

# LEGAL DESIGN FOR LAWYERS AND HUMANS

Part 1: Information Design

*by Anna Posthumus Meyjes*

## WAIT – WHAT?

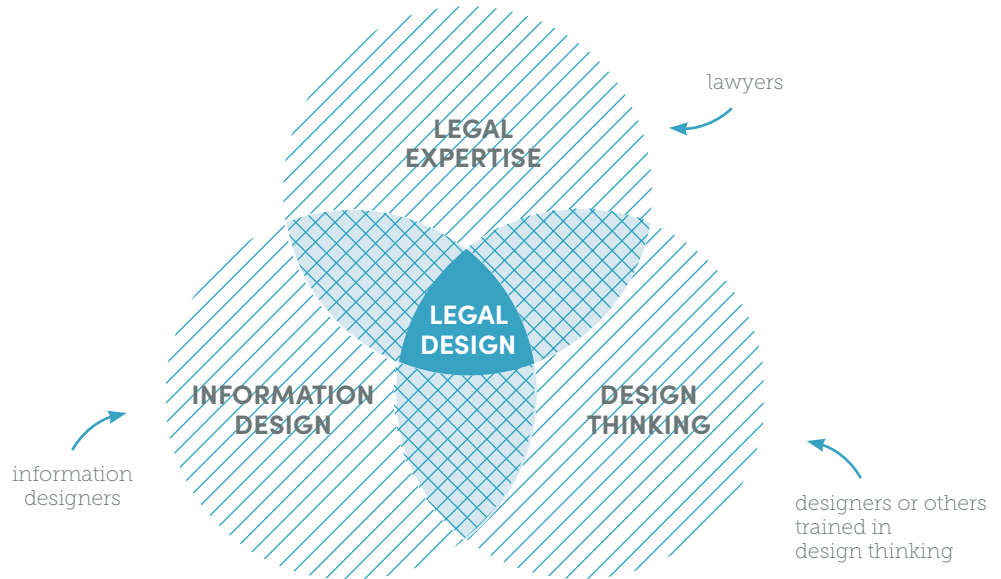
Legal design is a new discipline that combines legal expertise, information design and design thinking.

Lawyers new to legal design are introduced to a user-oriented approach with new working methods and visual communication. Spoiler alert: legal services must innovate. They need to be more accessible, less expensive, multidisciplinary, more efficient and agile if they are to keep pace with the market's changing needs.

The creative and solution-oriented approach of legal design offers possibilities for aligning the legal services with the current needs of clients.

Information design, which is the visual side of legal design, is in line with the need to communicate legal substance in a more accessible and understandable manner.

This paper is the first of a series and focuses on information design. Part 2 will focus on



design thinking. And there may be more to come. Together, these papers will provide an introduction to legal design and explain how it can be used by commercial providers of legal services, such as attorneys and inhouse counsel. Many of the aspects described also apply to other legal professions or organizations.

## 1. LEGAL DESIGN: A NEW WAY OF WORKING

Some people think legal design is being hyped. Others have never heard of it. What is legal design, exactly?

Not being a fan of terminology, I don't want to be dogmatic about it. This is why I have used the above graphic illustration to show that legal design is the area in which legal expertise, information design and design thinking converge.

The premise of legal design is focusing on the needs of the person or user – referred to as 'human centered design' or 'user centered design' in design jargon. Leading is the aspect of 'human centered': what does the user of the service or product need? This is determined by assessing actual needs, latent and otherwise.

'Human centered' will sound peculiar to non-designers: aren't we all 'human'? There are nevertheless many legal products and services that are not oriented towards actual, underlying human needs.

In practice, lawyers will often work within their legal cocoon: based on sound expertise, jargon and regularly outdated habits, having been taught by experienced colleagues. Often with the feeling that their work is so complicated that it cannot be made accessible to others. That is how I was taught, and nothing seemed wrong with that.

But we can do better, and the times make it necessary for us to do more.

### For whom, exactly, is your service?

Let's take a contract. Contracts are often documents made by lawyers, for lawyers. How contracts are drawn up is based on what lawyers believe must be included in a contract, inspired by the law, case law, and habit.

The result is usually legalese that is difficult to read, with overly correct phrasing. The average user of a contract – the parties to it, for example – often find it difficult to understand the contract.



There are many legal products and services that are not oriented towards actual, underlying human needs.



A business deal is translated in a contract into unrecognisable phrases, and terminology makes it difficult to discern the mutual obligations. At the very least, this leads to a lot of additional costs as a result of the time involved in contract negotiations, dotting i's, and crossing t's. And possible misunderstandings and even conflicts.

What happens when the needs of these users are assessed from a truly human centered perspective? What would a contract say and what would it look like from that perspective?

## The legal design mindset

Legal design requires lawyers to change their approach. Central in legal design are empathy, user centricity, multidisciplinary cooperation, experimentation and curiosity and open attitude.

