Ep #141: Law Firm Silos, Blame, and the Empty Boat



Full Episode Transcript

With Your Host

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Hey everyone, welcome back. I am on the road this week. I have actually just wrapped up doing a two-day intensive strategy and process improvement workshop with the firm. It is the thing I most love doing. I really enjoy getting in and rolling up sleeves and talking about the successes and the challenges of a law practice and trying to get to the root of what is the barrier, what are the obstacles, what are the bottlenecks that are preventing that business from getting to the next level that they want to get to.

I'm not going to go long today, but I am going to tell you a couple of the things that came up in that workshop because I think they might be useful for you.

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.

So, without getting obviously into anything that would identify this particular practice, three things that came up over the course of the two-day workshop that I think were really valuable insights for the folks in the room and by extension, the people on the team that couldn't be in the room for this particular business.

One of them had to do with the articulation of their mission. And I don't have a great episode list in front of me right now. Like I said, I'm on the road, but I know I've talked about this a lot in the past and I'll put a link in the show notes. But I have this high-level concept that I talk about where there are four high-level domains of activity inside of a law practice and really any business, right?

There's the mission layer or mission, vision, values. There's the goals layer, which is how are we going to translate that mission into things that we can measure and achieve that will allow us to gauge progress against that

mission. There's the strategies layer, which is what are the particular tools and techniques and ideas that we're going to use to try to achieve those goals. And then there's the activities layer, which is the day-to-day stuff.

And I've talked about again in the past where if there are issues, if there are challenges at the activities layer, you can't often solve those challenges by trying to tweak the activities. We have to go up to the strategy layer and figure out, okay, what is the strategy that these activities are meant to support? If we're having a disconnect around the strategy, then we need to go up a layer to the goals, and we need to figure out what are the goals that we're trying to achieve using this strategy. And then, of course, at the very top is the mission layer. And if we're having disconnect about the goals, then we need to go back and connect to the mission.

This particular business had a great mission statement, mostly, but they were missing a really important part. And that was the mission statement they had talked about who they were and what they do, but they were missing a why layer. They were missing “that so that we can X,” right? Whatever it happens to be.

And so we actually spent not a ton of time, but we spent some time talking through, like, why is it important that you have decided to do this particular work in the world? Why does it matter to you? It doesn't have to matter to everybody, but we want to come up with something that actually does resonate with the people in that room- that was sort of the leadership team for this practice- that we believe is going to resonate more broadly with the rest of the team. And then also, obviously, we want it to resonate with the clients of the firm or the potential clients of the firm, but we want it to resonate with the right clients of the firm.

And I think it's important to be able to get to that why statement, that “so that” statement, right? Mission is not just a marketing thing, and it's not just a description of like how we got here. We really do want to connect with the why.

And so the first sort of piece of advice that came up, but maybe wasn't the first, but one of the important pieces of work that we did in that workshop and the advice that I would give to you, especially as we sort of lead into the slower season and I know we probably haven't quite slowed down yet by the time you're listening to this, but it's late in the year.

Things will start to slow down and I think really trying to connect with the why behind your practice- not just why is it important to you, not just why it's going to provide the income and the revenue or whatever that is going to allow you to support the lifestyle, the family, the choices you make, and do the same for your employees. All of those things, again, also important, but why it's important that your particular law practice exist in the world, right? What is the good that you're doing that is supporting your community, the constituents that you care about.

Like I said, I've got a lot of tools that I have talked about this in the past, so I will put episode numbers in the show notes. I will also say working on mission statements is one of my favorite things to do, and without tooting my own horn too loudly, I tend to be pretty good at it. One of the things if you wanted to set up a discovery call with me and talk about mission, I think we could unlock something pretty significant in a relatively short amount of time. Maybe not the exact perfect wordsmith version of it, but we're going to get the concepts right.

