation and hopefully help prevent yourself or your team members from winding up in the same place that I did.

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.

Hey, everyone. Welcome back. So, I want to hit on something this week that's on my mind, partly because I missed getting an episode of this podcast out last week, and part of the reason why was something that I caution against and have talked a fair bit about in this podcast. And in fact, I'd probably say there are a number of things that I caution against in this podcast that I myself have fallen victim to, partly maybe through some of my own omissions and partly through some things that are out of my control. But whatever the causes are, I have found myself just really wrapped up with a lot of demands on my finite capacity lately.

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And I won't go too deep into it. Like I said, some of it is my own doing. Sometimes the cobbler wears no shoes. But I would say between the work that I do wearing my Agile Attorney hat, which of course is producing this podcast, coaching clients, doing a lot of workshops, trainings, strategy sessions, things like that. And then the work that I do wearing my GreenLine hat, we're trying to get this software company off the ground and obviously do some demos and do onboarding for people that have been gracious enough to sign up and support them as they undertake the Agile journey using the software tool.

And then on top of that, some of just the regular stuff of life. My kid's home from college for the summer. And so, you know, an extra person around the house, at least more than I'd been used to over the few months before that. And then a little bit of sandwich generation stuff where a aging family member is having some challenges that is requiring more attention from my family than it normally would have.

And so, all that conspires, and then I guess on top of that, and I'll admit this is true, but I am trying to get into the backcountry of Alaska for a fishing trip with my brother and cousin and a good friend. It's something we've been planning and looking forward to. And obviously, if you're going to be out in the Alaskan bush for more than a few days, you want to make sure that you're prepped for that. So, I've had a lot going on. And like I said, some of it is good, some of it is less than ideal with the family member that's struggling, but all of it is just very normal.

But the thing that happened on Monday of last week was I got a curve ball. I had something unexpected come up, and I'm going to be a little vague as to what it was, mostly because it doesn't matter. But something came up in one of my work contexts that required a pretty intensive stretch of my time and attention, right? It was a problem that needed immediate fixing, and it required some pretty deep and intensive brain work from me in order to try

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to untangle this particular problem and try to get things back on track to a good solution.

And it was not expected. Really, frankly, I had gone through most of my Monday. In fact, I distinctly remember commenting earlier in the afternoon that I had felt like I was a little unfocused on Monday morning due to a couple of things. I think I actually had a 7:00 a.m. call with a customer that caused me to be up a little earlier than I needed to be, and so it prevented me from having my normal morning routine.

And so then the rest of the morning, I wasn't as productive as I felt like I maybe could have been or should have been. And that was right before this thing came up. And boy, in early afternoon, this thing came up, and it took all of the rest of my day and well into the evening for me to work with a couple of other people too, but to really do this intensive bout of work in order to get this thing back on track.

And the thing that I noticed that it did is it absolutely fried me for the rest of the week. I had such a hard time finding focus, staying in focus. I missed some other commitments. I wound up having to delay some other commitments that I had made. I had to hand off a couple of things that I had hoped to do, I had thought I was going to do, and I either missed it or just was not capable of diving in and doing that work because that flurry of activity on Monday afternoon, Monday evening just had me spent.

And I bring it up not because I'm looking for sympathy or because I'm trying to make excuses for the balls that I dropped last week, which, you know, I did. I dropped some balls. But mostly because as I was thinking back through, like what the heck happened to me, there are some lessons in it that are really consistent with the things that I teach. And so I wanted to call those out, reiterate them, and hopefully get to some reminders that might help some of you and those people on your team from having to suffer the same sort of consequences that I did.

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So, the first thing that I did is I let myself get too close to full utilization of my capacity relative to the capacity that I have. I wound up with more commitments than I could reasonably or comfortably handle. And like I said, some of those were commitments of my own doing, and one of the things that I do know about myself is I'm a pleaser. I like saying yes. My default instinct is to say yes to things. And it sometimes gets me into trouble. And it might have been getting me into trouble all by itself, but because I had been taking on these commitments, and partly, you know, I'm rushing to get things done before I've got this trip coming up and some other things as well.

But having all of those commitments put me in a position where when this unexpected thing came up, it took me right up into the red line, right? All of a sudden, I was really feeling overwhelmed, really feeling overloaded, and I think just the exertion and the amount of energy I had to expend, the stakes on this particular thing struck me as high. Certainly, it felt high in the moment. And so there just were a lot of things that on top of an already sort of saturated, stimulated nervous system, whatever, this extra thing took me right up to 100% utilization, 100% of my capacity. And that's not a comfortable place to operate.

When you don't preserve a little bit of slack in your system, and when I say a little bit of slack, I mean, I caution the folks that I coach, and frankly, I also did trainings in the second half of the week, and you know when we talk about utilization and capacity utilization, I know from Little's law and the Little's law graph that once you get up around 70, 80% capacity, adding more things onto your plate causes everything else to slow down dramatically, right? Once you get into that place, it's a geometric, logarithmic, I guess, relationship, and the delay of any one unit of work gets longer and longer, that curve gets steeper and steeper, the closer to 100% utilization you get.

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And so, it's really been a good reminder for me, maybe a lesson in the shortcoming that I just need to be more judicious and more careful about saying no to things, right? There are a lot of things I want to do. There are a lot of things I like doing, I hope to do, but I just can't do all of them. I can't commit to all of them. And frankly, by committing to fewer of them, I'm going to be doing the things that I do better, hopefully to a higher degree of quality, hopefully with a better sort of satisfaction and balance for myself. And in the long run, that's going to help make my capacity available to do more things over time, right? Doing fewer things at once is the formula for getting more done over the long haul.

