

#187: The Value of the 80/20 Principle in Your Law Firm with Ernie Svenson (Part 2)



Full Episode Transcript

With Your Host

Melissa Shanahan

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I'm Melissa Shanahan, and this is *The Law Firm Owner Podcast*, Episode #187.

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Hey, everyone. Welcome back to this week, it's part two with Ernie Svenson. I'm really looking forward to sharing with you the second half of the conversation. I hope you enjoy. And, don't forget to sign up for his newsletter. It's brand new, and he's putting a lot of thought into it. I'm really looking forward to reading the content. You can find that URL in the show notes. And you can learn more about Ernie Svenson at Ernietheattorney.net

Melissa Shanahan: Listening to you talk about the 80/20, which you got more specific, you were mentioning, than just law firm autopilot suit outs, focusing on 80/20... I love the idea of constraint, and I think about it a lot. And looking through this lens is a form of constraint, I think. Looking through the lens of 80/20. And feels really useful to focus on that.

Ernie Svenson: That's why I like this idea of 80/20. Because 80/20 lets me pull in something else. I can pull in the Theory of Constraints. The Theory of Constraints, as in any system, there's usually one thing that's a major bottleneck that needs to be addressed, before anything else can be addressed. Right? And again, it's like the 80/20 rule. Where is that thing? Ah, see, that's the hard part, right? Because it could be a bunch of different things.

It could be, "I don't get enough clients, and I'm not profitable." My constraint of not enough clients, is what? Or, it could be, "I'm not getting enough clients, because the clients I have aren't served well. I'm not really operating efficiently." Ah, well, you see, it's the operational thing, right? So, you start looking at things in different ways, and it's tricky.

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Like, if this was easy and automatic and paint by numbers, everybody would be doing it. But it's not, because it requires analysis, thoughtfulness, persistence, and looking at things in different dimensions. And therefore, turtle steps is the only way to go. Because you're not going to be able to do all that stuff quickly.

Melissa: Right. You know, when we do strategic planning, we constrain down to a number. It's like the "mother" number. And then, there's some sub numbers that mean, "If you hit this..., then the mother will be hit..." I don't know, I'm being funny with my language. But that's how I think about it. So, revenue is an example.

But like, what do you need to focus on in order for that to happen? Okay, so you get your numbers, but you're constraining down to one focus, and everything feeds to that. But then, we get to the part where you have to, again, exercise constraint, and decide what are the key priorities that you're going to do in the next 90 days, in order to put yourself on track as best as possible?

And people want certainty with that. They want to know that they're picking the right things. But just exactly like what you're saying is, and I love your way of explaining that. When you look at... It's hard to know exactly what the right thing to focus on.

Like when you said, "I need to get more clients," and then you were going down the path of that example. It's like, okay, what's the lever to pull? And not what's the lever to pull, it's what's the lever you're gonna pull to see if it works?

Ernie: So, that's the key thing about the constraints. That's the other part of constraints. One, you want to try to find that place where it's pivotal, right? It has maximum leverage. But the other thing is, we're not going to take action, if we have... Each thing you add to the Action List, decreases exponentially the odds that you will either take action, or that the action will be effective when you take it, initially.

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And also, if you're trying to change too many things, it'll be hard to know which of those things... What's the impact of any of those things, right? If I'm only changing one thing, and I see a dramatic different result, like "Oh, well, that's because of that one thing I changed." You'll know it, right?

So, there's a whole bunch of different reasons why you should be doing turtle steps and focusing on the one thing. That's another great book. You know, what's the one thing, that if I do that it makes everything else either unnecessary or easier? Figuring that out is challenging.

Melissa: It is. You really have to like pin them down to stay with it enough to come out with an answer. And, you don't know if it's the right answer.

Ernie: Right. And so, this will set up what you and I were talking about earlier. Which is, "I want to have you come on my podcast to talk about KPIs." Because I think one of the insights I had when I started thinking about all this, and what 80/20 looks like, is technology, leverage technology. Use systems, yep. Got it. Delegate to outsource. Okay, fine.

But how do I know I'm making progress, right? Because this is like, it's all invisible. You have to measure it, but how do you measure it? Well, you have to measure data and then analyze it over time. And then, you will know, like, "Ah, I see there's progress happening." Or, "No, there's no progress." Or worse, "It's going downhill."

