

Spectrums of Legal Design

Navigating Methods and Ethics in Practice →

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Portable✓



Acknowledgement

We acknowledge the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present.

We acknowledge we are guests living and working on this land that has been cared for for tens of thousands of years by Indigenous people.



G'day! I'm Emily, a Design Strategist at Portable

- Strategic Design
- Sydney, Australia, with roots in Victoria, BC
- Masters of Design Futures at RMIT (current)
- BA(Psychology) and LLB from Macquarie University

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In this talk, we'll explore the diverse range of design methods available within the legal domain, focusing on how these approaches can address complex challenges.



Agenda



01 About how we do the work

Introducing Portable
What success looks like

02 About the work we do

Introducing our Projects
Spectrums of design
Ethical frameworks

05 Q&A

01

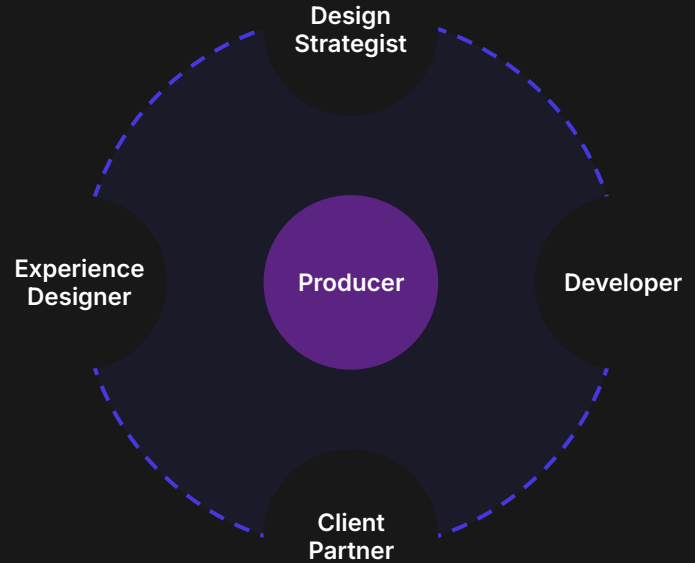
About how we do the work



Portable

Our mission is to seek out areas of social need and policy failure and make transformational change using research, design and technology.

We've completed over 1000 projects across a broad range of subject matters



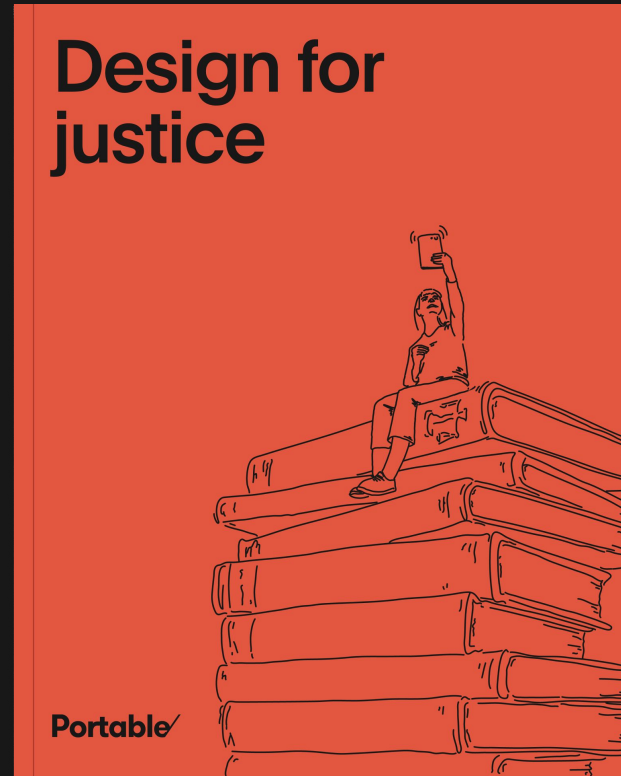
Certified



Corporation

Our commitment to improving access to justice has been a core part of our work since 2012.

Our work has given our teams a unique understanding of how people interact with the legal system and how it can be improved.



