ODR 2019

Design approaches for optimal ODR

Anne Thompson, Principal Consultant

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Access to justice is a fundamental component of the rule of law, a functioning economy and social inclusion. Being able to access high quality legal advice that is timely and affordable is a key part of this right.

Outline

- From user-centered to participatory design
  - Some definitions
  - Design thinking v participatory design
  - Approach v methods

- Why use it?
  - It works (Stanford Legal Design Lab)
  - Lab: Divorce redesign workshops (researchers, designers, lawyers, technologists)
  - Court: user testing, agenda-setting sessions

- Some methods
  - Journey mapping: user research, problem definition (Understanding)
  - An example: DRAFT Protective Order (Missouri)
  - Accommodating your budget

- Steps for optimal online dispute resolution
A blueprint for innovation is needed to put technology into context and give it direction. This blueprint should put the person with legal needs at the centre and framed by a combination of changes in mindset, process, product and service empowerment.

—Simon Davis, President Law Society
Participatory design ... is an approach to design attempting to actively involve all stakeholders ... in the design process to help ensure the result meets their needs and is usable. Participatory design is an approach which is focused on processes and procedures of design and is not a design style.

—Wikipedia
Problem exploration is the second pillar of design thinking. It’s a blend of logical, linear thinking and illogical, divergent exploration—and the ability of the designer to switch between these mindsets freely and frequently.¹

With an eye toward participatory design practice, we can see how empathy emerged as the first pillar of design thinking—developing a formal, meaningful, and emotional connection with users so they stop being consumers of a design and instead become co-designers.¹

A third pillar of design thinking is characterized by making things at rough levels of fidelity; testing them with real people to understand if they are usable, useful, and desirable; and using prototypes to communicate a value proposition.¹

Jon Kolko. The divisiveness of design thinking. pp 30-31.
Design Thinking—Evolution

**Understand**
Formal, meaningful, emotional connection with users—as co-designers

**Explore**
Logical, linear, illogical thinking—switching approaches ‘chaos by direction’

**Materialize**
Making, testing, learning, iteration—match between system and user

Democratizing Design

- Design of things, processes, organizations

1950s
- Bounded rationality (Herb Simon)
- Brainstorming (Alex Osborn)
- Lateral thinking (Edward de Bono)
- Iterative problem framing (Donald Schön)

1970s
- Computing
- Human factors ergonomics
- Computing
- Discount usability
Design Thinking—Stakeholder-focused

Person-centered ‘thinking’

Person-centered ‘thinking + making’

Participatory design ‘thinking + making’

Understand  Explore  Materialize

Researcher Pelle Ehn describes this bottom-up approach as a democratic process where the gap between [lawyers, designers, technologists] and users is closed.¹
Rather than conceiving ideas in isolation, participatory design requires collaboration with people who have no training in [law, design, policy] and may not even know (or care) what it is.

—Jon Kolko. The divisiveness of design thinking.
Participatory Design Works

- Other civic / government groups successfully using method
  - Usability testing
  - Policy-making / social innovation

- Stanford Law School – Legal Design Lab
  - Experimenting with method via labs and onsite at court

- Legal community can learn from this model
  - Leverage light-weight (agile) methods or intensive
## ODR Goals—Alignment with Organizational Strategy and Goals

### Participatory Design—Bottom-up Process / Interdisciplinary

<table>
<thead>
<tr>
<th>Phases</th>
<th>Understand</th>
<th>Explore</th>
<th>Materialize</th>
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</table>
| Activities | ▪ Empathize (research)  
▪ Define (user needs / problems) | ▪ Ideate (challenge assumptions, create ideas)  
▪ Prototype (potential solutions) | ▪ Test (evaluate solutions)  
▪ Pivot / implement |

### Methods & Skills

<table>
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<tr>
<th>Methods</th>
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| Quantitative / Qualitative | Observation, understanding, analysis  
▪ Statistics  
▪ Psychology, sociology  
▪ Human Factors  
▪ Human Computer Interaction  
▪ Design  
▪ Technology | Lateral thinking  
▪ Brainstorming  
▪ Card sorts  
▪ Tree tests  
▪ Affinity diagrams  
▪ Prototyping (low / high fidelity) | Facilitation / moderation  
▪ Human Factors  
▪ Human Computer Interaction  
▪ Design  
▪ Technology (prototyping tools) | Cognitive walkthrough  
▪ Focus group  
▪ Usability test  
▪ A/B test  
▪ Guerilla research | Facilitation / moderation  
▪ Psychology, sociology  
▪ Human Factors  
▪ Human Computer Interaction |

See Appendix for additional references.
DRAFT ‘hypothetical’ journey map (source: existing data)

- Journey mapping insights may lead to additional opportunities or a shift in focus
- How might the team help the petitioner address the requirements for evidence (capturing, managing)?
Journey Mapping on a Budget

- Evaluate existing and ideal experiences
  - Current state: first-hand information from your users
  - Future state: may include users’ experiences with other products, services or solutions and identify where your offering can differentiate

