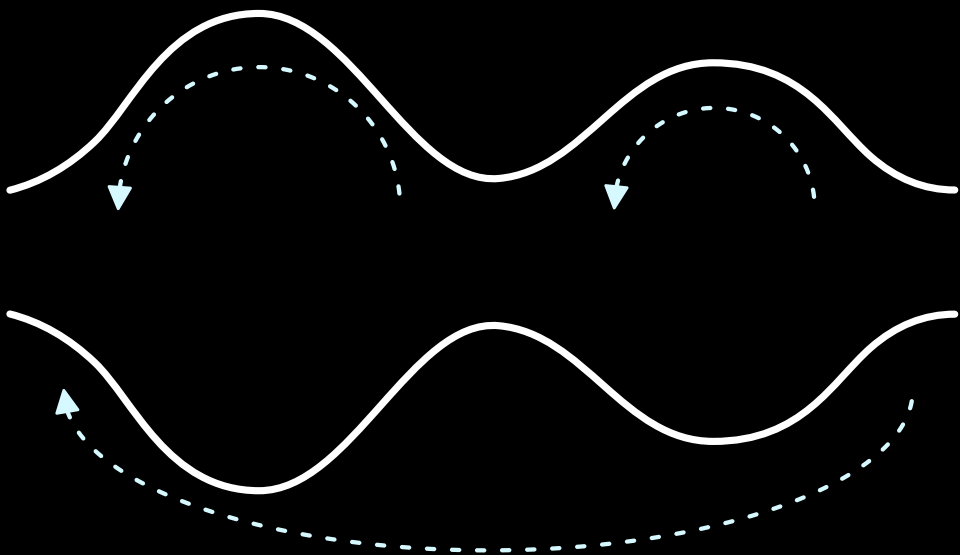


Where design and law meet

An empirical study for understanding legal design and
its implication for research and practice



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Abstract

This thesis explores the notion of legal design and proposes its process. The research, conducted through a literature review and expert interviews, provides both academic and empirical findings regarding the subject.

Through the literature review, this thesis argues that legal design is an evolving discipline that incorporates many design methods into its framework. First, this study illustrates how the influence of design in the field of law led to the exploration of legal design. Regarding legal design, designerly thinking and doing, including visualization, human-centered design, the design thinking process, and participatory design methods, have been utilized to improve communication of legal documents as well as the user experience of legal services and legal systems. The changed perspective of viewing the mass as the end-user of the law rather than only legal experts and the collaborative, multidisciplinary exploration drives law and design professionals to explore a more radical form of collaboration—legal design—as a new research topic. In the process, the designer who becomes familiar with the legal context and the lawyer who learns designerly thinking and doing can each claim to be a legal designer.

Expert interviews offer empirical knowledge of real-world legal design practices. For instance, through the analysis of the seven collected case projects and expert interviews, this thesis illustrates the understanding of legal design from the standpoint of two parties—designers and lawyers. The insight being is to create a space for legal design at the intersection of design, law, and technology. To explore the space, a legal design process generated from the interviews is proposed. Based on the legal

design process, this study suggests three roles designers should assume when engaged in a project with law stakeholders. This thesis also suggests embedding the system thinking within the legal design framework and encouraging the use of more service design methods in the legal design process in order to tackle the complexity of the legal challenges.

This thesis conducts explorative research to understand legal design from a design researcher's perspective. Thus, its limitations include the research methods, the selection of the interviewees, and the scope of the collected case projects. The legal design framework proposed in this study, therefore, needs to be further validated and supported by more comprehensive data.

Keywords: Legal design, Human-centered design, Design thinking, Legal visualization, Participatory design, Co-design

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Chapter 1

Introduction

1.1 Background of the Study

Macro changes to the legal industry

The advent of technology has shifted many industries to a whole new level. The legal industry is one of them. On a macro level, technology is stated as one of the three main drivers of change in the legal market that will transform the legal landscape radically and internationally (Susskind, 2014). Legal technology (legal tech) is increasingly deployed in legal practice to increase private profit, widen access to justice, and improve the implementation of criminal justice (Perry-Kessaris, 2019).

Disruptive technologies, such as automated document assembly, electronic legal marketplaces, and legal open-sourcing, provide the legal industry a solid ground on digital transformation (Hongdao, Bibi, Khan, Ardito & Khaskheli, 2019). In the private sector, many legal professionals have a welcoming attitude toward automated technology due to its cost-effectiveness. It is not difficult to observe that law firms initiate new legal services that rely on artificial intelligence to automate manual labor. Legal firms benefit from innovative legal services enabled by machine intelligence, such as an automated legal assistant to provide more efficient service to consumers. According to Remus and Levy (2016), the new legal technology in place would result in an estimated 13 percent decline in lawyers' hours. In the public sector, e-procurement and e-government are representative examples of how technology has significant effects on the delivery of new services.

Society appreciates new mechanisms as technology helps to avoid extra legal elements in the process of ensuring justice as well as provides for the improved predictability of legal decisions (Kerikmae, Muursepp, Sarav & Chochia, 2017)

Micro change of law touchpoints

On the other hand, the flourishing of online services has resulted in the introduction of new touchpoints to the law. Previously, the public encountered the law only on particular occasions in their lives, such as when signing a job contract, moving to another country, or appealing for a legal case. Given the enormous reach of digital services nowadays, people have more chances to deal with legal information, such as when faced with the terms and conditions or privacy policies of various online services.

Dealing with complex company policies and legal documents online requires consumers to be able to understand the content of the documents. However, the drafting of those legal documents is often non-negotiable, and they are drafted by one party and offered on a “take it or leave it” basis in a complicated format, potentially putting the consumer in a disadvantaged position (Wauters, Donoso & Lievens, 2014). Although the General Data Protection Regulation (GDPR)(Regulation, 2016) has strengthened the conditions for consent; designing the user interface of the consent to create trust between the service provider and consumers remains a challenge.

New challenges and expectations in the legal industry

The field of law needs time to adapt to the digital world. In the traditional world of law, some law firms still maintain a strictly hierarchical structure and have an inherent interest to keep the law and legal advice obfuscated in order to gate-keep a monopoly (Kerikmäe, Hoffmann & Chochia, 2018). Nevertheless, the new mechanisms mentioned above give birth to a space for changes in the traditional legal industry. As Cohen (2019) wrote in his column:

Technology is breaking down the provincialism of traditional legal practice by removing geographical barriers, enabling the creation of agile, collaborative supply chains, attracting investment capital, catalyzing innovation, and providing consumers—and those in need of access to legal services—with new delivery options.

The lack of usability in law and inadequate user experience of legal products, the expectation of accessibility to justice online regarding personal privacy, and the demand for an improved user experience when interacting with the legal system is getting more attention.

This challenge leads to the exploration of a multi-disciplinary mechanism to solve the issue. For instance, when technology companies provide related services, they need a multi-disciplinary team to collaborate on the design of the consent interface and ensure a positive user experience. Such an inter-departmental team requires not only engineers to implement technology but also legal experts and designers to provide a better experience and explicit content.

Legal design as a method for tackling legal challenges

To meet challenges and expectations, legal design has been proposed as an interdisciplinary approach to prevent or solve legal problems in recent years. Legal design is “a nascent field of thinking and practice, the contours and content of which are emergent and contested” (Perry-Kessaris, 2019, p2). In spite of this, the existing practice of legal design demonstrates its shared interest regarding the question of what design can do for law

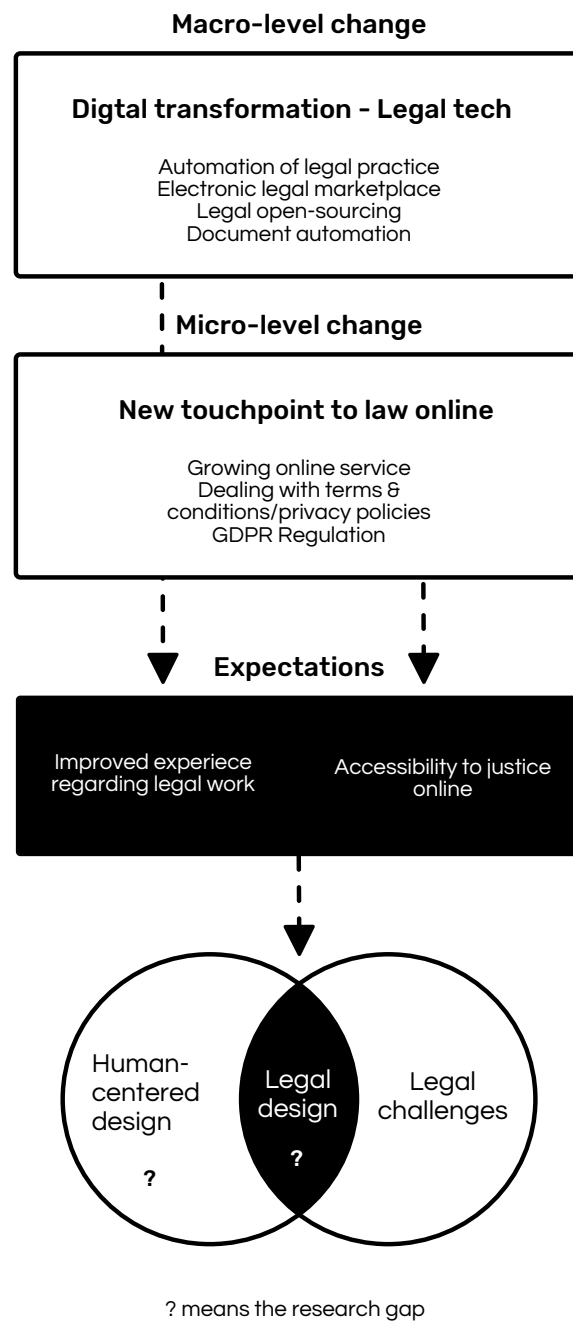


Figure 1. The background of this thesis

(Perry-Kessaris, 2019).

Margret Hagan defines legal design as “the application of human-centered design to the world of law, to make legal systems and services more human-centered, usable and satisfying” (Hagan, n.d.). She directs the Legal Design Lab at Sandford Law School, which provides courses through which law students can explore design work in the legal system and trains legal organizations on design thinking. In addition, many law schools in America have joined this wave of experimentation by establishing their own design labs (Hagan, 2018). Legal design jams (Passera, n.d.)—a format of design workshops—are organized globally in order for law professionals to improve legal document communication. In Europe, many pioneers from both the legal industry and academia have shown great interest in legal design. Examples include legal design agencies established by law firms, such as Dot., a legal design consultancy in Helsinki, and the Legal Design Summit, which attracts hundreds of law professionals and designers globally to Finland.

Despite the great interest in legal design from within the field of law, legal design is a rather new approach that has not yet been systematically developed. The definition of legal design given by Hagan above includes human-centered design in its practice, however, the connection between human-centered design and legal design remains an inadequate space for further research. As legal design is not a well-defined term, the scope, process, and methods of legal design need to be further investigated. Also, the majority of the research regarding legal design is conducted within the field of law; empirical research on legal design, which comes from the design field, is needed to fill the gap.

1.2 Thesis objective and research questions

This thesis has two research questions:

RQ1: What is known about legal design in research?

RQ2: How does one conduct legal design as a designer?

These research questions are addressed through the following research objectives:

- To reveal the current status of research regarding legal design based on a systematic literature review.
- To identify the notion of legal design and the relevant connection between law and human-centered design via a systematic literature review.
- To clarify a shared legal design process through conducting expert interviews for examining the case projects.
- To synthesize insights on the designers' role when conducting legal design.

1.3 Research methods

To answer the first research question, I chose to conduct a systematic literature review on legal design. The systematic literature review offers a structured process by which to examine the current status of research on legal design, including the notion of legal design, the connection between design and law, and the identified legal design process and its implications.

To answer the second research question, expert interviews were conducted in order to gather an understanding of experts' thoughts and experiences regarding legal design. These interview sessions provide insight into how designers should adapt to this wave of change in the legal context. The planning and conducting process of the expert interview will be further explained in Chapter 3.

In the following section, the thesis will explain the process of classifying literature for the systematic review.

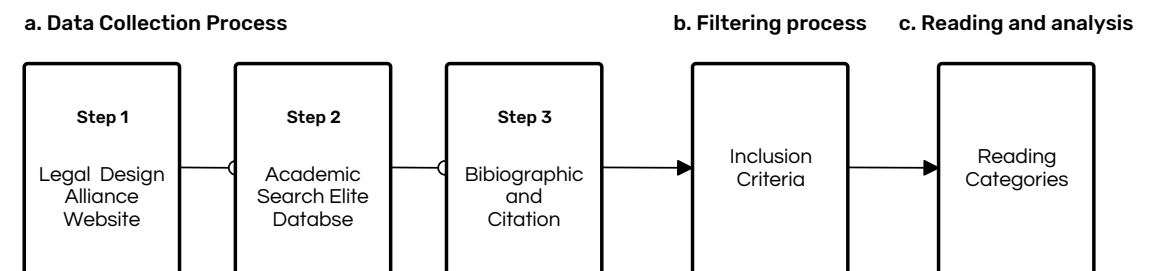


Figure 2. Process of systematic literature review

a. Data collection process

Step 1: Experts' recommendations from the Legal Design Alliance website

First, I searched for literature on the Legal Design Alliance website <https://www.legaldesignalliance.org/resources/>. The Legal Design Alliance (LeDA) is “a network of lawyers, designers, technologists, academics, and other professionals who are interested in utilizing design to improve the legal system”. The website resources page lists publications from LeDA members that aim to illustrate to website visitors what legal design is. While scanning through the listed publications, I read through the titles and selected academic publications that could potentially answer the research questions and added them to the list of sources.

