

Justice by Design Field Guide

Ethical Design Engagement with your Community

Key mindsets, preparation, and tools to use as you work with community members to improve your legal services

December 2017 // Margaret Hagan // v.1



LEGAL
DESIGN LAB

A note about this Field guide

Stanford's Legal Design Lab works on user-centered legal services -- focusing on how to better connect with the community, to improve how courts, legal clinics, and technologists operate.

We offer this Short Book based on our work and research into the best practices in the design and innovation fields.

This book's **intended audience** includes those who work on serving the public, from organizations like

- Courts
- Self-Help centers
- Legal Aid Organizations and Clinic
- Startups and technology companies
- Government agencies

The Book's Overarching Goals

Engaging members of your community can have enormous benefits to your work -- especially as a source of "design".

Talking with your intended audience can help you:

- Review your existing services, to figure out ways to make them more approachable and effective
- Identify key needs of your audience, and how you might be able to better serve them
- Spot opportunities for new services or products

As you do this design work in partnership with community members (especially vulnerable people), this book can help you set up protocols that abide by ethical best practices.

Mindsets to guide Co-Design with your Clients

As you reach out to your community for feedback and design sessions, ensure you abide by core principles as you do

The Core Mindsets

These are the guiding principles and mindsets to use while doing design work with your client groups.

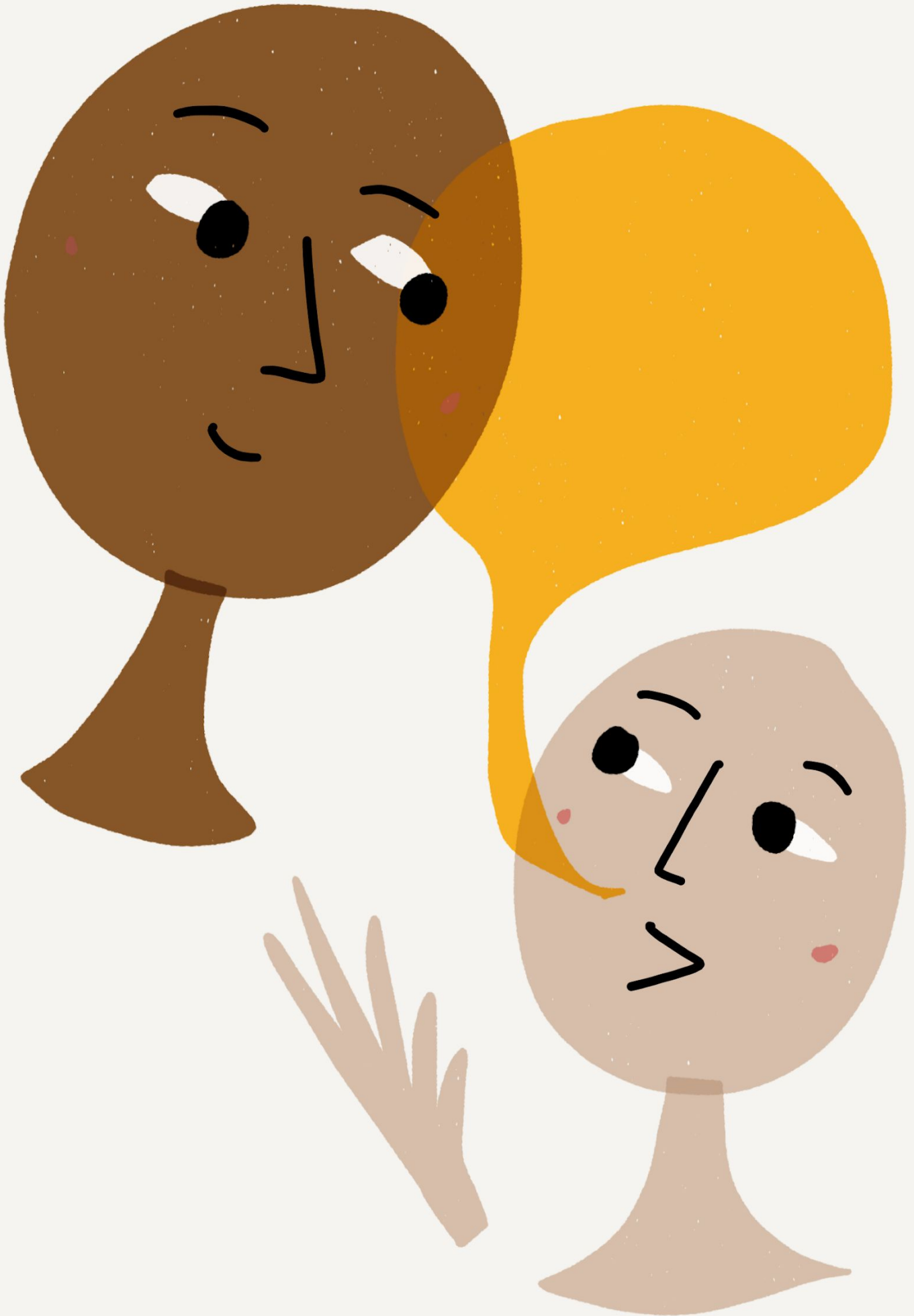
1. Empathy
2. Awareness of Unconscious Bias
3. Respect for Community
4. Transparency About Intentions
5. Commitment and Follow-Through

