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Beyond text: Exploiting the visual in law
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As an academic librarian, I was always fascinated by how we could make the world of legal research less complex and more accessible. This was ultimately what led me to develop the Lawbore website (in 2002) and all its various sub-sites: Learnmore, Future Lawyer, City Hub and Mooting HQ, which I continue to develop today. Simplifying, or being able to communicate a concept to a wider audience, was a skill I felt went to the very heart of the librarian’s role. It seemed natural then to use many different mediums to get this message across (video, animation...), as well as ensuring that the sites and their many individual resources were visually attractive and engaging to the students who would be using them. At the time there wasn’t any kind of movement driving me, or theory I was trying out, it just felt right to be developing resources for young people that would be appealing and accessible. Excitingly times have changed, and there is now a new but growing and exciting field; that of legal design.

Huh? Legal design?

Legal design essentially seeks to put the ‘human’ back into law, making the end-user all-important in the process. We know from experience that much of the ‘law’ citizens and consumers come across in their lives is difficult to understand; indeed, often impenetrable. You only need to think of those terrible terms and conditions documents we sign up to, usually without reading. Those practising legal design look to employ plain language and clear, engaging visual features to aid comprehension. This is not simply a case of making a document ‘look pretty’ however, relies upon a holistic approach often with both lawyers and designers working together. The interdisciplinary nature of the practice is one of the most inspiring aspects; lawyers are not known for their down-to-earth communication skills and this challenges the profession to collaborate and apply strategic design thinking to their work. The idea that we could use these skills to ‘design legal services, products and processes that are more engaging, usable and useful for people and fit for modern business’¹ is thrilling.

So what is the potential reach of legal design?

There is colossal unrealized impact here; not only in terms of increasing access to justice and public legal education, but also in terms of legal practice. Legal design offers the opportunity to look afresh at how those working within law operate, this would of course be across the spectrum; those within law firms, working in-house, the judiciary, within the court service too. It can help to remodel how they operate internally (workflows, organisational culture, sparking ideas about development of new services) but also reap other far-reaching benefits: “a more powerful and lasting relationship with users, access to justice, assist in-house legal teams to integrate with the business function, enhance collaboration, re-shape firm cultures, transform legal education and drive legal innovation”.

Is the law really ready for such creativity?

Every legal conference in the past couple of years has featured AI, block-chain and smart contracts; legal hackathons are proliferating. There is a real sense that lawyers are finally recognising that disruption and revolutionising the products they offer is essential if they are to survive. The process of legal design by its very nature, involves elements that may make lawyers uncomfortable; collaboration with other professions, talking to users, prototyping ideas and testing, but as Margaret Hagan (legal design guru, Director of the Legal Design Lab at Stanford Law School - more on her work later) said at the Stanford Law + Design Summit (September 2017) ‘lawyers and legal people must embrace a restless imagination, and a deep day-to-day empathy for people whose lives they affect’2. Engaging in this type of work will help lawyers improve their practice and offerings to clients, but also encourage innovation. It has great transformative potential.

Why is it so important?

From a UK perspective, we are undergoing massive challenges. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (known as LASPO) brought with it devastating cuts to legal aid provision, particularly in the civil justice system. The Bach Commission on Access to Justice was founded in 2015 and set about reviewing the crisis in our justice system, putting forward the proposal that there should be a statutory right to justice. The report noted that when the government first introduced the bill it ‘estimated savings of £450m (in today’s prices) but legal aid spending is now £950m less annually than in 2010’3. It is the case that the majority of the population are not now eligible for legal aid (80% were eligible in the 1980’s compared to 29% in 2008), and the only areas where it remains available is generally for situations where a person’s life or liberty is at stake, or where they are at risk of serious harm. Environmental law, asylum, mental health, child welfare and judicial review are the sole areas which are still eligible for legal aid. Family law has been badly hit, with no legal aid eligibility unless there is evidence of domestic violence, forced marriage or child abduction.

