

Design Thinking in Law School: A Case Study of SoloSuit

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LawX is an interdisciplinary educational experience sponsored by the J. Reuben Clark Law School at Brigham Young University. This course was designed to address a challenging social justice issue utilizing design thinking methods. The experience integrated human centred design methods with legal requirements and processes. Law students researched, designed, and validated a fully functional digital legal product in one semester. The students personally gained an empathetic understanding of the products stakeholders; users, court judges, legal/judicial clerks, development engineers, and user experience designers, then interlaced the legal constraints and court processes to define a meaningful product offering. Using rudimentary product prototypes, students designed and validated product concepts with users and successfully integrated both the non-legal and legal components of the project from the earliest stages. SoloSuit, is an online digital tool to assist people who have been sued appropriately respond to the initial legal procedures of addressing the suit they have been named on. It was launched for public use at the end of the course. The product has won awards, garnered media recognition and has assisted 1000's of users. This paper addresses the processes and issues experienced in the course.

Keywords: Human Centred Design, Digital Legal Product, Social Justice, Interdisciplinary Design, Legal Design

Legal Design

Legal design is the development of legal innovations being explored at the intersection of law and design. As automated and/or "smart" tools and technologies have become ubiquitous and available for an increasingly large percentage of society, legal academics and innovative lawyers are starting to experiment with legal design in two broad legal domains. First, exploring ways to make aspects of the legal system more accessible to persons who traditionally lack the resources or sophistication to hire lawyers. Second, creating tools to increase efficiency in law centric commercial transactions. This paper will explore observations we have made at the J. Reuben Clark Law School at Brigham Young University (BYU) to incorporate legal design within our academic setting.

LawX

LawX is a course created in the law school where students address social justice challenges in the United States legal services industry by combining typical design thinking processes with legal requirements and processes. Course projects are defined by gaps in the market, or legal issues that are not attractive targets for innovation by small, private start-ups or larger profit-oriented businesses. LawX seeks to provide tools for people not able to access legal services because they cannot afford to hire a lawyer or are cognitively paralyzed by the complexities, and arcaneness, of the U.S. judicial system (BYU, 2017).



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Traditionally, law schools present students with limited opportunities to identify problems in the legal system or to propose theoretical solutions to these problems. Students have very little or no opportunities to actually design and implement solutions to these problems as a part of their legal educations. Currently, almost all legal design projects occur outside of the classroom and academia. The students in the LawX course were challenged to define and solve a legal challenge within a single semester. The course was structured using a traditional design-thinking process, in which students have fast-paced deadlines, participate in an iterative process involving researching, designing, prototyping and validating. It is intended to emulate a start-up company experience (Harvard, 2019).

The course was designed to be an interdisciplinary experience. The course was led by one Law professor who arranged to collaborate with outside experts; two user interface designers from IBM, one professor from the Industrial Design at BYU, and one outside engineering consultant to provide the necessary digital knowledge to implement the product. Nine law students (graduate students) worked closely with an undergraduate industrial design student to design the digital product. This interdisciplinary approach combining “legal” and “design” expertise within a class, is a concept very foreign to traditional law and design schools. Because the project has provided an impactful social benefit, other law and design schools could easily engage in similar activities to positively affect both student learning and enhance citizens’ relationship with the law.

The Problem

The initial LawX class identified debt collection as the problem to be solved using legal design. From 2012 through 2017, debt collectors had filed more than 330,000 debt collection lawsuits in Utah, USA. Even though these lawsuits could dramatically increase the amount of money the debtor owed through additional fees and fines associated with the law suit, students learned that (i) 98.5% of defendants did not hire an attorney, and (ii) over 80% of defendants did not respond to the complaint, causing them to automatically lose their case regardless of any defence that could have resolved the issue(s) or whether the debt was legitimate in the first place.