Number of sources added to the review process in this step: 22

Step 2: Academic Search Elite database search

Second, I developed the search terms based on the sources collected in the first step. The titles and abstracts of the sources collected in the first step helped with understanding the emerging areas of design influence in legal context, including but not limited to design thinking and human-centered design. I rephrased the initial search term “legal design” into a series of new search terms according to the emerging areas understood from Step 1. The following combination of search terms was used as presented in the table 1. These search terms were applied to the whole text. The Academic Search Elite (EBSCO) database was consulted in this step to include more relevant academical publications. The literature review was tied to the timeframe of January 2009 to May 2019. I went through the

titles, abstracts, and subject terms of the search results and selected sources relevant to the topic, excluding sources that overlap those procured in Step 1.

Number of sources added to the review process in this step: 9

Search term	Search parameters	Number of results	Number of selected results
Legal design	in English, peer-reviewed, published after 2009	65	3
Legal AND Design thinking	in English, peer-reviewed, published after 2009	251	6
Legal AND Human-centered design	in English, peer-reviewed, published after 2009	28	0
Law AND Design thinking	in English, peer-reviewed, published after 2009	522	4
Law AND Human-centered design	in English, peer-reviewed, published after 2009	69	0
Total		935	13

Table 1. Search terms used in the database search

Step 3: Bibliographic and citation search of the sources found in Steps 1 and 2

Third, I conducted a reference and citation search of the sources added to the list in Steps 1 and 2. With the help of the Google Scholar search engine, I managed to go through the reference list and cited articles of each source to add any relevant sources to the list.

Number of sources added to the review process in this step: 36
Total number of sources added to the data collection process: 67

b. Filtering process

Inclusion criteria

All collected articles had to meet the following criteria to be further considered:

1. The article is primarily an academic source. If it is not an academic source, it is able to be traced back to its author, publication date, and place of publication.
2. The article provides knowledge of cross-disciplinary collaboration between design and law.
3. The article is from 2009 to 2019 since this is the relevant research field.

I started the filtering process by briefly reading through the full text of each article. The outlined criteria led to a set of 33 valid articles.

Number of sources remaining on the list: 33

c. Reading and analysis process

After identifying the list of reading sources, I continued the research by reading and analyzing the review. To become more familiar with the legal context, I read through the titles, abstracts, and keywords of the selected publications to generate the initial categories of the publications. In the reading process, first, I started with sources grouped under the Legal design category, which directly mention or explain the concept of legal design. The reading directed me to expand the knowledge of human-centered design application in the legal context, which

led me to read sources in the Human-centered design and Law category. Then, I started to read the sources in the Design thinking and Law, Participatory design and Law, and Legal visualization categories. These readings helped me understand how design influences the law. During the reading, I focused on understanding the notion of legal design, the relevant design influence that contributed to the birth of legal design, and the broader background of legal design. If during the process a new reference that could provide additional information on the topic appeared, I added that source to the review. As a result, the findings from the literature review will be presented in the following section in order to illustrate the notion of legal design and its relevant concepts.

Initial categories	Number of publications
Legal design	4
Human-centered design and Law	6
Design thinking and Law	2
Participatory design and Law	1
Legal visualization	20

Table 2. Initial categories for reading

1.4 Thesis structure

This section introduces the structure of the thesis. The thesis consists of the following six chapters:

Chapter 1 introduces the background of the study, the research objectives, the research methodology, and the thesis structure.

Chapter 2 reviews the literature on legal design and presents an overview of design influence in the legal context; the aim of this chapter is to reveal relevant publications on the research topic and also to identify the notion and characteristics of legal design.

Chapter 3 details the process of expert interviews and the methods used to collect and analyze the data.

Chapter 4 illustrates the findings generated from the expert interviews. It presents lawyers' and designers' understanding of each other, the legal design process, and the design methods selected for each phase in the process.

Chapter 5 discusses the insights gleaned from both the literature review and the expert interviews, answers the research questions, illustrates designers' roles in legal design projects.

Chapter 6 gives the conclusion, discusses the limitations, and provides further research recommendations.

Chapter 2

Literature Review

2.1 Design influence in the legal environment

To determine the reason legal design emerged, this section presents the development of the design influence in the legal environment, which provides an understanding of the connection between the fields of design and law. The main design influences identified that led to the development of legal design are legal visualization, design thinking, and human-centered design methodology.

2.1.1 Legal visualization

The visualization of legal information has been a topic of academic research for almost a decade. The field of law requires better communication with different audiences beyond those who are experts in the law. Legal visualization is a way to solve this problem. In the legal context, legal visualization means using information design and visualization to “help people use and navigate complex legal domains” and to make legal information, both the documents and the processes of communicating it, “more accessible and understandable” (Haapio & Hagan, 2016, p.1). Information design, defined as “the process of identifying, selecting, organizing, composing, and presenting information to an audience so that it can be used efficiently and effectively by that audience to achieve a specific purpose” (Hayhoe, 2012, p.23), offers tools and methods that help elicit information from

and communicate complex messages to users clearly and effectively (Haapio, 2014).

In the field of contract design—one of the central fields of law utilizing information design—visualization techniques have been introduced to improve the communication of contracts’ content (Barton, Berger-Walliser, & Haapio, 2013; Berger-Walliser, Bird, & Haapio, 2011; Haapio & Hagan, 2016; Passera, 2012). These techniques include diagrams, systems of icons, visually structured layouts, comics, and vignettes, which are used to supplement the text of the contract itself.

In addition to exploring the better presentation of the legal document itself, the process of crafting legal documents needs to be improved. Most of today’s contracts are not crafted by lawyers alone. A diverse group of people, department and technologies may participate in their preparation (Haapio & Hagan, 2016). One significant risk here is caused by the gaps that form when information and responsibility transfer from one team to another. For example, in the contracting process of B2B contracts, the production involves several departments and diverse groups of experts (Passera, Haapio & Curtotti, 2014).

Accordingly, visualization—the display of information in a visual format—is used in the contracting process to facilitate knowledge transfer and collaboration. For example, Plewe (2013) introduced a visual interface for online deal-making that focused on pre-negotiation, negotiation, and contracting within one system, thereby bridging the gap between the different mental models for deal-making and creating the visual representation of a legal agreement process (Haapio, Plewe & deRooy, 2016).

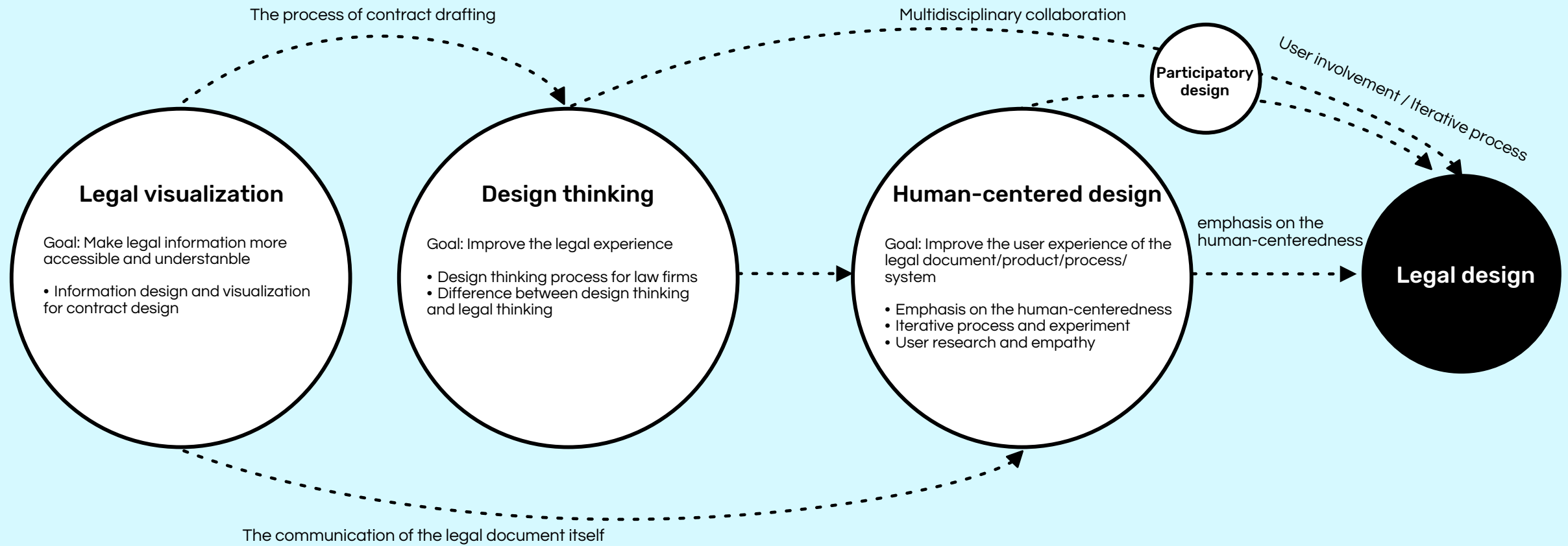


Figure 3. The identified design influence that led to legal design

The visual metaphor of a marketplace supports negotiation and contract drafting that helps stakeholders to easily relate unfamiliar legal process in a familiar way. Also, pattern language has been introduced to help with the communication and development of contracts (Haapio & Hagan, 2016).

The exploration of legal visualization has brought together lawyers, visual designers, and information designers to collaborate to improve legal communication. It serves as the first experience and collaboration mode of cross-disciplinary work between design and law. Given this development, the focus of legal communication has shifted from the content of the document itself to the process of drafting and has also established a foundation for an interest in legal design.

2.1.2 The emergence of design thinking in the field of law

The potential of information design and visualization has yet to be explored in the field of law, as has design thinking. Design thinking can be defined as how designers see and consequently think (Liu & Group, 1996). According to Tim Brown (2008, p2.) design thinking “is a discipline that uses the designer’s sensibility and methods to match people’s needs with what technologically feasible and what a viable business strategy that can [be] convert[ed] into customer value and market opportunity”. In

the past decade, design thinking has been supported by research that shows that the design methods and tools can be applied to broader contexts, including business and societal innovation (e.g., Brown & Katz, 2011; Kolko, 2015; Martin & Christensen, 2013).

In recent years, the legal profession has borrowed the design thinking approach to improve the legal experience (Berger-Walliser, Barton & Haapio, 2017; Passera, 2017; Perry-Kessarís, 2019; Szabo, 2010). Szabo (2010) proposed a design thinking process for law firms to change their traditional leverage-the-low-cost-talent model into a more collaborative one. It requires law firms to move to value-based billing that enables and encourages collaboration as well as allocates time and effort toward understanding what clients need to hear and experience. By doing so, law firms instill a process of collaboration that effectively addresses the clients’ requirements.

Berger-Wallise, Barton, and Haapio (2017) traced the evolution of design thinking mainly in the management scope. It discussed the characteristics of design thinking and its uneven application in both business and legal contexts. Differences between design thinking and traditional legal thinking have been emphasized in terms of the problem-solving approach. Typically, a lawyer employs an analytical problem-solving approach while a designer further defines a goal or task with broader exploration at the beginning of the process (Berger-Walliser, Barton, & Haapio, 2017).

Passera (2017) mentions that legal design is an emerging discourse within the legal domain that shares many underlying

assumptions with the design thinking problem-solving methodology. Applying design thinking problem-solving in the world of law, as Passera (2017) implied, results in

1. new ways of working (multidisciplinary collaboration),
2. new perspectives (user-centeredness as the starting point), and
3. new tools (visual communication as a tool to clarify, model, and communicate complex ideas).

2.1.3 Employing human-centered design in law

Along with design thinking, human-centered design also has had an influence on the field of law (Hagan, 2018; Passera, 2017; Rossi & Haapio, 2019; Quintanilla, 2017). Human-centered design, seen as a methodology that begins with a fundamental concern for user experience (Brown, 2008), corresponds with design thinking and is bringing to the field of law an experimental and iterative approach to developing new solutions.

Compared to that of other professionals, designers' thinking emphasizes human centeredness. In the case of creating an automation tool for contract visualization (Curtotti, Haapio, & Passera, 2015), designers worked together with computer scientists, software engineers, lawyers, and business managers to focus on user experience. In the scope of contract design, Passera (2017) employed a user-centered approach do design

contracts well, which transforms the traditional view of the contract as a legal tool into a tool to support contract users in achieving business success.

Quintanilla (2017, p749.) introduced an approach, referred to as human-centered civil justice design, that “synthesizes insights and practices from two interdisciplinary strands: human-centered design thinking and dispute system design” to improve the civil justice system. The human-centered civil justice design framework is a framework for designing with people in communities affected by certain problems, thus allowing designers to deeply understand people they design for when creating solutions based on the community’s needs (Quintanilla, 2017). The design starts with empathizing with “intended beneficiaries and stakeholders of the civil justice system” which “include parties, lawyers, judges, court administrators, and member of the public” (Quintanilla, 2017, p760.) in an attempt to understand those served. Besides, Hagan (2018) introduced a human-centered design approach that lays the groundwork to reform the court system in a series of classes taught at Stanford Law School and the Institute of Design.

What is apparent is that by applying human-centered design to the field of law, the law, from the point of view of the user, expands from being limited to lawyers and judges to including and prioritizing citizens, consumers, business stakeholders, etc. (Rossi & Haapio, 2019).

2.1.4 Participatory design methods for legal innovation

In addition to the legal practices mentioned above, participatory design has been borrowed for innovation in access to justice. Participatory design is an approach initially developed from the movement in Scandinavian in the 1960s and 70s. It strived to democratically empowering workers and fostering democracy in the workplace that strongly related to the introduction of information technology into the workplace (Ehn, 2008; Spinuzzi, 2005). The approach has extensively evolved beyond the workplace. The paradigm of participatory design is constructivist (Mirel, 1998). It sees the knowledge-making as occurring through the interaction among people, practice, and artifacts within a certain context. Participatory design actively involves the stakeholders in the design process to ensure the result meets their needs. Comparing to the related approaches such as human-centered design of which the research and design work is done on behalf of the users, in participatory design, the work must be done with the users (Iivari, 2004). The participatory design approach has been utilized in a course at Stanford's Legal Design lab (Hagan, 2019) to improve the court experience. Methods from the field, such as envisionment design workshops, co-design jams, user testing, interviews, and workshops, provide a toolkit to engage the stakeholders of the local court and legal-aid community to improve the civil justice system.