Our process



Workshopping
initial concepts
and desirability



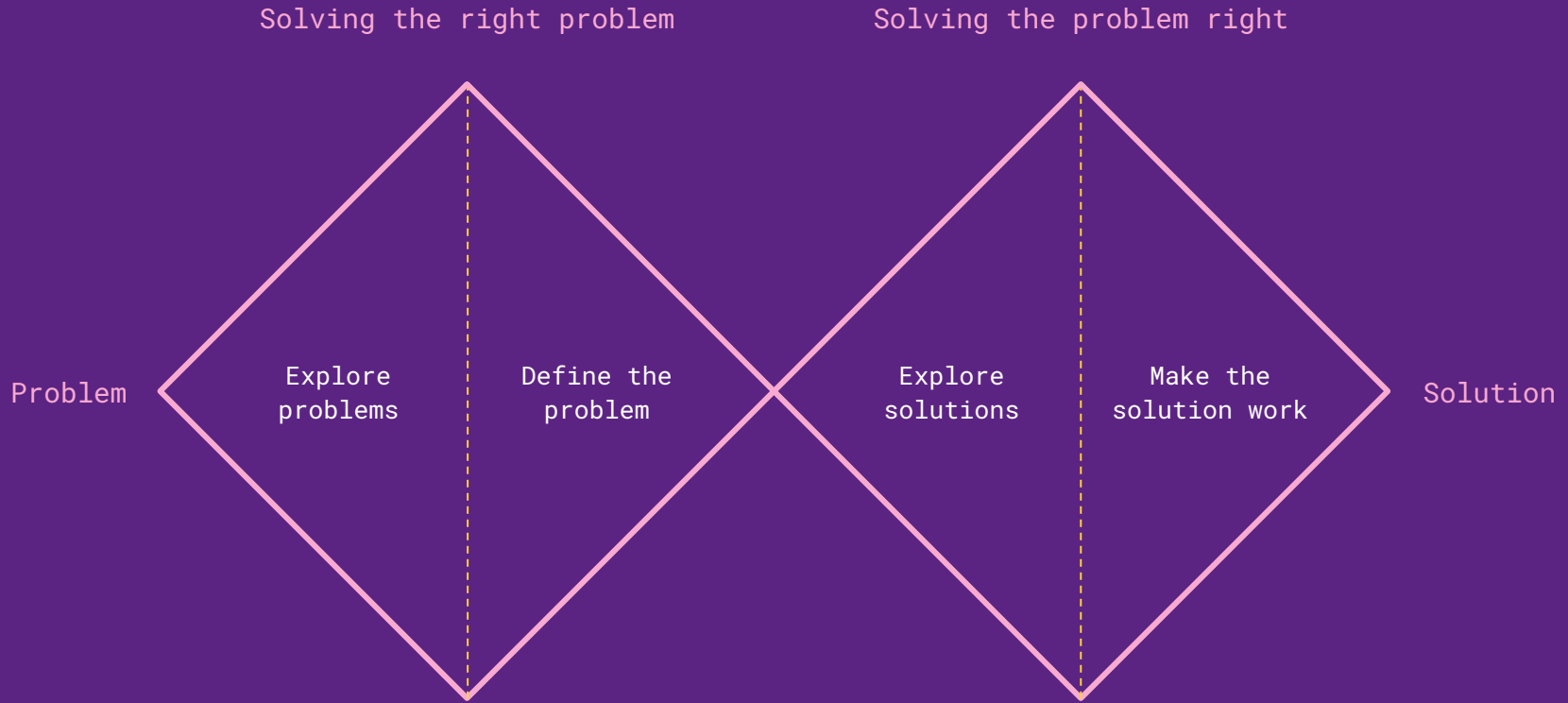
Working closely
with those with
lived experience
and subject
matter experts



Mapping
workflows and
creating useful
content



Testing with our
audience



A design first approach

**What would it look like if we
were successful?**

The principles that guide our practice at Portable

Equitable

Laws and policies are easy for anyone to understand. People can diagnose their own level of need and don't need to rely on experts to do it for them

Empowering

Accessible

Evidenced

Equitable

Empowering

People's experiences of the justice system (services and places) are comfortable, informed and empowering

Accessible

Evidenced

Equitable

Empowering

Accessible

Legal aid services are the primary (most visible and accessible) entry points for people who lack access to justice

