

Legal Design Lab: Virtual Legal Systems

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A. Introduction

The Covid-19 pandemic was the catalyst for numerous societal changes. These changes did not spare the legal system. On the contrary, law was one of the disciplines heavily affected by the pandemic. Litigants could not go to court anymore, law offices had to set up remote work structures and court administrators had to implement new technology for proceedings to continue remotely. On all fronts, the legal system had to experiment, implement and change within a short amount of time. This article, based on a presentation held in April 2022 at the 'Teaching Digitalization in Law' virtual conference organized by the University of Hamburg, delves into the projects that the Stanford Legal Design Lab developed as a response to the legal system during the Covid-19 pandemic.

B. What is Legal Design?

Most attendees are likely familiar with the concept of legal design. Therefore, I will refrain from delving too deep into this section of the presentation, but I will provide a summary for those who are unfamiliar with the concept.

At the Stanford Legal Design Lab, we work at the intersection of law, design, and tech. Law, because we want to improve the legal system and increase access to justice. Design, because we want to create services, products, and systems that people can and most importantly want to use. Emphasis should be put on the last word: 'use'. There is currently a lack of user-friendly and user-centered legal products, services, and systems. Lastly, we also use technology as a way to create human-centered products. Although we are based in Silicon Valley, we are not solely a tech-focused lab. We use technology when we think it can be useful for the user, but our main focus when we start a project is to research the user's needs and then map out the pathways for potential solutions. These could be tech solutions but that is not a requirement.

For those who are interested in a good primer about Legal Design, Margaret Hagan, the Executive Director of the Legal Design Lab wrote a wonderful open-source book about legal design that can be accessed here: <https://lawbydesign.co/>. She provides two definitions of legal design in her book:

“Legal Design is the application of human-centered design to the world of law, to make legal systems and services more human-centered, useable, and satisfying.” And *“Legal design is a way of assessing and creating legal services with a focus on how usable, useful and engaging these services are.”* (M.D. Hagan, *Law by Design*, <https://lawbydesign.co/> last accessed 7/19/2022)

As you can note from the two definitions, the word human is emphasized. Legal design is all about user-friendliness and how we can respond to the needs of users. When we talk about design in the context of legal design, we mean looking at the legal system from the perspective of users and focusing on the human experience. We do this by user research: finding out what the problems are from a user's perspective, talking with users, and figuring out their needs. This process happens before we even consider thinking of solutions. Once we get to the stage where we can experiment with solutions, then these solutions are always co-designed with the users and are interdisciplinary based: working across traditional boundaries. This particular stage involves a cycle of experimenting, testing, improving, and testing again. The last stage of the legal design process involves reflecting and evaluating: going back to the community, making sure the intended solution is working as anticipated by the community. We also evaluate the data that we can gather from each pilot to hopefully scale up the intervention and implement it in other jurisdictions.

Usually, after explaining how legal design works, people immediately think of contract design: redesigning terms and conditions in contracts and making them more user-friendly. In Europe, there are some wonderful initiatives when it comes to contract design. Although this is indeed part of the legal design discipline, it is not the only result the field can produce. Consider for example (re)designing legal products, services, organizations, systems, and even policies and regulations.

C. What does the Legal Design Lab do?

During this presentation, I will spotlight two projects that are relevant for this conference. These two projects are part of the larger themes we work on at the Lab. In 2022 there are four themes we focus on:

- Access to Justice & Eviction Prevention: we are implementing and testing several pilots to increase access to justice and address the eviction crisis in the United States.
- Better Legal Internet: this theme is all about how users navigate the internet and gain access to legal information and resources in an online environment.
- Smart Legal Communications: we work on researching new ways to create more user-friendly legal information. We design and test new notices, policies, processes, and guides.
- Virtual Legal Systems: this theme is all about how courts have responded to the digitalization of the legal system. This track examines the redesign of hybrid courts, remote proceedings, and virtual forms.

During this presentation, I will mainly discuss the Lab's projects that fall within the Better Legal Internet and Virtual Legal Systems track.

D. Self-represented litigants

To better explain the work that we are doing at the Lab, it is important to understand the concept of self-represented litigants as this might be an unfamiliar concept in some European countries. Self-represented litigants are people who do not have access to legal representation. In practice, this means that in the United States, there are millions of people each year who have to sort out their civil justice problems, such as evictions, domestic violence or divorce proceedings on their own. Difficulties arise because the legal system is extremely complex. It is not designed to be navigated by non-legal professionals. Moreover, self-represented litigants are oftentimes going through traumatic and high-stress situations, which increases the difficulty of navigating the legal system.

We work on several projects to increase access to justice for self-represented litigants. These projects range from redesigning court documents to developing legal service pilots. For this presentation, however, I'll focus on

spotlighting projects from our two tracks: Better Legal Internet and Virtual Legal Systems.

E. Better Legal Internet

As mentioned earlier, a lot of people in the U.S. do not have access to legal representation. In practice, this means that they often have to rely on non-traditional sources, such as Internet platforms, to get access to legal information. A slew of problems arises from legal information on online platforms. First of all, the decentralized system in the U.S. makes it difficult for self-represented litigants to find legal information that applies to their jurisdiction. Top results on search engine pages are usually not jurisdiction specific. This means, that someone who is based in California and is looking for eviction-related information, might receive top results that are only applicable if one lives in New York. Top results on search engine pages might also be outdated or hidden behind a paywall on commercial websites. It is difficult for self-represented litigants to correctly identify all these different factors, including correctly classifying the legal issue they are facing. All these facets make the legal journey of a self-represented litigant difficult.