The students in LawX researched the reasons behind this behaviour and discovered that the primary reasons for disengagement were discouragement, a feeling of powerlessness, being intimidated by the complexity of the legal system, and the difficulty of filing an accurate legal response to the appropriate courthouse. Based on these findings, the students decided they needed to develop a solution with the following objectives. It had to:

- Be free or available at a very low cost.
- Comply with, and be adaptable to, the substantive and procedural legal requirements of different courts.
- Produce a document that could be easily filed with the appropriate court.
- Be useful, useable and understandable by users who could have little education, a wide variety of reading comprehension abilities and vastly different understandings of how the legal system operates.
- Use plain English (avoiding legal language/vocabulary) for questions, answers and prompts to capture all necessary information while avoiding collecting unnecessary information.
- Provide an engaging, non-intimidating user interface and experience to encourage users to complete the process.
- Be endorsed by judges, judicial clerks and filing clerks.
- Be maintainable and upgradable beyond course completion.

The Solution

LawX students developed an online tool called SoloSuit to address this problem. SoloSuit provides a simple, online platform for debtors to prepare an answer to a debt collection lawsuit anywhere in State in as little as 10 minutes (SoloSuit, 2017). As shown in Figure 1 it uses a simple graphical presentation of the original complaint (seen on the right side) to aid the user in finding information from the users printed lawsuit documentation to accurately respond to a legal query.

Sued for a debt? We're here to help.

You must respond to the lawsuit within 21 days of receiving the complaint. Our automated software will help you safely and accurately prepare your response.

Get Started



Figure 1: Landing page for SoloSuit, a digital tool to enable people who have been sued to appropriately and easily respond to the suit.

Figure 2 demonstrates that whenever possible, it uses drop-down menus to aid and focus the user in providing answers to queries. There are only one or two simple questions per page and each page shows a thin blue progress bar along the top edge.

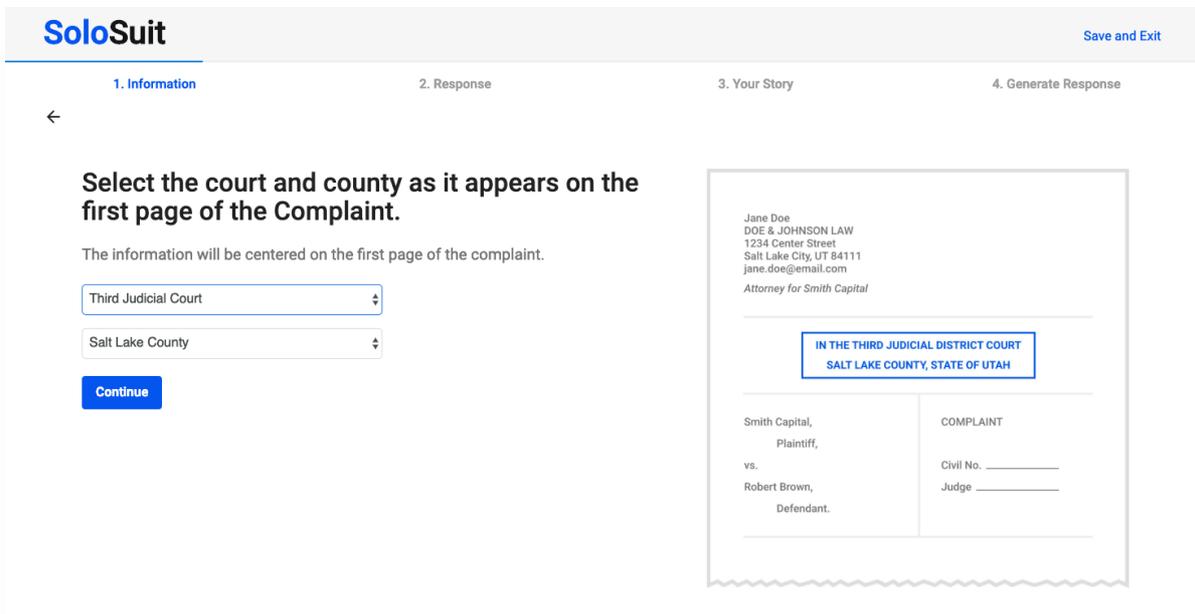


Figure 2: SoloSuit page image showing drop down menus, a single question per page, the thin blue progress bar across the top of the page and a blue rectangle providing a visual clue to where the user might find the requested information on their law suit documents.

