THE LEGAL DESIGN BOOK

Doing Law
In The
21st Century

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Excerpt chapter from

The Legal Design Book

by Astrid Kohlmeier & Meera Klemola.

www.legaldesign-book.com

In the book:

Chapter 5
Field Work

What does legal design look like in practice? Who is using legal design?

It's time to get practical. In this chapter, we have curated a selection of legal design projects from our clients', collaborators and other leaders in the field. The case studies included span industries and geographies, to highlight the growing global influence and impact legal design has on all legal ecosystems – be it a university, an international law firm or an internal legal department of a billion dollar company. We thank the project leaders and all contributors for sharing their great work in this book.

In addition to the six use cases, we added a list of other legal design projects online. You can find the details at the very end of this chapter. New examples of legal design projects are emerging every day, the results of which are shared regularly on social media. We encourage you, the readers, to develop an open eye for it. Use these case studies as evidence to initiate the legal design dialogue within your organization and to demonstrate to key decision makers what other players (be it competitors or otherwise) are already implementing legal design today. Such a stimulus can be the key driver to get started with a project and thus set the first legal design milestone for your team and organization.

Case studies by
Clifford Chance/
Hive Legal/
Queen Mary University/
Airbus/
Háptica/
Visual Contracts/

Queen Mary University of London Legal Design Program

by

Karen Watton

qLegal Director, Queen Mary University of London

Why do this?

Legal design was introduced to master's law students who had signed up for the qLegal initiative at Queen Mary. qLegal sits within Queen Mary's postgraduate Centre for Commercial Law Studies and is an established student-led law clinic providing free legal advice to start-ups and entrepreneurs. Students develop practical skills and professional mindsets as they work alongside external practitioners to help real clients. More recently, qLegal has expanded its activities to become a broader simulation of an innovative commercial firm. Just as leading law firms are innovating and branching into multi-disciplinary practices offering a range of services, so qLegal is following suit, better preparing law students for life after study and opening their eyes to potential new career paths, including within New Law and lawtech.

Experiential learning programs give context to students' academic studies as they gain a practical understanding of the difference between legal theory and application. Working with practicing lawyers helps develop their networking and communication skills and business etiquette. And the fact that students are delivering services to real clients raises motivation while developing students' commercial awareness.

The impetus to include a legal design program stemmed from qLegal staff members' personal experience of legal practice, legal product development and innovative education techniques. As legal educators, the qLegal team felt they had a responsibility to start laying the groundwork for change, in line with qLegal's mission: to help the next generation of lawyers help the next generation of clients to create value in the world. At the core is an appreciation of the opportunities for new roles and new ways of working within the Fourth Industrial Revolution – in particular, the need for a more emotionally intelligent, collaborative and holistic approach to the application of technical expertise. There is a strongly held belief that legal services can and should be delivered better to benefit everyone, and much of qLegal's focus is on developing students' empathy, self-awareness, adaptability and resilience, in addition to their technical skills.

It was also recognized that giving students a new way of problem-solving, drawing on best practices from other disciplines, would add another string to their bow, giving them a competitive advantage as they start their careers, and opening up the potential for further innovation in the future. There has been criticism that universities are not doing enough to keep up with current practices in the legal sector, let alone those that may be in place in the next five, ten or twenty years, and Queen Mary's Centre for Commercial Law Studies, including qLegal, is keen to stay at the forefront of legal education and commercial practice.

The winning team, "T3AM," getting together to work on their prototype:
L-R: Artemy Ivanyushin, Constanca Cruz Ferreira Nunes, Niki Agrotou, Tanya Kalyanvala, Wangari Thuo

The setup

The *Design the Law* program covered an academic year, with 20 places available to the LLM students. The successful applicants, from 12 countries, ranged from qualified lawyers to those straight from their undergraduate degrees with little or no work experience. The program is extra-curricular and structured around legal design challenges to build up students' knowledge and experience. Students attended an induction and two introductory workshops on legal design given by the qLegal director, so they had a basic understanding of design thinking.

The first legal design challenge was run in conjunction with F-lex paralegal agency, a law-tech start-up with a longstanding connection to Queen Mary. The challenge was set by F-lex CEO and co-founder Mary Bonsor: to redesign the company's terms and conditions (T&Cs), which are available on its website. Given that law students are primary visitors of the F-lex site as they register for paralegal work, it was an opportunity to have something created *for* users *by* users.