Evidenced

Equitable

Empowering

Accessible

Evidenced

The value of human-centred design is recognised through demonstrated impact

02

Our principles in actions



amica

Online dispute resolution tool for separating couples

<https://amica.gov.au/>



**amica is now the leading family law
platform globally**



Our journey

- 2017** LSC commenced **market research and concept exploration**
- 2018** Portable begins **app design and development**, explores use of AI for suggested division
- 2019** Proof of concept delivered, NLA lawyers support in **developing AI model**
- 2020** **National launch** in June with document creation, consent order, messaging, and AI suggested division
- 2021** Desktop version, online payment gateway, **usability improvements**
- 2022** **User research**, infrastructure, content, and usability improvements, ability to add multiple super accounts
- 2023** **amica^{one}**, superannuation splitting, online mediation



Supporting Victoria Legal Aid

Helping Victorians with their legal issues

The Service Setup material offers comprehensive guidance to external partners and Legal Help

Setting up a new Service

An internal guide for Legal Help

June 2024
Prepared by Emily Ma

 Victoria Legal Aid

Choosing the most appropriate service model

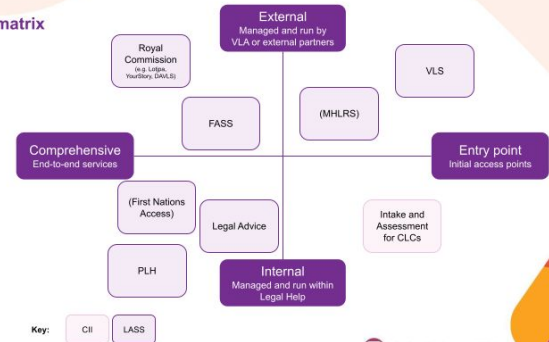
A tool for positioning your service and identifying existing models

Utilising the Service Model matrix

The Service Type Matrix is a valuable tool for funders, referral partners, and VLA staff to strategically decide which services to establish and identify existing services that can serve as templates. When setting up a new service, it's useful to know what services already exist so that lessons can be applied effectively.

For example, if setting up a new end-to-end service managed and run within Legal Help, Prisoners Legal Help can be used as a model. This approach ensures new services are aligned with proven service operations.

For more detail about these services, see the [Detailed Service Profiles](#).



 Victoria Legal Aid

Supporting Victoria Legal Aid

Helping Victorians with their legal issues

Knowledge management posed significant challenges for Victoria Legal Aid

Exploration into the current state

LawHub

The workshop we conducted with 4 members across the Digital Communications team identified several key issues with **LawHub**.

Content Management Challenges

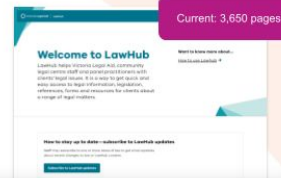
'We have a lot of legacy material that hasn't been updated'

- Pages display the date
- Observations of Legal Hub copying outdated content

Quality and Resourcing Challenges

'Doing this is extremely time-consuming'

- An audit to check whether content is unfinished or untested, and information on LawHub well-known websites
- The process of ensuring content is updated, such as immediate updates, such as unmet. The lack of dedicated resources



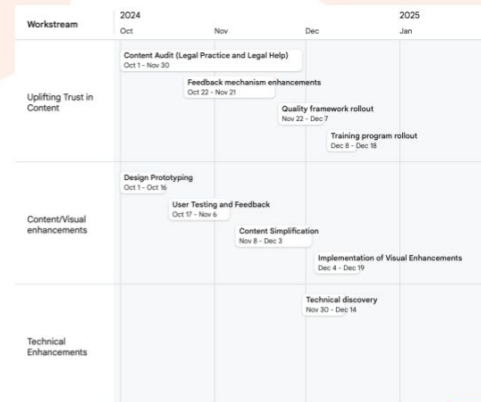
Roadmap

The roadmap is divided into three distinct workstreams, each of which will need to be integrated with the broader deliverables of the Legal Help Modernisation program.

Start Date: The action plan is set to begin on October 1, 2024.

Completion: The majority of the plan is scheduled for completion by end Dec, 2024.

Technical Enhancements: Technical Discovery phase can be accommodated within the next 6 months but it will be dependent on the content audit and content simplification.

