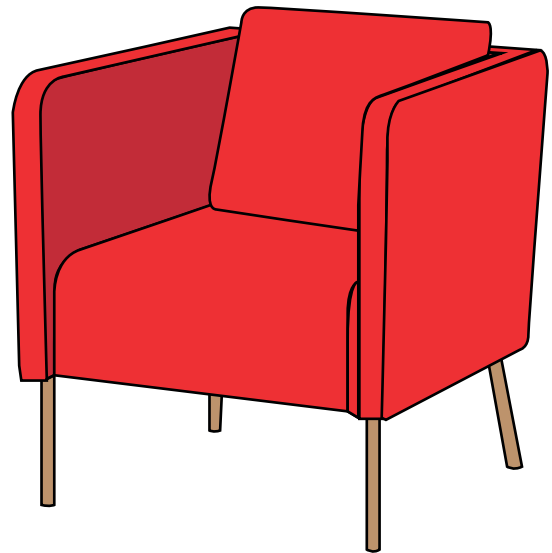
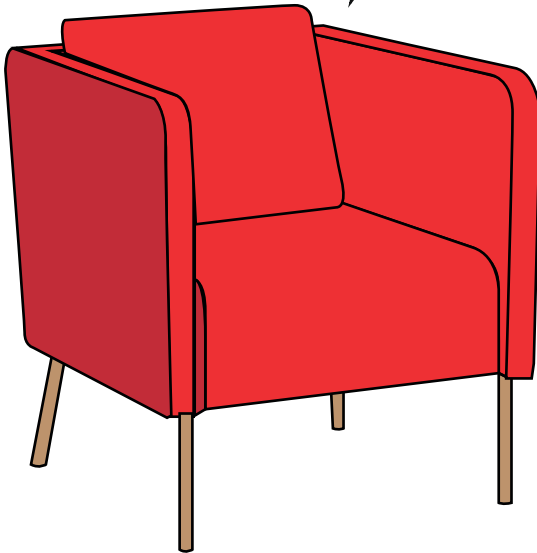


EXPERT LECTURE 13/10/2017 with

# MARGARET HAGAN

about LEGAL DESIGN LAB at STANFORD D.SCHOOL

How can we use  
**human-centered design**  
to make information more  
accessible, useful and engaging?



by LINDA MEIJER-WASSENAAR



Almost three years ago, I started a new adventure. I decided to dedicate my career as auditor at the Netherlands Court of Audit to discovering and telling visual audit stories. To support this mission, I started the Master Design at the Willem de Kooning Academy. Here I learn to tell visual stories, do design research and find the right experts to inspire me.

Someone who is a real expert on the topic I focus on is Margaret Hagan. It is her mission to make law more accessible, useful and engaging. To do that, she uses human-centered design.

I was very honoured that she was willing to answer my questions, and the questions from the small group of participants. In this report you can find what we talked about - it is the transcript of the interview with her, including the questions I asked her. And I sincerely hope it will be as helpful and enjoyable to you as it was to me.

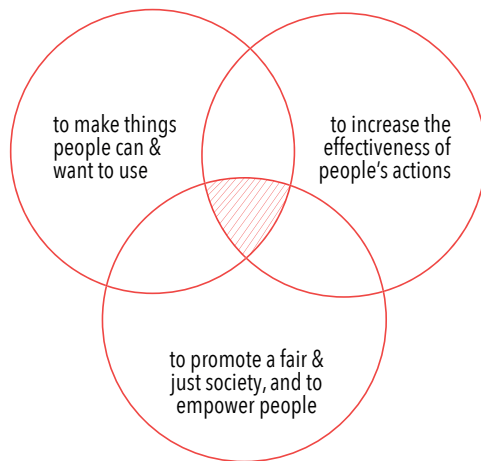
**Linda Wassenaar, student master design WdKA**

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I do work at Stanford Law School and then with a substantial foot in Stanford Design School. And my lab that I created was really my own allergy to how law school is currently taught and how people who are interested in government and civic work. Also, corporate legal workers are usually trained with a very specific skill set that I think is much too small to actually be really great in terms of making better services and better law. We're trained to read a lot, we're trained to analyze a lot, we are overly critical, overly analytic and we kind of abandon all creativity. Once we come into law school we forget how to solve problems. Even though that's really what clients or governments are hiring us to do. We're very good at analyzing problems, finding all the complexity and kind of living in this very complex world.