Instructions and background are provided intermittently, using common English, and rarely with more than 50 words on a page. Pages are designed to express competency but not overwhelm the user. When possible, appropriate choices for answers are provided to the user allowing him or her to populate information needed

by simply clicking a button. Finally, once the legal response is completed, the user is given clear and simple instructions about the next steps he or she must take to effectively file the answer with the applicable court.

During the fall semester of 2017, SoloSuit was researched, designed, validated and implemented into a fully-functioning online legal tool. By April 2018 it had been reviewed in numerous media articles and won its first award from the Cyberlaw Section of the Utah State Bar. In May 2018, the product was named as a finalist for The Grunin Prize, awarded by the Grunin Center for Law and Social Entrepreneurship at the NYU Law School (Grunin, 2018). The Grunin prize rewards innovative projects and solutions developed by lawyers to advance social entrepreneurship. SoloSuit was also the only finalist to originate from a law school. Within months of launching, with only press coverage and word of mouth promotion, the product has been received as follows:

- Approximately 900 people have used the solution to completion, meaning SoloSuit generated an answer for a complaint.
- Representatives of state courts in the State of Alaska, and representatives of legal aid or non-profit organizations in six states (Arizona, California, Colorado, Florida, Maryland and Montana) have contacted LawX requesting information about use or adoption of SoloSuit in their states.

The Process

The course began by introducing students to the basics of the design thinking process. Two IBM Enterprise designers came to the class and explained the "IBM Enterprise Design Thinking" process to the students and left copies of the *IBM Design Thinking Field Guide* book that the students could reference (IBM, 2016). This book outlined the IBM process and methods the students used during the course.

The principles that guide their design thinking process includes:

- A focus on user outcomes – who are you designing for and what do they need?
- Restless reinvention - iterate on the fundamental needs you are solving and converse often with your users.
- Diverse Empowered Teams - multiple disciplines generate more ideas from different perspectives and generate breakthrough ideas and insights.

Figure 3 illustrates IBM's design thinking process to understand the present and envision the future through a continuous cycle of:

- Observing – gaining a deep understanding of the challenges they face
- Reflecting – analyzing and synthesizing finding to build a nuanced understanding of the users
- Making – creating quick, low-fidelity prototyping to stimulate ideas and test hypotheses

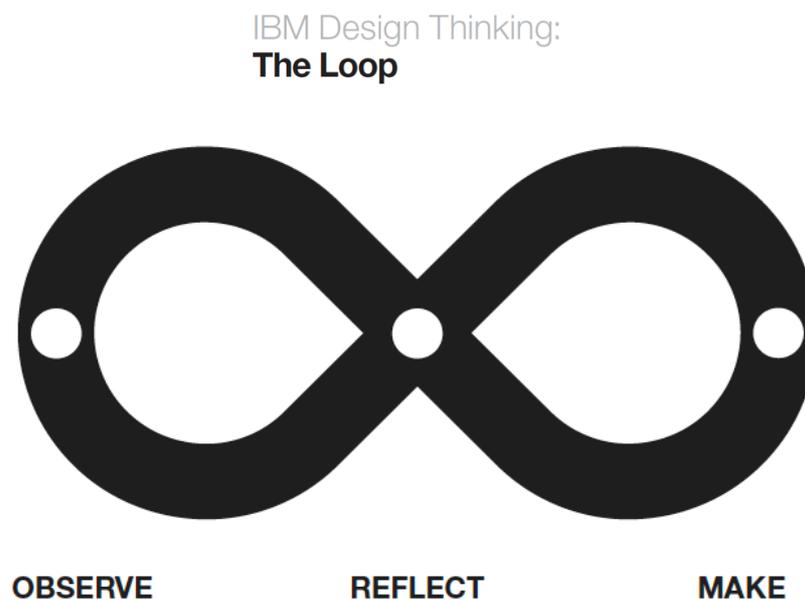


Figure 3: The IBM design thinking loop, a continuous cycle of observing, reflecting and making that enables an understanding of the present and informing the future (Image provided by IBM).