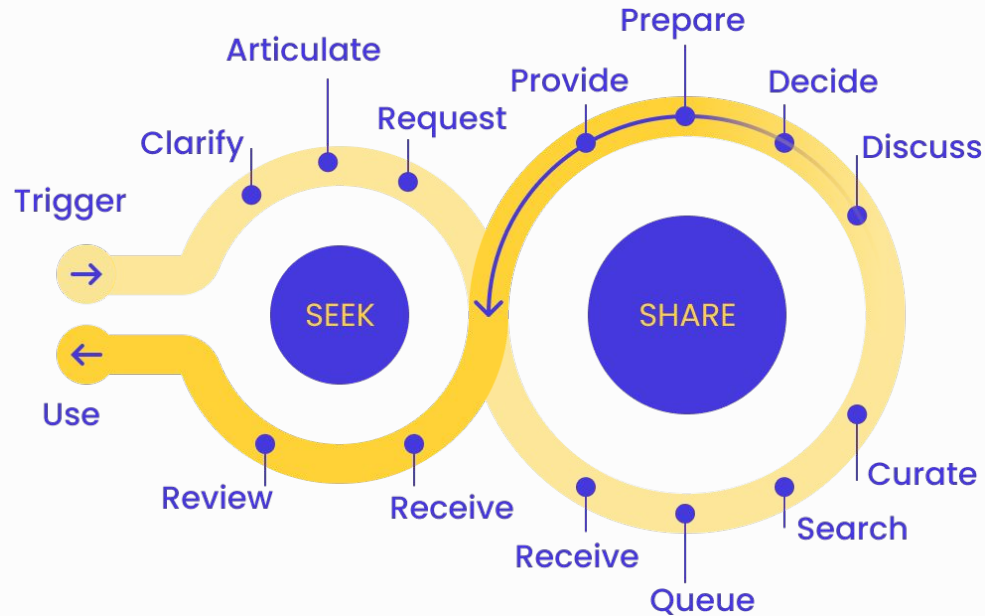


Improving family violence and child protection information sharing across Australia



