LEGAL DESIGN DERBY 2022

Saturday, October 22, 2022

Empathize

Define

Ideate

Prototype

Iterate

Present

How might students and law schools prepare for future paradigm(s) of legal service delivery?

THIS BOOK BELONGS TO:

GROUP #

GROUP MEMBERS

DUKE CENTER ON **LAW&TECH**

NCCentral UNIVERSITY
Technology Law & Policy Center

LAWYERS MUTUAL
CONSULTING + SERVICES

LexisNexis

Mindset for Today

Courageous Doing

At the Legal Design Derby, we don't get ready, we get started. This mindset is all about the willingness to try and the importance of pursuing progress over perfection.

Exploring with Curiousity

When facing a challenge, it's important to practice a beginner's mindset and ask 'what if' instead of 'what is'. Reframe current thinking through new insights, connections, and questions.

Reflective Self-Awareness

Take time to reflect, seek to understand yourself, and open up to vulnerability by letting go of ego and continuing to embrace your own creative potential.

Additional Notes

How might students and law schools prepare for future paradigm(s) of legal service delivery?

Traditional Paradigm	Future Paradigm
One to One	One to Many
Retainer Fees + the Billable Hour	Fixed Fees + Limited Scope Representation
Evaluation of services based on satisfaction	Evaluation of services based on outcomes
Licensure of attorneys to practice law	Licensure of lawyers, paralegals, advocates, + other paraprofessionals to practice law
Self-regulation	Independent, non-profit regulation
Lawyer as primary Subject Matter Expert	Panel of Interdisciplinary Advisors

Reflections on the Challenge

Something I want to explore more:

Suggested Readings

ABA
AMERICAN **BAR** ASSOCIATION
Center for Innovation

INNOVATION TRENDS REPORT 2022

LSC | America's Partner for Equal Justice
LEGAL SERVICES CORPORATION

A FRAMEWORK FOR
Designing and Implementing Legal Regulation

Dr. Thomas Clarke and Lucy Ricca
July 2022

The Justice Gap

Executive Summary

Podcasts On Legal Education

Duke Law Podcast, The Movement Lawyering Lab at Duke Law (2022)
https://law.duke.edu/video/duke-law-podcast-movement-lawyering-lab-duke-law

Reimagining Justice: Applying art to law, and shifting mindsets with Stacy Butler, Director Innovation for Justice
https://reimaginingjustice.libsyn.com/applying-art-to-law-and-shifting-mindsets-for-leadership-with-stacy-butler

State Bar of Michigan on Balance Podcast on Legal Talk Network, The Delta Model: Lawyer Readiness and Competency Post-Covid (2022)
https://legaltalknetwork.com/podcasts/state-bar-michigan-on-balance/2022/05/the-delta-model-lawyer-readiness-and-competency-post-covid/

Legal Regulatory Sandboxes

Law Society of British Columbia, Innovation Sandbox
https://www.lawsociety.bc.ca/our-initiatives/innovation-sandbox/

Law Society of Ontario, Access to Innovation
https://lso.ca/about-lso/access-to-innovation

Utah Office of Legal Services Innovation
https://utahinnovationoffice.org/

IAALS Legal Regulation Knowledge Center
https://iaals.du.edu/knowledge-center

Notes

Additional References

Traditional Paradigm	Future Paradigm
One to One	One to Many

Drew Simshaw, *Ethical Issues in Robo-Lawyering: The Need for Guidance on Developing and Using Artificial Intelligence in the Practice of Law*, 70 Hastings L.J.173 (2018)
https://hastingslawjournal.org/wp-content/uploads/70.1-Simshaw.pdf

Caroline Shipman, *Unauthorized Practice of Law Claims Against Legalzoom-Who Do These Lawsuits Protect, and Is the Rule Outdated?*, 32 Geo. J. Legal Ethics 939(2019)
https://www.law.georgetown.edu/legal-ethics-journal/wp-content/uploads/sites/24/2019/11/GT-GJLE190045.pdf

Deborah L. Rhode, *Professional Integrity and Professional Regulation: Nonlawyer Practice and Nonlawyer Investment in Law Firms*, 39 Hastings Int'l & Comp. L. Rev.111 (2016)
https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1804&context=hastings_international_comparative_law_review

Traditional Paradigm	Future Paradigm
Retainer Fees + the Billable Hour	Fixed Fees + Limited Scope Representation

