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Introducing the Legal Design Journal: A Home Where New Ideas Can Grow

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Abstract

This short piece introduces the Legal Design Journal. It argues that the development of a journal has been a necessary complement to other activities that have helped build legal design into a cognate discipline and field of practice. It posits that a specialised journal will help legal design research scholarship to become more coherent and more critically self-reflective. The article goes on to outline how the Journal was created as a deliberate design project, drawing on user-research, co-creation, ideation and prototyping.

Key words: legal design; academic discipline; field of practice; design research

Introduction: Developing the legal design discipline

Disciplines and fields of practice need meeting places. This is especially true for new disciplines that have serious ambitions. In the case of legal design these ambitions include changing the potential of law to deliver justice in its documents, processes, institutions and systems, and to radically change the practice of law and the way it is experienced by the people. It is therefore a great pleasure and privilege to introduce the *Legal Design Journal*.

The term ‘legal design’ can be traced back to the work of Colette Brunschwig of the University of Zürich in the 1990s, but the foundational years of legal design as ‘a thing’ were in the early 2010s.¹ There have, over the last decade, been important milestones in building the architecture and the infrastructure of legal design. Any concise list is going to miss some important elements, but key developments have taken place through events, programmes and institutions, and via publications.

The development of the Legal Design Alliance and the co-creation of its manifesto was an important step in bringing legal designers together, and events such as the Legal Geek Legal Design conference (London, 2018) and the series of workshops and related publications

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¹ M Hagan, ‘Legal Design as a Thing: A Theory of Change and a Set of Methods to Craft a Human-Centred Legal System’ (2020) 36(3) *Design Issues* 3

connected to the EU-DRAWS project at UC-Louvain strengthened those connections.² Above all, the Legal Design Summits of 2016, 2017, 2019 and 2023³ in Helsinki have been a ‘gathering of the tribe’ and have given the legal design movement a profile and momentum that it would otherwise have lacked.

For concepts, perspectives and methodologies to evolve into sustained (sub)disciplines they need institutional structures.⁴ Legal design labs developed primarily in the USA, starting with NuLawLab at Northeastern University (2012) and then the Legal Design Lab, Stanford (2014). These incubators for innovation and building capacity have been joined by further centres in the US and around the world, such as at the Laboratorio de Diseño de la Justicia (Colombia).⁵ Future generations of legal designers can access high-quality university courses such as (as a small selection) those at Laurea University and Hanken School of Economics (Finland), Vanderbilt University (USA) and a number of Australian institutions.⁶ Private education providers such as the Legal Design School, Lawyers Design School and Legal Creatives⁷ have played an important role in teaching design skills to lawyers and innovating educational offerings.

As a movement aimed at changing both the understanding and the practice of law, and one that places a premium on collaboration and co-design, legal design deprecates unnecessary divisions between academia and practice. A great part of the impetus in the development of legal design has come from legal design agencies and consultancies such as Lexpert, Stefania Passera, Amurabi, Astrid Kohlmeier and Haptica.⁸ Legal design has been further extended by the work of in-house counsel in large corporations (such as Ubisoft and HSBC), by adoption in Magic Circle and Big Law firms (such as Simmons and Simmons), and in access to justice projects and programmes (such as those by Hiil and the Comic Contracts project).⁹

The range and quality of legal design scholarship has grown over this period. The leading text is arguably still Margaret Hagan’s ‘Law by Design’, but it has been joined by ‘Legal Design: Integrating Business, Design and Legal Thinking with Technology’ by Coralles Compagnucci, Haapio, Hagan and Doherty; Allbon and Perry-Kessariss’ ‘Design in Legal Education’; Perry-Kessariss’ ‘Doing Socio-Legal Research in Design Mode’, and ‘The Legal Design Book: Doing Law

² Legal Design Alliance, <https://www.legaldesignalliance.org/> ; Legal Geek Legal Design conference 2018 <https://www.legalgeek.co/legal-design-wtf/> ; UCLouvain <https://www.eu-draws.eu/> (accessed 15/08/24).