F-lex and qLegal commissioned Meera Klemola to design and deliver the initial two-day educational workshop. Students were taken step-by-step through the stages of design thinking, and Meera drew on her experience to share practical examples of legal design, bringing the concepts to life. At each stage, the students were set exercises to apply the learning to their practical challenge of redesigning the T&Cs.

The students had been spilt into four teams; they were competing to have the winning team's prototype design adopted by F-lex. In most cases, students did not know each other, so they had to learn how to negotiate a way of working effectively with strangers using a methodology that challenged their ideas of being a lawyer, within a competitive framework and with a very tight deadline.

The first day of the workshop outlined the end-to-end process and saw the teams making their first forays into conducting user research interviews – including on each other – creating personas and roughing out tentative prototypes. Day 2 enabled them to carry

out further research, ideation, prototyping and user testing, underlining the strong message that legal design is an iterative process. Meera was on hand throughout, answering questions, giving guidance and providing initial feedback. The students also valued being able to gain clarity on the scope of the brief and test ideas with Mary, and gained further insights into the process and feedback on their methodology from Steven Chambers, the UX designer for F-lex.
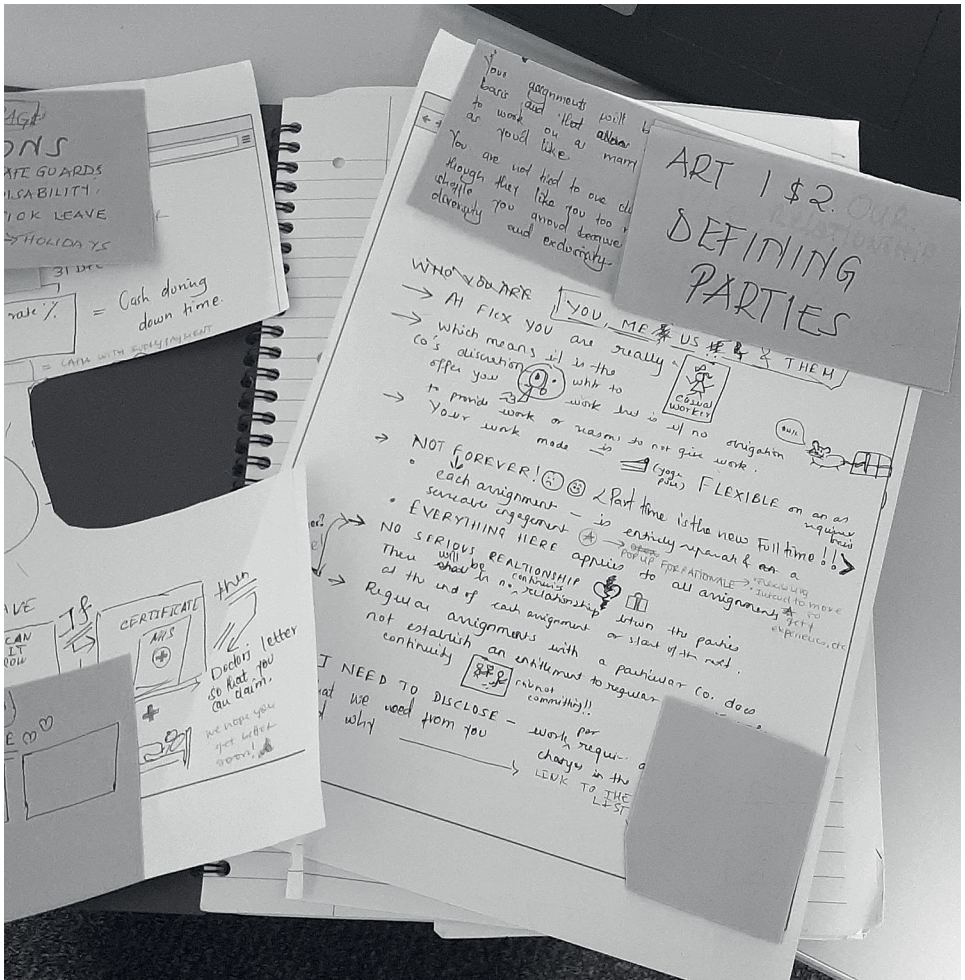
The workshop was intensive. The students gained enough knowledge in two days to enable them to develop their work over the following two weeks before pitching their prototypes to F-lex's panel of judges.

