Lean Legal: Three Techniques for the Agile Lawyer

John E. Grant

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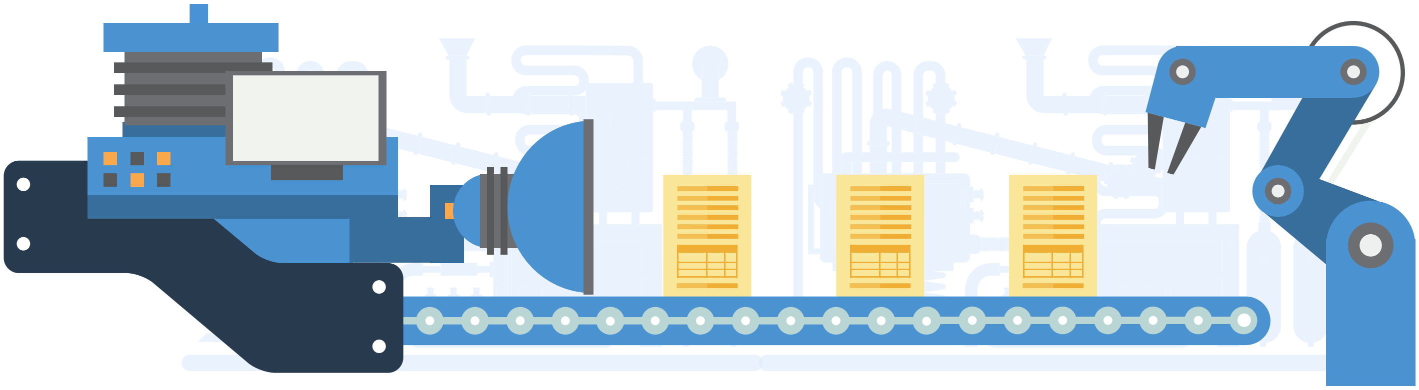
The pace of change in the legal industry is accelerating. New technologies bring new opportunities, but also create new challenges, and client expectations are changing apace. Everyone seems to want more for less, and they want it better and faster than ever. So how can lawyers keep up with shifting client needs and perceptions?

A growing number of attorneys are turning to a set of project management and process improvement techniques commonly known as "Agile."

As you might expect from the name, going Agile certainly helps businesses be more nimble and responsive to their customers. However, Agile also has been shown to pay huge dividends in improved productivity, increased teamwork and worker engagement, and higher quality products and services. This guide will give you a brief primer on the history of Agile, its benefits, and three specific Agile techniques that anyone can adopt to begin improving your practice immediately.



What is Agile?

Agile is more a philosophy than a methodology. Although the term "Agile" was coined fairly recently, many of its teachings are grounded in age-old wisdom about individual productivity and group dynamics.

Capital "A" Agile has its roots in software development. During the early days of the internet and the corresponding tech boom, software companies had a problem: the pace of change was outstripping their ability to deliver new products and services using traditional (or waterfall) project management. Delivery cycles took many months, or even years, as new features went through sequential phases like coding, UI design, integration, QA testing, and release (often going back-and-forth between phases). By the time a new piece of software went live, the customer's needs had already changed.

At best, this often resulted in a software product that immediately felt limited or dated. At worst this could mean a loss of customers and vulnerability to competition from new entrants.