One of our goals at the Stanford Legal Design Lab is to increase access to reliable, jurisdiction, and issue-specific legal information. We do that through multiple projects. One of the research areas, we are extremely interested in is how to improve a search engine's top results page for legal queries. The field of health information is more advanced than the legal field when it comes to reliable information on search engine result pages. I do not necessarily recommend Googling health problems, but if you would Google 'Help I have a headache', you will receive a health knowledge panel on the right side of the page. This knowledge panel mines information from reliable sources. It summarizes the problem and provides an overview of the symptoms and potential treatment methods. In an ideal world, legal queries would receive the same type of overview on search engine result pages. We are taking steps to achieve this by working with legal aid and other organizations to improve their websites and implement schema mark-ups. Simply put, schema mark-ups are tags that provide information about what one can find on the website and/or at the legal aid organization. These tags are implemented in a website's code. This improves the search queries of users, as search engine crawlers use the information provided in

Schema to create snippets and knowledge panels. We also work together with legal aid and other organizations to improve their online legal information and websites so that self-represented litigants can find the resources and information they need.

Another issue that we have identified in the Better Legal Internet theme is the gap between existing resources and users. Legal aid organizations, courts, and others have been developing and designing resources and information for litigants. This output increased during the Covid-19 pandemic. Guides, flyers, FAQs and other materials were all developed and distributed online to address legal issues and concerns that arose during the pandemic. However, even with this increase in resources, it was still difficult to connect the information to the user with the legal issue. People do not necessarily visit specific legal information websites if they have a problem or a query. Our initial observations indicate that most people would rather remain on the websites and social media platforms they already frequent. One of our main questions is then, therefore: how do we connect legal information and resources to the users who have a query about that particular legal issue? To address this question, we have been experimenting with implementing bots on existing social media platforms. Bots are a potential way to connect people's queries on social media platforms to legal information and resources. In recent years, we have been experimenting and developing a bot on the social media subreddit */r/legaladvice*. This platform has 2.2 million subscribers and is used by people when they are in need of legal information. We designed the eviction information bot, to refer individuals who are asking eviction-related questions to jurisdiction and legal issue-specific resources. More research has to be done to evaluate the potential of bots as 'legal information transmitters', but it is a potential first step to tackling the gap between legal information and queries from users. Overall, our main goal with the Better Legal Internet theme is to empower users, whether it is offline or online, to know their rights and potential next steps they can take.

F. Virtual Legal Systems

The Virtual Legal Systems track was set up during the pandemic and examines how courts and other legal organizations respond to the accelerated digitalization of the legal system. The pandemic was a catalyst for a paradigm shift in the legal system. Existing institutions had no choice but

to change the way they work. Legal organizations, court administrators, and others were figuring out how to redesign their existing structures and procedures. Court houses had to be redesigned to make space for new tools that would allow users of the court to remotely conduct their business. The projects 'New Spaces of Justice' and 'Blueprints of Justice' were developed as a response to this need. If courts are responding to the Covid-19 pandemic and working out ways how to reconfigure their courts, then we can seize this moment in time by not only digitizing the courts but also making them more inclusive and user-friendly at the same time. Currently, the legal system is designed by lawyers for lawyers. For us to make an impact, new redesign efforts had to include non-legal professionals.

We teamed up with Virgil Abloh, a multi-disciplinary creative who unfortunately passed away in 2021, and Oana Stănescu, an architect and designer. Together we formed a new collective of legal professionals, designers, architecture and law students to tackle some of the issues the courts put forward.

The project was developed in late 2020. During that time, most courts were struggling to find the necessary equipment (laptops, remote conference tools, etc.) to transform the space into a hybrid court. We put out a call on mailing lists, asking courts and legal aid organizations what their needs were and how a collective of architecture and law students could help. We received four case studies and worked with the students to identify overarching problems that these organizations were facing. The main issue that the students identified is that self-represented litigants, who already had difficulty navigating the legal system, were now struggling to access these new virtual courts, because they did not have a computer or reliable Wi-Fi at home to access remote proceedings. Another issue that came to our attention was the loss of benefits that physical spaces bring. Self-represented litigants could walk into a court building and receive assistance from legal aid professionals who were stationed there. There was substantial indirect guidance that self-represented litigants received by being in a physical waiting room: looking at informational posters, chatting with other self-represented litigants, and reading through brochures. All these benefits were lost in this new virtual world. There were therefore two questions that the collective worked on:

- i) How can we design virtual proceedings that support and assist self-represented litigants and others in need?

- ii) How can we redesign and reimagine courthouses now that they do not use courtrooms but still need to support those without Wi-Fi at home? Can we reimagine what the courthouse of the future should look like?

This project was unique because legal professionals, researchers, designers, architecture and law students all worked on the same case study. The students designed new courthouses that reimagined the legal system as an inclusive and holistic system that, for example, provides child care opportunities in court buildings, has tech and Zoom booths for those in need, and offers multiple models of justice in the form of restorative and mediation rooms.

We are at an interesting point in time, where the legal system has no choice but to adapt. However, if we do not work in interdisciplinary teams, the issues we are facing will look different but remain the same. The Legal Design Lab is focused on creating an environment where different stakeholders can come together to co-design a more accessible and equitable legal system.