If any of those things are happening, what are we going to do to make that better? Well, unless you're measuring it, you can't manage it. So, what are the KPIs that people should be measuring? I came up with a list of seven. And we talked about them, but obviously profitability is one. And then, you get into profitability, and as you said, it's not simply...

Obviously, measure revenue, measure cost, subtract one from the other. Okay, but what else is going on in there? As you well know, it's not just, "Okay, we've we set that up in their table, we're done." Like, where are we profitable?

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Melissa: Do you know the concept of leading and lagging indicators? Okay. So, this is how I think about it. The lagging indicators are like the fun goals. Everybody wants to set those, like, the end game. But the leading indicators are where the work is. And so, I had a realization this fall. I was trying to do a presentation, and the person I was presenting with was really pushing to talk about leading and lagging indicators.

And we did a dry run to my group. And they said, they were all very confused as they tried to think about leading indicators inside of their law firms. And is it a leading indicator? Is it a lagging indicator? There's like debate, and I was like, it really doesn't matter.

So, I realized that... I know, this is it's not exclusively defining a leading indicator. But leading indicators, you typically have more control over. It's like the thing that you're going to do, because you think it's gonna result in the lagging indicator. So, that's Rocks; it's the things that you're going to do.

Now, I think this is what you're getting at, making that measurable can be hard. Because it's the effort that you're putting forth, in order to see the results that you want to see. It'll be fun to talk about this in your podcast. I do encourage people that there has to be a black-and-whiteness around it. But sometimes, I don't know how they should be tracking? Other than, are they doing it? Are they showing up taking the turtle steps, basically? Because most people don't do it.

I guess sometimes you could put a number to it. For instance, if somebody thinks they need to have more referrals, then maybe they have a certain number of lunches every month or every week. That's measurable; that you're ticking away at.

But I think it's very difficult, but a worthy exercise, to figure out how you want to measure progress. And I do believe also, that your first idea on how to measure progress, you should do that. And then, you're probably going to have a realization about what you really need to measure.

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Ernie: Right. Yeah, no, exactly. Well, I will say that I think if I had to pick one KPI, in every business, that should be measured... Because it can be measured easily. And that would be customer satisfaction, by using the Net Promoter Score.

The Net Promoter Score is itself an embodiment of the idea of, let's simplify this and distill this down to one thing. I know you know the whole story about how the McKinsey Consulting guys were like, "Well, if we ask too many survey questions, nobody takes action." They don't know what's meaningful.

And how do you know whether somebody's satisfied? Well, that question is a magic question. How recommendable are we? That teases it all out. That's the question: On a scale of 0 to 10, how likely are you to recommend us? Nine and 10 is a Promoter. Seven and 8 is Neutral. Six or below is a Detractor.

So, if somebody picks six or below, I tell lawyers, you need to set up your system so that when they pick that number, in whatever survey tool you're using, they're now transported to the next question. Which is, how can we improve what we do? Because you know that you're not at the top level, right?

However, if they pick eight or nine, you know, they're happy. They're gonna recommend you. Ah, well then, let's pivot to; what did you like about what we did? Can you give us two or three examples? Oh, by the way, Do you mind if we share your comments publicly? Because it would help us get other great people like you. No? Okay, well, then they jump to another question. How do you want your name to appear if we publish it? And then, they give you the name.

Ah, now you have a testimonial, right? So, you've gone from getting feedback. If it's bad, you know what to do about it. You don't know who gives you the feedback, because that question isn't answered. But if the

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person is a Promoter, and they say, yes, they, here's my name, you know who they are, and you collect a testimonial.

So, there's a couple of different things happening. But all you have to do once you set it up is ask every client at the conclusion of the representation to fill out that survey.

Melissa: Uh huh. There are variables in terms of stickiness with this. But what do you find, or what do you expect, what percentage of people actually fill it out?

Ernie: Oh, a lot of people fill it out. Because again, you have to set up how the question is going to be presented, and when it's presented. But if you construct all that in a little text snippet, or email snippet, or wherever you need to deploy it from. It's going to be something along the lines of, "Hey, real quick. Could you just answer one quick question, to give me feedback about how we did?"