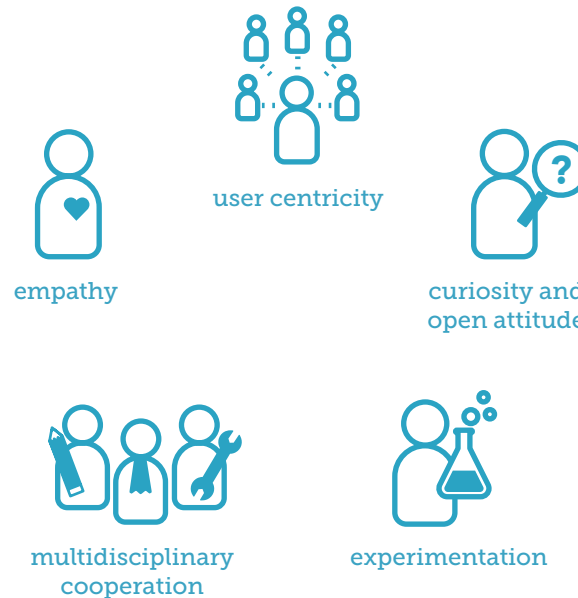
Focusing on the user's needs means actually putting yourself in their shoes, feeling their needs and experience – in other words: empathy.

A more exploratory approach means that problems are investigated more precisely, not based on assumptions in search of solutions. More visual attention provides improved insight and understanding.

Involving people from other disciplines, such as designers, provides a new perspective and results in questions that lawyers themselves would not ask, or are no longer asking. The perspective of an outsider – someone who questions the how and why and contributes their own expertise – can help to improve

legal products and services. However, this development process or innovation needs room to experiment, to test and fine-tune.

Because lawyers tend to avoid risks and always consider precedents, an experimental approach will not sit easy. It requires lawyers to leave their comfort zone: not to start by



advising or drawing up documents, as they were taught, but to first take a more in-depth inventory of the user's needs, and then to adapt the substance and form accordingly.

## 2. INFORMATION DESIGN

### 2.1 WHAT ARE INFORMATION DESIGN AND VISUALIZATION?

#### Information design for more effective communication

Information design means designing information, usually by means of a combination of images, text and numbers. Many are familiar with information design in the form of infographics – information that has been structured and made visually accessible – but there are various other forms of information design.

The objective of information design is communication: to inform, to provide insight or to convince. Central focus is placed on the user: for whom is the information intended, and what 'story' needs to be told? The information designer – a specialized graphic designer – analyses the user, the information and the story, on the basis of which visualizations are designed. Information design is not adding an image or prettifying

things: it is about effective communication.

Information design as a component of legal design is directed at improving the communication of legal information, the objectives being a more accessible system of law with government information, for example; and of improving the legal services provided, such as during proceedings, or legal products, such as contracts.

Poor communication leads to distorted relationships, missed opportunities and even mistakes. The use of visuals improves communication and contributes to improving the services provided.

I use the more general term 'visualization' for information that has been made visual by non-designers, for example a lawyer who has sketched a situation or made a graph. Visualization can be considered a tool that everyone can use or learn: we all have visual skills.



*There is a difference between data, information and knowledge. Data means a quantity of information that has not been organized or made accessible. Information is data that have been organized, adding an informative value to them. Knowledge is the interpretation of information.*

#### Visual skills

We are all familiar with visualized information, even abstract information. Using an emoji to express a feeling, for example. Or a graph to show development. The effectiveness of visual communication depends on the visual skills of both the maker – the sender – and the recipient. When using visuals as a lawyer, we must ensure we are attentive to this.

Lawyers are usually considered text-focused. But people are primarily oriented towards the visual. Our visual skills are much more developed than we realise. Working together with information designers calls upon those skills. Developing your visual skills as a lawyer is something everyone can learn – or rediscover.

## Pay attention to visual literacy

### Making or using visuals

- taking or using pictures, graphics, and drawings in communication
- use of diagrams and graphs (datavisualisations)
- visual notes

### Receiving visuals

- recognising and remembering images
- distinguish images
- critically analysing images
- recognising manipulation of images

## Information overload and complexity

In obtaining legal services, people often encounter large quantities of complicated information. Telephone consultations, opinions, memos, procedural documents, contracts, legislation, directives: there is often an information overload, sometimes causing people to simply give up.

This is assuming that people even have access to justice. If the legal system and rules of law were more comprehensible, people would be able to answer many of their own legal questions. This would result in more self-sufficiency and equality: law would be democratized. This would also reduce the monopoly held by lawyers and attorneys.