Funding available is not the only thing to have shrunk; the number of lawyers doing legal aid work has also fallen by 20%. The Law Society’s head of justice, Richard Miller, says: ‘Behind these figures are hundreds of thousands of people who can no longer obtain legal aid for matters such as family break up, a range of housing problems, and challenges to welfare benefits assessments. This data also calls attention to the fact that increasingly it is no longer economically viable for solicitors to do this work.’4

For criminal legal aid the direness of the situation has taken longer to show itself; all cases which fit the merits criteria are still funded. However repeated cuts to criminal legal aid fees and the latest reformed fee scheme resulted in a strike by many barristers in April 2018,

meaning they would not take on any new cases. In the first week of the action, two defendants in murder trials had to face the court without counsel. The Criminal Bar Association claim a 40% drop in fees in the last decade\(^5\).

CBA Chair Angela Rafferty QC highlights the issues for the profession within The Times:

We are a vocational profession. We prosecute and defend independently. We know that both sides must be balanced and respected for justice to prevail. A succession of lord chancellors has either not had the will, or the time, to put criminal justice in her rightful place at the centre of our democracy. The time has come for that to change.

Eleanor Roosevelt spoke of a fundamental truth when she said that “justice cannot be for one side alone, but must be for both”. However, that principle is at grave and immediate risk. Our justice system is failing everyone who appears in it, works in it or has any stake in it.

Funding to advice centres like Citizens Advice has also been cut back, so many have been forced to reduce the days and hours they are open, or worse, close permanently. Funded by local charities and council budgets, some offices faced budget cuts of 50%, meaning closure which could be disastrous in the remoter areas of the United Kingdom\(^6\). For many individuals, the options are now representing yourself, or giving up your legal fight.

What is driving this? Of course, efficiency and cost-saving is the key driver but also to keep people from the courts where possible; pushing them towards alternative methods of dispute resolution. The increased commitment to online courts means that those bringing claims of less than £25K will do so independently online in the future.

**Visualisation in legal education**

Law has a reputation for being taught in a traditional way; the tried and tested formula of lectures and tutorials still dominates. We still largely use university online learning environments like repositories, rather than developing imaginative ways of helping our students engage with materials. There are of course pockets of innovation; simulation is one successful approach. Trailblazer Paul Maharg created his virtual (fictional) Scottish town of Ardcalloch\(^7\) in 2000; giving his students roles as lawyers in different firms working on weekly distinct tasks towards a personal injury negotiation. Each week a different transaction was required by those acting for an injured employee and those representing the insurer’s solicitors. At City we took inspiration from this when developing a series of storytelling resources using a collection of characters to help engage the students on our new distance-learning LLB. We took a multimodal approach, developing a wealth of materials showing our characters in a variety of scenarios (vlogs of characters talking frankly to the camera, TV

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\(^5\) Angela Rafferty QC, *Savage cuts have forced barristers to go on strike* (5 April 2018) The Times: The Brief (Premium) [https://www.thetimesbrief.co.uk/users/39175-the-brief-team/posts/31881-savage-cuts-have-forced-barristers-to-go-on-strike](https://www.thetimesbrief.co.uk/users/39175-the-brief-team/posts/31881-savage-cuts-have-forced-barristers-to-go-on-strike).


debate show, chats between friends and neighbours, radio phone-in, instant messenger conversation...).  

Of course in educational terms, visualisation has always seemed to make sense, particularly in relation to the idea of learning styles. In book-heavy subjects like Law, students certainly struggle with vast amounts of dense reading, and communicating some of that content to them in other ways, whether it be visual or audio-based, gives them a welcome relief from the norm. The promise of learning styles, and the theory that matching learners to their preferred style (usually auditory, visual or kinesthetic, but there have been shown to be a far greater number of related models) will result in more successful learning, is alluring. However there has been increasing evidence that the perceived success of learning styles is nothing but a ‘neuromyth’, with systematic studies showing ‘no evidence or very weak evidence to support the hypothesis that matching or “meshing” material in the appropriate format to an individual’s learning style is selectively more effective for educational attainment.  