2.2. The notion of legal design

With a background understanding of the factors that foster the growing collaboration between law and design, the notion of legal design is becoming clear. In this section, I will explain the identified legal design definitions, the legal design process, and the changes that have occurred as a result of the legal design movement.

2.2.1 The concept of legal design

The term legal design implies the ongoing momentum of cross-disciplinary collaboration between law and design professionals. The conjunction of law and design starts with the attempt of incorporating visualization to make legal communication more accessible, user-friendly, and productive (Berger-Wallise et al., 2017). Soon, the application of design will not be limited to the visual improvement of legal documents; it also strives to focus on the process of a legal transaction or legislative drafting where visual tools are created and effectively used (Berger-Wallise et al., 2017). The mindsets of legal professionals regarding design have begun to shift from the idea that design is merely used to visually improve legal documents to its broader applications.

To identify these changes, we need to first define legal design. Margaret Hagan, director of the Legal Design Lab at Stanford Law School, first defined legal design in her online book, *Law by Design* (Hagan, n.d.) “Legal design is the application of human-centered design to the world of law, to make legal

Type	Publication date (chronologically)	Definition of legal design
Online book	Hagan, 2016	“Legal design is the application of human-centered design to the field of law to make legal systems and services more human-centered, usable, and satisfying.”
Doctoral dissertation	Passera, 2017, p37	“Legal design shares a number of basic assumptions with the design thinking problem-solving methodology, such as: <ul style="list-style-type: none"> • user-centeredness as the starting point for problem-solving; • multidisciplinary collaboration as the way to achieve meaningful innovations; • visual communication as a tool to clarify, model, and communicate complex ideas; and • prototyping as a means to learn and elicit users’ knowledge.” <p>“The foundational principle of legal design is centering solutions on users’ needs; it follows that the quality of legal documents, services, and processes should also be evaluated in terms of usability and user experience.”</p>
Journal article	Berger-Wallise, Barton & Haapio, 2017. p350.	“Legal design goes beyond visualization. While it includes the use of graphic communication tools, it is not limited to document design or visualization. Rather, it merges legal and design thinking. It includes using design methods and tools other than graphics for legal purposes.” <p>“Legal design focuses on the way in which visual tools are created and effectively used in a legal transaction or legislative drafting. Examining this dynamic can deepen our understanding of the information conveyed.”</p>
Journal article	Hagan, 2018, p207.	“Legal design borrows from the social science participatory action research approach. It involves researchers working alongside the people they are studying or in the context that they want to understand. The researchers and stakeholders work collaboratively to critically understand how the current social and legal systems operate and describe their effects.”
Conference proceeding	Rossi & Haapio, 2019, p1.	“Legal design is an interdisciplinary approach to apply human-centered design to prevent or solve legal problems. It prioritizes the point of view of users of the law – not only lawyers and judges but also citizens, consumers, businesses, etc.”
Journal article	Perry-Kessaris, 2019, p2.	“Legal design is a nascent field of thinking and practice, the contours and content of which are emergent and contested. Nevertheless, the existing practices of legal design demonstrate its shared interest in the question of what design can do for law.”

Table 3. Definitions of legal design in the literature

systems and services more human-centered, usable, and satisfying.” It directly links human-centered design to the field of law through the goal of making the legal systems and services more human-centric. Here, the usability and user experience of the law is highly emphasized. A similar explanation was given by Passera (2017) in her doctoral dissertation. Passera (2017) emphasized that the primary principle of legal design is putting users’ needs in the center of the solution. Thus, the quality of legal documents, services, and processes ought to be evaluated in terms of its usability and user experience. Rossi & Haapio (2019) claimed that legal design is an interdisciplinary approach. The human-centered design is applied to prevent or solve the legal problems. In the process, from the point of view of users of the law, including lawyers and judges, citizens, consumers, and business stakeholders should be prioritized.

Hagan (2018) expands the notion of legal design by borrowing the participatory action research (PAR) approach used in social sciences. The legal design approach, similar to the PAR approach, encourages researchers and stakeholders to work collaboratively to critically understand how the current social and legal systems operate. In this way, the solution is formed based on this thorough understanding.

Later, Perry-Kessaris (2019) pointed out that legal design is an emergent area of thinking and practice, the scope and content of which are still evolving and contested. In spite of the fact that legal design has an ongoing momentum, the mentioned definitions of legal design clearly state the interest in focusing on the user of the law and adapting an interdisciplinary approach to tackle the legal challenge.

2.2.2 The legal design process

The introduction of legal design to the legal field brings not only a change in the way of thinking but also a new way of doing. The difference between lawyers’ and designers’ ways of doing inspires a new mode of collaboration. A lawyer typically employs more instrumental rationality compared to how a designer approaches a problem or goal. For lawyers, spotting the legal issues in a case is the first and most crucial step in legal analysis, while for designers, exploration and experimentation are essential elements of the design process (Berger-Wallise et al., 2017).

A legal design framework rooted in preventive law or proactive law (combined as PPL) was proposed by Berger-Wallise et al. (2017). The framework is built on the characteristics of design thinking, which aims to promote the conscious use of visualization in legal communication, specifically in contract design. It has five major stages which is similar with the design thinking model of the Hasso Plattner Institute (Plattner, 2010). The steps of the framework are presented in the Figure 4.

The framework stresses the iterative aspect in that each phase in the framework can circle back to the previous step. Instead of focusing primarily on outcome and standardization, the process starts with a comprehensive understanding of user needs. Some of the design methods, such as value mapping and a need pyramid, are used to help with Step A. In Step B, project goals and challenges are defined with the help of tangible elements of design often used by designers, such as drawings, visuals, and rapid prototyping. In Steps C, D, and E, the framework mainly focuses on the effective choice of language and visuals used in legal communication. It widens the audience of legal communi-

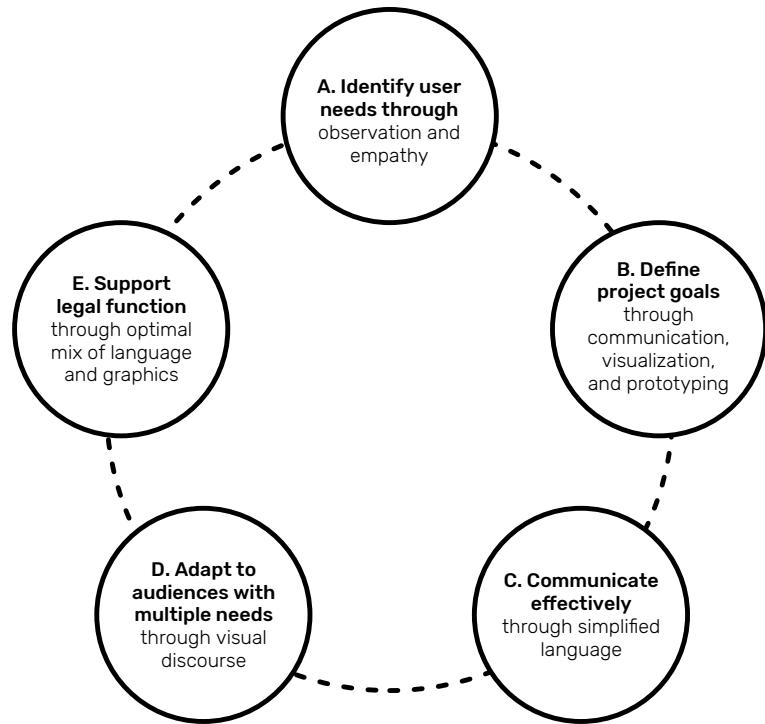


Figure 4. Framework for iterative legal design (adapted from Berger-Walliser, Barton, & Haapio, 2017)

cation beyond those who are legally trained and calls for people who design legal documents to take into account the needs of people with different professional backgrounds.

Stakeholder involvement is also included in the legal design process. Regarding legal PAR, in the legal design process, researchers work alongside the people they are studying or in the context they want to understand (Hagan, 2018). It has the same approach as participatory design, which involves actively consulting and collaborating with a wide range of stakeholders in a system to understand their perspectives and incorporate their priorities into system innovation (Hagan, 2019). Instead

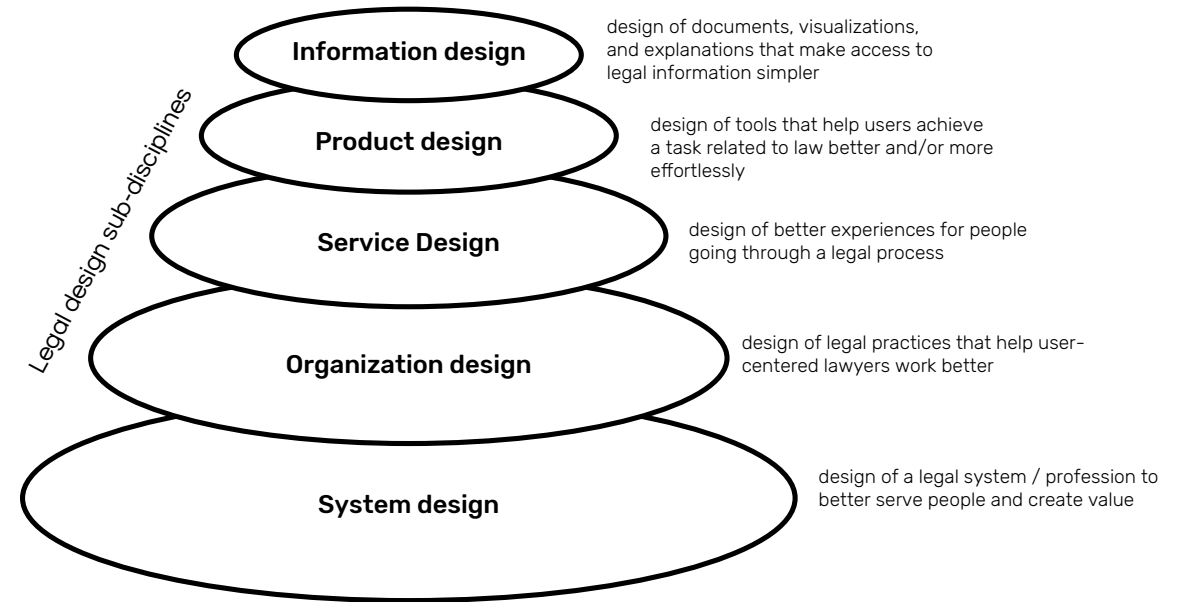


Figure 5. Conceptualization of the field of legal design (Adapted from Passera, 2017; initially from Hagan, n.d.)

of considering stakeholders last as the readers of a legal document or the users of the legal system, prioritizing legal design as a process empowers laypeople in that it gives them access to justice.

What has been shared regarding the legal design process mainly relates to the contract drafting process as the primary body of literature lies within the scope of contract design. However, it is essential to acknowledge that contract visualization and contract document design are the sub-disciplines of legal design (marked as “information design” in Figure 5). Passera (2017) stressed that the same user-centered methodology could be utilized to solve other problems within the legal field including designing legal tools, services, processes, and systems (see Figure 5).

2.2.3 Legal design opens space of exploration

The term legal design is not only used to define methods of design thinking and doing in the legal field, it also helps enhance the communication between law and design professionals. It is an umbrella term that gives both designers who are interested in law and lawyers who are interested in design the space to explore.

As the two parties involved in legal design, the designer has knowledge of design thinking and doing, while the lawyer has knowledge of the tradition of lawyerly thinking and doing. By comparing lawyerly concerns and designerly ways, Perry-Kessaris (2019, p8.) conceptualized legal design as follows: “Designerly ways (especially experimentation, communication and making things visible and tangible) can enhance lawyerly communication; and generate new structured-yet-free spaces in which lawyers can be at once practical, critical and imaginative.”

The points of contact of designerly ways and lawyerly concerns illustrated in Figure 6 form the foundation for the space of exploration. As Perry-Kessaris (2019, p8.) states, it brings “a commitment to communication; a need for/ability to create structured freedom; and a need/ability to be at once practical, critical, and imaginative” to structure the space of exploration between the two disciplines.

2.2.4 The arrival of the legal designer

The exploratory space has fostered the arrival of the legal designer or design-driven lawyer in the industry. Hagan (n.d.) argues that legal designers, i.e., designers of legal artifacts and experiences, must “communicate visually,” “facilitate creative

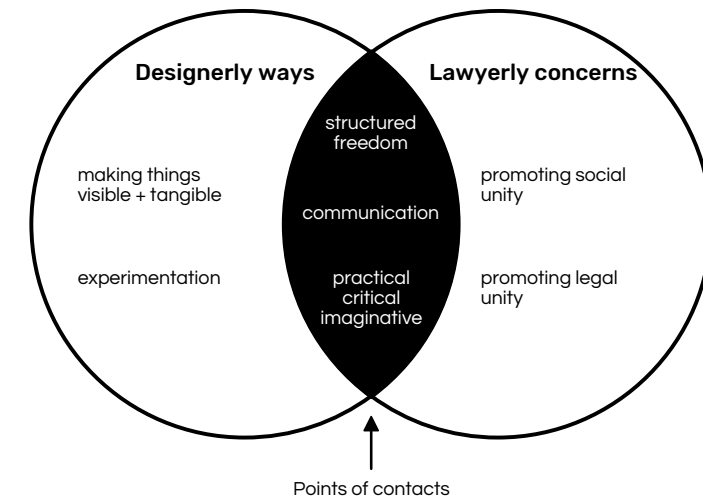


Figure 6. Points of contact between designerly ways and lawyerly concerns (Adapted from Perry-Kessaris, 2019)

sessions,” “attract and work with interdisciplinary teams,” “frame and reframe problems,” “interview and do ethnographies,” “map and synthesize,” “build things quickly and intentionally,” “test and iterate,” and “parse, unpack and uncover insights” in order to conduct a legal design project.