The Law students embraced the design thinking process. At first, they were somewhat skeptical when they were asked to go out in the field and “observe” their users in person and gain empathy for their situations through interviews. Upon return they reported how astonished they were at the sharpness of the user’s pains and how “normal” the people were, “they are people just like me”. They were also surprised by how “lopsided” and “opaque” the legal system was for their users in this situation.

After multiple user-focused discussions with key stake holders, the students created a product definition for their tool, see Figure 4. Their design needed to address or overcome potential obstacles by considering the:

- flow of questions,
- number of queries on each page,
- creation of questions that were neutral or leading
- color, size and font of text used on the pages,
- positioning of the queries on the page,
- length of the answers required and whether pre-set answers could be provided while maintaining factual accuracy and legal compliance,
- aesthetics of the website, and the ability of the website to both inspire confidence in the user that the service was competent but at the same time not be intimidating, and
- reality that users would have vastly different levels of education, reading comprehension and technological expertise.

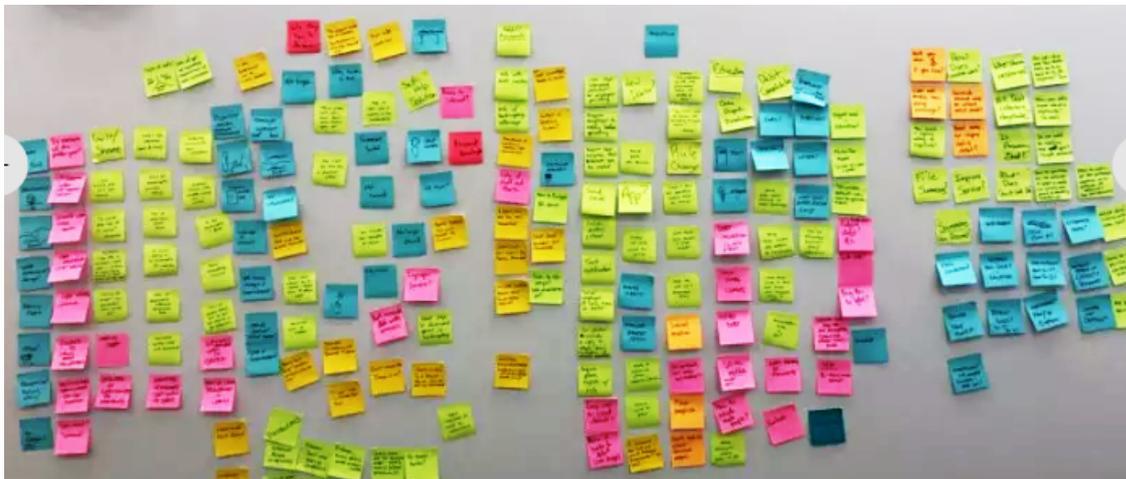


Figure 4: Identifying the user and legal needs for SoloSuit pages and questions (photo BYU Law).

The solution needed to not only engage the user, but also comply with a wide array of complex legal requirements. The solution would fail if the user experience was pristine, but the solution produced a legally defective document.

The design factors had to also obtain all information needed to prepare the answer. The software had to adjust queries based on prior answers in order to accurately prepare a document that reflected the personal circumstances of each individual user. Each user’s experience would be unique, and the solution had to adjust the query flow and ultimate document for each circumstance. Finally, the document produced needed to comply with the legal requirements applicable to the court in which the case was filed.

Interactions with the Courts

Students did significant interviewing of court administrators and debt collectors while designing SoloSuit. Judges were overwhelmingly in favor of SoloSuit. Judges know that legal process is often improperly used by sophisticated companies like debt collectors against debtors who are often the most vulnerable in society. Judges do not like to issue default judgments, but debtors must file an answer before a judge can participate in the process in a manner to seek the fairness the law requires.

However, the solution needed to work seamlessly with the legal system. It would not be effective if judges or law clerks are dissatisfied with the document or filing produced. Research showed that many defendants struggled to answer in part because they were poor and did not have convenient access to printers, postage stamps or transportation to the courthouse. They often only had a mobile phone and not a desktop computer. The students wanted a feature of the software to allow the user to submit their answer via email or electronically to the court when the court would allow such filings. Finally, rules of courts in large cities could differ significantly from the rules adopted by courts located in small towns. The solution had to account for and be adaptable to these differing rules, while at the same time maintaining an engaging user experience.

