Preface

Legal designers do things a bit differently. This is not the result of an innate contrariness, but rather of a mindset that makes them question whether *a thing* (a contract, a court process, a law degree) is really working *for its intended users* in the best way it can. You will see this mindset displayed throughout this collection and applied to diverse areas of legal thought, practice and adjudication. Chapter 1 provides a reflective summary of the overall themes of the book. It is this curious, questioning and human-centered mindset that inspired us to put this collection together, and that continues to inspire us.

These deceptively simple questions of whether legal processes are working for their users can lead to a fundamental reimagining of broad questions, such as, how legal policy and regulation is developed, what and who contracts are for, whether legal culture can change, how technology can improve legal services and how law schools can prepare their students for these challenges. They can also extend to the smaller things, such as how a preface can help readers see the aims and original contributions of an edited collection. It is not always possible for the authors and editors, immersed in the project as they have been for some time, to identify these features as they would appear to the reader; so, we called on two external perspectives to help us, and you, with that task. We are particularly pleased, reflecting as it does the emerging culture of legal design, to include academic and practitioner perspectives.

Dr Rossana Ducato is Lecturer of IT Law and Regulation at the University of Aberdeen, School of Law. She is also research fellow at the UCLouvain Centre de recherche interdisciplinaire Droit Entreprise et Société (CRIDES), where she is module leader of the Erasmus+ Jean Monnet course ‘European IT Law by Design’. Her research interests range from privacy and data protection to consumer protection, intellectual property law, law and design, and law and behavioral science, with a special focus on the problems related to new technologies and their impact on society. Rossana writes:

Legal design is an interdisciplinary approach that is growing in importance. The term is popping up in a variety of contexts, from legal tech to legal innovation, from law firm organization to research and teaching. However, despite the increasing popularity, the scientific ‘self-reflection’ on what is legal design, its rationale, and methodology remains limited.

That is why this book is a timely and much needed work. The book tells us the story of legal design so far from different perspectives. It lays down the core coordi-

nates of the legal design movement without the ambition of prescribing a normative reading of the subject matter, but with the *curiositas* to explore the state of the art, to identify knowledge patterns, and to design future lines of research. This book is also a ‘meta-exercise’. To paraphrase Michael Doherty’s words, this work can be considered as the expression of that ‘cultural intelligence’ to dive into another discipline and extract the paths for cross-disciplinary cooperation.

The *fil rouge* among all the chapters is the critical appraisal of this new interdisciplinary field, the emphasis on its potentialities, but also the limitations that need to be addressed and further discussed. Law is a ‘porous science’ that has seen already fruitful examples of interplay with other disciplines (eg law and economics, law and behavioral science, law and literature, etc). Law and design is the next promising frontier to be explored. This book is one of the first steps in the direction of understanding the first prong of this mutual relationship: how design can offer a toolkit for enabling legal change.

Astrid Kohlmeier is a lawyer and consultant with her own legal design and legal tech consultancy practice based in Munich. Her professional background combines legal practice, media design, and marketing and communications. Astrid is a member of the Executive Faculty at the Bucerius Center on the Legal Profession and a co-founder of the non-profit organization Liquid-Legal-Institute, which promotes radical and multidisciplinary collaboration to produce open-source global legal standards and automation in and for the legal industry. Astrid writes:

The powerful editorial group of Margaret Hagan, Marcelo Corrales Compagnucci, Helena Haapio and Michael Doherty reflects on legal design from different angles. The book covers a range of issues, including:

- (a) the importance of a cultural understanding between design and legal professionals;
- (b) the practical benefits that information design offers in making legal content easier to understand and to prevent misunderstandings; and
- (c) how future policymaking can profit from the use of prototyping as part of design-driven innovation.

To highlight some particular chapters: Margaret Hagan guides us through one of the newest fields of ‘policy prototyping’. She shows the limitations when it comes to actionable solutions, but her use cases help the reader to get an idea of relevant participatory methods of prototyping. She addresses, in my view, the very critical issue that designers should be integrated into these policy processes as early as possible.

Michael Doherty’s observations about the relation between legal and design cultures demonstrates the difficult path when two very different professional fields are brought together. Even though some similarities exist, an integrative approach and positive learning experience from each other is crucial. In legal design practice, collaboration between lawyers and designers is often based on hierarchy, with lawyers as the experts and designers as their supporters, rather than working as equals. This disparity of how design is valued as a profession compared with law is already evident, for example, in the difference in pricing. The work of lawyers is more expensive than the work of designers and it is simply accepted everywhere. Also, the extensive use of the term ‘non-lawyers’ versus ‘lawyers’ shows a hierarchy that

needs to be overcome when working with a legal design approach. I agree with Doherty that only a mutual understanding will sustainably help to merge lawyers and designers to act effectively in cross-disciplinary teams.

I particularly like the idea of ‘legal wellness’ through proactive and preventive legal approaches when applying the principles of information design by Haapio, Barton and Corrales Compagnucci. As a professional in legal design, I observe every day the ‘aha! moment’ of addressees when complex legal information is provided more easily, eg supported by visualizations. I fully agree with the concept that ‘legal well-being’ and ‘legal health’ through improved access to law will help societies become better, safer and with less misunderstanding. The power of simplicity and good visualization supports this by sharpening the awareness of people’s rights and responsibilities, since information is ‘indeed an essential ingredient in addressing and managing legal health’.

The contributions include a broad theoretical approach that, on the one hand, reflects the reality I experience as a legal designer when working with legal organizations. On the other hand, it helps to deepen the understanding and perspectives on why the legal industry is still shy to embrace design as an innovative way to develop better legal solutions. But more importantly the chapters deliver many ideas on how we can jointly overcome the traditional ways of legal thinking and working.

This volume constitutes the result of a joint cooperative effort drawing on the extensive global network of four academic institutions: The Center for Advanced Studies in Biomedical Innovation Law, CeBIL, part of the Law Faculty of the University of Copenhagen (Copenhagen, Denmark); the School of Accounting and Finance, Business Law, part of the University of Vaasa (Vaasa, Finland); the Legal Design Lab based at Stanford Law School, Stanford University (Stanford, USA) and the School of Law of Lancaster University (Lancaster, UK).

This book is designed for anyone interested in an up-to-date analysis of current trends related to legal design thinking and doing. In particular, legal scholars, students, practitioners, corporate professionals, policymakers, government officials, business entrepreneurs, software developers, managers and experts looking to improve their design tools and deepen their understanding of this human-centered and forward-thinking approach.

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