Besides, a design-driven lawyer who incorporates communication and experimental skills into his toolbox can respond to a legal issue by working with the client to frame and reframe the problem. Therefore, lawyers look for solutions in designerly ways and simultaneously seek feedback from clients regarding what solutions will and will not work. Lawyers, by “[t]hinking ... and making like a designer,” can transition from their traditional roles as “unconscious designers” of artifacts, processes, and experiences to a new role as intentional “conscious designers” (Hagan, n.d.).

2.3 Discussion

The results of the literature review establish a literature base, which helps the reader understand the context of the topic. This section will summarize the literature findings and discuss the research gap in the existing literature.

First, the thesis identified the design influence in the legal field that fostered the birth of legal design; multiple design practices in the context of law, including the exploration of legal visualization, the influence of design thinking, and the employment of human-centered design, have provided for an experience of designerly doing and thinking when undertaking law challenges.

Second, the thesis reviewed the definitions of legal design, revealing that legal design serves to center solutions on the users of the law, embraces a multi-/inter-disciplinary collaboration between law and design, and encourages the involvement of law stakeholders in the process.

Third, the thesis examined an iterative legal design framework which focuses mainly on the contract design process, the need for stakeholder involvement in the legal design process, and the disciplines of legal design. Also, changes resulting from legal design toward designers and lawyers in the space of exploration were discussed, implying that lawyers who employ designerly thinking and doing can transition from their traditional role as unconscious designers to conscious designers.

To summarize, the existing literature review on legal design provides fundamental knowledge regarding the connection between law and design and how legal design has been defined and developed. However, there are few studies that focus on

Legal design goal

1. Make legal communication more accessible, more user-friendly, and more productive
2. Improve the user experience of the legal product/service/system

Legal design characters

1. Visualization
2. Human(user) - centeredness
3. Multi (Inter) - disciplinary collaboration
4. Iterative process
5. User/stakeholder involvement

Key stakeholders

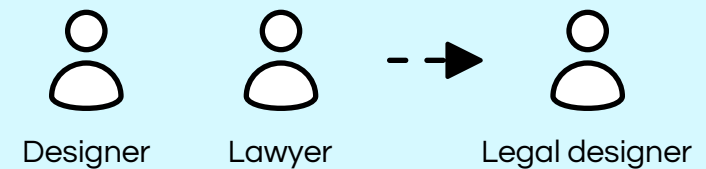


Figure 7. Literature findings regarding legal design

legal design as a process, what kind of tools and methods are involved in the process, and how the collaboration between designers and lawyers works; these aspects will be addressed in the following expert interviews.

Chapter 3

Interview research

3.1 Expert interview as the interview method

In this thesis research, the expert interview as a research method works in conjunction with the descriptive literature review. In order to understand the interaction between designers and lawyers on a real-world legal design project, it is critical to gather empirical data. The expert interview as a qualitative research method is chosen primarily because it can provide significant insights within a limited period of time. The expert interview is seen as a kind of individual interview carried out between the interviewer and the participant. The participant is often a specialist in the subject in question and has in-depth knowledge of the research object (Libakova & Sertakova, 2015). As Bogner, Littig and Menz (2009) state, the expert interview can be used for three purposes: the exploratory expert interview is used for determining the direction of the interview; the systematizing expert interview targets the systematic retrieval of information; and the theory-generating expert interview aims to reconstruct social interpretative patterns and subjective action orientation criteria. This research emphasizes the theory-generating purpose, which can provide the experts' subjective interpretations and experiences of a real-world legal design project.

3.2 Identifying and recruiting experts

The thesis mainly defines “expert” according to the leading research questions. According to Meuser and Nagel (2009), an expert can be a person who has privileged access to information about groups of people; decision processes; or the person who is responsible for the development, implementation, or control of solutions, strategies, or policies. Therefore, the primary criteria for selecting experts depends on the participants’ involvement and experiences in legal design projects.

The recruitment of experts started with one key expert in the field. After the first interview, the participant gave a list of experts to contact. A representative sampling of participants is carried out in accordance with the criteria that are based on the assessment of the expert as an expert (Libakova & Sertakova, 2015). Those criteria are work experience on a legal design project, knowledge related to the research topic, the level of public recognition, education, and skills in design or a law background. The identified expert interviewees are presented in Table 4.

3.3 Framing the interview

The expert interview was semi-structured. Open-ended questions for discussion in the interview guide was prepared. A set of topics concerning legal design practice was planned to obtain more in-depth insights into the legal design approach. During

Interviewee name	Interviewee (corresponding to each case)	Experience with Legal design (years)	Relevance to legal design	Education Background
Stefania Passera	C1	9	Legal information designer, contract visualizer	PhD in contract visualization, MA in graphic design
Sebastian Nemeth	C2	3	CEO of a legal technology company	Master’s in design, Bachelor’s in technology
Rossana Ducato	C3	3	Postdoctoral legal researcher	Postdoctoral legal researcher
Emma Hertzberg	C4	3	Co-founder of a legal design agency, legal designer	Master’s in design
Meera Klemola	C5	3	Co-founder of a legal design agency, legal designer, lawyer	Master’s in design, Bachelor’s in law and business
Serena Talento	C6	1	Legal designer	Master’s in design
Alejandra Abal	C7	1	Service designer	Master’s in design

Table 4. List of expert interviewees

the interview, the participants had the freedom to discuss points they consider important that were not included in the interview guide. In addition, the discussion can deviate from the interview guidelines whenever something needs to be clarified. The interview guide helps with keeping track of the topics addressed in the interview and keeps all the participants on the same topics.

The interview guide contained three main sections:

Background information – profession

- Education background
- Daily work
- Familiarity with legal design

The purpose of this section is to get an overall understanding of each interviewee’s relation to the topic and expertise on the subject. In terms of the expert interview, it is crucial to identi-

fy each interviewee's range of knowledge as they can provide insight from various perspectives.

Case legal design project walkthrough – process

- Brief introduction of the project
- Stakeholders involved in the project
- Role in the project
- Design methods/tools used in the project

Communication with the lawyers/designers

- Understanding of the legal design
- Experience working with designers/lawyers

The walkthrough of the case legal design project helps illustrate the design process in the legal context. Therefore, background information about the project is collected to give specific context. The set of questions presented to the experts was determined by each interviewee's professional background. The inquiry of their experience working with key stakeholders in the legal design process provides an understanding of the dynamics between designers and lawyers in collaboration.

3.4 Conducting the interviews

The interviews were conducted from June to August 2019. Initially, each interview was planned to last one hour. In actuality, each interview lasted approximately 48 minutes, with a duration ranging between 38 and 68 minutes. The interviewer and the participant were the only people in the interview. The conversations were conducted in English, and each of the interviews was recorded with the participant's permission. Of the seven interviews, four were conducted face to face, and three were conducted through Skype video calls. Each interview followed the same interview guide. However, the point of questioning was adjusted according to the professional background of each interviewee.

3.5 Analyzing data

After the interviews, the recorded audio data was transcribed into textual data. I chose ATLAS.ti software to structure, summarize, and organize the interview transcriptions.

The steps of the analysis were:

1. Recording each interview
2. Transcribing each interview into text
3. Coding the transcriptions using ATLAS.ti software
4. Analyzing the main themes

Chapter 4

Interview Findings

This chapter consists of four parts for investigating and comprehending a legal design approach. First, Section 4.1 introduces seven case projects collected in the expert interviews, aiming to illustrate the status of legal design application in practice. In the description, the project's scope, the design methods used, and the stakeholders involved are identified in order to establish background knowledge for further analysis of a legal design approach. Second, Section 4.2 illustrates how legal design is perceived by key stakeholders—mainly designers and lawyers—in the real world. Third, Section 4.3 presents a legal design process linked to the design thinking process. Last, Section 4.4 introduces the design methods selected for each phase in the legal design process.

4.1 Case projects

4.1.1 Case 1: Building a contract design pattern library for IACCM

Project team: Legal information designer, business contract lawyer

Client: The International Association for Contract and Commercial Management (IACCM)

Year: 2019

The International Association for Contract and Commercial Management (IACCM) focuses on the business perspective of the contract. The association wants to make business people interested in contracts and understand that contracts are not only a legal tool but also facilitate business communication, coordination, risk management, etc.

With IACCM, a contract design pattern library was created to communicate the common patterns used in business contracts. The designer introduced a design pattern approach to the contract design, which is a useful tool for building a shared understanding in a multidisciplinary environment, for example, connecting lawyers, businesspeople, and also designers when drafting the contract. In this project, the designer worked closely with a lawyer to visualize and validate the created patterns. The designer utilized her past experience designing contracts and determined the commonly occurring patterns in the practice, such as visualized timelines for describing essential dates in the business. The team wanted to convey the message that contract design is not about visual improvement; rather, it is dedicated to providing the right information to the user and improving usability.

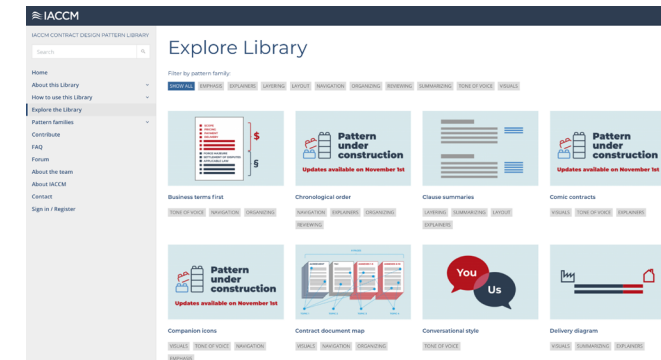


Figure 8. IACCM contract design library, accessed September 19, 2019

Eventually, an online contract pattern library that included 12 initial patterns launched in March 2019. It works as a space for shared knowledge and solutions for typical information problems in contracts. The case study shows how a design pattern approach is adopted in the legal field, specifically in the creation of the contract. As the team consisted of one legal information designer and one lawyer, the team had both legal and design perspectives. The designer contributed her experience with user experience and information design, while the lawyer contributed legal knowledge and together with the designer validated the visualized pattern.

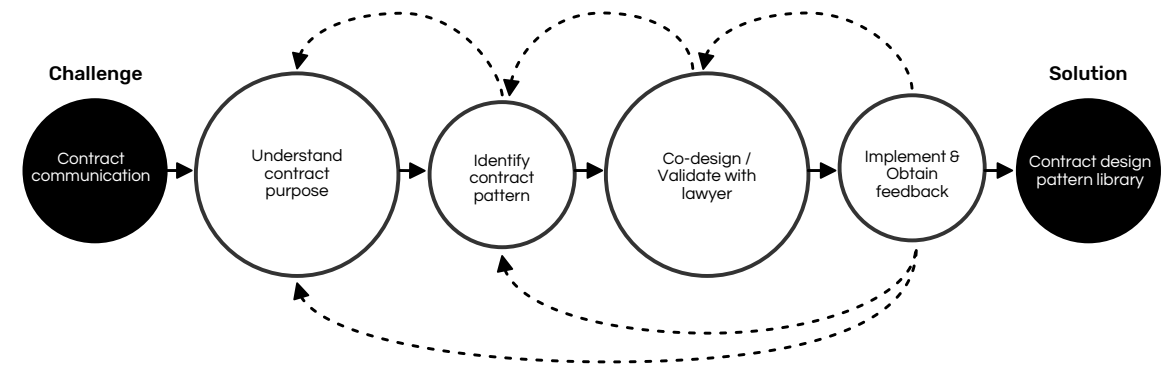


Figure 9. Illustrated design process in Case 1

4.1.2 Case 2: Developing a data protection compliance tool for businesses

Project team: Developer, designer, lawyer

Year: 2017–2019

The GDPR implemented in 2018 had a significant impact on how companies run their business online. According to the regulation, individuals have the right to know how their data is being used and request personal data be deleted from any place that stores it. The regulation led to a fundamental change in how the companies process and use user data. The change resulted in both legal and technical challenges. As a result, a lot of uncertainty is generated among companies regarding how to approach compliance.

The team was a cross-disciplinary combination that consisted of experts from technology, law, and design. They first approached the challenge by recognizing the human element before the GDPR was implemented. The human element emphasized here involves a shift of power from companies to individuals. Thus, the mapping and designing of the user experience focused on allowing individuals to access their data. During the project, designers, lawyers, and engineers collaborated closely. The ideation related to creating a satisfying customer experience while complying with the GDPR led to the development of a software as a service (SAAS) solution to educate and manage the flow of data within an organization. A pilot prototype was created for

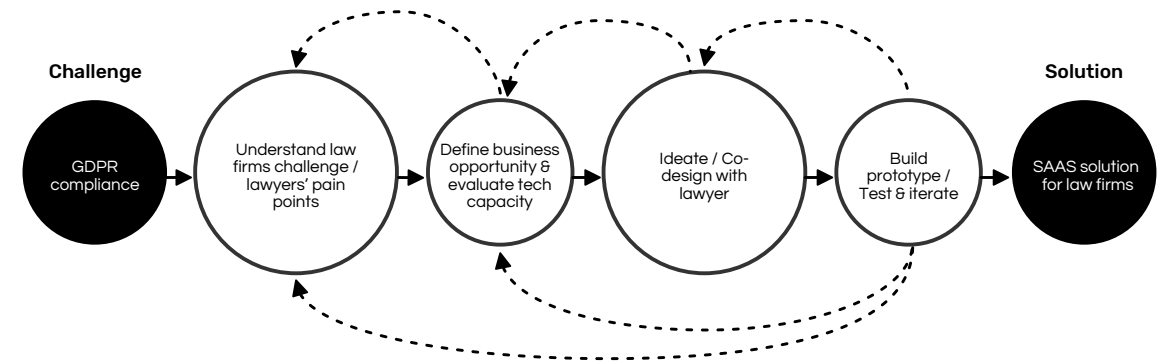


Figure 10. Illustrated design process in Case 2

fast testing with interested companies.