³ Legal Design Summit <https://legaldesignsummit.com/why-attend.html> (accessed 15/08/24).

⁴ A Krishnan, ‘What are Academic Disciplines?’ ESRC National Centre for Research Methods Working Paper series 03/09 (2009). <http://eprints.ncrm.ac.uk/783/> (accessed 15/08/24).

⁵ NuLawLab <https://www.nulawlab.org/> ; Stanford Legal Design Lab <https://www.legaltechdesign.com/> ; Universidad de los Andes <https://arqdis.uniandes.edu.co/investigaciones/lab-diseno-para-la-justicia/> (accessed 15/08/24).

⁶ Laurea University https://www.laurea.fi/en/degree_programmes/business-management-and-information-technology/leading-transformational-change/ ; Vanderbilt University <https://www.innovatethelaw.com/> ; Bond University <https://bond.edu.au/microcredential/fundamentals-of-legal-design> ; Queensland University of Technology <https://www.qut.edu.au/study/unit?unitCode=LLB251> (accessed 15/08/24).

⁷ Legal Design School <https://www.legaldesignschool.com/> ; Lawyers Design School <https://lawyersdesignschool.com/> ; Legal Creatives <https://www.legalcreatives.com/> (accessed 15/08/24).

⁸ Lexpert <https://www.lexpert.com/> ; Stefania Passera Design <https://stefaniapassera.com/> ; Amurabi <https://amurabi.eu/en/> ; Astrid Kohlmeier <https://astridkohlmeier.de/> ; Haptica <https://haptica.co/> (accessed 15/08/24).

⁹ Simmons & Simmons, Wavelength Legal Design <https://www.simmons-simmons.com/en/expertise/service/wavelength/wavelength-legal-design> ; Hague Institute for Innovation in Law <https://www.hiil.org/> ; Creative Contracts <https://creative-contracts.com/> (accessed 15/08/24).

in the 21st Century’ from Klemola and Kohlmeier.¹⁰ Legal design articles have been published in law journals (though to very limited extent so far in the key prestigious journals), legal education journals and in design, economics and negotiation journals. Podcasts from the Legal Design Podcast and the Lawyers Design School are a valuable resource of ideas and use cases.¹¹ LinkedIn gives us a steady stream of posts and micro-case studies.

Why develop a legal design journal?

What has been absent so far is an ongoing, permanent and dedicated home for legal design research and scholarship. Why is this important? This journal aims to be a platform that peer reviews, curates and publishes great quality academic and professional work in legal design, and this matters for various reasons. When legal design work is published in more generalist journals it affects the structure, tone and depth of that work. Authors must spend significant time and space explaining that legal design is ‘a thing’, what (in very basic terms) it is, and how it has something valid to add to the understanding or practice of law. This reduces the space for in-depth review of the ideas or projects that the author is presenting. It also leads to an understandably evangelical tone – we want to convince completely new readers of an approach that will not just be novel to them but that draws on methods and mindsets that are quite alien to traditional legal cultures.¹² Any self-respecting cognate discipline needs a journal, so that we are not always working in the margins of other people’s disciplines

For legal design to mature it needs a space where authors do not need to always define and defend legal design as a general concept. Our research and scholarship must continue to find new audiences but it must also be self-critical, and needs to form a reflective critical dialogue with other legal design work. The notion of a central space – a global village green - is important for this. Legal design scholarship has been scattered widely, but also thinly, through a very diverse range of sources. Undertaking literature searches in legal design can be a wild chase through books, scholarly articles, material in trade/practice publications, SSRN, blogs, LinkedIn, and social media posts. Edited collections including some of the volumes mentioned above and special issues of journals (such as the *Journal of Open Access to Law*)¹³ have provided one-off points of focus, but an ongoing specialised focal point – a place where people can write explicitly for a legal design audience and where submissions will be reviewed on their merits as legal design works - will help our discipline to flourish.