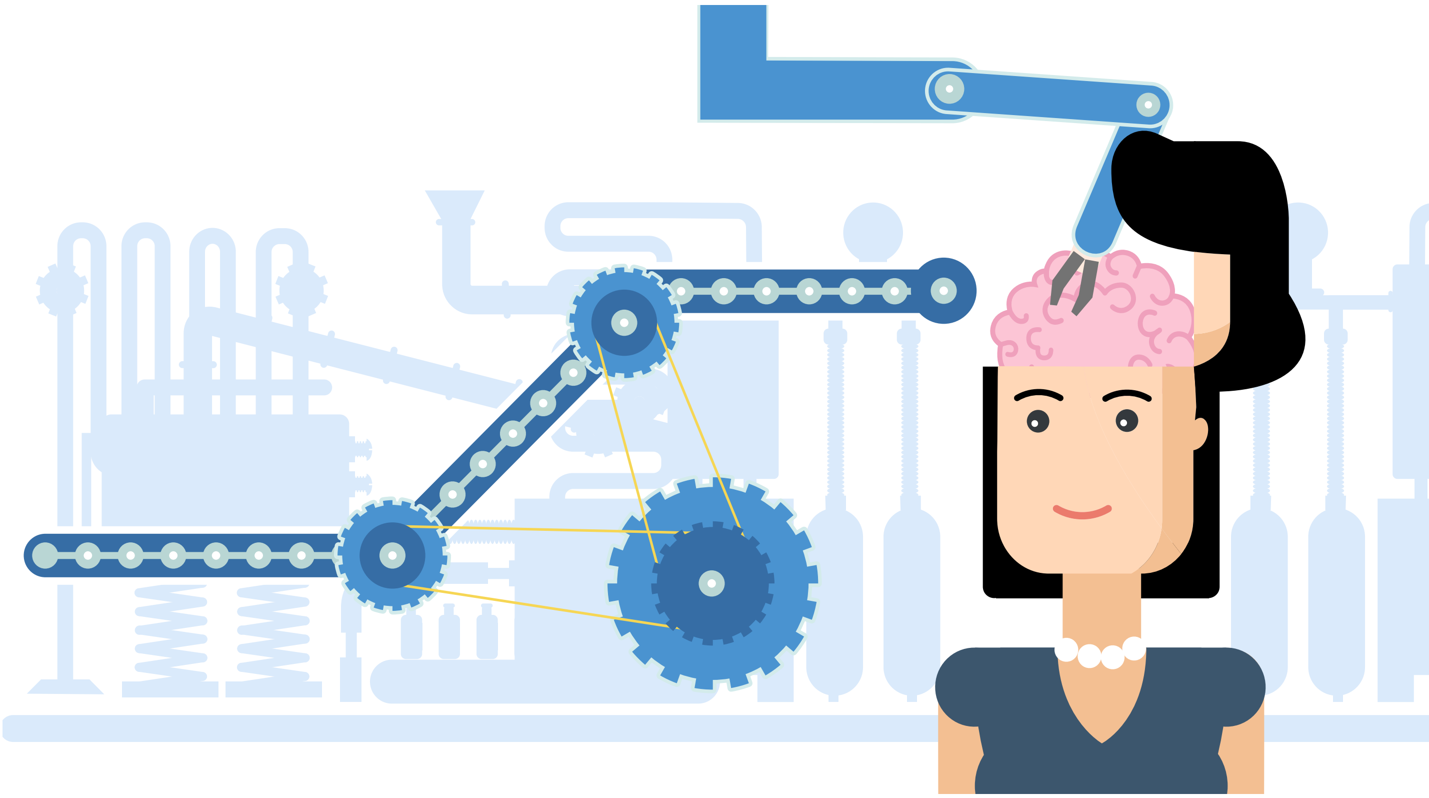
In the early 2000s, a group of software developers devised a new methodology for building software that sought to break this cycle of long lead-times and poor outcomes, and they called this methodology Agile. In some ways Agile isn't new at all—it can trace its roots at least as far back as Henry Ford and the assembly line, and it has much in common with modern tool-sets like Lean and Total Quality Management. But where previous productivity methods responded to the physical needs of the manufacturing world, Agile is native to the more abstract demands of knowledge work.

A full description of Agile methods would take volumes, but there is little doubt that the methods work. Just 14 years after the original "Agile Manifesto," the 2014 annual State of Agile[1] Survey found that 94% of respondents have adopted some form of Agile in their businesses. Moreover, 87% of respondents reported that Agile methods improved their team's ability to manage changing priorities, 84% said that Agile led to improved productivity, and 79% said that Agile increased team morale and motivation. And these aren't just software companies—only 25% of respondents were from the technology sector, with significant representation from financial and professional services, government, healthcare, and many other fields.