The second thing that I wanted to share with you, and you can probably surmise, right, just by the way that I've been describing this team, they have a leadership team, not everyone was involved in the workshop. They've been around a while. They've had some success; they've built, they've grown. In this case, there's actually been some succession from the original founders down to the next level, but the original founders are still involved. It's this interesting dynamic and it's not an uncommon one.

And I think even if you're not in that exact situation, I think this next lesson probably applies. And the story that came up is actually a Buddhist parable,

and it's the story of the man with the raft. And the way the story goes is that a traveler, a journeyman- they're always men in these stories; I don't think they would have to be necessarily, but this is the case with these ancient stories.

So, the man is traveling, and he comes to a wide river, and he looks up the river and down the river. There's no ferryman, there's no bridge, there's no way of getting across. And he is at this crossroads, and he knows that in order to continue his journey and achieve what he's trying to achieve, he has to figure out how to cross the river. And so he sets to work building a raft. And he takes all kinds of time and effort and energy finding the right logs and sticks and weaving a rope and creating the right binds and basically lovingly putting together this vessel that is going to carry him across the river. And lo and behold, after all of this effort and all of this energy, he is able to board the raft and get to the other side.

Several weeks later, he's encountered on the side of a mountain, and the wise Buddhist scholar sees this man, and he is carrying a raft up the mountain. And the scholar looks to the man and says, why are you carrying this raft? There are no rivers anywhere close to this road that you're on. And the response of the man was, I spent so much time building this raft, I put so much care and energy into it that I couldn't bear to leave it behind. I needed to carry it with me just in case I needed it again. And of course, you all see where this is going, right?

The moral of the story is that yes, we have to put time and care and effort into getting across a certain part of our journey, a phase in our business, the initial impulse of starting a firm or the work of building it, growing it, whatever it happens to be. But there comes a time when, despite the amount of effort, despite the amount of care and intellect and energy that you put into a particular device or activity or practice or belief, even, that at some point you're going to have to leave that behind in order to lighten your load and give you the ability to have the agility and the energy and the strength to be able to adequately meet the next part of your journey.

And I think part of what we realized over the course of this workshop was that not only were there individual people in this practice that were still carrying rafts that had served them well 15, 20, 30 years ago, that those rafts had become cultural in the firm and that there were people who were carrying the raft out of a reverence for it that was imposed and impressed upon them by the people who came before them, and they didn't even necessarily know why they were carrying the raft, but they believed that it was important to the business that the raft be part of the journey.

And this led to some really fascinating and interesting discussions about stuff that, frankly, I didn't even know the detail. I don't live the experience with this firm that I'm facilitating with, but the level of discourse and the honest and frank discussions that came out of figuring out what are these sacred rafts that we're holding onto that are no longer serving us was a really, I think, important part of the first day, especially of this workshop that we did.

The last story that I'm going to tell actually is from another Buddhist parable about another watercraft, and it's a little bit different one, and the story goes like this. There is a ferryman out on the wide river, maybe the same wide river, who knows this river shows up a lot. And he's navigating in the early morning hours. It's foggy, it's dark and all of a sudden another canoe, another vessel, another boat collides with his.

And his immediate response, even though he didn't see it coming, he didn't know what was going, he could see that it was the front of a boat, and his immediate reaction was anger. “What are you doing, you idiot? How could you do this? How could you run into me? Don't you know what you're doing? You're in the wrong part of the channel.” Whatever it happens to be. This flash of anger and frustration.

And then the response that came back was nothing. And this confused him and he yelled again. He said, " You don't even respond to me. How could you be so stupid that you would collide with my boat in this situation,” and

“it's so dangerous,” and all the rest. And again, what came back is nothing. And it caused the ferryman to lean over and peer more deeply into the boat that had just hit him, and he realized it was empty.

And once he realized it was empty, he laughed and said, haha, oh, this wasn't intent; this was accident. And this lightness came over him where he was initially so incredibly frustrated and so angry; now he could do nothing but laugh because there was no intent behind it. What had happened is the other boat had come loose from its mooring upstream and was drifting, and it just happened to collide with his boat. It was a stroke of bad luck.