Federal Attorney-General's Department

Understanding information sharing practices

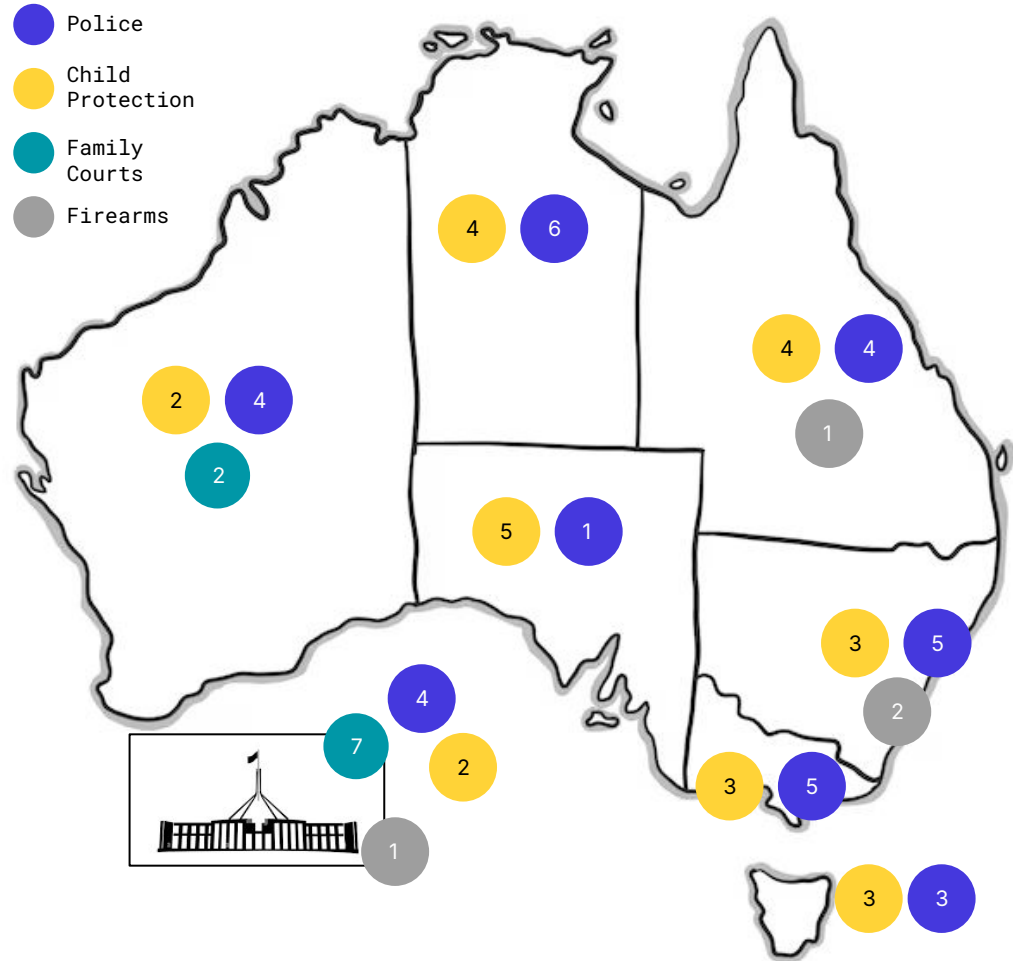


National representation

26 Child Protection representatives


36 Police representatives

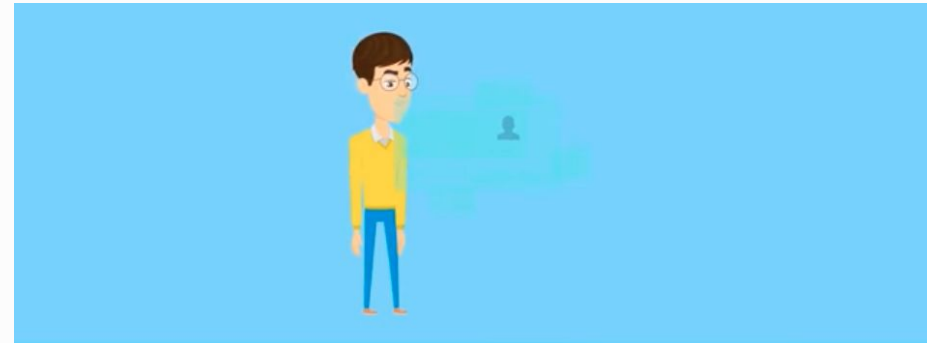
9 Family Court representatives



A series of speculative solutions



A new AI-powered tool, called "Data Harmony" has been developed to increase the consistency of data definitions, formats, structures and tagging. 



DataLink has been configured to handle different data standards, so Tom doesn't need to know how they Court categorises their data. 

Across these projects we used a variety of techniques across a range of spectrums