The pilot prototype testing result revealed the gap between traditional legal articles and tech stacks. The result led to dividing the solution into document generation and data mapping. Additional challenges were revealed by the data mapping as there is no typical data schema or standard structure for personal data. At that time, the GDPR had been put into place. The focus of the team gradually shifted to the internal pain points of the law firm.

This case demonstrates how a technology startup with design capacity approached a law-related challenge. Insights obtained by talking to the customer directly in during sales pitches played a considerable role in helping the team adjust its direction. In this case, putting the individual user at the center of the solution demonstrated that design is not a skill held only by a professionally trained designer, it is also a team's shared thinking.

4.1.3 Case 3: A legal design approach for better legal communication online

Year: 2017–2020

Nowadays, online platforms offer great convenience to consumers. Consumers can easily share the personal apartment, buy daily goods, and order delivery food online with just one click. A network infrastructure that connects suppliers is formed with new market and business opportunities. However, the role and the responsibility of the online platform are often unclear. The lack of transparency and fairness can be perceived in their legal documents regarding communication, such as terms and conditions and privacy policies. As a result, regular consumers often have difficulty reading and fully comprehending those contracts and their corresponding effects.

The postdoctoral researcher is working on a project that aims to address the issue and improve the information users receive about the platform. One of the primary goals for the project is to raise users' awareness about the content of the legal documents and their rights for using sharing economy platforms. A legal design approach was chosen to develop the Awareness by Design app that will label and rate the terms and conditions and privacy policies. The legal design approach, as explained by the researcher, is an innovative approach that combines behavior studies, technology, and design to solve legal problems. Initially adapted from Hagan's (n.d.) legal design process, the process in this project consists of six stages: understanding, pattern identification, ideation, prototyping, testing, and implementation.

In the understanding and pattern identification phases, the

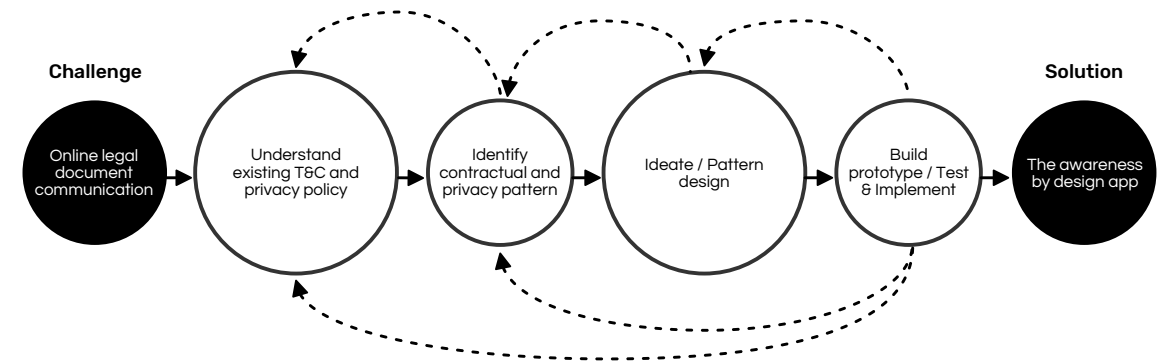


Figure 11. Illustrated design process in Case 3

research starts with an empirical analysis of the terms and conditions and privacy policies of approximately eighty platforms. In addition, literature reviews of behavior studies and identification of the contractual and privacy patterns will be carried out. In the ideation and prototyping phases, a series of design activities, such as patterns design, brainstorming with the IT partner, and wireframe design, result in working prototypes for the testing phase. In the testing and implementation phases, feedback collected through focus group discussion and online surveys will be integrated into the final implementation.

Within this framework, a notable characteristic is iterative development. Iteration always navigates back to the understanding phase and implies a strong emphasis of understanding how the context and users' behaviors serve as a fundamental knowledge base for the app development.

4.1.4 Case 4: Communicating an EU accessibility directive

Project team: Legal designers, civil servant, lawyer
 Client: Regional Administrative Office, Finland
 Year: 2019

The Regional Administrative Office had received a new EU directive on web accessibility. The EU web accessibility directive requires member countries to monitor and report the accessibility of the websites and mobile apps that provide services to the public. This means that every single public sector and company or company that serves the public interest needs to have accessibility statements on their website that clearly state what services on their website are accessible and what services are not. The accessibility rate of the website needs to be evaluated according to this directive.

The legal design agency was invited to participate in the project, which aims to tackle two challenges. The first challenge is to unify how the directive is interpreted among Nordic countries, and the second challenge is to unify how the web accessibility statement is made. The team started the project by familiarizing itself with the context. First, they attempted to understand why the directive was created and how it has been interpreted; second, they attempted to understand who the users are and how the users use the website. In the process, the civil servant and lawyer from the client side especially offered their knowledge to help the team with understanding of the law. After identifying the playing field and the targeted users, the ideation workshop on extracting needs was conducted to gather different

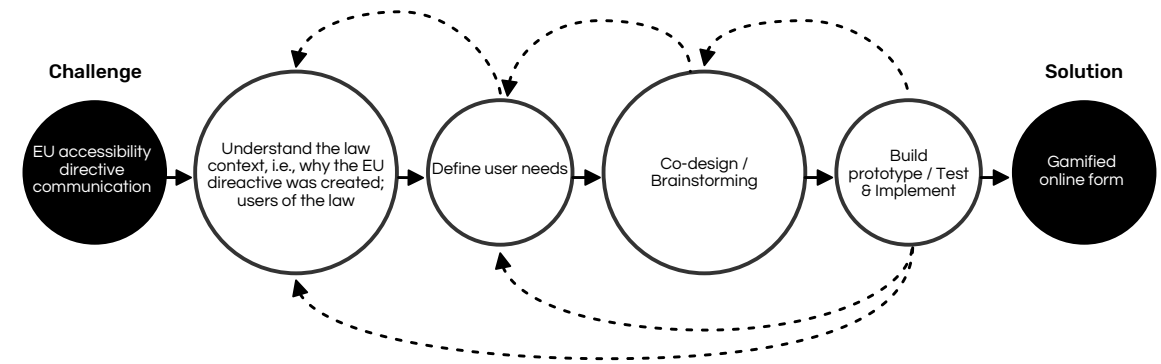


Figure 12. Illustrated design process in Case 3

organizational representatives. The workshop was successful not only because it provided sufficient user needs but because it resulted in feedback about the directive from the participant who has been involved in the process of law-making. Following the workshop, more than thirty interviews with users of the directive—the organization representatives—were conducted. Subsequently, a reiteration of the ideation process led to three different online concepts.

Within the timeframe of the project and the budget limitation, the concept of an interactive gamified online form was implemented. Users are given the power to choose the information they need. The prototype communicates the idea that law should not be a burden for its users, and the perspective of users is always the priority.

In the beginning of the project, an emphasis on design research played a significant role in supporting design proposals and suggestions in the later phase. This case serves as an excellent example of how design research can be integrated to help communicate legal information.

4.1.5 Case 5: Redesigning law school graduates' onboarding experience

Project team: Visual designer, legal designer with background in law

Client: International law firm

Year: 2019

An international law firm with offices in fifty countries approached the legal design agency requesting a redesigning of law school graduates' onboarding experience. The law firm acknowledged that legal design goes beyond visualization, and the head of innovation understood that design can be implemented in the company at a strategic level. Nevertheless, a need for a “low-hanging fruit” case that demonstrates impact of design on the law firm is still needed for approaching the case.

The team started the project by redesigning the documents. The first challenges the team encountered were how to change people's impression that legal design is about visually enhancing and redesigning information and how to build empathy. A design thinking approach was adopted to confront the challenge. Design methods, such as focus groups, individual interviews, and observation, were implemented within the law firm to gain insight into and empathy toward the contract drafting process. During the process, many internal stakeholders, such as HR personnel, an employment team, and a contract drafter, were involved in the research and asked questions. A group of law school graduates and future law school graduates were brought to the law firm to help the team understand who would be using

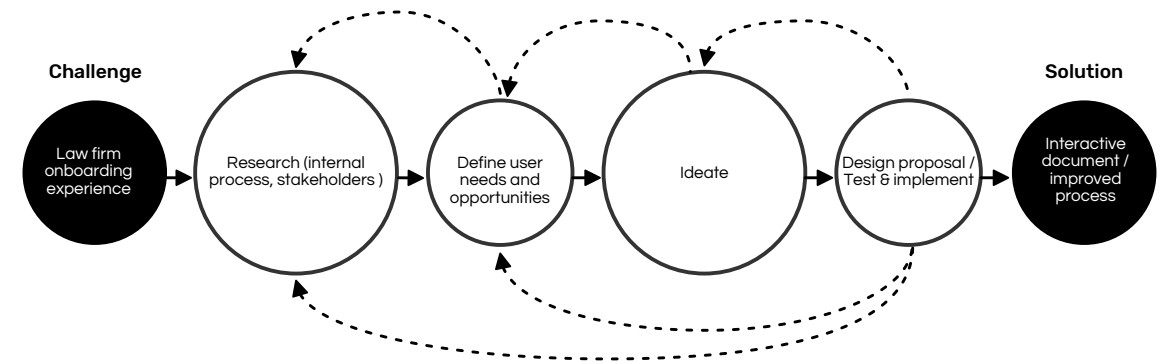


Figure 13. Illustrated design process in Case 5

the documents. After the research phase, the team ideated on the possible solutions and took the solutions through several iterations.

Eventually, the team proposed three options from which the firm could choose. Based on the budget and tech capabilities, the law firm decided to go with an interactive document. It reduced the letter's number of assembly steps to two, which greatly improved the efficiency of the internal work.

This case illustrates how an external design capacity can bring change to an international law firm. A design thinking process with an emphasis on empathy has proven to be an innovative way to generate new concepts and solutions in a law firm environment. Overall, since the pilot project, more collaboration between the legal design agency and the law firm is forthcoming.

4.1.6 Case 6: Working as an in-house legal designer

Company: Multinational information technology service and consulting company
Year: 2019

A multinational information technology service and consulting company decided to integrate design capacity into its legal department. The head of contract management started a program to bring in a designer with whom to work on improving legal service.

The hired designer has a design education background in both product design and service design. She started working as a legal designer in a legal department in the spring of 2019. The head of contract management has a Master's degree in innovation and design, and the hired designer is the second person who has design knowledge in the legal department. The designer's daily work is strongly connected to the contract managers' work. Those contract managers are working with a massive contract for clients who are mostly from the B2B market.

One of the significant projects that the designer has been involved in is the development of a tool that can help lawyers analyze contracts and calculate risk. A lot of user research has been conducted. Multiple design methods were used to understand user needs; for instance, an empathy map that illustrates what lawyers say, do, think, and feel was used to create a shared understanding of user needs. The goal of making the tool more user-friendly was defined after the research. In the project, the

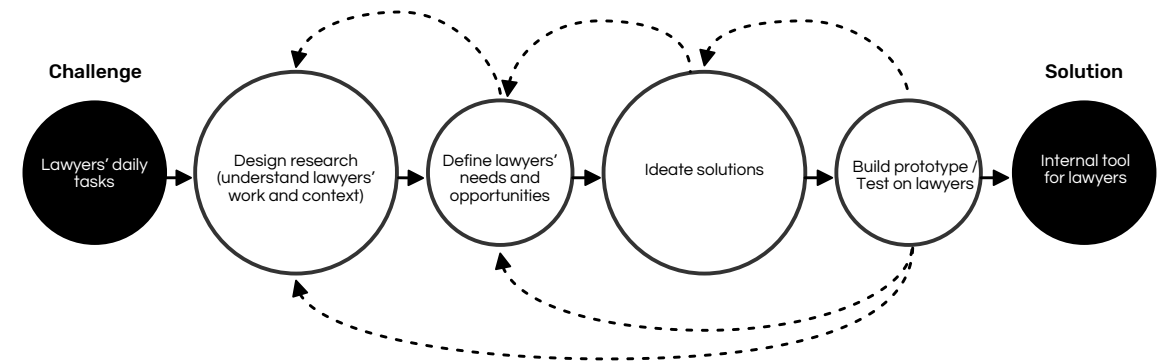


Figure 14. Illustrated design process in Case 6

designer assumed multiple roles. As the person who talked to both the tool development team and the contract managers, the designer assumed the role of a UX designer on a product development team who improves users' product experience, a service designer who facilitates workshops, and an information designer who helps the contract management team explain the contract to the operation team in a visual way.

This unique case shows how a designer utilized her design knowledge and skills in a legal department and how design improves legal services and communication. As the designer's role became clearer, the job title changed from legal designer to service and information designer. In this case, removing the legal element from legal designer title to a normal designer title to a certain extent implies that the legal element here is simply a design material.

4.1.7 Case 7: Approaching legal design from the perspective of service design

Year: 2017–2018

A legal journey, such as applying for a residence permit in a foreign country, can be long and challenging. Typical user pain points include difficulty reading law documents and procedures that are too complex. This case focuses on a person who was applying for a residence permit in Italy. The service designer conducted a Master's thesis on legal design in which she specifically questioned how service design can help in this kind of situation.

