For Law Firms, Design Thinking Offers a New Way Forward

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By Ioana Good
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Hospitals, airlines, retail, newspapers—every industry has been affected by the myriad advancements in technology in recent years. Developments like artificial intelligence and promising applications such as Watson and ROSS are impacting many professions, including the legal industry. These advancements are exciting but can be a little scary. Will robots take over our jobs? Should law firms invest heavily in research and development labs to stay ahead? Will lawyer jobs completely go away or will we see a dramatic lessening of demand?

While it's normal to question these things, technological advancements should never be taken as a threat. Technology will always fall short of interpreting, processing and delivering human emotion, which are critical components of building trust and doing business. Even if computers show emotions in the future, they will not be able to replicate quality human interaction.

Rather than being viewed as a threat, technology should be seen as an opportunity and a continuation of legal work. The deployments of new technologies are plenty, and they are not going away. But don't rush to invest in new technology without a sound decision-making process. Finding the right balance between tech and humans can be challenging. Design thinking is a strategy that is fast emerging in the legal industry.

It is an innovation methodology composed of a series of steps for generating options, testing strategies and getting feedback. Done right, it can help organizations adapt to both technical and industry challenges using structured analysis to feed decision-making.

So how can the legal industry learn from this and offer client-centered solutions?

Companies like Apple Inc., Samsung, PepsiCo, Google and General Electric have already embraced the concept of design thinking, and it's now catching on in the legal industry, as evidenced by Stanford Law School's Legal Design Lab. But it's still in the infancy stage in law firms while very much alive in other industries. Margaret Hagan, the director of Stanford's lab, first thought of bringing the design concept into the equation of law to highlight "usable,

useful and engaging" legal information, products, services, organizations and systems. Her model involves five deliberate steps: discover, synthesize, build, test and evolve. It can be applied to small- or large-scale projects depending on the issue one is trying to solve.

The 5 Stages of Design Thinking

• **Discover:** The first stage of the design thinking process is to understand the problem. This is the step where designers gather as much information as possible to gain insight.

• **Synthesize:** During this stage, designers work together to define the problem and create a statement. This stage will help to establish functions and dive deeper into the problem. In this stage, designers will start to progress to the third stage, "build," by asking questions that can lead to solutions.

• **Build:** During the third stage of the design thinking process, designers begin to generate and build ideas. At this point, designers have grown to understand the needs and issues at hand. They can expand the problem space and come up with ideas.

• **Test:** During the test stage, designers start to test prototypes in live situations, giving them the possibility of investigating the solutions generated in the previous stage. These tests allow identification of the best possible solution for each of the problems identified during the first three stages. By the end of this stage, the designers will have a better idea of the end product.

• **Evolve:** During the last stage, the designers move forward and vet their solutions. It is possible that even during this phase, alterations and refinements are made to rule out solutions and derive as deep an understanding of the product and its users as possible.

Evolution of Design Thinking

Hagan used the design thinking methodology to help the legal industry in a practical and structural way. She wanted to improve the changing legal system and provide better access to justice, consumer law and training for the new generation of lawyers. In 2013, she began working on solutions to make legal services more usable and engaging. Already, the Legal Design Lab has started tracking what good consumer law looks like—what consumers do and don't like—which helps to enhance the delivery systems for legal services in the future.

"Right now, we are designing and testing short design sprints, and we are teaching the process, not the technology," Hagan says. "While its's too soon to report results, we see it as a great potential for advancing the changing legal system." Some firms have already embraced this idea and have seen success, including Baker McKenzie, with its Whitespace Legal Collab, Faegre Baker Daniels and Australia's King & Wood Mallesons.

Hagan's lab is also tracking why innovation goes wrong in law firms and has found three reasons:

• Law firms make and invest in things they think they should use but they don't use.

• Law firms get stuck in planning, thinking and theater without making an impact.

• Law firms jump straight to solutions, investing in the first promising idea.

While design thinking may still be in its infancy in the legal industry, it is a promising and creative approach to improve client service and help push the legal community to a new era of innovation. Additionally, firms that practice these skills regularly are found to be more collaborative, productive and effective. As Albert Einstein is credited with saying, "We can't solve problems by using the same kind of thinking we used when we created them."

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