The commercial sector also needs more effective communication. Companies often struggle to properly communicate the legal advice they have obtained within their own organization. Legal

counsels need to answer questions regarding the law in a manner that is easy to comprehend, despite the answers being based on complex legal considerations. They work with various parts of the business on a day-to-day basis, and need to be able to apply their knowledge of the law flexibly, quickly and comprehensibly.

Visuals are often used to clarify problems, solutions, views, processes or systems. They make legal substance more accessible and comprehensible, and as such make the legal services more user-friendly.

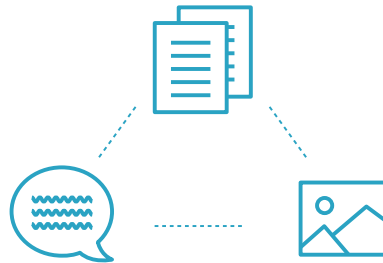
## 2.2 VISUAL = MORE COMPREHENSIBLE

### Why does visual communication work well?

We have three methods of communication: verbal communication, textual communication and visual communication. In the field of legal services, usually only verbal and textual communication are used. The potential of visual communication is not utilized. That's a shame, because visuals enhance the verbal and textual communication.

Situations in which this is already customary include court hearings, for example: the attorney presents their argument (verbally) and hands out their memorandum of oral arguments (written). If the relationships between the parties are also visualized, together with a timeline of the relevant events, the attorney has optimally utilized the three elements of effective communication.

Triangle of effective communication



### The science behind visual perception

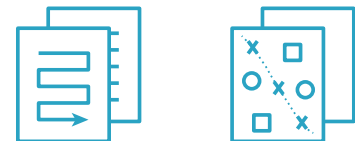
Humans process visuals much more quickly than text. From an evolutionary perspective, this is only logical. Neuroscientific research has shown that we process visual information 60,000 times faster than text, and that 90% of the information that we process is visual. We humans are visually oriented.

Being able to retain information is also easier when visuals are used. Research has shown that only 10% of verbal or textual information can still be recalled after three days. If a combination of text and visuals is used, no

less than 65% can be recalled. This is known as the picture superiority effect.

Images are processed differently than text. Text is inherently linear, as we read from left to right and from the top to the bottom – at least with Western languages. Our minds form an overview and context for information expressed in text. That is the result of our interpretation methods, and not so much of the manner in which the information is presented. The more complicated the information, the harder it is for the reader to maintain an overview and to understand the context. Reading instructions or clues in the text, such as titles, paragraph titles and bullet points, make navigation easier for the reader.

Textual vs. visual communication



# VISUAL COMMUNICATION HELPS COMPREHENSION

## Visuals in legal work

Today's world is visual. It is time for the legal world to make use of that fact. Using visuals in legal work, to supplement verbal and textual information, provides:

**clarity and comprehension:** the lay-out and use of text can be better attuned to the user's needs and level of understanding

**engagement:** users feel more involved because they understand the communication better and feel closer to it

**conviction:** because the information is more accessible and easier to understand, it becomes much more convincing

**accessibility:** access to justice is improved when people have a better understanding of their own rights and obligations as well as interaction with the legal system

**structure:** visual materials improve one's overview, giving better insight into the structure of the information, a process or the steps to be taken

**fewer mistakes:** you must understand and comprehend something before you can visualize it. If the lawyer lacks that understanding and comprehension, visualization will reveal it.

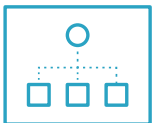
**time savings:** lawyers themselves will obtain better insight into the case or issue faster, and will therefore be able to spend less time on continually verifying facts, on reading up and on explaining things to clients.

**joy and satisfaction:** lawyers whose work is made more user-friendly create closer relationships with their clients, resulting in more work joy and satisfaction. And once they themselves start using visuals – e.g. making visual notes or using icons/graphics – they often discover their own visual creative skills, which also improves job satisfaction.



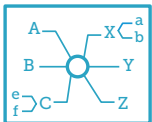
## 2.3 APPLICATIONS FOR INFORMATION DESIGN AND VISUALIZATION IN LEGAL PRACTICE

### IN DAY-TO-DAY WORK:



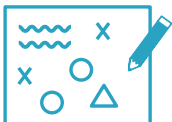
#### overviews/situation sketches

provide insight into a case or the legal relationships. This lends structure to the handling of a case and can be of help when advising a client.



#### mind mapping

is a tool for distinguishing between main and side issues, clarifying the bigger picture. May be either analogue or digital.



#### visual notes

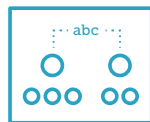
provide structure during and after meetings. A small sketch or a few simple drawings help us to retain more information and to better understand interrelationships.



#### internal meetings

in which visuals/drawings are used are more interactive and the subject matter is better retained. This can also improve the working atmosphere.

### IN LEGAL PROCEEDINGS (court, arbitration, mediation):



#### litigation map

provides an overview of the main and subordinate aspects of an argument. Just as the table of contents lends structure to procedural documents, a litigation map gives the argument more visual structure.