The designer initiated a project that aims to improve the experience of users applying for a residence permit. Service design tools were used to understand the stakeholders involved, challenges, and opportunities. For instance, she mapped the existing process of obtaining a residence permit in Italy with all the touchpoints listed. To get an understanding of the digital

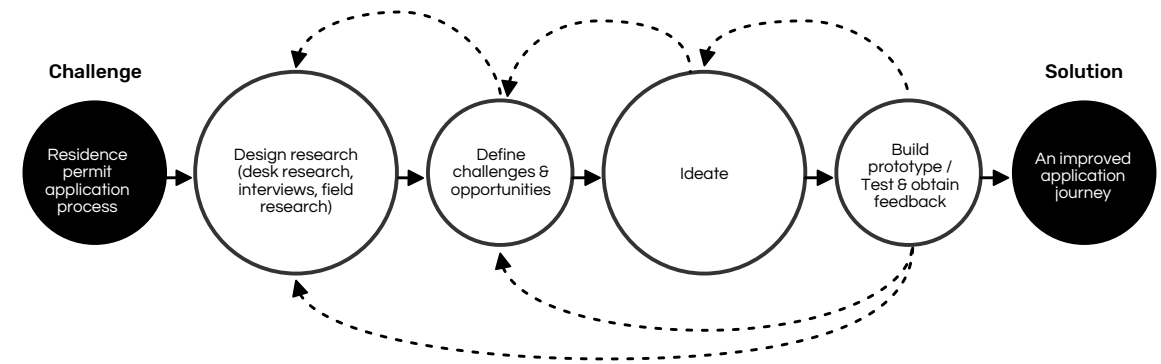


Figure 15. Illustrated design process in Case 7

touchpoints, websites where applicants look for information were researched and listed. Moreover, the designer conducted field research to address each stakeholder's needs. With an overall understanding of the user pain points, the designer proposed a design concept that utilizes existing tools to construct a new user journey.

International students were invited to test the prototype, and the feedback received was generally positive. This case showcases how a service design approach that uses design tools to visualize an intangible legal journey can be used to improve a legal process.

4.2 Understanding legal design

The goal of this section is to illustrate how legal design is perceived based on expert interviews. Based on the literature review, legal design has ongoing momentum with multiple design influences. In the following section, the nature of the legal design concept as well as the attitudes of key stakeholders revealed in the expert interviews will be explained.

4.2.1 Law professionals' understanding of design

For law professionals, legal matters are familiar, but design is something foreign. Historically, the majority of design exploration related to law pertains to legal visualization and contract design; not until recent years have designerly thinking and exceeding visualization been gradually recognized by the legal industry. As C5 noted below, design is often seen as a tool to make things visually prettier and easier to read.

When using legal design, the challenges faced by a lawyer is very much dependent on that lawyers or legal teams understanding of what design is. Most often, when I say the word 'design' [to people in the legal profession], they think of drawing and fail to see how design can be used as a strategic tool to solve more complex problems" (C5)

"I met lawyers who often say, 'I am not a visual person, I am not creative, I cannot do it myself'" (C1). C1 mentioned a resistant attitude from lawyers when she tried to introduce information design and prototyping in workshops. These lawyers consider

design a skill that belongs exclusively to designers; it relates to designers' creativity and the ability to visually communicate. This limited understanding of the nature of design may lead to a lack of interest in experimenting with design in a legal context; as observed by C1, lawyers are more interested in creating solid content for the contract than caring about its appearance.

Despite this group of lawyers' conservative attitudes toward design, there is another group of lawyers who are already on board. In academia, for instance, law education has embraced design as an important subject to teach in order to drive innovation. One of the pioneer examples to consider is the Legal Design Lab and the Stanford d.school at Stanford Law School. The Legal Design Lab aims to use human-centered design and agile development methodology to design new solutions for legal services together with law students and professionals. There are also academic researchers in law who integrate design in their research frameworks. C3 is a postdoctoral researcher at a law school. She discovered the term legal design for the first time at the legal design summit held in Helsinki in 2017. At that time, C3 felt that legal design introduce there—applying human-centered design to improve the legal system and experience—was connected directly to her research. After the summit, she adapted the legal design process in her project (see Case 7). C1 mentioned that a business contract lawyer, as her co-author for the doctoral research on contract visualization, has been conducting research on integrating designerly thinking and doing into law for a decade. Furthermore, through legal design jams—a form inspired by hackathons and service jams to engage people to rethink and innovate legal documents—hundreds of professionals and law students have taken part in workshops that

embrace user-centric and design thinking.

“The law firm was interested in creating a new agency dedicated to legal design, so eventually I joined the design team within a law firm” (C4). On the business side, the legal design movement has had an impact on both individuals and organization. C5 was a lawyer who used to work at a large law firm. She discovered design thinking in the course of her work and decided to pursue a Master’s in education in design. She has since founded a design agency that focuses on improving users’ experience of the law. Her experience as both a lawyer and a legal design practitioner helps her obtain a broad comprehension of the challenges that exist in the legal system and how design can be used to meet those challenges. C4 described how she became the legal designer at a law firm. The law firm saw the potential of legal design as a way to brand and differentiate their work, so they formed a legal design agency, as stated above by C4. C6 shared a similar experience of being hired by a legal department at a technology company. The head of contract management learned about design thinking and a human-centered design approach during her Master’s studies and decided to hire a designer dedicated to improving the experience within the legal department.

Mostly for lawyers, legal design makes a lot of sense because they would never think of designing something by themselves. If you put legal design like a word for them to feel this is my community, those lawyers are interested in being more human-centric, more visual and more creative will be part of it (C1).

Much of the evidence above supports the belief that a transition

of law professionals’ understanding of design has taken place; instead of seeing design as simply a method to visually improve legal documentation, they are beginning to utilize design to improve the legal experience and drive innovation. To a large extent, this transition is a benefit of the legal design movement. As C1 observed, a design community within the law industry is forming, and will arrive sooner or later.

4.2.2 Designers’ understanding of law

Designers, naturally perceived as the carriers of designerly thinking and doing, have contributed to the legal design movement by being actively involved in projects, with a primary focus on the legal context. Their view on legal design might differ from that of law professionals; instead of lawyers, the law is the new sector for designers: “I’m really afraid of lawyers. I don’t see how lawyers could want to work with me. And I don’t know how I can understand law. This was my first reaction” (C7).

I think the legal profession is hard to approach. It is commonly seen as a boys’ club or a league club... There is a bit of gatekeeping around...The problem [of the legal industry] is extremely complicated; I think you could compare it to healthcare given its intensity and complexity (C2).

“[The legal world] is similar to the medical industry. It is traditional, very regulated, and there is very in-depth expertise in the subject matter” (C1). C7, a service designer, shared her feelings regarding the first time she learned about legal design. To her,

lawyers are difficult to approach as they do not speak the same language. Therefore, collaboration with lawyers sounds exceptionally challenging. C2, an engineer with an education background of design, expressed a similar viewpoint. In his view, traditionally, there is a lot of elitism in the field of law. When faced with an influx of new ideas, lawyers might be suspicious and slow to adapt. Therefore, in this situation, it becomes a task for the newcomer to speak in the lawyers' language and act similar to them in order to communicate. C1 explained the complexity of the field of law by comparing it to the medical field. How designers confront the grave matter of expertise in the field of law is an obvious obstacle.

I am not sure legal design is a correct definition because what we are doing is stigmatizing a bit. What I am doing is actually user experience design for the legal department...We can use the hospital to compare the legal department...It is a place where we have a lot of users. We have methods and tools so we can help them see the problem and find solutions (C6).

As a designer, you can do service design for a bank or do medical design for a hospital. Of course, you don't necessarily understand how it would work before you start studying. In the legal industry, I think there is not too much of a difference; you do have to understand the playing field (C4).

Despite the challenges and fear of collaboration with law professionals, some designers doubt the need to separate legal design as a new approach. As an in-house designer working in a

legal department, C6 was reluctant to define what she is doing as legal design, as she explained in the excerpt. Although her job title when she was first hired was legal design intern, after a while, she changed her title to service and information designer. To her, design is a collection of methods of thinking and tools to help the legal department identify problems and find solutions. Although working with law professionals requires an in-depth understanding of the legal context, C6 did not think it is necessary to differentiate what she does with service design from work in other sectors. C4 also compared doing design work in the legal industry to designing for a bank or healthcare institution. When entering these sectors, the designer does not necessarily have the appropriate background knowledge. As she explained, it is critical to begin with an understanding of the playing field before starting to design for it.

I also found that there were many agencies that actually have a legal design team. It also happened that, for example, some agencies have a health design team... I understand calling it legal design because you actually need it to be differentiated for the application of the design (C7).

"It is because of the influence of design thinking...all these ideas that companies need to be open to design and understand user needs to be cool to sell" (C6). By comparing designers' perspectives before they entered the law environment to their perspectives after being actively involved in law-related projects, it has become clear that designers eliminate the conventional mindset toward the legal industry and start to build their own understanding. Both C7 and C6 emphasized the need to highlight legal design. To them, it represents the slow adaptation of legal field and its willingness to change.

4.2.3 Meeting in the middle ground

“I do understand why lawyers need to call themselves legal designers because it is a really big disruption in the system” (C7). The need for creating a new term—legal design—as C7 explained, largely comes from the intention of interesting law professionals in design and educating them.

“It is where the design and law come together and [doing] projects where design can help” (C7). As discussed in the literature review, legal design has an ongoing momentum. It is a relatively new concept without one conclusive definition. Still, the potential of applying designerly ways of thinking and doing in the legal context has been widely recognized by law professionals and designers involved.

The term legal design, for all the interviewees, means using designerly ways of thinking and doing to solve legal challenges and improve the legal experience. The interviewees’ backgrounds and knowledge, however, may affect their attitude towards which aspect of legal design should be emphasized.

“[Legal design] is about incorporating designerly ways of doing and methods and combining that with legal knowledge and the potential of technology to create a more impactful outcome in the area of law” (C5). C5 is a designer who has an education background in both design and law. As she stated, legal design is strongly tied to designerly ways of doing, legal knowledge, and technology potential. Legal design serves as a mediator and helps demystify the collaboration space between design and law mentioned above in order to create impact and drive innovation.

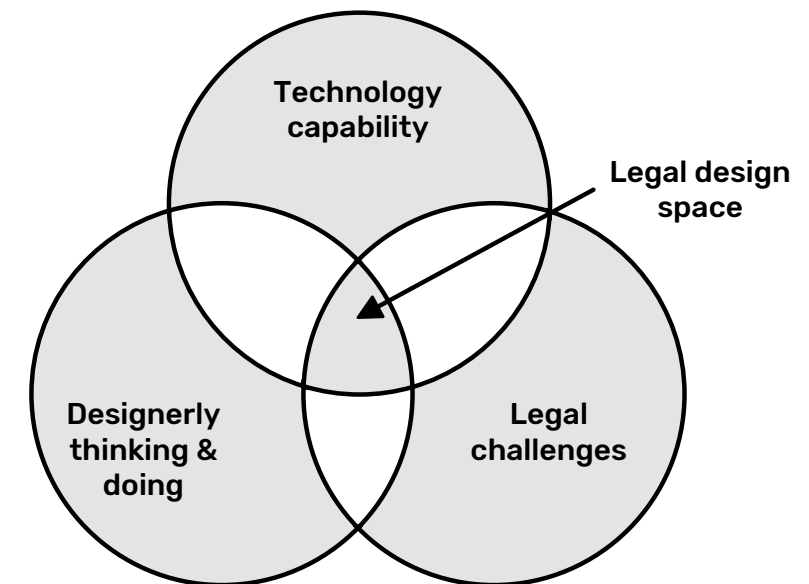


Figure 16. Illustrated legal design space

“Legal design is about bringing clarity to complexity” (C4). C4, who is a designer with three years of experience working with relevant legal projects, expressed similar opinions by stating that the legal system as a complicated playing field, and design can be used as a tool to bring clarity.

“[Legal design] is a movement that recognizes the customer service experience and tries to incorporate that into legal practice” (C2). As an engineer who developed a tech solution for law firms, C2 considers legal design a proper approach to improve law firms’ customer experience. C3 considers legal design an iterative process and is now building an application for better online privacy experience regarding terms and conditions and

privacy policies (see Case 3).

We are still searching for the main coordination of the disciplines in the concept and definition of the legal design. There are already some really good starting points; now is the moment to put things together and to give a systematic order to it (C3).

It is known that legal design exists in the intersection of design, law, and technology, and it aims to create a better legal experience. Based on C3's experience, people in academia and in legal industry are still searching for the best way to coordinate the concepts of each discipline and define legal design. Now is the time to give it a systematic order as it is getting more and more attention both within and outside the legal field. As a result, an agreed-upon understanding of the term would largely help with its communication and broaden its impact.

4.3 Legal design process linked to the Double Diamond Design Process Model

As the concept and definition of legal design are still evolving, it is difficult to form a legal design approach at this stage. Yet this thesis aims to illustrate a fundamental knowledge of how to conduct a legal-related design project. Therefore, based on the collected case projects and literature review, this section introduces insights concerning the design process and design methods used in a legal design project.

As identified in the literature review, design thinking influences the legal design process. For instance, the design thinking process of legal design (Hagan, 2016) was introduced to law professionals in order to help them understand the essence of the design process. It is similar to the design thinking model proposed by Hasso Plattner Institute (Plattner, 2010), which divides the design process into five stages: discover, synthesize, build, test, and evolve. An iterative legal design framework which focused on the contract design follows the same design thinking model.