Product / Service



Systemic

Affirmative



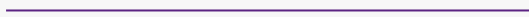
Critical

Conventional



Participatory

Quantitative



Qualitative

Product / Service

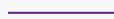


Scale

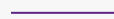


Systemic

Affirmative



Approach



Critical

Conventional



How we involve
people



Participatory

Quantitative

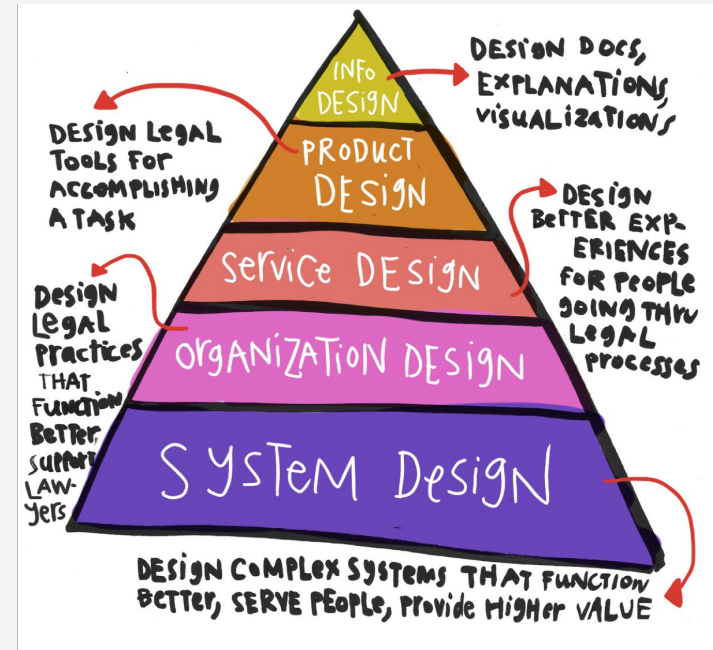
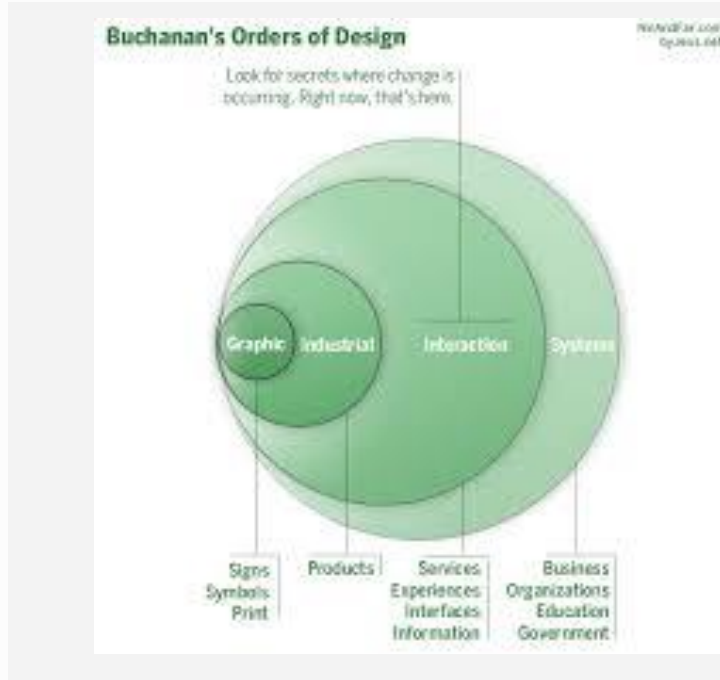