<table>
<thead>
<tr>
<th>Method</th>
<th>Time</th>
<th>When you need</th>
<th>Activities</th>
<th>Deliverables</th>
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</thead>
<tbody>
<tr>
<td>Research-first</td>
<td>3-12 weeks</td>
<td>Deep customer insights</td>
<td>Research, Data analysis, Stakeholder review</td>
<td>Validated journey map</td>
</tr>
<tr>
<td>Hypothesis-first</td>
<td>1-2 days</td>
<td>Internal stakeholders based on existing knowledge</td>
<td>Workshop using existing data, Follow-up research to validate findings, Workshop</td>
<td>Hypothesis journey map, Validated journey map</td>
</tr>
<tr>
<td>Quick and dirty</td>
<td>60-90 minutes</td>
<td>Address a well-known and time sensitive problem</td>
<td>Working session</td>
<td>Low fidelity visualization</td>
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Considerations
• Sources of Help
  - Friend or Family 49%
  - Legal Aid 6%
  - Court, Government Body, Police 15%
  - Access Barrier 28%

Insights from existing data as the basis for research
• Focus
  - Housing 31%
  - Money and Debt 36%
For Optimal ODR

- Align your goals for ODR / a2j with the strategy of your organization
- Employ a participatory design approach
  - More than a method (requires interdisciplinary expertise)
  - Bottom-up, not top-down (fit with organizational culture)
  - Can achieve measurable outcomes
  - Can apply to policy, process, solutions
- Collaborate beyond an individual discipline / organization
  - Legal, research, design, technology, end-users
  - Learn or include relevant expertise
  - Interagency, public / private
- Subordinate method to approach
  - Engage stakeholders in every phase
  - Participatory design can accommodate different budgets and timeline
1.4 billion
Questions?
UX Strategy
Aligning business and customer experience goals

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Appendix
Journey Mapping in Context

Interaction level
- Visual design
- User psychology
- Interaction design
- Content strategy
- Navigation

Journey level
- Anticipating user actions
- Seamless transitions
- Interaction level UX
- Consistency across channels
- Streamlined journey steps
- Orchestrated based on data

Relationship level
- Mailers & packages
- Customer service
- Interaction and journey UX
- Value & offerings
- Ad campaigns
- Brand

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References

- Cantil-Sakauye, T. Spotlight: Access 3D. CA Courts Newsroom. [https://newsroom.courts.ca.gov/access-3d](https://newsroom.courts.ca.gov/access-3d)
References

User Experience Design References

I’ve listed these books on my website in the UX Reference section (about half-way down the page), including a direct link to Amazon (no financial benefit to me via these links). If I had to choose one, it would be About Face, plus the Participatory Design book (because it’s on my ‘to read’ list!).

<table>
<thead>
<tr>
<th>Topic</th>
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<tbody>
<tr>
<td>User Research</td>
<td>How Hard is it to be Your Customer (Jim Tincher, Nicole Newton)</td>
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<td></td>
<td>Interviewing Users: How to Uncover Compelling Insights (Steve Portigal)</td>
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<td>Just Enough Research (Erika Hall)</td>
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<td>Mapping Experience (Jim Kalbach)</td>
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<td>Practical Empathy (Indi Young)</td>
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<td>Surveys in Social Research (David de Vaus)</td>
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<td>The Field Study Handbook (Jan Chipchase, Ill: Lee John Phillips)</td>
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<td>User Story Mapping (Jeff Patton, Ed: Peter Economy)</td>
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<td>Weapons of Math Destruction (Cathy O’Neill)</td>
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# User Experience Design References

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| **Design**     | 100 More Things Every Designer Needs to Know (Susan Weinschenk)  
About Face (Alan Cooper, Robert Reimann, David Cronin, Christopher Noessel)  
Accessibility for Everyone (Laura Kalbag)  
Designing for the Digital Age (Kim Goodwin)  
Emotional Design (Don Norman)  
Participatory Design for Learning (Editors: Betsy DiSalvo, Jason Yip, Elizabeth Bonsignore, Carl DiSalvo)  
The Usability Engineering Lifecycle (Deborah Mayhew)  
Universal Principles of Design (William Lidwell)  
User Friendly: How the hidden rules of design are changing the way we live, work, and play (Cliff Kuang, Robert Fabricant)  
UX Strategy (Jaime Levy) |
| **Usability Testing** | Cost-Justifying Usability (Editors: Randolph G Bias and Deborah J Mayhew)  
Handbook of Usability Testing (Jeffrey Rubin; Contributors: Dana Chisnell, Jared Spool)  
Remote Research: Real Users, Real Time, Real Research (Nate Bolt, Tony Tulathimutte)  
Rocket Surgery Made Easy (Steve Krug)  
The UX Five-Second Rules: Guidelines for User Experience Design’s Simplest Testing Technique (Paul Doncaster)  
User Interface Inspection Methods (Chauncey Wilson) |