Through the interview case project analysis, a connection between the legal design process and Double Diamond Model

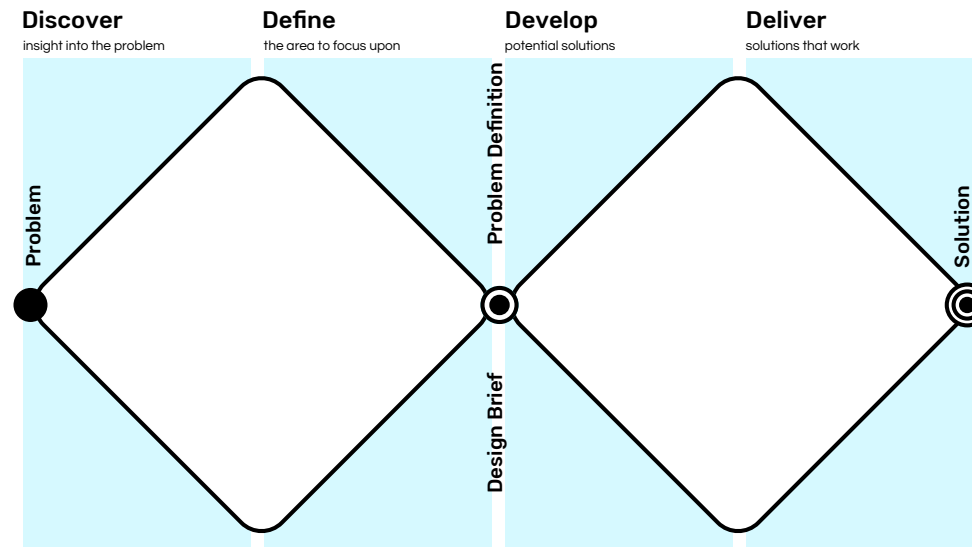


Figure 17. The Double Diamond Model by British Design Council (2005)

(Design Council, 2005) has been discovered and is explained in the following section. The Double Diamond model was created based on the patterns of how organizations using methodology and tools for design activities (Drew, 2019) by the British Design Council. Over the past 15 years, it has gain great attention within and outside the design discipline for its “helped expose the invisible process of design”. The Double Diamond Model introduces the convergent and divergent thinking of the design process, by dividing the design process into four phases: discover, define, develop, deliver. In the legal design process, the process can be divided similarly into four phases: understand, define, ideate, build & test based on the interview case projects.

4.3.1 Understand - Legal design starts with an in-depth understanding phase

When asked to share a legal design project process, all interviewees mentioned the importance of starting with the understanding the legal context. In Case 1, the designer had several years of experience designing contract patterns; still, when approaching the case, she started the project by forming an understanding of the business needs and values regarding the creation of contract patterns. Interviewees from Cases 3 and 4 shared similar starting points for their projects. The interviewee from Case 3 initiated the project with extensive research on the current terms and conditions and privacy policies of approximately eighty platforms, although the researcher herself already had a solid background in the law subject. In Case 4, the designer started with understanding the EU directives—the content, the reason it needed to be implemented, who would be affected by the law—with the help of a client who had sufficient legal knowledge. In those cases, the focus was to improve the communication of the legal documents. It required designers to take the law itself as the design material and to understand the content and its users (the group of people who will be reading the legal documents).

In other cases, the focus moves from understanding the law itself to understanding the stakeholders or users of the legal system. In Case 2, the lawyers were the users of the legal technology. Therefore, the lawyers’ work and their pain points became the main subjects in the understanding phase. The same need for in-depth understanding was also defined in Case 6. In Case 7, instead of focusing on the lawyers or the law itself, the focus was solely on the process and the key stakeholders of the legal service, who, as defined in the case, are international students. According to the multiple levels and the scope of the project,

the need for understanding and empathy differs. For instance, in Case 5, the legal document itself, the process of drafting the legal document, the stakeholders involved in the process, and the users of the document were all researched, which provided a holistic picture of the legal context.

4.3.2 Define - Legal design emphasizes evidence and analytical thinking

The next phase in the legal design process is defining the core problems. Generally, in this phase, the research synthesis will lead to a definition of the core problems. To illustrate the core problems, when cooperating with lawyers, speaking in the lawyers' language is helpful to establish a common understanding.

Empirical research is really important for legal professionals, as a former lawyer myself, I can say quite frankly that lawyers are not quick to believe something without sufficient evidence or justification. It's essential to show and explain to lawyers the evidence and use cases (for design) So, you are always bringing up empirical data... (C5).

"It's kind of like knowing your audience. It is also a learning process for us [designers], like knowing different cultures in different organizations. We do explain things differently depending on the audience" (C4). One of lawyers' characteristics concluded by C5 is the need for evidence as law professionals are trained to understand the legal system, apply laws to specific sets of facts, and resolve the ambiguous space between the two (Szabo, 2010). To accomplish this, lawyers typically employ more in-

strumental rationality (Berger-Walliser et al., 2017). As a result, finding evidence to support analytical problem solving becomes an instinct for them. Therefore, when defining the problem and presenting it to lawyers, it is crucial to show evidence or find an academic source to back up the findings. As stressed by C4, it is a matter of knowing one's audience and adjusting the strategy accordingly.

4.3.3 Ideate - Legal design facilitates a creative environment

With a defined problem and a shared understanding by members of the project team, the process proceeds to the ideation phase. In this phase, law professionals are often welcomed to co-create with designers (Cases 1, 2, 3, 4, 5). When collaborating with law professionals, forming a creative environment is considered a critical factor to a successful ideation session.

In an industry like law, a lot of people assume that they are not creative. And they assume that they can't think of anything good. It is actually empowering to find ways to help people tap into their ideas and their creativity (C4).

C1, C4, and C5 each described a situation when lawyers did not consider themselves creative. This belief primarily comes from a lack of experience in doing ideation work or from the misconception that creativity is an ability. Lawyers' work, compared to design, is extensively concerned with the symbolic content of institutions, policies, and social relationships. As the law strives for justice, the creation of law and the instruments of the social contract are strongly connected to its values, fairness, thorough-

ness, and appropriateness (Owen, 2007). The goal of lawyers' daily work, therefore, is to ensure the law is appropriately used in support of good citizenship or the success of a business.

In contrast, ideation work requires participants to identify new solutions to the problem statement created in the earlier phase, think freely, and sometimes even think out of the problem statement. Consequently, law professionals are not accustomed to the process of ideation, which results in a lack of confidence in their own creativity. Nevertheless, as mentioned earlier in the literature review, legal design opens up a space for exploration where designerly ways and lawyerly concerns meet. By accepting each discipline's characteristics, designers get the chance to facilitate a creative environment for law professionals. For instance, C4 described the experience of empowering lawyers to explore their creativity during the ideation phase. Design methods that encourage lawyers' creativity in the legal design process will be explained later.

4.3.4 Build & Test - Legal design introduces an iterative process to law professionals

Based on the concept proposed in the ideation phase, prototypes are built in order to investigate the solution proposed. In this phase, the project team chooses whether to test the prototype within the team (Case 1) or with a small group of users (Cases 2, 3, 4, 5, 6). The result generated during the test phase is used to redefine the problems and solutions. Usually, the team will continue making alterations and refinements in order

to adjust the solution based on a deeper understanding of the users. What is worth mentioning here is that all the interviewees, no matter their educational background, conducted their project in a non-linear way, which involved iterations of circling back to the earlier stage and continuously developing new ways of viewing the solutions and users.

[Lawyers], they go step by step. If at some point they feel like they should go back, they can't because it's forbidden according to their point of view because they learned that this is the process. If we explain that this is not a linear process, that you have these steps between which you can go back and forth, and you can tweak the process if you need, then they're completely lost because this is a new thing (C4).

As noted in the excerpt, C4 portrayed her experience working with lawyers. She observed that lawyers often take what is defined as a rule and adhere to it. In terms of understanding legal design as an iterative process, some lawyers might find this difficult to follow. Again, considering lawyers' work environments will explain this. In the field of law, tolerance for mistakes is relatively low compared to the field of design. Design activities mainly rely on experiments. It is naturally related to trial and error. Law, on the other hand, strives for accuracy and control. Thus, in a design process that involves collaborating with law professionals, it is crucial to emphasize the nature of the design thinking process; it is not carried out in a linear way but in a more flexible, iterative fashion. Moreover, legal design as a process falls somewhere between design and law, stimulates the legal community's perception of a nonlinear process, and helps law professionals and designers understand each other.

4.4 Design methods for the legal design process

As the analysis above concludes, the legal design process is directly connected to the design thinking process; it starts with understanding the legal context, moves to defining the core problems, then involves not only designers but also law professionals to co-ideate and create, and ultimately prototypes are built and the solutions tested with users. According to the legal context and the characteristics of law professionals, designers utilize multiple methods and tools to achieve the outcome that will solve real-world problems in the field of law. Concerning the variety and range of the projects, all interviewees agree that there is no one toolkit suited for all projects. For this reason, a set of design methods (see Table 6.) used in the legal design process has been identified mainly based on the interview findings, which will be explained in the following section.

Understand	Define	Ideate	Build & Test
Desk research Stakeholder interviews User interviews Workshop On-site observation Field research	Contract document mapping Stakeholder mapping User journey mapping Visualization Storytelling	Co-creation workshop Paper, pen, pencil Brainstorming (6-3-5) Brainwriting, etc.) Ideation workshop	Prototype User testing

Table 5. Methods used in each phase

4.4.1 Methods for building knowledge of the legal context

As stated earlier, legal design starts with an intensive understanding of the legal context. In the collected case projects, the legal context includes but is not limited to legal documents, legal professionals, laypeople, and the legal system. Depending on the scope of the project, the subject of understanding varies significantly. Also, the composition of team knowledge affects the methods selected for gaining understanding.

We have a lot of experience writing together and also on some projects because her background is in law as a very experienced business lawyer and contract coach. So, in the practical projects we do she usually looks more at the content and contract strategy, risk management, the language, and those sort of things (C1).

For many, gaining an understanding of the legal context is a challenge because the legal system can be very complicated from the perspective of an outsider. For a team consisting of design and law professionals, it is easier to acquire an in-depth understanding of legal knowledge with the support of law professionals. C1 expressed the advantage of building a long-term collaborative relationship with a lawyer/researcher who is responsible for law content. Because she had an expert to consult during the process, she did not need to concern herself with the content of the legal documents.

“As a designer, you don’t necessarily have the time to dive deep into the legal context within the project scope. So, you have to have a person who understands that or co-creates throughout the process” (C4). C4 also pointed out that sometimes, due

to time limitations, the designer might not have the luxury of being able to spend a lot of time becoming familiar with the legal context. Thus, having a team member who has background knowledge in law at this stage will result in the improved sharing of internal knowledge. It is worth noting the importance of maintaining an objective point of view towards the legal context, methods like interviews and workshops are often chosen. As expressed by interviewees, having a formal dialogue with the team member mentioned above is the way to avoid having a biased opinion.

Other design research methods described by the interviewees include desk research, stakeholder interviews, user interviews, on-site observation, and field research. Depending on the goal and needs, the preferred methods differ. Intensive desk research is carried out to obtain an overall picture; on-site observation and field research will be introduced to foster empathy toward stakeholders or users. In addition, interviews with stakeholders or users contribute to obtain qualitative data regarding their values and needs. Altogether, these methods mentioned in this section illustrate an in-depth, contextual picture of the project playing field.

4.4.2 Methods for building a common understanding

Building a shared understanding with law stakeholders is perceived as a crucial part of the define phase. Communicating

and convincing law professionals, as identified in the process, is facilitated by simply presenting them with evidence. As a result, visualization is highly appreciated for its ability to make the intangible tangible. Methods that support the visualization of the research findings mentioned by interviewees include contract document mapping, stakeholder mapping, user journey mapping, and storytelling.

I use visualization, such as contract document mapping. Basically, when you start redesigning a contract, you need to do a sort of assessment of what is in the... original documents. There are many different things you want to know: where certain topics are...how many pages you have...if there's something missing. So, you have to do this sort of mapping (C1).

Contract document mapping, as specified by C1, is especially useful when dealing with complex contracts. Contract document mapping includes but is not limited to the content, the page, and the format. It provides one with an overview of how many documents are involved; with this support, clear information architecture can be created to communicate the ways in which the contracts are scattered and overlap.

When attempting to understand a legal service, legal system, or the influence of a legal document, methods borrowed from the service design toolkit, such as user journey mapping and stakeholder mapping, are widely used in the projects. Many of the interviewees considered these tools adaptive and informative when applied to different cases. These tools give law stakeholders an overview of the current status of the problem

in a tangible way, which makes it easier to convince them of the state of the problem and reach a shared understanding. Furthermore, C7 mentioned the importance of documentation in legal work. The design process can sometimes seem ambiguous in the beginning (Sanders & Stappers, 2008). Therefore, in the define phase, presenting the findings with diagrams using journey mapping or stakeholder mapping serves as a way to demonstrate the capabilities of design and gain trust.

4.4.3 Methods for facilitating a creative environment

As identified in the legal design process section, in the ideate phase, law professionals are invited to co-create the solution. Findings from the interviews indicate that the methods selected in the ideate phase aim to facilitate a creative environment.

I would say one of the most essential things to starting a legal project is setting the right rules and foundations and creating the right environment for design thinking to work effectively. So, at the start of every workshop, I like to set out the rules, in terms of mind-sets and behaviours expected during a workshop in order to facilitate the best outcomes whilst following a design process. (C5).

Workshops, which are also referred to as co-creation workshops, ideation workshops, and legal design jams, are the

typical format for ideation and co-creation. C5 explained the importance of setting rules for facilitating workshops with lawyers. According to C5, hierarchy in the legal field restricts the creativity of lawyers, especially in the case of junior lawyers; they are focused on saying the right thing rather than coming up with ideas when working with others who are more experienced. Therefore, setting a rule for deferring judgment becomes necessary at the beginning of the workshop.

Brainstorming is also a frequently used method; it allows a group of people to ideate in a free-thinking environment. Some of the techniques are emphasized as especially helpful when conducting sessions with lawyers. For instance, 6-3-5 Brainwriting, which encourages participants to build an idea on top of other ideas, is seen as a useful tool to put everyone in equal positions.

Moreover, C1 shared her methods of using only paper, pens, pencils when conducting the legal design jam with lawyers. To her, jams are about encouraging lawyers to start building instead of worrying about their creativity. C7 expressed similar views after working with lawyers in workshops.

When choosing a design method in this stage, one should focus on eliminating hierarchies and putting all the participants in an equal position. Many of the interviewees (C1, C4, C5, C7) agreed that an equal environment will lead to openness to new ideas. Eventually, the facilitation of a creative environment for law professionals will contribute to success in the ideate phase.

4.4.4 Methods for prototyping and testing

In the final phase of the legal design process, methods mentioned by interviewees that aid the implementation of the solution include prototyping and user testing. The prototype, as an early sample or model of a product or solution built for testing, provides the opportunity for early evaluation and feedback. In the case of legal design, the effect of using a prototype differs depending on the scope of the project.