Deborah L. Rhode et. al., Access to Justice Through Limited Legal Assistance, 16 Nw. J. Hum Rts. 1(2018)
https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1208&context=njihr

ABA Unbundling Resource Center
https://www.americanbar.org/groups/delivery_legal_services/resources/

Traditional Paradigm	Future Paradigm
Evaluation of services based on satisfaction	Evaluation of services based on outcomes

Rebecca L. Sandefur, Legal Advice from Nonlawyers: Consumer Demand, Provider Quality, and Public Harms, 16 Stan. J. Civ. Rts. & Civ. Liberties 283 (2020)
https://law.stanford.edu/publications/legal-advice-from-nonlawyers-consumer-demand-provider-quality-and-public-harms/

Traditional Paradigm	Future Paradigm
Licensure of attorneys to practice law	Licensure of lawyers, paralegals, advocates, + other paraprofessionals to practice law

John M. Graecen, Legal Information vs. Legal Advice: A 25 Year Retrospective, 106 Judicature (2022)
https://judicature.duke.edu/articles/legal-information-vs-legal-advice-a-25-year-retrospective/

Michael Houlberg, Arizona's Licensed Legal Advocates: Pilot Program Aims to Provide Needed Legal Help in Certain Cases, IAALS (2021)
https://iaals.du.edu/blog/arizona-s-licensed-legal-advocates-pilot-program-aims-provide-needed-legal-help-certain-cases

Traditional Paradigm	Future Paradigm
Self-regulation	Independent, non-profit regulation

Renee Newman Knake, The Legal Monopoly, 93 Wash. L. Rev. 1293 (2018)
https://digitalcommons.law.uw.edu/wlr/vol93/iss3/5/

Elizabeth Chambliss, Evidence-Based Lawyer Regulation, 97 Wash. U.L. Rev. 297(2019)
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3343786

Traditional Paradigm	Future Paradigm
Lawyer as primary Subject Matter Expert	Panel of Interdisciplinary Advisors

Andrew M. Perlman, Towards the Law of Legal Services, 37 Cardozo L. Rev. 50(2015)
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2561014