When I was a law student I kind of overdosed on reading. I literally could not read another page. So, I ran over to the design school, hung out there and took as many design classes as I could to balance out my legal education. And from that kind of mishmash of designing my own law degree I then started this lab at the design school. And then the

law school acquired me to bring it back and teach other law students this way of working and studying with the real focus on finding the middle spot in these three circles.



*Three circles from [legaldesigntech.com](http://legaldesigntech.com)*

About the Legal Design Lab: we are scrappy and small. It's me and a band of 10 students and one permanent fellow. We do projects and some projects we do with corporations to pay the bills with our more public service projects. Most of our projects this year are around artificial intelligence. How humans will actually interact with smart systems that either can predict their legal problems or try to help them solve legal problems. But we really want to

take a human-first approach: how do we make these very intelligent things that can spot our problems and recommend solutions? How do we make that as human and as supportive as possible? How do we present helpful information from a Big Brother in ways that aren't totally creepy?

There's a lot of hype right now around technology and how it's going to change legal services and government services. I'm sure the same conversations are happening in the Netherlands as they're happening in the United States: artificial intelligence, big data, blockchain, whatever the new term is. I think the real value is entering both these other domains with the designer's lens, thinking really about the humans. What's going to work? How people are going to actually get value from legal system from new technologies? This was really lacking. I can't speak for all of Europe but I know in the United States there was hardly anybody who was living in between these two worlds, except for some management consultants.

In the past five years, there's been a blossoming of more service designers and system designers as well as visual and communication designers,

coming from the world of design and kind of breaching the walls of law, being hired by law firms, by government agencies and trying to really bring all the power of design to tackle the complexity and the service problems that come with law. Both for everyday people as well as for more corporate interests. So, it's very exciting.

At the Legal Design Lab we do futuristic things, trying to design better legal services. And next to that we do a lot about visualizing law communicating legal rights around General Data Protection Regulation (GDPR). That's what our main theme this year is: data protection and how to have the GDPR rollout actually be effective and educating people, and getting better consent around data practices. And then we do a lot of smaller projects where we just train lawyers and governments in design.



**How do you go from visual design to system design? It is a big step...**

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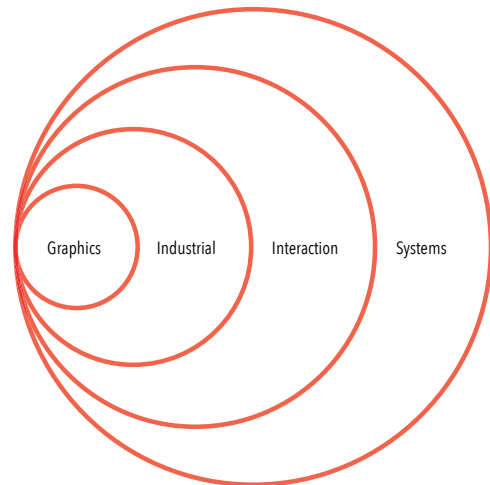
I don't know if you know Buchanan's orders of design? Richard Buchanan has this approach to the wicked problems that designers can tackle from first to fourth order. So, first order is kind of communication design challenges: how we communicate information. And I think that's where most lawyers or government people are who will get passionate or intrigued by design. They start at that first order: how do we communicate better? So we still offer classes but I want to go to the more complexity.

I want to think about redesigning entire systems, about how we get divorced in America, how we get evicted in America, when we're facing real-life

problems, how the legal system can function in a very much more holistic way. Not just explaining the thing better but making the thing more human. That's at the third or the fourth order: really redesigning the fundamental rules of the legal system.