You're telling them it's one question, because it really is only one that's required. And, the rest of them are optional. So, they click it. If they don't answer anything else, great, you got your feedback. And then, that goes into a composite score that's calculated based on the number of all other people. And that's your ongoing dynamic NPS score; which could be going up or going down.

And then, you're also going to, potentially, get other information that will be useful to you. And people who are unhappy, they want to tell you why they're unhappy. Yeah, and the people who are happy, they kind of want to tell you why they're happy. So yeah, the feedback rolls on in. It's easy.

Melissa: That's cool. In my head... I guess, it's not a good assumption. I mean, no assumption's probably a good assumption. But it's just another email that people get, and so they just ignore it. But that doesn't have to be true. To your point, the method of delivery and the point at which they receive it, matters greatly for that.

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Ernie: Yeah. And, you can automate. Because it's anonymous... But you could, using ConvertKit and I'm sure, Active Campaign, you could do the same thing. You could have a tag that gets applied if they click the link, and then that tag says, "Well, you know, they clicked a link." If they don't click the link, you can go, "Well, they didn't click the link. Okay. Well then, two days later, send an email. Hey, by the way, are you busy...."

And so, you can automate the process of making sure that more people get it to you. But really, you can text it to clients, you can email to them directly. People want to give you feedback. They really do, unless they forget, or they get busy, or it gets lost in their spam folder.

Melissa: Yeah, it just needs to be easy and convenient for them to do so. I have like random questions; I'll just fire off at you. Do you still use ChatterBoss?

Ernie: I do. I like ChatterBoss. But I'm not, in this current moment, I am not with a ChatterBoss person. Because the ChatterBoss person I had, had a problem with her child and she had to stop working for them. And mostly, what she was doing was social media stuff. And she was running my Meet Edgar tool; she learned how to use it.

And I realized, like, I really need to learn how to use this. So, I said, let me take a break and learn how to use it myself, so that I can then direct the next person in how to do it better. Yeah. And also, I needed to know how to use it, better than I did. And I wasn't going to do that, if I just said find me another person.

I will go back to them. I love ChatterBoss. I think they're amazing. Valerie's in our inner circle area, too. As well as Tiffany; they're all great. Yes. Yeah, they're wonderful. I just, to be perfectly honest, at this particular moment in time I'm between ChatterBoss people.

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Melissa: Okay, yeah. The other question I had, is there anything or anyone you've heard recently that you've really been into? Sounds like this 80/20 stuff has taken up some brain space but...

Ernie: Well yeah, the Category Pirates people I really like, just because I feel like of all the people that I've learned marketing things from... You know, I always play this game, if somebody is gonna give me a lobotomy and wipe my brain clean. Before they did that, what would I want to have reinstalled, if I could only have one thing reinstalled? For example.

So, like that game with the book, if I only had one marketing source to go, to learn what I feel like I need to learn, I think that these guys; Nicolas Cole's book on the art of online writing, is good for, "Well, yeah. How do you write online?" Whether that's blog posts, whether it's email, things. What is the trick?

Because it's a different game to write in that way, than it is I'm publishing in the New York Times bestseller. Like, it's a whole different game. He's mastered it; he can explain it really well. He teaches it with the Ship 30 for 30. Which I'm tempted to take it, but I'm not gonna do it now. But he's got that nailed. And he's got the category branding thing nailed, in the sense that it's actionable.

I was only able to make use of it because it was actionable. Because I'm not going to take a course right now, because I'm too busy. But I was able to figure things out by just following him on Twitter, and then buying the books and flipping through those.

So, like, I think those guys are like... I think they're really powerful. They're amazing. And if you follow them on Twitter, for example, the people that will get suggested to you, or that they suggest, will be high quality, as well.

Melissa: Yeah. Okay, that's good. Is there any skill you're trying to develop right now? Or, any hobby or skill?

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Ernie: A skill I'm trying to develop? Well, I'm always trying to develop the skill of understanding human nature, and the foibles of how we misjudge things, misperceiving things, overreact to things. And so, yeah, that's like my central hub. That affects so many other things in a positive way. And, meditating and journaling every morning. That's a huge...

Melissa: Okay. So, what are the random questions that... Well, I did hear something the other day that made me... You're one of the people, I think, that would really appreciate it. It was an interview with Seth Godin and Tim Ferriss. Have you listened to that, yet?