Journey Mapping

Review

LSAT

EXAM

APPLY

Decide

1L

JOB

2L

Summer Employment

3L

MPRE & Bar

EXAM

Full time Employment
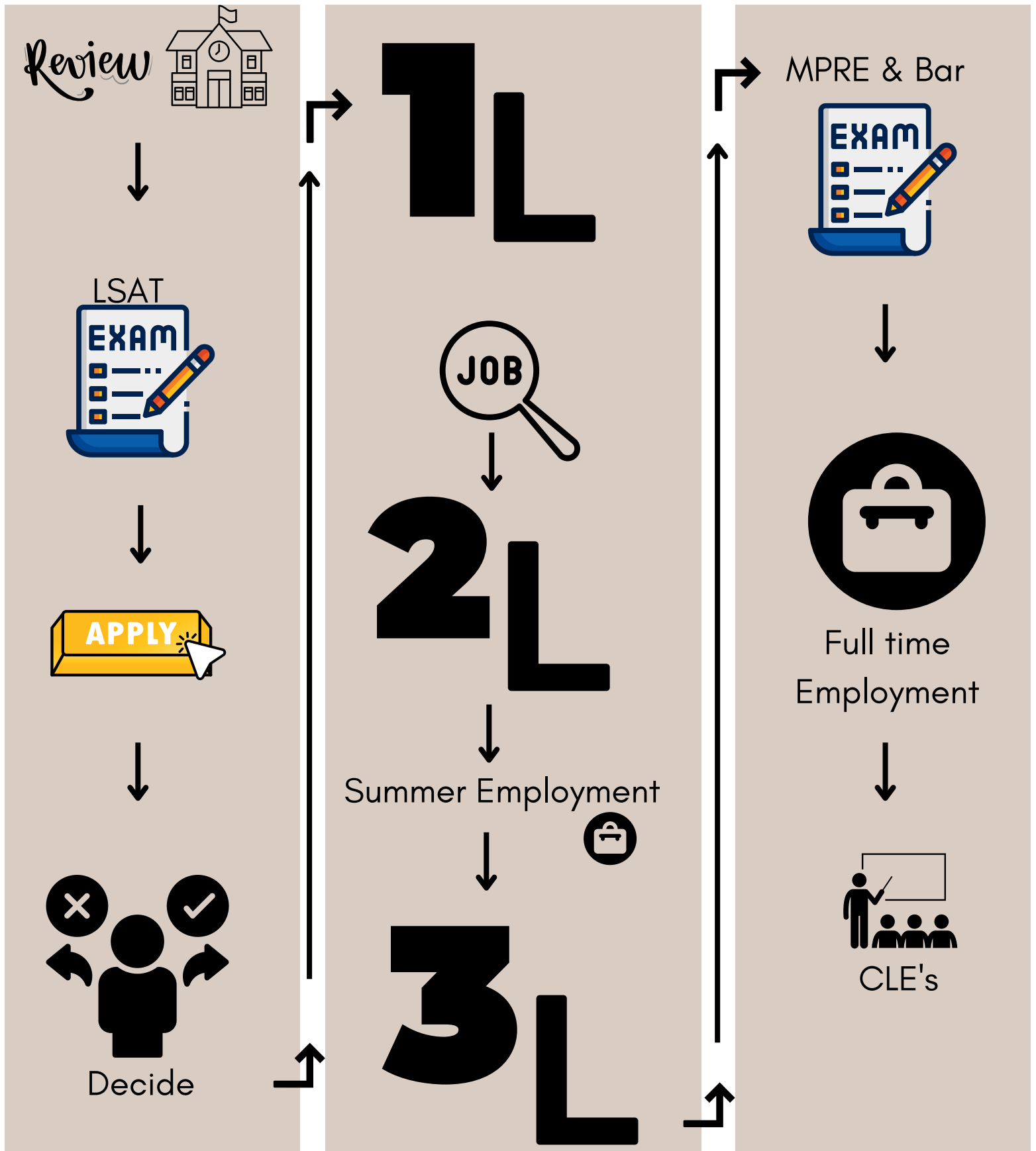
CLE's

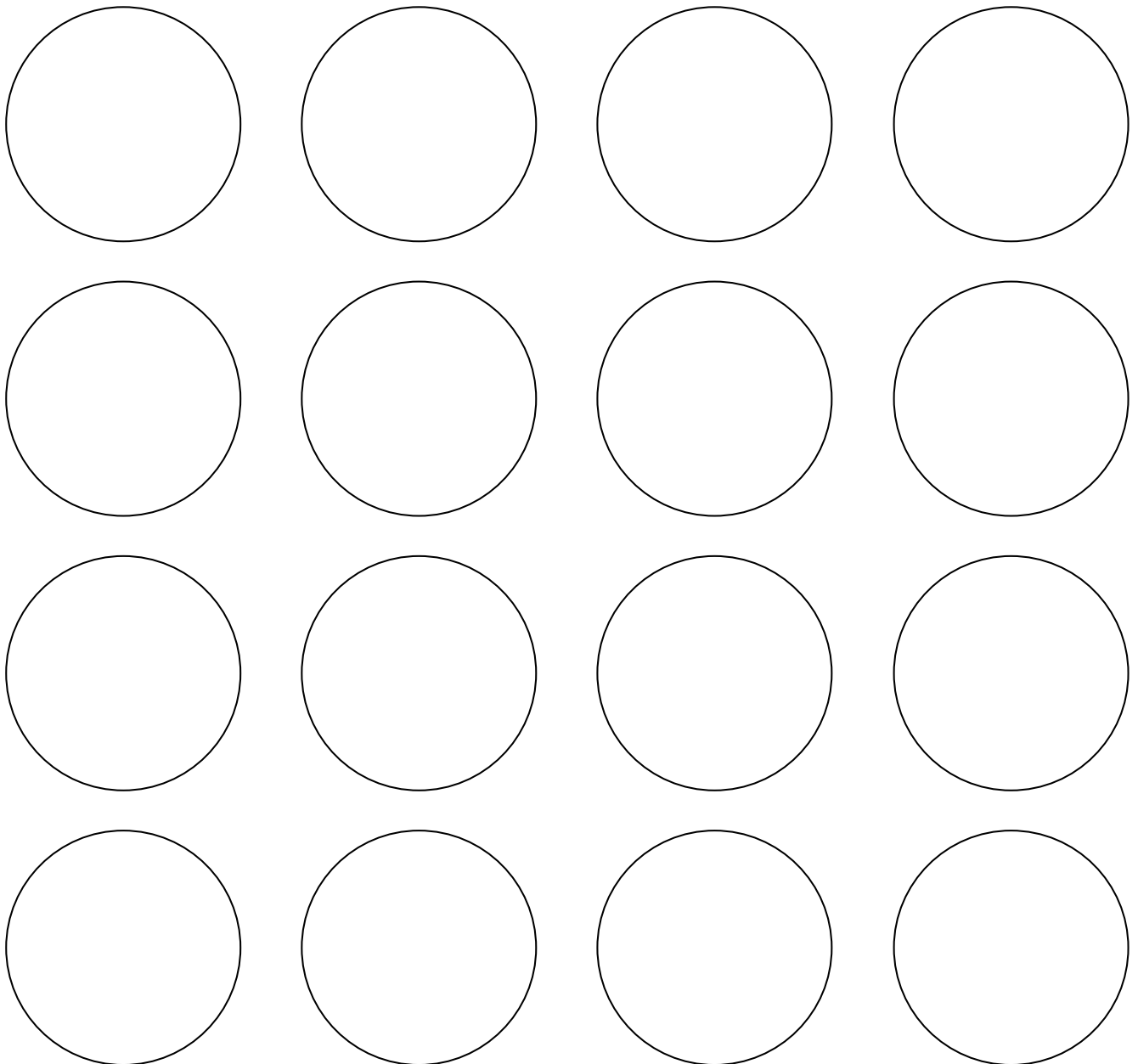Where are the pain points and opportunities?