It's amazing even. In the past three years I started off just with visual design. Judges, deans and heads of law firms start to let you actually play with the rules, the policies and the system. So that's why I'm happy to do lots of introductions to design: 'let me teach you' and then basically I use that to find the partners who will have power to let us actually do much more substantial reform.

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*Richard Buchanan's four orders of design*

One of the cofounders of the Design School in Stanford was trying to make design thinking more applicable to businesses. I see legal design more as a specification of that design thinking. How do you see that?



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I would say there's design thinking that sometimes leads to real substantial design, but I'm not trying to convert every lawyer or government worker into a great designer. I'm trying to help them appreciate and work with designers in better ways, so they can at least be a better team player. And lawyers really struggle with giving any respect to other professions, there's a real egotism. It starts from your first year of law school onwards. That's one of my main challenges: always get them to respect that a designer is not just a monkey who can make your things look pretty, but who can change the substance and can see the opportunities in more creative ways than maybe a lawyer, who has been so tunnel vision into one way of solving problems. But I found some lawyers who wanted to go from beyond just thinking like a designer to actually doing design work. And those are the ones who go back to design school at 55 years old, they take sabbaticals from their law firm. They go back to Rhode Island School of Design and do summer courses.

I think there is a lot of crossover between a designer who is really a service worker trying to solve other's problems. Same thing with lawyers: they're going into messy human situations, trying to find a resolution. They just have very different approaches. Sometimes I feel like a therapist to them. They come to me and say '*I used to be creative, what happened to my creativity and there's so much hunger*'. Law has been so restricted to the analytical, they're ready to jump to real design work.

I want them being able to be a good collaborator, being able to appreciate. Find and have that back and forth, that iterative approach, respecting designers' work and respecting designers' judgement. Which right now I think doesn't happen often enough.

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**My assumption is that design can bridge between audit or law and the user. Do you recognize this metaphor? And can you tell us more about your approach, the way you work at the Legal Design Lab?**

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I think my practical approach has been designed as the convener. By having a design process, you can get all kinds of different experts, users and people in the room. Then the designer can really

ensure that there's a healthy way. That they all work together and work towards a solution, while also documenting insights and finding key things to learn. But I think at least in these complex systems, when you're trying to solve the systemic challenges, the designer has a huge amount of power to kind of be a radio signal. Put the signal out and find the right people, get them to be able to work together. They become a glue for technologists, for lawyers, for other experts and regulators.

It's all about the strategies. I want it rich. I won't



reveal all my secrets, but I have lots of coffees. I have lots of listening sessions. Again, I almost play therapist: 'tell me your problems, let's hear'. I think people know - at least in the US - how dysfunctional their day-to-day jobs are. The whole system is: they have lots of things to complain about, so they can come complain to me. We can then think through. *'Alright, how do we solve this problem?'* As long as they trust me to try to facilitate. But I try to be very differential, I don't presume to know everything about their expertise. I still let them play the expert. But I say: *'do you want help, can we try to bring a group of people together to help you solve this problem?'* And then if they're open to that then we can start to work in the design way. I don't use the jargon of design thinking hardly at all. No, I don't, I just say: let's try some creative problem-solving. I try to avoid the designer, otherwise they feel like this is something either silly or too uncomfortable. But if you just do it. I just try to do one-to-one. And figure out what matters to other people.

You don't want too many cooks in the kitchen. So, whenever we have a big problem area we tend to have these kinds of open days, like hackathons or design sprints or whatever you call them, where we

give people lots of food and coffee. They get to meet each other. They can come in. It's very social and we can test with 24 people. And look who could be a possible core team, that we get money for. And we have them really making the key decisions about what product we're actually moving towards, what idea we're choosing. And when who do, we have a network of partners, coaches, reviewers. Then we start to build a much smaller team of three people, depending on the budget.