In terms of teachers using visual methods to engage students further in their courses, there have been pockets of innovation. Professors of Law James Boyle and Jennifer Jenkins (Duke Center for the Study of the Public Domain) created their graphic novels Bound by Law and Theft! A History of Music to ‘make scholarship more accessible’ and to attempt ‘demystification of the permissions culture’. Carol Withey, a Principal Lecturer from the UK used Lego figures to teach criminal law. At City, we get students visually engaging in the law in induction week. They take part in Exploring the Law; an exercise that takes them out and about in London, finding buildings with their classmates on a series of different trails which have some legal significance. This could be explicit (the Old Bailey, Royal Courts of Justice) or more contrived. El Vino’s Wine Bar in Fleet Street will get them thinking about equality and sex discrimination (see Gill v El Vino), visiting playwright Joe Orton’s house in Islington introduces ideas about the treatment of homosexuals in the justice system and the statue of John Wilkes in Fetter Lane prompts consideration of press freedom. The exercise requires them to take photos on their travels, complete research to answer questions and then write a blog about some element of their experience. Lawbore, the City resource for law students owes much of its popularity due to its focus on the visual.  

At the Association of Law Teachers (ALT) Annual Conference in the UK, March 2018, author, speaker and government technology adviser Richard Susskind, lambasted the audience for lagging behind US law schools in terms of the number of innovative technology offerings on the law curriculum. Susskind spoke of the yet-to-exist roles he highlighted in his

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12 Carol Withey, Criminal law videos (YouTube) <https://www.youtube.com/user/carolwithey>.  
13 See example of a trail Emily Allbon, Exploring the Law with our new LLB1 students! <https://blog.lawbore.net/2015/10/exploring-the-law-with-our-new-llb1-students/> and student blogs about their experience: <https://blog.lawbore.net/tag/exploring-the-law/> .  
book *Tomorrow’s Lawyers* (2013)\(^\text{16}\), asking whether we are adequately preparing our students for the positions they might occupy in the future. In 2013 legal technologist, risk manager and legal knowledge engineer were in the list, arguably these exist now in some form. I suggested in 2016\(^\text{17}\) that a new role be added to the list: the legal visualiser. It does now! Several new firms have emerged this year, including Helsinki-based *Dot.Legal*, which employs two legal designers\(^\text{18}\).

In terms of the dominance of the US in relation to legal design in higher education, courses have been introduced into the curriculum by a number of law schools, including Stanford and Vanderbilt. These classes on legal design are often run as an interdisciplinary option to encourage young lawyers to work with those from other fields of study (engineering, art, business). Students will usually work on legal design challenges with real clients (courts, legal advice centres, law firms, businesses). This involves getting to grip with problems, visualising thinking processes, prototyping solutions, gathering feedback and abundant testing. The ethos of being ‘human-centred’ is key to the process; Antti Innanen (co-founder of *Dot.Legal*) describes this as ‘a deep understanding of users’ intellectual, social, emotional and physical needs’,\(^\text{19}\) noting that the law can often lack this sense of empathy. The *Financial Times* top 20 list of Global General Counsel included the GC’s insights into disciplines they felt were required by in-house team leaders. Rachael Soper Adranly from Ideo, a Silicon Valley-based design business, noted how important it was to be human-centred in your approach: ‘Today’s general counsel need to be both business-minded and human-centred. This means . . . having a clear awareness that legal problems are human problems.’\(^\text{20}\)

We noted early on that collaboration and interdisciplinary-working was key to legal design; not something that lawyers (or law students) generally excel at. In the UK any discussion of the future of the profession turns dichotomous, referring to lawyers or non-lawyers; as if regardless of your expertise, if you don’t know law you should just accept being dumped in this vast classification. It is ventured that embedding this ethos of collaborative working and respecting the value of different professions when it comes to transforming legal services, should be a core component of any legal qualification. Emma Jelley, who headed up legal affairs for Google UK and Ireland, before moving into start-ups, agrees:

> For a lawyer, to embrace legal design is to adopt a collaborative, multidisciplinary approach to communicating legal concepts. Early on, the legal design process requires the identification of project-specific stakeholders and specialists. These individuals could include social psychologists, designers, technologists, users, regulators: lawyers don’t fly solo. The legal design team works together to create the most user-centric, inclusive and effective way in which to communicate the relevant legal concepts, rights and processes. The results can be inspiring\(^\text{21}\).

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\(^\text{17}\) Emily Allbon, ‘Seeing is believing: we are all converging’ (2016) 60 *The Law Teacher: The International Journal of Legal Education* 44, 56.