And the moral of this particular story comes into our default presumption to presume ill intent or to presume that someone has acted incompetently or stupidly or maliciously when something bad happens to us. We want to seek to blame. And again, in this particular organization, there were some teams that had grown pretty siloed and grown, I think, really distrustful of each other, right? There was not necessarily a solid working relationship from one unit to the next in terms of building the particular deliverable for the type of case that they worked on.

And the thing that we dug into in the workshop is this idea that, number one, some of the bad things that are happening in the organization is a little bit chalked up to randomness. I won't dive deep on this topic right now, but it's something that W. Edwards Deming talks about a lot. There is natural variability in the world, and if you expect a level of perfection about all of the things all of the time, you're setting yourself for disappointment. And worse than that, if when you encounter that natural variability, if what you try to do is go fix it, sometimes you can make it worse, not better. And I might dive into the particular Deming part of that in another episode.

But the other thing that came up is this idea of not presuming ill intent when bad things happen, and it's a life lesson, right? It comes from a spiritual tradition for a reason, but I think it is an important business lesson as well. And the other thing that came up, and some of you may have heard of

Ep #141: Law Firm Silos, Blame, and the Empty Boat

Hanlon's Razor, right? Which is this slightly tongue-in-cheek, it's a little bit biting idea. And I think how it goes is: “Never attribute to malice that which can be described by incompetence.” And that's funny. It's basically saying, oh yeah, people don't mean it, they just don't know what they're doing.

And there's some truth to that, but I actually think that too is a little unfair, right? And I have, I don't know about coining this for myself, but I have talked about Grant's Razor or Grant's Law, which I often say that you should never attribute to incompetence that which can be adequately described by overwhelm.

And so in a system, in a situation where people are overloaded, people are overburdened, then what we think of as maybe ill intent or maybe what we think of as incompetence is simply someone trying to keep their nose above water. They're doing the best they can in a tough situation. And so if we can figure out how to turn down the temperature, take the practice from the roiling boil to the gentle simmer, all the things that I talk about over and over again in this podcast, then we could easily see in many situations the level of competence rise because the number of distractions, the amount of noise, the amount of burden, the amount of overhead inside of the practice is not going to be as high, and that's going to let people do better work, think more deeply about the work, be more intentional about how they're delivering.

One of the ways that people are overburdened is when they're carrying those rafts up the mountain even though the river is miles and miles behind them. And so, to tie it back to this other principle and really to tie the three together, if we can be clear on the mission and the why, then we can be a lot clearer about whether or not this tool is still serving us, this particular strategy of the raft is still helping us achieve our goal of climbing the mountain.

And if we can unburden ourselves from the weight of carrying the raft, then that is going to free up our capacity, lessen the overload or the overwhelm that both we and the people on our teams are feeling. And that, in turn, is

going to allow us to deliver more predictably, more consistently. And that's going to build the kind of trust and the better working relationships inside of your teams and between your teams that is going to help you more purposefully and intentionally achieve the goals of your practice.

So, I'm going to leave it at that for today. The one other thing that I will say is we talked about building Kanban systems, right? A Kanban board, making the work visible as a tool for both understanding overload and overburden and for measuring it and then ultimately for reducing it. And that's where GreenLine comes in. We have built what I humbly think is a very excellent tool for helping make all of the work, the commitments, the dependencies visible so that you can be more intentional about how you're triaging and managing and getting work to flow as opposed to just keeping it stuck.

So, if you would like to get information about how making work visible can help you in terms of applying a tool like GreenLine in your law practice, or if you just want to talk with me about mission, about vision, about the friction that you're having in your law practice, about the social dynamics, the organizational dynamics, this is the kind of stuff I love doing.

So, you can reach me at john.grant@greenline.legal and let's start a conversation. I can help get you in a direction that I'm really sure is going to help.

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