THINK OUTSIDE
the box

Can you turn these circles into unique and recognizable pictures?

IDEO U

Rules of Brainstorming

Defer Judgment

Creative spaces are judgment-free zones—they let ideas flow so people can build from each other's great ideas.

Encourage Wild Ideas

Embrace the most out-of-the-box notions. There's often not a whole lot of difference between outrageous and brilliant.

Build on the Ideas of Others

Try to use "and" instead of "but," it encourages positivity and inclusivity and leads to tons of ideas.

Stay Focused on the Topic

Try to keep the discussion on target. Divergence is good, but you still need to keep your eyes on the prize.

One Conversation at a Time

This can be difficult—especially with lots of creative people in a single room—but always think about the challenge topic and how to stay on track.

Be Visual

Use colored markers and Post-its. Stick your ideas on the wall so others can visualize them.

Go for Quantity

Crank your ideas out quickly. For any 60-minute session, you should try to generate 100 ideas.

WANT MORE BRAINSTORMING TIPS? Find activities, how-tos, and articles on brainstorming and other ideation methods at IDEOU.COM/PAGES/BRAINSTORMING.

Converge on your top 3 ideas.

1 Vote

2 Cluster

3 Discuss

4 Decide

IDEA 1

IDEA 2

IDEA 3

THEMES

MID-DAY *Reflection*

I'm learning...

How I feel right now:

☹ 😐 🙂
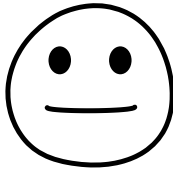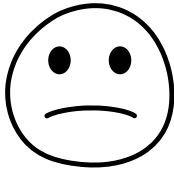
Reason for my rating

_____

_____

_____

I'm contributing...

I'm curious about...

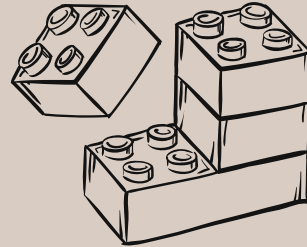**I still have questions about...**

PROTOTYPING

is creating... *anything* that helps you convey
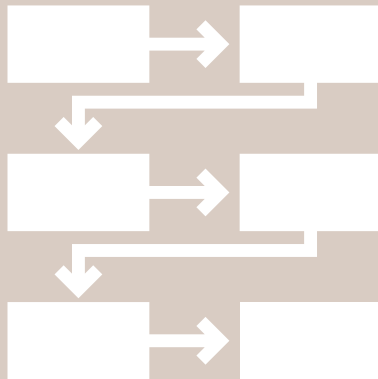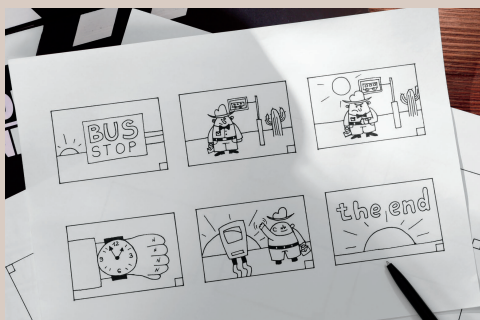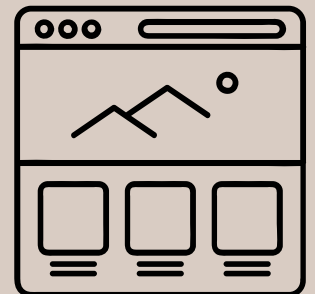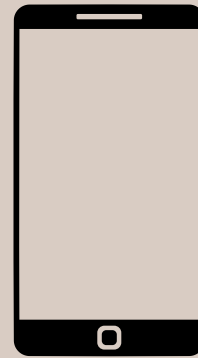core ideas in a way that allows for feedback

Draw

Write

Build

Flow chart

Mock Up

Comic Strip

Animate

Act Out

The Feedback
Tango

It takes two to tango when it comes to feedback.