How we
sense-make



Qualitative

Scale



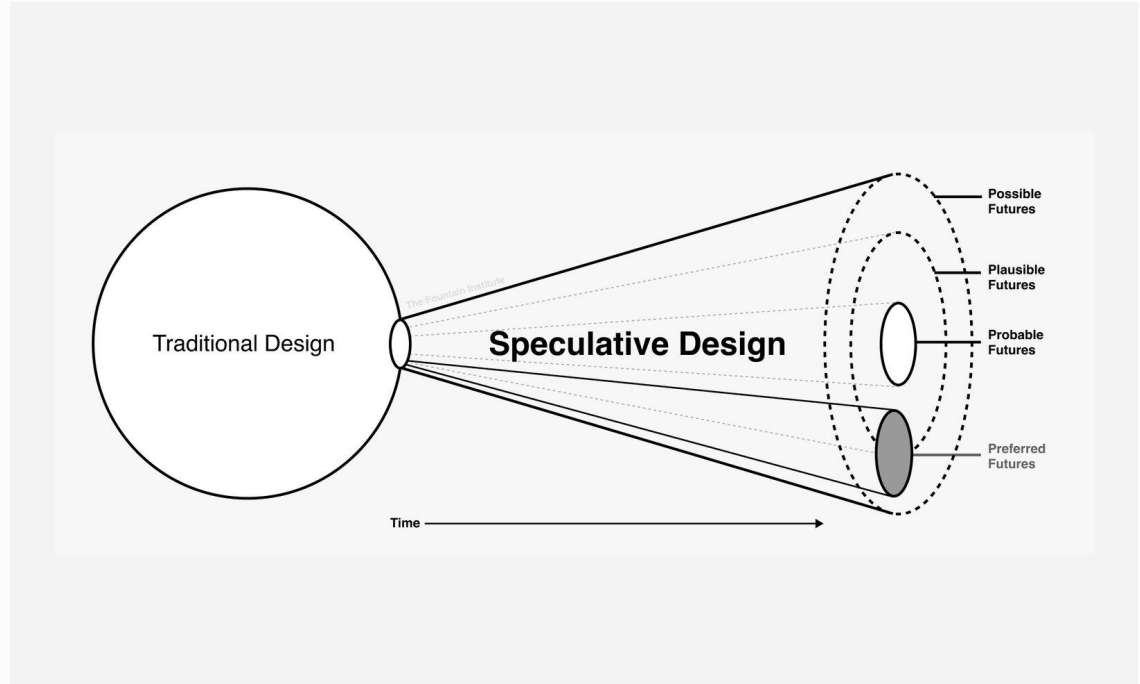
Buchanan's Four Orders of Design ↗

Law by Design by Margaret Hagan ↗

Approach

Many are familiar with **affirmative** design methods, where problems are identified and solutions are generated.

Rather than fix things, **critical** methods seek to unfix them. Speculative design, for example, seeks make future possibilities tangible and to call into question aspects of the here and now.



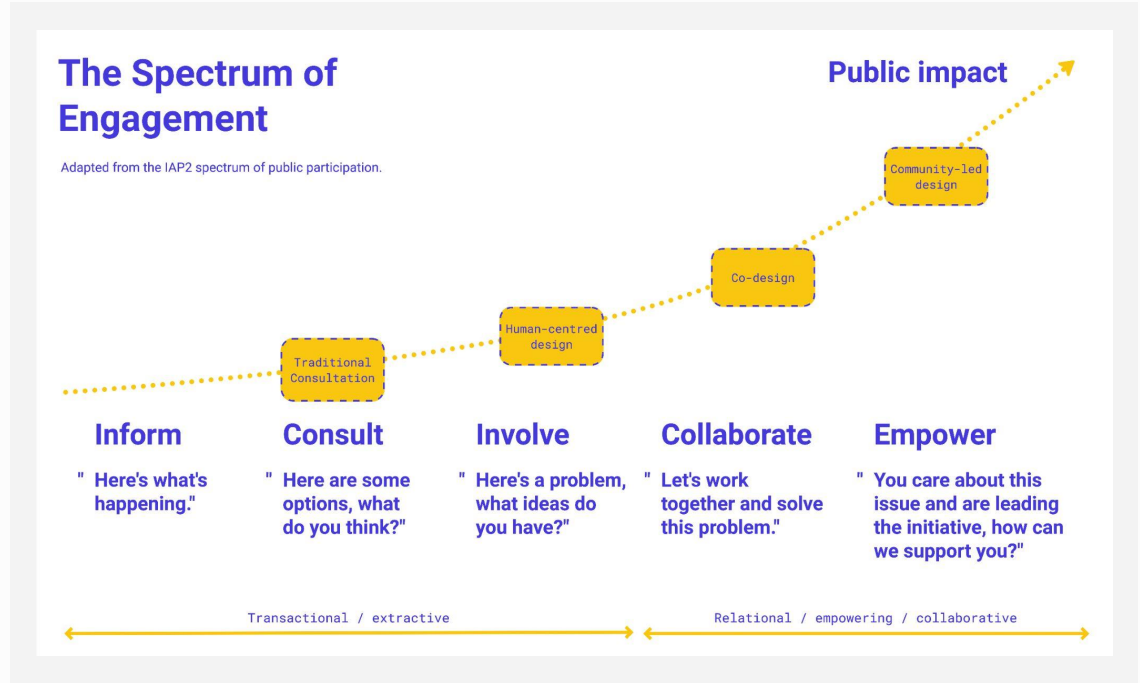
How we involve people

We can't assume participatory approach is always what we need.

Inform: You already have clear and deep knowledge of the problem and solution

Involve: You need to better understand the problem space better before moving to solutions

Empower: You can build capability or offer value to co-designers (beyond payment)



IAP2 spectrum of public participation ↗

How we sense-make

Depends on the other factors at play.

For example, the unpredictable and tangled nature of complex adaptive systems, does not lend itself to traditional methods of measurement or evaluation.

Storytelling is one example of a method that can reveal small changes and bright spots of activity, often at the level of shifts in mental models, values and beliefs that are required for changes within systems.

Redefining rigour: using stories to evaluate systems change?