Notably absent? Legal. But lawyers aren't exactly known as cutting-edge in their adoption of new tools. And even legal is catching on, with a growing number of attorneys and legal teams using Agile methods like Scrum to manage projects like litigation and deals and Kanban to support transactional practices like immigration, business formation, and family law.

While it would be impossible to give a full explanation of these methods in these brief pages, there are several techniques that are common to Agile practices that are easy to adopt but that can pay immediate dividends in productivity, client satisfaction, and the overall health of your practice. I'll discuss three of them that you can start using today.

[1] http://info.versionone.com/state-of-agile-development-survey-ninth.html



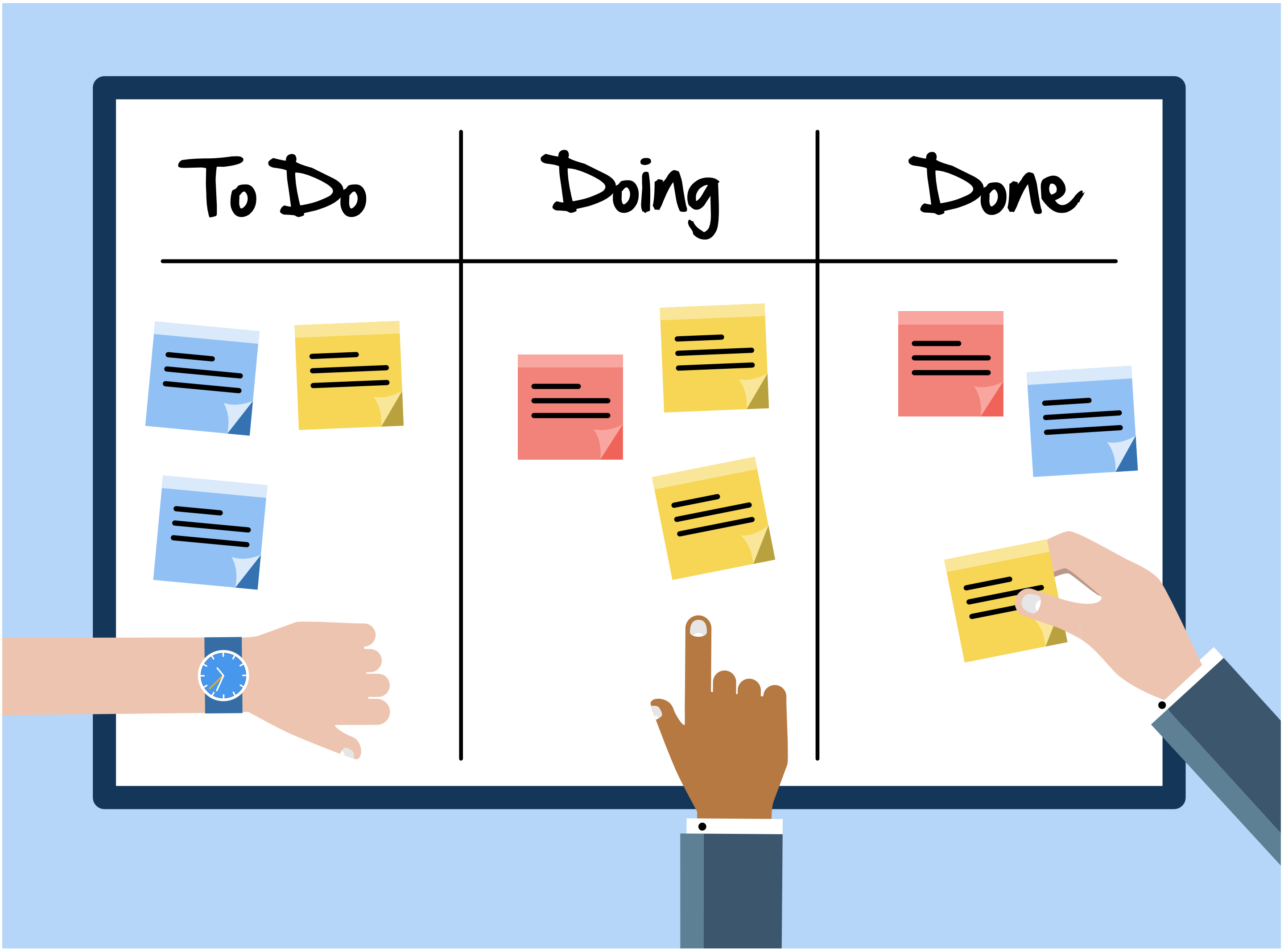
Technique #1: Make Your Work (and Your Workflow) Visible