Ernie: Oh, it's a new one? No, I haven't. I'm getting in on that.

Melissa: I was reminded of a quote, that was one of my favorites. And I forgot about it until I re-heard it on this. I heard it from Seth Godin the first time, but it is by Elizabeth King, who's a sculptor. And she has a quote that says, "Process saves us from the poverty of our intentions."

Ernie: Ooh, I love that.

Melissa: Isn't that good? I love that so much. Okay, I need to never let that fall off my radar again. I really, really like that.

Ernie: Yes, because that's what it is. I mean, like, well, first of all, it's attacking a couple different things. But as we all know, it's about if you have the process, the results will take care of themselves. You should measure the results and all that good stuff, but you know, it's about the process. And I guess that's like, you know, leading indicator vs, lagging.

Leading is process. And then, intentions. We all have good intentions; all day long I have intentions. But this, to me, is why journaling or having Quick Capture with Drafts has helped me, because if I hear something... I now have a lot of data to know that if I don't write something down, I will forget it.

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And so, the other day, like this is a really stupid example. But I was watching the Louis Armstrong thing on Apple TV, and it's really, really good. I highly recommend it. And he uses this word at one point, and I thought, "Oh, that's so funny. It's such a made-up word," whatever that word is for made up words, malapropism, or something.

And he said it, and I thought, "This is clever. I'll remember that." And I was like, no, no, you know yourself, you're not gonna remember this word. And then you got to kick yourself because you didn't remember it, and you have to go back and watch the whole thing to find it. So, he combines the word "rudimentary" with "fundamentals". So, "You got to know the rudimentals." I thought, "Oh, that is so wonderful." But I had to look it up.

Again, because I know I will forget these things. You know, our intentions are oh, yes, I'm gonna do that tomorrow. Yes, I'll remember that. And if you start tracking how often you're actually following through on these things, or that you remember to follow through, or any of that stuff, you'll realize that you're not unique among humans.

Because your brain isn't equipped to remember all this complex stuff. Right? You have to write it down; get it out of your head.

Melissa: Yes. That's really what I appreciated about you earlier, when I said, how are you supposed to keep up with constantly evaluating? I mean, your answer was essentially, get it out of your head and onto paper. Or, into Drafts, in your case. Like, that's the key. If you can do that, you will get it taken care of, in your own fashion.

Ernie: And by the way, I didn't come up with this. What does Woody Allen say? Get it out of your head. Let's capture it. The only difference is, and maybe he's updated it, but originally it was like, write it down on paper, on note card or whatever. And I feel like I have tried that. But the problem is, if I don't have a note card with me, I go, where's my note card?

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Whereas, I always have my phone with me, and that synchronizes over to my computer, and I can use Drafts in a robust way. So, it gives me my default go-to, get it out of my brain. I get a lot of practice with it. So, because I get a lot of practice, I know what to do with it. I know how to use it. I feel comfortable.

Melissa: Yeah, I'm definitely going to try out Drafts. Because mine are in a Notes app. It's simple, Simple Note or something.

Ernie: Are you a Mac user?

Melissa: Uh-huh.

Ernie: Oh, then you need to... I'm gonna send you the link to David Sparks' course on Drafts; It's free. And he's a wizard, you know, he's David Copperfield. And I haven't learned all that stuff, but I went through it and just checked off, okay, I want to do this, I want to do that, I want to do this.

Melissa: Okay, that's good enough. Because I mean, I have to scroll through all my notes to figure out, to try to find the thing. And it's getting... I have way too many in there, there's no way to categorize them. And so, this sounds glorious.

There is this sense that I have of you, I'm wondering if it's true. I imagine that you live your life very zen. You have lots of space between things. You never have a like back-to-back-to-back-to-back schedule, on purpose, right?

Ernie: I've been ruthless about making that happen. At first, it was hard. A lot of mind problems, you know, a lot of like, not understanding, being afraid. And then, I started picking up speed. And I was like, wait a minute, this feels good; boundaries, lots of boundaries, and lots of constraints.

Melissa: Yeah. Okay. And I just imagine you just floating through your weeks.

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Ernie: That's not true. Now, I do take a lot of naps. And my wife would probably nod her head vigorously, maybe in response to what you said. But it doesn't feel like that to me, because in my head, I have a lot of ideas that are circulating, like a whirl. And so, a lot of my journaling was, oh, let me get those out. So, I can look at them.