Keira Lowther · Follow

Published in Centre for Public Impact · 6 min read · May 31, 2022



At the Centre for Public Impact, our work is centred around working towards the wider goal of creating more effective and legitimate governments. This work is not easy. It is slow, and winding, and change does not always occur in the same direction. This is unsurprising, given that we are working within complex and adaptive systems.

One of the key challenges that we face relates to how we measure and evaluate this work. This stems from the unpredictable and tangled nature of complex adaptive systems, which do not lend themselves to traditional methods of measurement or evaluation. Partly this is because change does not happen in expected ways. It often happens in patches or bright spots, and often it's two steps forward and one back. Capturing this kind of change requires different kinds of methods to those usually used in monitoring and evaluation.

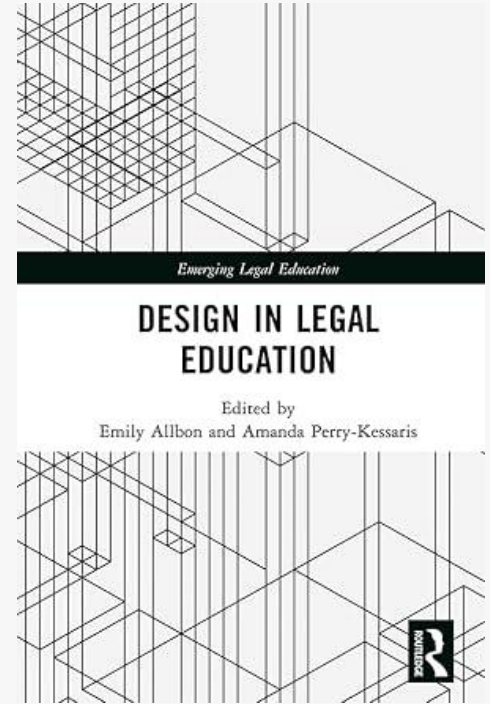
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How do we tell right from wrong? An understanding of ethics can illuminate different approaches to decision-making.

Designers are playing a central role in nudging behaviour

'Legal Designers' are influencing how the public navigate legal content, improving the workflows of legal services and envisioning our future courtrooms. Evidently, this role is capable of having a powerful impact on the public's experience of justice. It is crucial, therefore, that these designers grasp the ethical implications of their work.

Everyone has an ethical vocabulary; this chapter aims to elaborate and refine that vocabulary for those who are designing access to the law.



Designing access to the law: An ethical perspective

by Emily MacLoud

Consequentialism

Deontology

Virtue ethics

Care ethics



Consequentialism

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Care ethics

ethical dilemmas can be construed as a web of relationships

Legal Designers bear a unique social and moral responsibility for their innovations because, unlike designers in other domains, they must also consider the essential characteristics of the judicial function.



Karpen and Senova (202) 'Designing for Trust: Role and Benefits of Human-Centered Design in the Legal System'

<i>Common ways of working in design context</i>	<i>Common ways of working in legal context</i>
1) Human-driven: focus on people and the meaning of their individual and collective experiences, over process or technology.	1) Process-driven: focus on legal frameworks and procedures, derived through legislation and directions.
2) Cocreation-driven: focus on cooperation and participation with curiosity for multiple truths, empowering multiple stakeholders.	2) Competition-driven: focus on winning and dominating, ingrained in legal culture and adversarialism.
3) Transformation-driven: focus on purposeful and significant change that may question the boundaries of the system and the journey individuals experience.	3) Risk-driven: focus on enabling change through law-reform, with incremental changes through case law or policy.
4) Experimentation-driven: focus on iterative learning by continuous questioning and testing of assumptions and solutions, until meaningful outcomes can be achieved.	4) Doctrine-driven: focus on traditional culture of conservatism, predictability and certainty. Little tolerance for ambiguity with the assumption of finding 'the right decision'.
5) Visualization-driven: focus on visually bringing meaning to problems and solutions, embedded in multimodal and multidirectional artefacts and narratives.	5) Text-driven: focus on giving effect to legal frameworks through the written word. Complexity in rules and language are assumed to be acceptable.
6) System-driven: focus on the holistic, systemic nature of circumstances, to find interconnected solutions to the problems uncovered.	6) Focus on decisions that are made pursuant to legal precedent, within bounds of time and resource constraints.



Questions

Interested in working with
us to make change in your
organisation?

Get in touch.

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