Observing the students

At first it was a challenge for some students to move away from ingrained ideas on how to think like a lawyer. They had to embrace ambiguity, "silly" ideas, and not aiming for a perfect solution straight away – instead taking time to fully interrogate the problem, empathize with *all* stakeholders, and appreciate that there were many possible answers. Some found it hard to move away from the printout of the T&Cs and the temptation to make this just another legal redrafting exercise. They were comfortable with the familiar, and it felt risky to open up to a more creative approach.

KEY FINDINGS: T'S & C'S TO BE READ

I would just click the accept button without actually reading   **11%** / 4 resp.

- Majority want to read Ts & Cs before signing up with F-LEX
- Validity of the Ts & Cs – correct interpretation is a concern
- Majority still prefer to have a classic agreement "just in case!"

T3AM survey findings

There was also initial reluctance to share ideas across the whole group, and in particular, to let other teams see first prototypes and give constructive feedback. Mindful that this was a competition, students were concerned that others would steal their ideas, so the suggestion that wider collaboration would raise everyone's game went against their instincts. What was immediately clear was the high level of engagement shown by all the students. qLegal is used to running interactive practical sessions, but this was exceptional in that the team had to ask the students to leave at the end of each (9 am – 5pm) day despite

the students having worked flat out, including in scheduled breaks. It highlighted the difference between extrinsic and intrinsic motivation. There was no grade attached to this, but the students were highly motivated to produce a tangible, real-life outcome for their client and were genuinely curious about what the design thinking process might uncover.

Students' reflections

This was a pilot program for qLegal, and many of the students later admitted they weren't wholly sure what they had signed up for. The program's name – *Design the Law* – and the phrase "legal design" were interpreted by some as relating to policy drafting. Notwithstanding this, all but one of the students stayed the course for the F-lex challenge.
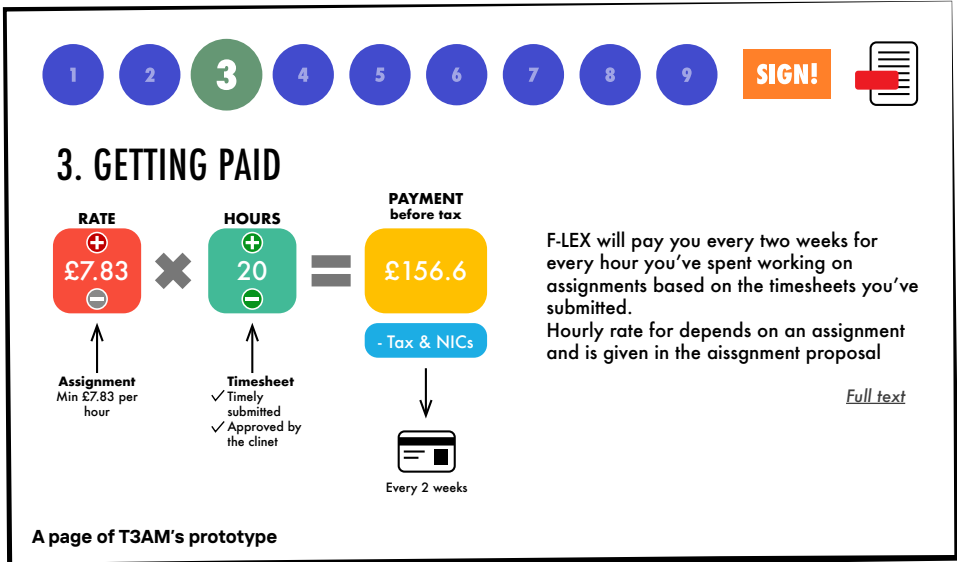
Many students commented in the workshop that it did not feel like work. Students enjoyed problem-solving and giving and receiving feedback in a constructive way as they built on each other's ideas. Meera's "round robin" exercise to facilitate this process was particularly popular, and students who are already qualified lawyers said they would incorporate this technique into their practice.

The most common theme from the students was how their eyes had been opened to the benefits of open collaboration and group working. They remarked that too often in professional practice and in legal studies, they were used to individual output and a competitive mindset as the default. Working so closely with others from different cultures and backgrounds was a breakthrough, as was realizing that collaboration among competitors can achieve better results.