Lead ⎯⎯ GIVING FEEDBACK

1
How to Show Up

GATHER CONTEXT

You need to know some backstory of the work. Who's the intended audience for the deck you're looking at? Or what's the designer of the prototype trying to achieve? Once you know this, you can ground your feedback in something solid. You might ask, "Will the tone of your piece create maximum impact with your intended audience?" Or, "I think tweaking the design just a little in this way will help you achieve your goal."

CALIBRATE YOUR FEEDBACK

Tune into the needs of the person you are helping. That means you want to take a little stroll in their shoes and practice empathy. What's their timeline? What type of feedback will best serve them in their work? What should you be looking for? What should you not be looking for?

2
The Deed

EMBRACE RADICAL CANDOR

We often joke at IDEO that when giving feedback we exist in the land of Ruinous Empathy. We confuse caring with not giving constructive, candid feedback. Your feedback is in service of the receiver of feedback and their work. It's possible to give constructive feedback and be caring at the same time.

BE SPECIFIC

There's nothing worse than hearing "I just don't like your idea." It's important to point out specific moments that may or may not have worked. Ground your feedback in examples.

3
After the Fact

PRACTICE

Giving feedback can be awkward. But the good news is, if you practice it enough, you'll get better at it (and it will get less awkward).

CREATE SPACE FOR REFLECTION

Feedback elevates self-awareness. If you tune into the body language and attitude of the receiver of feedback, you can learn a lot about your impact and delivery. Learn and grow. To do that, you need to carve out time for it.

Follow ⎯⎯ RECEIVING FEEDBACK

DESIGN TIME/SPACE TO RECEIVE FEEDBACK

Don't wait until two hours before your assignment is due. Invite feedback early and often. Ask more than one person, and at different times. Different people bring different perspectives. Different moments along a journey bring unique learnings. We like to say, "All of us are smarter than any of us."

EXPLAIN WHAT YOU'RE AFTER

Be clear about where you're at and what you need. Is your work at an early stage? If so, ask for high-level, structural feedback (e.g. Does the flow make sense? Is the narrative sound?). Or, are you late in the game and just need one more sets of eyes before turning in a project? If so, maybe you want that fine-tooth-lens for feedback (e.g. Did you find anything glaring? What can I improve upon in the next few hours?)

ASK SPECIFIC QUESTIONS

Give guidance to the giver of feedback. That's an alliterative mouthful. At IDEO, we use variations of three simple questions:
1. What was memorable/What resonated?
2. What's missing/What didn't work?
3. How could you build upon my work/How could you push it further up the mountain top?

BE BRAVE/DON'T TAKE IT PERSONALLY

Feedback can sting a little. But when receiving feedback, divorce your ego from the work. Your work isn't you. It's okay if it gets diced and sliced a bit on the chopping block. Repeat a few simple words: "This is in service of the work."

LOOK FOR PATTERNS

It's common to receive conflicting feedback, so your job is to find patterns. Then, improve those "hot spot" areas. Remember, it's okay to disagree. Sometimes you have to trust your intuition.

ALWAYS CREATE SPACE FOR REFLECTION

Let feedback breathe. Don't go hacking away at your presentation right after you receive feedback. That's reactive. Sleep on it and then return to it. A night's sleep can make all the difference in the world.

FEEDBACK SESSIONS

1 SHARE your current design.

QUESTIONS & CLARIFICATIONS	STRENGTHS TO CELEBRATE	SUGGESTIONS FOR IMPROVEMENT

2 IDENTIFY action items for your team to iterate your next prototype.

IDEAS	ACTION ITEM	POINT PERSON

PITCHING

Elevator Pitch

As a [target customer] who want(s) to [customer need] ,

[process/feature/service] will [key benefit] .

The Solutions Showcase

Keep it simple

Tell a story

Present clearly

3
min

Notes