The project we did the summer was about 'When you get a traffic ticket, how do you plead before the judge if you want to negotiate your ticket?' That was our visual design / communication design challenge. The court let us put up all different kinds of posters and brochures. For that we had a communication designer, we had a legal advocate and we had a court person. So, two subject matter experts, one a representative of the user and one designer. For technology products, we have an engineer, a developer, usually a designer at the beginning - it depends if we can afford to hire them the whole project. But usually it's a developer and a subject matter expert with design at the beginning and design at the end. We have two meetings, we're trying to build a team

that has a core of principles of how we work. So, we get together every Monday for lunch. We hear what each other is working on. We do design reviews of each other. It's a little bit like a PhD team or a research team at a university, where it's about constant exposure, critical feedback and having a mix of perspectives always telling you what's going wrong or right. But still like a design team where you're still producing a real product and getting it out to users. We're still figuring it out. We've had lots of

projects that have gone off the rails or disappeared and taken too much time and too much money but we're figuring it up.

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# How much did being a lawyer help you on your way?

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I think the ability to live in the complexity and to be really critical about why we're doing what we're doing, and the downsides. Lawyers are really good at finding future negatives and kind of being able to see into the future. Usually the negative way. Designers are optimistic, usually. But it also helps me work with lawyers. Honestly, it's hard to work as a designer with super critical people who are constantly asking *'why are we doing this? - I think I know a better way to do this than you do.'* And they're very hard to trust other professionals.

Like I said before, I've had many design workshops where lawyers want to take me aside and say: *'do we really need to be doing this, I think I have a better way, let me go back and let's just talk to subject-matter experts, we don't need to be talking to users, this is just distracting us.'* They always want to debate. So, at least I can play their game. If I need to I can debate them. I can try to convince them. But it's very hard to get their respect to kind of trust and go along with another professional leading the process.

It's almost I had to chain designers to stand up to lawyers. When lawyers try to explain to them why they can't do something or why something is impossible, how to give designers the confidence that lawyers aren't the gods or the priests. That you're allowed to argue them and that they should be arguing and fighting back for the users' perspective. To be an advocate for the user against the lawyer.

I think a lot of the other problem with lawyers and designers working together. Lawyers hand a product over to designers and designers want to make it so simple. They want to cut complexity, that we actually really need. Details to make sure that the people who don't belong in the major use case but in the

edge use case or beware of this detail. If you violate this you're actually going to be in a lot of trouble. And designers, once you kind of take away all those, they're not main use cases or the fine print.

So, it's trying to convince the designers. It's the back and forth and back and forth. Trying to convince designers not to be so precious that they're their only design expert and lawyers shouldn't be allowed to touch the final product either. Oh yeah, we both have our ego's out there.

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**It's my dream to start a sort of audit design lab, like your legal design lab. Where should I begin?**

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I think the more that you can find the right collaborator. So having this kind of open days or having kind of putting your flag up and saying '*this is what I care about, this is how I work, who wants to work this way with me?*' I think the best times are when you can find other people who can work like you and you're not the only unicorn, who's able to work that way. That's what I've done with my students.

Again, I just have these regular events, kind of open doors, try to make it non-intimidating. But I'm

always trying to seek out other people who want to work like me. Whether they call themselves designers or not. Sometimes they're more tech-focused, sometimes they're more public service focused, but they have an openness to working this way. And you can train them, you can have them be your apprentice, but they don't know the word design oftentimes.

But it's still hard to find your friends. Who want to work the way I do and is there any way to open it to the public? Is there any way to do something where there's a wider audience to draw from? I think I had to go beyond the bounds of my University and that actually then helps my case inside. If I can say these lawyers from these big companies want to work with me or these like other professionals then I have a wider network. That's what I think.