And again, I know this, I teach this, but it is sometimes hard to live, right? It's hard to recognize in the moment. I know the whole frog and boiling water thing is something of an urban myth anyway, but the metaphor is still useful. And I think that's kind of what's happened to me, is that I didn't realize how much I had been committing to until I had this extra event that brought everything to a head.

Now, the other lesson that I talk about a lot, that I think this brings to mind for me at least, is this maxim that I got from when I was doing some consulting work out at Nike. And the idea is that basically one of the unofficial maxims, and I've tried to run this down a little bit because there is this official list of Nike maxims. They've evolved over time. You can Google it. I'll put some links in the show notes, but there's the original ones that are this sort of typewritten page. I don't remember if it was Phil Knight or Rob Strasser or, you know, one of the original Nike guys typed up that are sort of famous for really dictating a lot of the culture at Nike.

And this maxim, "no diving catches," is not one of them. There have been different versions through the years, and so what I don't know is whether "no diving catches" has ever been a Nike maxim. The most recent, most current version that I could find at least doesn't have it, but either way, I was taught this by a manager that I was working with at Nike. And the way

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that it was explained to me was that we didn't want to create situations where people on our team have to make diving catches.

And you might think, right, that Nike is a sports company, right? Diving catches are fun to watch. They're great, right? We love seeing diving catches on SportsCenter. We love seeing diving catches when it's our team, our hero. We might even love making diving catches when we're on the field if you're still doing any sort of athletic thing because they look cool and they often will elicit the biggest cheers and get the most attention in the moment. And so, you might be tempted to ask, why would you have a maxim that says, "no diving catches" when diving catches are so cool?

And the answer, as it was explained to me, is that you never design the play for a diving catch. So, if someone has to make a diving catch, it means that something has gone wrong somewhere in the execution of the thing that we were trying to do. Whatever it happened to be, maybe the throw was off, maybe if I'm going to be football, maybe we didn't take the right angle to the ball or to the disc. I got a bunch of ultimate Frisbee people in my family.

But if you have to make a diving catch, especially when you're on offense, it means that the play didn't get executed as designed. And so, when we talk about no diving catches as a maxim, it's not that we don't want people to make the catch if they have to, it's that we want to set things up so that they don't have to.

The other reason why, and this is kind of what I experienced after I made this diving catch last Monday, is that when you make a diving catch, you come up dirty and oftentimes a little bit hurt, right? You're bruised, you're sore, things get out of whack, and it takes a while to recover from the impact, right, both literal and metaphorical, of having to do that extra burst of activity, that extra thing, that extra whatever, that wound up colliding you with reality in a way that you didn't expect to have to do.



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And so, I hope all of you will take my lesson and think about this sort of "no diving catches" idea, certainly in the context of your own life and how you're sort of responding to the various demands of your business, your law practice, whatever you've got going on. And of course, all of the other things that are happening in your life alongside your business and law practice, but also that you recognize the impact that diving catches might be having on your people.

And the folks on your team, maybe even your clients or the other folks that you work closely with, if anyone has to work in a way that requires this heightened activity, and whether it's the stress, whether it's the emotion, whether it's just that extra buzz tingle in your nervous system, whatever, it's useful to be able to do it, right?

I'm not saying that if you are able to make a diving catch to save a particular thing that you shouldn't make it, but what you should be doing, and you should be doing both as an individual and as a manager, is trying to create the situations and create the systems, the standards, the practices, the policies, the procedures so that you and the people on your team very, very rarely have to make a diving catch in the first place because the darn things are expensive.

And I'm going to leave it at that for now. By the time you hear this, I should be in the backcountry in Alaska. So don't cry for me. I will be fine, hopefully enjoying just a beautiful part of the world, doing some fly fishing with family members that I have a great time with and friends that I have a great time with, doing things that I love. So, I will be fine. You all will be fine, but hopefully you can learn from this little anecdote that I've had and set things up so that you can be fine without also having to come up bruised and battered or dirty or hurt or otherwise stressed out because it's just no fun. And I've been living it for the last few days, and I'm telling you, it is no fun. I'm glad I've got this break coming up.



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If you want to dive a little bit deeper into these concepts around Little's law, you can listen back to episode 28 of the podcast and then again in episode 107. I talk about the ramifications of capacity and filling your capacity too full in both of those episodes. As far as the no diving catches maxim, I think it first came up in the context of my conversation with RJon Robins, which was an entertaining one, in episode 70, and then I talk about it again in quite a bit more detail in episode 103, which of course is part of my Agile Attorney 101 series. So, if you want to dive deeper on any of these concepts, I encourage you to go check those out. I'll put links in the show notes to those as well.

And I think that episode 103 is going to be a really good one for you to listen to right about now as we turn into the fall busy season. I think it's a good reminder that even though it seems like the pace of things is going to pick up as we round out of summer, it's really important to be able to do that work at a sustainable pace.

If you have a friend or a colleague that could use a little more sustainability in their law practice, you might consider forwarding this episode to them or maybe episode 103 to them. But please share this podcast with folks who you think would benefit from a more Agile approach to a legal practice. And if you're new to the podcast or if someone forwarded this to you, please follow this podcast and whatever your favorite player is. I think we're following, not subscribing anymore. I don't charge for it, obviously. But I come out mostly weekly, although every so often, I might miss one as I did last week.

And I will say I missed it in spite of the efforts of the fantastic team at Digital Freedom Productions who produces this podcast. And as always, our theme music is "Hello" by Lunareh. Thanks for listening, and I will catch you again next time.