And then, at some point, I learned, like, you know, these all don't need to live. You know, if they're super important, they'll come back again. So, I've kind of gotten good at figuring out which ones I need to put into Drafts or write down. And I've gotten pretty good at not having to write them all down.

So yeah, maybe I am more like what you're describing. But it doesn't feel that way to me. It still feels like there's a lot of having to say no to things and figuring out what to prioritize or not. That's how it feels like. But if you observe me, you'd probably say, you know, you're living the life. I don't know.

Melissa: Yeah, yeah, maybe I mean, my image of how you live your life, my mental image is inspiring. I feel like lately, I'm bumping up against limits that I allows to happen.

Ernie: Also, you are in a different season of your life.

Melissa: I know.

Ernie: My kids have all grown up, moved away. I'm now a grandfather; like that's my, that's my dealing with small children. Donna has two grandkids. And so, they're great. But like, as you know, with grandkids, it's wonderful for grandparents. So that era, that phase of life that you're in, oh my god, I could not do what I'm doing now, if I had children, you know, your age now.

Melissa: Yeah. Oh, that's good to know. I mean, I picture you, back then, kind of zen.

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Ernie: Oh, no, no, no. I was in a fog, back then. And I told you... Here's a book for everybody to read if you're in this stage. Michael Lewis, the famous author, has a book called *Home Team*, I think. And he dug out his notes from when his kids were little. And then, he's like, wait a minute, I don't remember a lot of his stuff. And, he wrote a hilarious account of this.

I need to go back and read it again. I keep it on my list for when people have passed through a certain stage. Because I wouldn't normally give it to you, or to my daughter and her husband, because they're in the throes of it. Of course, they don't have time to read the book. It's when you've come out of it. And they go, "By the way, why don't you read this, and see if you don't crack up laughing?" And they will, because you've lived through it, and you're like, "Whoa, that is exactly how it was."

Melissa: Yeah. No, that's very true. I think of the stage of life I'm in, if there was a like a consistent beep, like cadence. And it speeds up for busy times in your life. And then, it slows down. This time of my life, it feels like you're really going, but I feel like it's a notch too fast.

So, maybe you're right. The goal isn't to maybe flow through the weeks in the same way that you do, you're in a different season of life. But I'm not impressed with my pace right now. I want to back it down a little. And so, I need to institute some more boundaries.

Ernie: The one thing I would say, you know, the old game of like, what advice would you have for yourself, if you're younger? Knowing what I know now, the advice I would give to myself as a parent. I probably did this without knowing that this is like an important thing to do. And I think the reason I probably did it was because both of my parents, you know parented like this.

But I think the key to parenting is to let a lot of things go. Like if you're kid's going to eat dirt, it's not going to kill him; let him eat dirt, right? My mother was really good at this. My mother was like, "Yeah, go ahead. Do whatever

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you want to do.” Now, when I was about to do something really stupid, both she and my dad would intervene or admonish me not to do it.

But in general, their approach was, you're gonna learn more by making mistakes on your own. And I'm gonna sit back and watch you, because then I won't have to be the bad guy. And I always think of this Mark Twain quote, which they say often, he says, you know, “The man who carries a cat home by the tail, learns a lesson that can be learned in no other way.”

Now, what he's really saying is, if you get scratched by the cat, you'll never not remember that lesson, right? So, a lot of the things you need to learn, you're going to need to make the mistake and screw up to go, “Wow, that was really bad. I don't want to do that again.”

Of course, you know, I made a lot of stupid mistakes, repeatedly. And, my parents would point it out. So, I'm not saying that I carried the cat home by the tail only once. But I'm saying, as a parent, I think a lot of what I see with parenting, is parents obsessing too much. And trying to prevent a kid from falling down, scraping their knee. They're gonna do that stuff. They just are.

And, you know, they're gonna live, it's gonna be okay. I think collectively, parents put a lot of pressure on themselves, because they all compete to be the best helicopter parent version of themselves, they can be.

Melissa: Yeah. I mean, it is interesting. I think the business, is at a pace that I am not... Like, something needs to shift. Because I mean, I would have cut off my pinkie four years ago, to have the scenario that I have, right now. To have the “problems” that I'm having, right now.