Finally, many legal design events have provided many wonderful moments – informative, inspirational, and emotional. They are by their nature, though, ephemeral. To quote one of the greatest lines in movie history, ‘all those beautiful moments will be lost in time, like tears in the rain’.¹⁴ Our ideas need a permanent home.

¹⁰ M Hagan, *Law by Design* <https://lawbydesign.co/> (accessed 15/08/24); M Coralles Campagnucci, H Haapio, M Hagan & M Doherty, *Legal Design: Integrating Business, Design, & Legal Thinking with Technology* (Edward Elgar 2021); E Allbon and A Perry-Kessarlis (eds) *Design in Legal Education* (Routledge 2022); A Perry-Kessarlis, ‘Doing Socio-Legal Research in Design Mode’ (Routledge, 2022); M Klemola and A Kohlmeier, *The Legal Design Book: Doing Law in the 21st Century* (Klemola and Kohlmeier, 2021)

¹¹ Legal Design Podcast <https://podcasts.apple.com/us/podcast/legal-design-podcast/id1556020090> (accessed 15/08/24).

¹² M Doherty, ‘The Relationship between Legal and Design Cultures: Tension and Resolution’ in Corrales, Haapio, Hagan & Doherty, above n.8.

¹³ Ducato, R. ‘De iurisprudencia picturata: brief notes on law and visualisation’, (2019) *Journal of Open Access to Law* 7(1) <https://ojs.law.cornell.edu/index.php/joal/article/view/98>

¹⁴ From the elegy speech of Roy Batty in *Bladerunner* (Ridley Scott, 1982).

How did we develop the journal?

We deliberately treated the development of the Journal as a design challenge and embraced different design methods (together with the mindsets needed to apply them).

User-research was central to the start of the project. We wanted to understand the needs of potential users (as both readers and potential contributors). In the first instance we circulated a survey as widely as possible via our networks and social media profiles. We had 144 responses from 33 countries including respondents from four Asian and four African countries. The biggest group by profession was private practice lawyers, but there were also responses from in-house counsel, public interest and government lawyers, academics, students and designers. We asked them where they currently obtain information about legal design, what they liked and what frustrated them about current information sources, and what they would hope to see in a journal covering legal design. Our name of *Legal Design Journal* emerged from this process – it was strong favourite from a range of options. We also did a small number of semi-structured interviews (again whilst being conscious to include voices from the Global South) with academics and practicing lawyers to explore in more depth what features and characteristics they thought would make it most likely that a journal would have a positive impact on the legal design community and its work. What came through very strongly in our user-research was a desire for the Journal to be as open and accessible as possible, to reject unnecessary boundaries and be inclusive of a diverse array of legal design perspectives, and to maintain high standards and promote high quality work.

As designers we knew that co-creation was the only way we were going to develop a journal that chimed with the values of our movement. The development working group was an amazing team of 28 legal designers from around the world.¹⁵ We met periodically – as our busy lives permitted – and co-wrote documents and policies. Perspectives from our user research informed our discussions on publication mode, the journal structure, publishing policies and overall goals and ethos. Sub-groups or individuals did more detailed work on issues such as how to get onto the key indices of legal publications, on publication platforms and on our visual style.

The diversity of voices in the working group, the open texture of the co-creation process and the insights garnered from their legal design practices pushed us towards innovation. There emerged a desire not to be limited by traditional approaches. We questioned existing publication practices on publication fees, on the way that peer review is done and how it is experienced, the role of editorial boards, the dominance of text and the hard division between academic and practice-focused publication. We prototyped our policies and sketched out wireframes of how the website might be structured and what it might look like. We are confident that no legal journal, and possibly no design journal, has ever been created this way.