As I mentioned above, Agile has its roots in the Lean techniques that revolutionized the manufacturing industry starting with Toyota in the 1960s and 70s. Today you'd be hard-pressed to find a manufacturing or delivery business anywhere in the world that doesn't employ Lean to some extent. But Lean has a significant advantage over knowledge-centric industries like software and legal: you can literally see the product as it progresses through its various stages of completion. If a particular stage in the workflow breaks down, or if a bottleneck starts to form, it is relatively simple to see where the problem is and take steps to address it.

With knowledge work this is much more difficult—our processes are hard to see and the work-in-progress often exists only in the form of 1s and 0s on our computers or in the accumulated knowledge between our ears.

To address this shortcoming, the first step in almost every Agile initiative is to give some physical form to the tasks that make up a knowledge worker's day, usually in the form of a task wall or kanban board.

Kanban is a Japanese term that literally translates to "sign" or "card," and the idea is that you can use individual cards to represent pieces of knowledge work. Those cards can then be arranged on a board, where different columns represent different stages of the workflow. Even the most basic kanban boards start to approximate the flow of a manufacturing plant, with work flowing from one stage to the next as it is turned into a finished product or service. And like a manufacturing plant, when a particular stage in the process starts to fail or a choke-point develops, you can easily see where the work is slowing down and develop a plan to address it.



The simplest kanban boards consist of just three columns: To-do, Doing, and Done. And for personal productivity, these columns are definitely enough to get started. Tasks that you hope to accomplish in a given time-frame, usually a day or a week, go in the "To-do" column. Those that you are actively working on go to "Doing," and work that you've completed goes to "Done."

Even this basic board can be incredibly useful, especially over short time periods. In fact, the simplest way to start experiencing an Agile methodology is to try Kanban for a day. Just grab a pack of sticky notes and clear a patch of your wall (windows work too).

Make three stickys for your column headers and then write out a separate sticky for each task you can reasonably hope to accomplish today. Those notes go in your "To-do" column with the most important task on top and the least important on the bottom. As you begin work on a task, move it over to the "Doing" column (ideally you'll do them one-by-one, but at least keep it to 2-3). Then as you complete the tasks move them to "Done". It's that simple. Then review your completed tasks at the end of the day, maybe populate your "To-do" column with a few things you hope to accomplish tomorrow, and then do it again tomorrow.

Technique #2:
Trade in Tasks for Stories

Even with a solid productivity tool like a kanban board, It is easy to get overwhelmed with the sheer number of things we think we need to accomplish at any given moment. Sure we have times when we feel more productive, knocking out tasks seemingly one after another. But a task-based focus can also leave us feeling like we're on a never-ending treadmill where we expend a lot of energy and do a lot of work, but never seem to get anywhere with it.

And even when you feel those bursts of productivity, they aren't always recognized as progress by your client or customer. What you deem to be a productive day may look like busywork to your stakeholders.

Agilists combat these pitfalls of task-based activity by changing the way they think about the work that needs doing. Rather than defining what work needs to be done and what features it needs to have, they start by framing up a statement of what problem needs to be solved and why. In fact, this simple act of asking "what is the problem I am trying to solve" can be an incredibly powerful tool for working through obstacles or mental blocks.

But Agile practitioners most commonly use a set of open-ended sentences known as a "User Story" to describe problems that need solving. In short, a User Story is a snapshot of a particular customer need and the reasons behind that need. User stories follow a simple format:

As a ______________________________, I need to be able to ____, so that I can ____.

Each blank represents information that you need to capture based on the best information you have about the customer.

As a <customer role>, I need to be able to <desired outcome>, so that I can <benefit>.