\(^\text{18}\) *Dot.Legal* <https://dot.legal/who-we-are>.


\(^\text{20}\) ‘Breaking boundaries: the 2017 FT Global GC 20’, *The Financial Times* (online), 21 June 2017 <https://www.ft.com/content/a8c8d142-505f-11e7-a1f2-db19572361bb>.

Visualisation in legal practice

There is tremendously exciting work going on around the visualisation of contracts; and the various ways in which these bland documents can be brought alive and actually make sense to the people who are signing up to such agreements (often blindly). Packed with legal terminology and with very little attention paid to usability, they can be intimidating to most people operating without legal guidance, but particularly to those who have another language as their primary language. They are written for lawyers, not for the users who will find themselves bound by them.

Stefania Passera and Helena Haapio are innovators in this field of research, collaborating on many projects in recent years – Haapio is a lawyer and contract innovator and Passera a legal information designer. Passera captures the madness of the status quo and the necessity of this shift towards drafting contracts with users in mind:

Contracts seemed to be a genre of documents in dire need of a user-centric makeover. We can pick any contract, and, at a glance, they just look and feel and read the same. This, from a design point of view makes no sense: why so much sameness in different documents for different users with different needs and skills, produced by different organizations to regulate different transactions with different goals? At best, we are foregoing the opportunity to create a meaningful touchpoint and build positive relationships and experiences with suppliers and clients. At worse, we are leaking economic and relational value.22

Visualised contracts would include features which will help the user understand content more clearly, this may for example include diagrams such as timelines, flowcharts or maps, as well as images. Consideration of layout, colours and use of white space is also an integral part of communicating the essence of the contract more carefully. Language may be re-worked or simplified. An innovation receiving high praise on this front was prompted by the May 25th deadline for GDPR23 compliance; lawtech company Juro, teamed up with Passera to use legal design for remodelling their privacy policy. How do they describe their aims? ‘…cakeism: how can we have an exceptionally robust privacy policy, preserve legal nuance and actually make it readable?’24

Another approach is using the comic-book or graphic novel medium as the contract. Pioneered by South African lawyer Robert de Rooy, those working in this area believe that it doesn’t just serve as a way of explaining the contract but can actually count as the contract itself. Haapio envisages the emergence of even newer genres of contract in the coming few years; stating that ‘these developments are not just about comics or images, they are about communicating contracts more effectively, empowering the parties to take ownership of their contracts, and creating mutual understanding.’25 De Rooy defines comic-contracts as documents that are:

- Legally binding contracts in which parties are represented by characters

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25 Mary Hallissey, ‘Holy Boilerplate Batman!’ (Jan/Feb 2018) Law Society Gazette Ireland 41, 43
• The agreement is captured in pictures
• The parties sign the comic as the contract

He created a fruit-picker comic contract for a Cape Town company to use on their farms, this format meant for those with language or literacy difficulties, the contract was accessible and easy-to-understand. Professor Camilla Andersen at the University of Western Australia, worked with a colleague in the School of Engineering to create a contract with cartoons in order to help the engineering students unpick the complexities of unfamiliar legal jargon they were faced with on a project. She is very clear about the mismatch in contract law, saying it ‘is meant to nurture relationships and facilitate frameworks wherein people can work together in agreements that tell them how to behave, what expectations to have, and what outcomes to look out for. We are alienating people with legalese that nobody reads, nobody understands, and nobody likes’. Excitingly, Andersen is now collaborating with global engineering and infrastructure advisory company Aurecon to create a visual employment contract, which will shed more than 4000 words from the existing document.

Even the horrors of the mammoth Apple iTunes terms and conditions have been brought to life graphic novel style, thanks to the work of Robert Sikoryak (Terms and Conditions: the graphic novel), who turns Steve Jobs into different famous comic characters, whilst reproducing every one of the 20,000+ words enshrined in this colossal document.

**Visualisation for public legal education**

Public legal education is the most obvious way in which we can see that visualisation can make a real difference. The creation of user-friendly resources which can empower citizens to be able to understand their rights and obligations can only be a good thing. My first introduction to legal design was via the tremendous Vendor Power! project, the Centre for Urban Policy (CUP), the Street Vendor Project and artist Candy Chang took the challenge to decode the numerous rules and regulations that govern the activities of New York’s street vendors. An infraction of these numerous rules would mean a fine of $1000 – unaffordable to most. The rules and regulations were not all in one place and most were written in dense, unformatted text with no attempt to make language understandable to those with no legal understanding.