We tried to build the paper prototypes and the digital prototype in Sketch. And then we realized that we just couldn't really communicate through those prototypes... because of the...nature of the complexity of the problem we were trying to solve (C2).

As C2 notes in the excerpt, neither the paper prototype nor the digital prototype managed to sell the tech solution to the legal stakeholders. When approaching the complexity of the problem in the legal field with technology, a real functional solution is more convincing to stakeholders than a prototype.

However, many of the interviewees (C3, C4, C5, C6, C7) believe that a prototype helps them gain quick feedback and contributes to the iteration of the solutions. It facilitates user testing when the users are the laypeople of the legal system.

Chapter 5

Discussion

This chapter provides answers to the research questions. First, it demonstrates the nature of legal design outlined by the literature review and expert interviews. Second, it presents and explains the proposed legal design process. Third, it suggests three roles designers should assume when conducting a legal design project.

5.1 Legal design nature

The research questions are addressed in this study via both the literature review and the expert interviews. Through the literature review, the identified elements of design that influence the legal field, including legal visualization, design thinking, human-centered design, and participatory design, provide a general understanding of design application in the legal context. Legal design was born from the exploration of various design trends and methods in the legal industry. As identified both in the literature review and expert interviews, legal design is an emerging field that corresponds directly with design and law disciplines. The nature of legal design will be presented in this section.

Legal design is primarily influenced by HCD

The birth of legal design is mainly a result of the influence of human-centered design on the legal field. Human-centered design, with its fundamental concern for user experience, manages to shift law professionals' interests from the traditional legal interest to a broader audience. Thanks to the impact of legal design, the users of the law, which includes citizens, consumers, and business stakeholders in addition to lawyers and judges, are receiving increased attention.

Legal design closely follows the design thinking process

The process of legal design, identified in both the literature review and expert interviews, is built on the characteristics of design thinking (Design Council, 2005). It starts with a divergence of understanding. Then it continues with a defining stage

aimed at identifying the problem that needs to be solved. Next, it enters an ideation phase where law stakeholders are invited to co-create along with designers. Finally, it moves to the stage of building and testing. The iterative aspect is emphasized as each step can circle back to the previous one.

Legal design utilizes a wide variety of design methods and tools

A wide range of design methods are selected for conducting a legal design project. Since evidence is vital when communicating with law professionals, one of the most significant methods is visualization due to its ability to make the intangible tangible. Methods borrowed from the service design toolkit, such as user journey mapping and stakeholder mapping, contribute by consolidating research findings and building trust. Methods borrowed from co-design and participatory design, such as co-creation workshops and stakeholder workshops, are proven to be engaging tools for creating an equal standpoint among law professionals.

Legal design enhances cross-disciplinary collaboration

The most immediate influence of legal design is increased cross-disciplinary cooperation. As identified in the expert interviews, legal design falls between legal challenges, designerly thinking and doing, and technology capability. Therefore, legal design requires the collaboration of members of a multi-disciplinary team. Lawyers, designers, engineers, business owners, and experts from other disciplines work together to undertake the legal challenge.

5.2 The legal design process based on the research

In the literature review part, an iterative legal design framework (see Figure 4.) that focuses on the contract design process is introduced. Later in the expert interview research, as explained in section 4.3, the identified legal design process is an iterative process that closely links to the Double Diamond Model that not only limited to the application of the contract design cases. Reflecting back to the field of legal design in Figure 5., the case projects cover information design, product design, service design and the organization design level of legal design application.

The identified legal design process starts with the legal challenge. The challenges include but are not limited to the law/legal document communication and the user experience of the legal product/service/system. The understand phase is the most crucial part of the whole process and requires both legal knowledge from law professionals and design research methods for understanding the legal context. The define phase aims to illustrate the core problem of the challenge that demands analytical thinking and visualization when communicating with law stakeholders. The ideate phase is a divergent stage where law stakeholders, users, and designers co-create possible solutions. In the build and test phase, a series of user tests will be conducted; the results of which may circle the process back to the former phases.

Understand

the legal context

Define

the core problem to solve

Ideate

through co-creation

Build & Test

solution that constantly iterate

Legal Challenge

Law/Legal document communication
User experience of the legal product/
service/system

Core Problem

Communicate the
problem through
visualization

Co-create

With law stakeholders,
users, designers

Solution

Figure 18. Legal design process based on the research,
adapted from British Design Council (2005)

5.3 Designers' three roles in a legal design team

To successfully conduct a legal design project, the designer must assume specific roles. The thesis suggested three roles: researcher, facilitator, and visual communicator. These roles, explained in this section, are flexible, and a designer may shift among them according to the needs of the team members.

Designer as researcher

The first role a designer assumes in a legal design project is that of researcher. The highly demanding phase of discovery in a legal process, identified in the expert interviews, requires the designer to conduct a variety of design research to become familiar with the legal context. As a researcher, a designer must use design research skills to collect and analyze data, synthesize insights, and communicate findings.

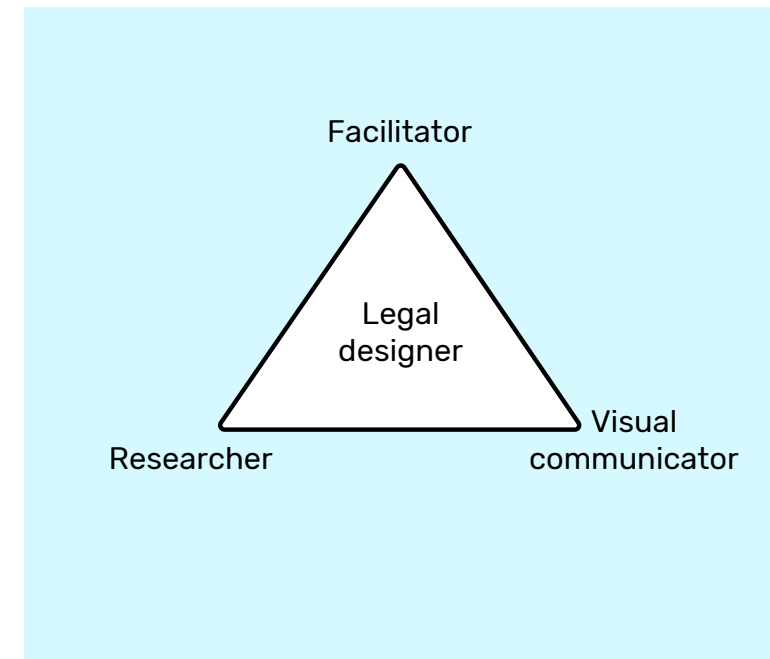


Figure 19. Designers' three roles in the legal design project

Designer as visual communicator

Another role the designer assumes is that of visual communicator. As stated earlier, visualization is one of the primary methods used by designers in legal design projects. To communicate and build trust with law stakeholders and other team members, a designer must be responsible for visually communicating. By illustrating the connection of stakeholders, the story of the laypeople, and the user's journey and pain points, the designer manages to bridge the knowledge gap and establish a common understanding among the team members.

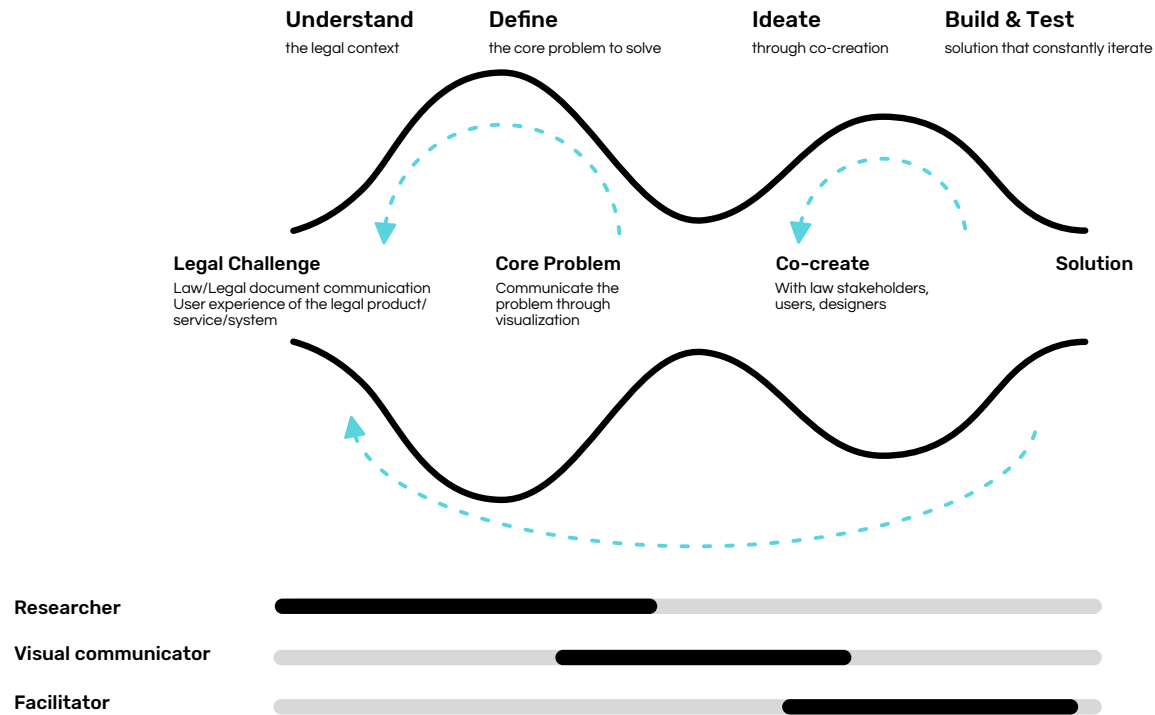


Figure 20. Designers' role in the legal design process

Designer as facilitator

Another essential role the designer assumes in the legal design project is that of facilitator. Within a multi-disciplinary team, the challenge lies in connecting team members' diverse backgrounds, education, and cultures. To nurture collaboration, a designer must be responsible for organizing workshops, facilitating discussion, and constructing a creative environment. Naturally, the facilitator becomes a prominent role in the process of conducting these activities.

Chapter 6 Conclusion

6.1 Implications

Based on the case projects and literature review, legal design is assuming the role of branding design in the legal field. One of the significant changes it brings is the transition from a focus on users who are legally trained to users in a broader context, including citizens, consumers, and business stakeholders. For the first time, the needs of the public are emphasized and agreed upon by both law professionals and designers who are involved in the legal design movement.

Legal design, a collaborative, cross-disciplinary approach, which involves designers, lawyers, and experts from other fields, has carved out a place for itself in the intersection of design, law, and technology. In the evolution of legal design, designers are playing a strategic role in convincing law stakeholders who have doubts about the legal design approach by beginning with the most obvious aspect - visualization of legal documents. However, law professionals who are interested in design gradually learn designerly thinking and doing and become conscious designers who can aid the process of legal design with the advantage of internal insights.

The analysis of the legal design process and the applicable design methods based on the case projects, however, have further implications. First, the in-depth understanding phase at the beginning of the legal design process requires not only the identified design research methods but also knowledge of the system. As the legal system can be complicated and difficult to approach, it is crucial to understand the interconnected sets of elements within the legal system as well as the purpose of the system. Putting the focus solely on public users' needs may contradict the interest of the system itself. Therefore, a human-cen-

tered design approach that integrates with the system thinking, aiming to understand the needs of a specific group as well as identifying the relationship within and beyond the legal system, is helpful for the success of legal design projects.

Second, to make legal design a more holistic approach, service design methods should be part of the legal design framework due to its emphasis on improving the quality and the interaction between a service provider and its customers. Service design provides frameworks and toolkits for mapping and understanding the stakeholders involved in the service processes (Krucken & Meroni, 2006). In the case of undertaking the challenge of online privacy, which is one of the spaces on which legal design focuses, the relationship between the consumer and online service provider needs to be refined and the quality of the consent needs to be improved. Service design activities, such as mapping out the current process of preparing the consent and user experience of the service, would help the service provider improve the quality of the interaction and thus give justice to the consumers.

Moreover, the study suggests three roles designers should assume when conducting a legal design project: researcher, visual communicator, facilitator. These roles are essential and should be assumed by designers during the process. However, each role is emphasized in different phases of the legal design process and is adjusted according to the audience.

6.2 Limitations and recommendations for future research

This thesis focuses on understanding legal design and identifying its process. It offers empirical evidence by showcasing seven case projects of legal design to illustrate what a legal design process is and how cross-disciplinary collaboration between law and design professionals works. The limitations of the thesis are mainly related to the diversity of the collected case projects. The scope, team composition, and goal of each project vary significantly, which makes it difficult to compare the cases and generalize the findings to one framework. Also, the expert interview samples could have been even more significant for a more generalized and reliable result.

Furthermore, the interviewees' backgrounds could be more diverse as in this study most of them are designers and lawyers and only one of them has a tech background. Thus, the generated legal design process lacks the perspective of technology stakeholders as well as users' perspectives within this context.

Another limitation of this study relates to the literature review. This study is conducted by a novice researcher who has no experience in academic research, and the reviewed literature mostly comes from the legal field. I was largely unfamiliar with the legal design concept, legal terminology, and legal context in the beginning. My lack of experience conducting academic research and unfamiliarity with the legal context might have affected the screening of the literature, which in turn might have affected the outcome of the project.

This thesis provides a fundamental understanding of the correspondence of law and design through analyzing relevant legal design literature and its real-world applications. However,

as the limitations listed above imply, the diversity of the legal design projects limits the in-depth understanding of the applicable area of the proposed legal design process. The first avenue for future research would be to study legal design in a more controlled environment where the legal design projects collected are similar in terms of team composition, scope, and goals. Second, future research should consider more stakeholder perspectives and not limit them to those of lawyers and designers. For instance, to investigate the crafting of the online privacy experience, stakeholders from design, law, and tech should all be involved.

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