Depending on your type of practice, you may be able to develop an array of generic or semi-generic stories that apply to your typical client. A family law practice, for example, may have a basic set of stories that includes things like:

- As a person whose marriage is failing I need to be able to dissolve my legal ties to my spouse so that I can get on with my life.
- As a person whose financial interests are entangled with those of my spouse I need to be able to ensure that my assets are protected so that I can have the resources I need to continue my life on my own.
- As a soon to be single parent I need to be able to maintain a strong relationship with my kids so that I can be assured that they are safe and well-nurtured.
- As a person going through an emotionally difficult time I need to be able to vent my frustrations to someone so that I can get things off my chest and feel like my feelings are valid.

Similar high-level story sets can (and should!) be developed for any practice area. You may think you know the stories for your clients—and you probably do have some idea—but making an effort to consider them more fully give them form will enhance your understanding of your client needs and leverage that knowledge in your services delivery and business development efforts.

Once you've developed these high level stories you can use them to inform the work you do in your practice. Keeping with the family law example, a lawyer might replace a task (or set of tasks) having to do with filing temporary orders at the beginning of the dissolution with one or more user stories describing what problems she is trying to solve for her client. The measure of "Done," then, becomes not whether the work was completed but whether the problems have been solved.

Technique #3: Be Retrospective

Agile is big on small rituals. You may already be a "ritual" person, but if you're rolling your eyes then you should know this: the use of rituals has been scientifically shown to boost performance[2] and stimulate the creative process.[3] In Agile methods, particularly Scrum, rituals provide quick but effective ways for team members to check in with each other, lend assistance, foster accountability, and measure progress towards goals.

Scrum is well known for its four rituals: the Planning Meeting, the Daily Stand Up, the Review Meeting, and the Retrospective. The first three rituals I'll touch on only briefly (though they are powerful in their own rights). Their primary purpose is organizing the work do be done (the Planning Meeting), coordinating the team while it actually does the work (the Daily Standup), and, at the end, assessing whether the problems represented in the stories were actually solved (the Review Meeting).

[2] http://www.scientificamerican.com/article/why-rituals-work/

[3] https://www.fastcompany.com/3035281/hit-the-ground-running/the-importance-of-ritual-to-the-creative-process

Which gets us back to the fourth ritual, the Retrospective. Where the first three rituals are mainly about planning and doing the work, the Retrospective is about the process for doing the work. It typically follows a three-question format, and everyone on the team is expected to participate (though they are equally powerful for the solo practitioner). The questions are simple:

- What went well that we should keep doing?
- What didn't go well that we should stop doing?
- What should we try that is different?

The answers to these questions (and the act of addressing them) provide the basis for continuous improvement (a/k/a the Lean concept of Kaizen). By getting into the habit of conducting a periodic retrospective, you and your team are forced to acknowledge both your strengths and your shortcomings. Better yet, it allows you to come up with a plan to capitalize on the former and reduce the latter.

I like to capture the answers to these questions and keep them visible (ideally right next to a kanban board). That way, if a you or someone on your team starts to drift away from an acknowledged good practice, or towards an admitted faulty one, you've got an easy reminder of what the team agreed to.

And the power of these questions isn't limited to self-reflection. I ask them of clients, I ask them of vendors and other partners, and I've even used them with my friends and family to check in from time to time. I encourage you to do the same. Again, even if you're not using Agile (yet), I encourage you to set aside time on your calendar every few weeks to conduct a retrospective, or have one with your team. You'll be amazed at what you can improve when you give yourself permission and space to work on it. It may not be "billable work," but I guarantee it will pay off.

John E. Grant

is an attorney and Agile Certified Scrum Master with a passion for helping lawyers and legal teams improve their practices and have fun doing it.

John has spent most of his career at the intersection of the legal, business, and technology worlds where he has studied established techniques like Lean and Agile that have revolutionized countless industries. John has adapted these techniques for the Legal profession, helping lawyers and their teams get more done in less time, deliver greater client value, and feel more in control of their professional and personal lives. John is the principal of Agile Attorney Consulting, he blogs at LegalValueTheory.com, tweets at @JEGrant3, and you can reach him by email at John@AgileAttorney.net.