Great if you were your own boss. I think if there could be some autonomy. That's been my number one value and who I take money from. The university is a different beast. It's a kind of easier to have autonomy as long as you have independent funding. But I think especially when you're starting something out, it's so good if you can decide which projects are actually worth your time. What's actually

going to work and with which partners. You're in a little different type of organizations than I am but I must look for the usual, the more willing. It's harder to get rid of the unusual suspects. Oftentimes I get requests that are not optional for the people who are attending and it's somewhat miserable to try to convince people to work when they're happy with the way that they're working. Or they feel that they already have success and they don't want to learn. So, I do those out of obligation and hoping that some people might find some value. But there are so many people who do want to work the way I want to do, that at this point I'm only doing with people who want to actually work this way. Not everyone needs to be doing things.

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*Richard Buchanan, Wicked Problems in Design Thinking, Design Issues, The MIT Press, Vol. 8, No. 2, (Spring, 1992), pp. 5-21*

## BREAKOUT SESSION

with all participants to brainstorm about how design can help to bridge audit/law and users. These are the notes that we came up with. I made the following summary: First, you have to overcome the different languages. Then, be more accessible, transparent, open and trusting towards each other. And keep an eye on all participants (users, designers, auditors/lawyers), design for different backgrounds.

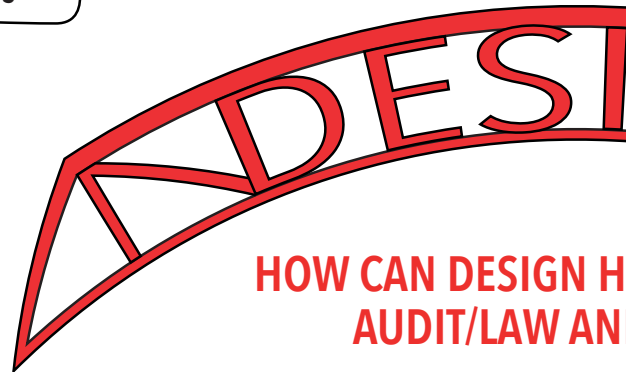


People suffer from the curse of knowledge: they don't know they forgot the language.

Mediation and therapy.

Need for translation between languages and values.

Common language.



HOW CAN DESIGN HELP  
AUDIT/LAW AND

Be more transparent.