A journal that reflects legal design values

It was important for the working group, and now the editorial teams, to aligning the Journal's structure, processes and goals with the values of the legal design movement. The information

¹⁵ Dan Jackson, Astrid Kohlmeier, Katri Nousiainen, Joaquin Santuber, Marco Imperiale, Hallie Jay Pope, Alex Gavis, Lisa Toohey, Hannele Korhonen, Marie Potel-Saville, Cat Moon, Helena Haapio, Abdul Rehman Khan, Arianna Rossi, Verity White, Nora Al-Haider, Pilvi Alopaeus, Santiago Pardo Rodriguez, Lieke Beelen, Nina Toivanen, Rossana Ducato, Henna Tolvonon, Chiara Fioravanti, Margaret Hagan, Marcelo Corrales Compagnucci, Stephanie Roy, Jose Torres Varela.

contained in the Journal must be accessible. We have opted for it to be digital and online only. Only a very few respondents wanted a hard copy of the Journal, and this would have required us to work with a publisher with cost/control implications. It is open from the moment of publication. Some 'open-access' journals initially only make a sample of material available from an issue and then hold the rest back for e.g. 12 months. Ours will be all fully accessible and useable from the point of publication. We are using the Creative Commons BY license as a default – users are free to share and adapt material and must attribute.¹⁶

The Journal is free for all. There are a surprising number of online open-access journals that charge authors publication fees, often in the thousands of dollars per article. Those of us at universities are (rightly) under increasing pressure to publish open-access, so we have to fight for funds internally to cover these sorts of fees. People who publish with us will not have to worry about any of that. The Journal is an example of diamond open-access: completely free to access and read, and also to publish in.

Legal design promotes inclusion and is sceptical of the barriers between disciplines. We have no artificial divide between academia and practice. This would not make sense in any case. Leading legal design consultants often also work as teachers/scholars in universities. Many leading academic legal designers have a strong practical impact focus to their projects. This interplay between academia and practice is a notable strength in our field. There are different sections to the Journal that have different criteria, but we are agnostic as to where that work comes from, as long as it is really good.

Interaction between the law and design worlds is inherent in who we are, and we are committed to publishing a more diverse range of digital objects, visualisations, case studies and interactive resources than a traditional law journal. Our free open-access policies promote inclusion of readers and contributors, but we want to go further to ensure that a range of voices and perspectives from around the world can be heard. We are open to submissions in languages other than English. Our aim is that if we can find reviewers with the right language knowledge and the right legal design expertise to evaluate a submission, and that it hits the mark on our publication criteria, then we would be very happy to publish it.

Quality counts. It would do the Journal, the editors, and more importantly the legal design movement no favours at all if we do not limit ourselves to publishing only work that is rigorous, innovative, impactful and generally of high quality.

To further these aims and values, the Journal is composed of three elements to represent the different facets of legal design.

- Articles – to present (following double blind peer review) scholarly work that is rigorous, well-informed and adds to our critical understanding of legal design
- Studio - showcasing (following editorial team review) the best examples of innovative work and developments in legal design
- News - Keeping readers informed of what's happening in the world of legal design

It is fair to say that creating the first issue of the Journal has been a learning curve for us all. The practices of being independent, free, and self-organising have raises challenges as well as opportunities. Our thanks to the authors who have taken this leap with us, and it is so heartening to see the first set of articles and studio pieces. They engage with the existing

¹⁶ Creative Commons <https://creativecommons.org/share-your-work/ccllicenses/> (accessed 15/08/24).

literature, interrogate some of the accepted practices and perspectives, extend knowledge and give actionable advice and information. They develop the capacity of legal design. If legal design is going to endure as a movement, if it is to have a chance of progressing in those lofty ambitions of radically changing the place of law in society, then alongside the various alliances, programmes, agencies and events outlined above, it needs a meeting place. With the support of the legal design community we know that the Journal has the potential to be that place.

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