Including adaptability in the legal design of SoloSuit from the start resulted in a more effective and efficient process, compared to designing a solution and then trying to make it fit for local courts. Additionally, by designing the solution with the need to be highly adaptable to local courts in mind from the start should make the solution adaptable to other states.

Working with Developers and Designers

The class took an integrative approach when working with non-law student developers. Rather than develop the legal design and then pass off a finished product to the web developers and software engineers, a team of designers engaged directly with the class early on, teaching the law students about user experience, “customer journey maps”, and software and web design. The law students worked in teams and were tasked to create rapid prototypes using online prototyping tools and simple PowerPoint slides to iteratively test user experiences. The teams learned that their carefully planned pages and questions were not as clear to the users as they anticipated. The law students would return from a validation session and gladly make significant adjustments to their step by step question and answer process to overcome the confusion users experienced. Students enjoyed the validation sessions because it immediately verified the quality of their design work and they witnessed the joy users experienced knowing that they were being helped out and assisting future tool users.

The students also discovered they needed to clearly identify what type of user they were going to target. Not everyone that is sued in the state could be helped with this tool. They reduced their initial goals to achieve a minimal viable product for a well-defined and specific type of user. The relatively complicated legal requirements, as well as the product experience, were being adapted real time with the designers and engineer in response to these user testing validation sessions. This iterative process allowed the law students to consider user flow, website presentation and design as they worked through the purely legal requirements the solution had to achieve.

The class also benefited from the diverse skills of the law students. A few law students had some coding and software engineering experience. Other students were joint JD/MBA students, who brought some business acumen and experience to the project. And finally, the class size was nine students, which was a size that was large enough to provide this diversity of background and experience, but small enough to need and efficiently utilize all the students, thereby maintaining student engagement.

We found that integrating the non-legal and the legal components of the project from the earliest stages, rather than allow these two components to work independent of each other or to combine later in the process, had a very positive impact on the legal design process.

Collaborating with Additional Resources

Upon completion of the class but prior to releasing SoloSuit, LawX engaged the BYU Law and Entrepreneurship Clinic for assistance in the release. The Law and Entrepreneurship Clinic is operated by the BYU Law School. The clinic is staffed by up to 12 law students, who receive credit for their work, and is managed by practicing lawyers. The clinic drafted the (i) formation and governance documents for a company to own SoloSuit and (ii) the website’s terms of use, privacy policy and documents necessary to protect the intellectual property created in LawX and to otherwise support the solution after the class.

Key Learnings

While the LawX experiment of incorporating legal design into a classroom experience has yielded positive results, we have identified the following learnings.

- Long-term upgrades, modifications and operation of the website were ultimately addressed outside of the class. Overseeing the improvement and operation of a fully operational solution developed in a law school class are challenging.
- A related challenge is monetization of the solution. Monetization of the solution was not built into the legal design of the project and impacts its long-term viability as laws evolve along with technological advances and user expectations.
- LawX did not incorporate significant promotion into solution. Educating the public about the availability of SoloSuit, or otherwise advertising its existence and benefits, was a secondary goal of the class while building the product. Like monetization, this aspect of any solution should be considered for future LawX projects.
- One unique aspect of working with Law students in a design thinking process was the absence of visual representation. Each step of the process was typically explored and framed with words. In design programs, most processes and proposals would have been represented visually first and supported with text. The end product is a 'question and answer' text driven solution. It that the result of the law student's mindset or the legal requirement to execute an answer in words.
- The engineering of the site was not performed by students, but a highly experienced and qualified outside programmer. The functionality and flexibility of the website would probably not be as robust as it currently is if engineering students were expected to build the site.

Notwithstanding these learnings, the final SoloSuit product is successful and the both the law and design students were pleased with the LawX experiment and experience. Future courses could be enhanced by expanding the length of the course for one to two semesters and issues regarding site sustainability and initial funding need to be better defined. However, incorporating design thinking methods into a law classroom experience was a beneficial learning experience for all the parties involved and should be repeated.

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