They're not problems. But it's things to be addressed. I always know when I'm really craving a zen life. Do I really want a zen life? No, that's not me. I want a relaxed, fun life. But when I'm craving that end of the spectrum, it's like, I just need to tone it down a bit. I need to kind of set myself up to win at the game of, not balanced, but something more in that direction.

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Ernie: So that, what you just said, is like, reason number one, why I so respect, admire and cherish how you are as a person. and what you teach. Because one of the things I've always... I mean, I like learning things. You know, you like learning things. We like learning. We like helping people. But I feel like, there's a lot of pressure sometimes, when you're the person who's teaching people, to present yourself as somebody who knows it all and hide the part where you're figuring it out.

And it's like, you know, talk about letting something go. I have let that go. Look let's just be clear, I am figuring this out. I am not at the end of the road. I might be a few paces ahead of you, I might be a lot. I don't know where the hell I am. If you're ahead of me, please go on ahead and tell me what you see. If you don't want to follow me, that's cool. But I'm not going to pretend that I have this all figured out.

And the people that claim, or seem to, or don't let you see that that's what's true, I don't really trust those people as much. I just don't. I trust you.

Melissa: I agree with you. It is vulnerable. I mean, someone said yesterday on a call, I'm like, "Why did they think that?" Because I don't want people to think that. Someone said on a coaching call, "Well, I know that this probably isn't a problem for you. But for us mere mortals..." It was something about scheduling your week and honoring the plan that you made.

And I was like, "What are you talking about?" I don't think, for a second, that I have something perfected, because I don't. I do subscribe to certain things, and I work really hard at those things. And maybe on a scale, I'm further along than others. But I will never be done figuring this out.

Ernie: Yeah, well, I think it's good for people to hear that. At least in my experience, when I've told people, because they'll go, "Oh, you're an automation wizard," or whatever they think I am. And I'll go, "Nope, I really am not. Look at this." And they'll go, "Oh, you struggle with that, too."

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Like yes. Okay, so that lowers the barrier, I think, in the brain, because if people are on a pedestal you go, “Well, I would never be able to do that.” “Yeah, hey, dude, I got no secret power here. I have made a lot of mistakes. All I am is somebody who's gotten clear about a bunch of things not to do. And then, a few things that seemed to work out really well.”

And that, to me, is why I love 80/20 as the idea. Because it's like there's a few things that I think people really need to use. Like in technology, there's a few tools. And I'm not going to list the ones you're already using, because yeah, obviously you need to use a word processor. You need to use email. You know, you don't need me to tell you that.

What you might need me to tell you is, “Hey, how are you going with that automated scheduling? Are you using Acuity or Calendly? No. Okay, well then drop everything and do that immediately.” And if you are using it, I would say go look and see whether you can optimize it, because there might be some form questions... Because I know in my own experience, that is not a set it and forget it tool. It has a lot of initial power, but it has a lot of power that you can go back to and optimize. Same for text expander.

So, you know, it's being honest with other people about what you're struggling with. It helps them understand that's what they need to pay attention to, and not feel bad if they are struggling.

Melissa: Well, I was not thinking along those lines. It's funny that that was an observation. And I appreciate that, because you're right. People that have it “all together” it's just a little unrelatable. And, it can't be true. It just can't be true.

Ernie: A comedian said this one time, I thought it was hysterical. He said, he was describing the meaning of despair, “The meaning of despair, the definition of despair, is watching your karate instructor get beat up by an interior decorator.” Now, maybe that's not politically correct or something. I don't know. But you know, 15 years ago when I heard it, I laughed.

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Because it's like, yeah, you know, if you're supposed to be the expert, how did you get taken down by fill in the blank? Right?

Yeah, but the reality in the world of what we do, is there is no karate instructor ninja move. It's not like in six moves you make... It's complicated and things change, and you get new insights or whatever. It's a dynamic process, right? Let's just be real about it.

Melissa: Yeah. So, so good. Oh, thanks Ernie.

Ernie: Yeah, take care.

Hey, you may not know this, but there's a free guide for a process I teach called, Monday Map/ Friday Wrap. If you go to velocitywork.com it's all yours. It's about how to plan your time and honor your plans. So that, week over week, more work that moves the needle is getting done in less time. Go to velocitywork.com to get your free copy.

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