#### visuals during negotiations or mediation

can improve communication where words sometimes fail. Visualizing a situation can provide insight into the parties' perspectives, resulting in improved mutual understanding.



#### visuals during a hearing

can serve as evidence, for example, such as photos of an accident, or explain the case, as with a graphic illustration of an accident.



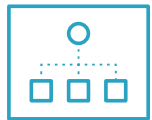
#### visuals in procedural documents

serve to support the arguments presented in text. Timelines, for example, situation overviews, technical drawings, organization charts or stages of a process. Graphs can also make data or figures easier to understand.

## TO BETTER FACILITATE BUSINESS:

### visual contracts and terms & conditions

make it easier to understand what the key agreements and obligations of the parties are, ensuring that the contract is more in line with the arrangements agreed and the intentions and understanding of the parties. Many variations are possible, from the sole use of icons to contracts as a poster-sized roadmap. A visual contract clarifies the hierarchy of the substance by means of visual hierarchy. It requires a thorough re-thinking of the structure, what a contract is for and whom it is for. Visualizing terms & conditions make them easier to digest, so they are actually read (and wilfully agreed upon).



### situation overviews

reflect the case and the relationships between the parties, thus providing improved insight and reducing miscommunication.

### internal provision of information

by means of situation overviews or other infographics. This is more effective because business units are given better insight into the legal problems or opportunities at hand.



### presentations

about how to approach a problem or to provide a status update become clearer. This improves the relationship with and the involvement of the client.



[click here to check out some examples](#)



Visualized terms and conditions are shorter, more understandable and more modern. They become a 'branded' step in the user journey.



## MARKETING, PRESENTATIONS AND EDUCATION

Information design is also suitable for realising commercial objectives:

**websites:** a provider of legal service, either in-house or external, can use a coherent visual style as branding. Completed projects or new services can also be shown on the website in the form of infographics.

**terms and conditions:** visualized general terms and conditions are shorter, more understandable and more modern. This not only improves usability, it also makes the T&C's a 'branded' step in the user journey.

**social media:** risk management tips, case law or new regulations explained in infographics, the steps of a plan: social media are the perfect tool for short visual messages.

**pitches:** using visuals together with text can make a pitch more concise and convincing.

**newsletters:** it is important for commercial legal service providers to share know-how and identify developments. Devoting additional attention to visual communication creates more involvement.

And last but not least: information design offers advantages during meetings that center on the transfer of information:

**presentations during courses and conferences:** more – and better! – visuals and less text ensure that presentations are more engaging.

**legal training and education:** visuals and text combined help to provide insight into complex legal matters, helping students to retain the information better.

## 2.4 RISKS AND PITFALLS

A pitfall of using information design and visualization is using visuals wrongly or manipulating information. Lawyers must use textual communication with integrity, and obviously this also applies to visual communication. This makes it important to be critical when using visuals: which information is to be communicated and how that information could be interpreted.

Another point of attention is oversimplification or generalization. Legal information is often based on definitions and descriptions, also on the basis of precedent. Icons, graphics and diagrams do not fit in with this tradition, and could cause confusion.

This means that visuals should not be a goal in themselves: they should only be used if they actually improve communication.

Not everyone will be able to afford engaging an information designer. This gives the party

in a dispute that can afford the costs an advantage over the other party. This could impact the equality of the parties.

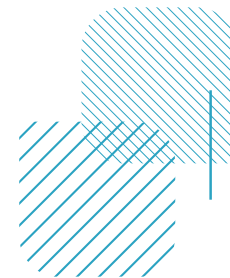
## 2.5 WHERE TO START WITH INFORMATION DESIGN?

### Working visually for lawyers and collaboration with designers

Lawyers could start working more visually by, for instance, incorporating visual notes into meetings. A wide range of workshops that deal with visual notes are available to help you get started. Making graphs in Excel or mind mapping are also skills that lawyers can easily master. And they could use icons in their opinions or other communications, for example.

Visualizations that you cannot or do not want to make as a lawyer can be designed by an information designer. These designers have the expertise and skills to correctly translate

information into visuals and are experienced in visual communication. These days there is a high demand from legal service providers for information designers, meaning that in time, more designers will specialize in this specific market. There are also design studios that offer a hybrid of design services aimed at the legal domain.



## TO INFINITY AND BEYOND

Legal information design applications are rapidly growing and are here to stay. In any event, reading this paper has familiarized you with graphics and a visual style in a legal context.

Do you have experience with information design within the legal domain? What did it add, from your perspective? What are your concerns in that regard? I would love to hear from you.

Stay tuned for part 2 of this legal design series, in which I dive into the world of design thinking. Talk about leaving your comfort zone...



Get in touch!

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LEGAL DESIGN



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