The client's view

Even before the final pitch, Mary received immediate insights and feedback on the look and feel of the F-lex website. In particular, students flagged that the site did not convey the company's warm and human approach, which the students had sensed from engaging with Mary. Students also questioned aspects of the user journey.Some information that

was considered important to all users was only accessible once prospective paralegals had been taken on by F-lex – and what happened to the data of those who were not accepted?

1 2 **3** 4 5 6 7 8 9 **SIGN!**

3. GETTING PAID

RATE
£7.83

HOURS
20

PAYMENT
before tax
£156.6

- Tax & NICs

Every 2 weeks

Assignment
Min £7.83 per hour

Timesheet
✓ Timely submitted
✓ Approved by the clinet

F-LEX will pay you every two weeks for every hour you've spent working on assignments based on the timesheets you've submitted.
Hourly rate for depends on an assignment and is given in the aissgnment proposal

Full text

A page of T3AM's prototype

The F-lex judges reported being "blown away" by the amount of work the students had put in to deliver their prototypes for the final pitch. This was especially impressive as the students had exams during the project. The teams had all come up with original ideas that improved the existing design, and between them had conducted interviews with more than 250 end users in developing and testing their ideas, enabling them to give a clear rationale for the decisions they had made.

The teams had taken different approaches to the redesign, playing to individual members' strengths without jeopardizing the overall coherence of the product or end-user needs. Prototypes included the use of a journey metaphor with travel-related graphics so that users could easily navigate the site; prioritizing images over text and organizing and layering information, giving users choice on how much they accessed; using humor and an interactive quiz to make sure users understood the T&Cs; and including practical tools such as a salary calculator based on user feedback that salary and type of work were areas where users found existing clauses ambiguous.

There was also variation in pitching styles: low-fi paper versions of wireframes proved to be effective at conveying the redesign, although one student had capitalized on their tech skills to create a prototype website for their team.

There could be only one winner, and the team with the handy calculator took the top spot.

The takeaway

The qLegal team delighted in seeing the students realize they were capable of more than they thought possible. Their confidence grew as they took on tasks that were new and sometimes uncomfortable, and there was an evident shift towards a growth mindset and away from the binary "success or failure" approach they were accustomed to and that can be the block to true innovation. Many expressed surprise at their own creativity: they had previously shied away from defining themselves as creative because they "are lawyers and can't draw." They recognize that they have a new set of tools that can be used in legal and business contexts.

Having a real project with real external partners and a tangible goal played a large part in raising the ambitions and performance of the students, while giving the students space to work through problems themselves encouraged a level of maturity and ownership that surprised everyone.

The level of bonding between the students, and their appreciation of that, was notable and a good preparation for a more collaborative approach for the future.

It is hard to see how these outcomes could have been achieved as effectively through other means. As one student said, "[Legal design] is an abstract thing that is difficult to explain without seeing how it works in real time with a real example."

And so...

The second-semester challenge, designed to cement students' knowledge, was some-what meta: students used design thinking to create a legal design course for next year's cohort.

Several things came out of this pilot legal design program:

- The students became fans of legal design and practical challenges. They are keen to "hand over" to next year's students.
- Some students have applied for legal innovation and product development roles.
- They have been active in staying in touch with qLegal and with each other.
- qLegal will be incorporating legal design into all its programs, so all students will have access to this additional approach to problem-solving.

Karen Watton
qLegal Director,
Queen Mary University of London

Karen qualified as a barrister and practised law internationally for 15 years, in private practice and in-house. Recognising that the legal profession had scope to improve, she developed an interest in the Future of Work and the Future of Law through senior roles in Careers Consultancy and within the legal tech and publishing group, LexisNexis.

Karen is now the Director of qLegal, the award-winning pro bono commercial law clinic supporting start-ups and entrepreneurs, within the Centre for Commercial Law Studies at Queen Mary University of London. qLegal's mission is to help the next generation of lawyers help the next generation of clients, with a focus on developing postgraduate law students' skills for innovative legal practice and making the experience of law better for everyone. It is the students who, having received extensive training, deliver the free services to qLegal's clients under the supervision of volunteer lawyers from leading City firms.

While studying for her degree in Fine Art Karen started combining law and creative practice, interested to see what was possible when thought processes and outputs from these differing disciplines met. She continues to explore the possibilities through the work of qLegal students on Legal Design-led projects for clients.

Find more case studies in the book by
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