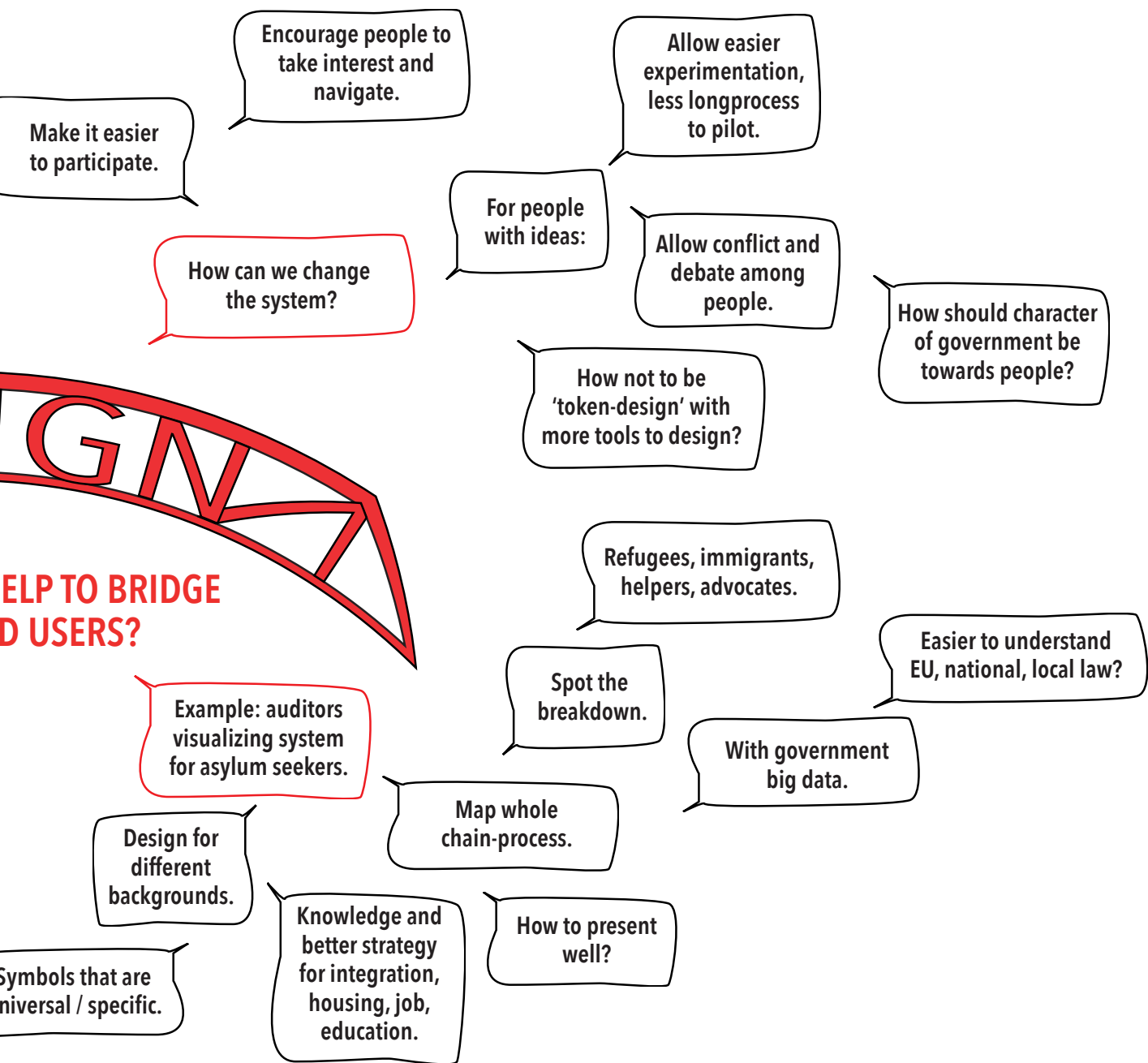
Trust.

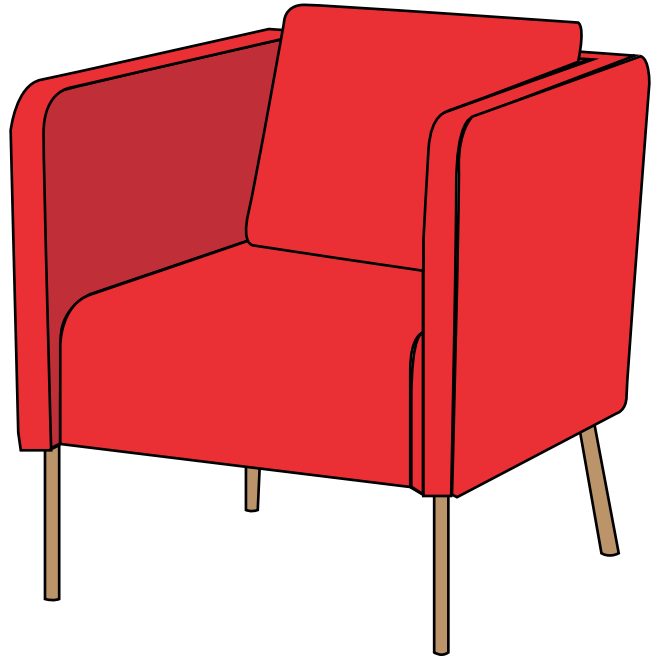
Not holding back.

What way do you want to show?

Clear and same goal.

Work together.





Linda Meijer-Wassenaar MSc (information designer and visual advisor at the Netherlands Court of Audit) made this report as part of the Master Design (h.staal@hr.nl) and is on personal title. Margaret Hagan PhD is director at the Legal Design Lab and was consulted on the content of this report.

See for more information about the Legal Design Lab and Margaret Hagan:  
[www.legaldesigntech.com](http://www.legaldesigntech.com)

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