They focused on the laws which the vendors most often contravened and created a foldable poster in five different languages. Vendor Power! was created with minimal text and simple, clear graphics, with diagrams where needed. The poster was distributed for free and the success of the project is indicated by reports that the street vendors keep it on-hand and refer to it in any encounters with police. Candy emphasised the importance of collaboration in such

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27 Mary Hallissey, ‘Holy Boilerplate Batman!’ (Jan/Feb 2018) *Law Society Gazette Ireland* 41, 45


30 The Center for Urban Pedagogy, *Vendor Power!*

http://welcometocup.org/Projects/MakingPolicyPublic/VendorPower
a project; designers, advocacy groups and the community group (vendors in this case) themselves.31

Also in the US, Margaret Hagan, Director of the Legal Design Lab, works at the intersection of law, technology and design. She describes the lab’s mission as follows:

- Training law students and professionals in human-centred legal design
- Developing new models of user-friendly, accessible, and engaging legal services
- Researching how innovation can be brought to the world of law, and what legal users want.

She teaches legal design to her students at Stanford, sharing her knowledge to wider networks via the Legal Design Toolbox32 and her excellent Law + Design Workbook33.

Margaret’s projects with organisations are numerous and range from building an app to help those affected by floods to start the process of ‘clearing title’ to their house, guides for navigating complicated court processes and a court messaging app. The Legal Design Lab runs a mind-boggling number and variety of sessions for legal organisations and legal aid groups, as well as design sprints and workshops focused on specific design challenges. Past examples include redesigning trademark policies for Wikipedia users, creating explainers for those encountering the US immigration system and improving the guardianship system.

She works with communities too, taking the role of design facilitator for the Escambia Project, which is funded by the Florida Bar Association in order to ‘reimagine, prototype and pilot new ways to get people access to legal services’34.

The Access to Justice Lab (A2J Lab)35 at Harvard Law School works with partner organisations to help find solutions and rigorously evaluate effectiveness via randomised control trials and other means. Projects they are involved with cover a wide range of areas within the justice system; domestic violence, debt, guardianship, divorce and mediation, amongst others.

A graduate from the A2J Lab, Hallie Jay Pope, was so inspired by the work she’d done with their Financial Distress Research Project, designing and illustrating self-help packets so those individuals in debt could tackle their legal problems independently, that she set up the Graphic Advocacy Project (GAP)36. GAP’s work is wide-ranging, working on legal design projects for the NACCP Legal Defense and Educational Fund (LDF) to encourage voting and highlighting issues on police accountability, racial discrimination and electronic privacy for the American Civil Liberties Union of Massachusetts.

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Finally, a word on a UK project, RightsInfo37. Kickstarted by the barrister who created the popular and well-respected UK Human Rights Blog38, Adam Wagner, this amazing site seeks to inform on all things human rights; using accessible and engaging materials to communicate the law. Resources range from infographics, stories, explainers and short engaging videos on anything from ‘Grenfell Tower: Why Human Rights Matter’ to ‘Period Poverty: a human rights issue’. Winning various awards, including the Plain English Communicator Award, RightsInfo is a perfect demonstration of how design can strengthen the accessibility of the message.

**Why should librarians be interested in Legal Design?**

Put simply, making difficult or dull processes or systems more accessible goes to the very heart of librarianship. This is a new(ish) field, so there’s every chance this isn’t yet on the radar of your own organisation – make it your challenge to start thinking about how legal design might make a difference. Another potential benefit is the chance to collaborate more widely, not only with colleagues across the organisation but also in the wider community39.

In terms of my own practice, I am working on a brand new Lawbore40 spin-off with legal design at the very forefront. This time it will be aimed at those who need inspiration to communicate or teach the law, rather than students. Watch this space!

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39 See Emily Allbon, ‘Infiltrate and conquer: showing the world what librarians can do’ [2015] 15(4) Legal Information Management 218-224 for more on making opportunities for collaboration outside the profession.  