1. Empathy

As we seek out clients' input to improve our work, we must do so with a sense of empathy -- stepping away from our own assumptions and mental models.

When you ask for feedback, or work on co-creating new solutions, strive to see situations from others' points of view. This entails a curiosity into what others people value, what they need, and how they make sense of things.


Rather than assume you know what people need, or what they like -- seek out their experiences and thoughts.



2. Awareness of Unconscious Bias

As you begin to scope and carry out your work with your clients -- especially as you make sense of what you're hearing from them -- you need to intentionally deal with your own unique set of biases.

We all have biases, and the more that we are aware of them and grapple with them, the more we can prevent them from becoming prejudicing our behavior, or our understanding of the people we're working with.



what are
my
Brain's
shortcuts?

How do
I see
People?

what
Lenses
Do I
wear?

Do
I
know
my
Biases?

3. Respect for your Community

Throughout all your design work, the lodestar for your choices should be: “Does this show respect and care to the people whom the project is trying to serve -- or could it lead to harm?”

This means tuning into people’s needs and sensitivities, to ensure that we treat them as we would want to be treated -- and working with established community leaders and advocates to ensure we are being respectful.

It also means we thank people for their work with us, showing appreciation and, when possible, offering them follow-up resources.



4. Transparency about your intentions

While you recruit, get consent, and work with members of the community, it's your duty that they understand what is going on.

You should be clear that they understand what the purpose of the design work is -- and that they don't have overly high expectations about what you can offer them. For example, if you're talking about new services or programs -- ensure they know they are not real (yet).

Also, they should understand what is happening to any info you are gathering, and with whom/how it will be shared.



5. Commitment and Follow Through

Once you've done a design session with a person, they will have expectations about what comes out of this work.

First, you should ensure that all information is protected, kept anonymized and private (if that was part of the protocol), and that your participants' trust is not violated.

In a larger sense, participants will expect their work with you may lead to something of value. You should have immediate resources for them if they need follow-up -- but you should also have a plan for how you will put your design work into action.



Planning for Vulnerable Clients in your Design Work

As you set up interviews, focus groups, or idea-creation sessions -- intentionally plan for how to 'do no harm' to the people you are working with

Planning the Session

These are some guidelines with which you can plan your user interviews, focus groups, or design work -- with a particular focus on working with vulnerable populations.

1. Partnering with Community Groups
2. Acknowledging Biases
3. People + Setting
4. Getting Informed Consent
5. As You Begin
6. Crafting Questions
7. Watching for Discomfort
8. Ending with Thanks and Follow-up
9. Keeping Materials Safe

1. Partnering with Community Groups

As you recruit participants and set up your design protocol, involve community groups who work with the people in your target audience.

Work with these groups to talk through:

- Key concerns and risks that you have planned for, in the questions you ask, the people you have present, etc.
- The services you have on offer, or have prepared referrals for, to follow up
- The outreach that you will do, and how you will set participants' expectations

Borrow from the best practices and protections that these groups have already established.

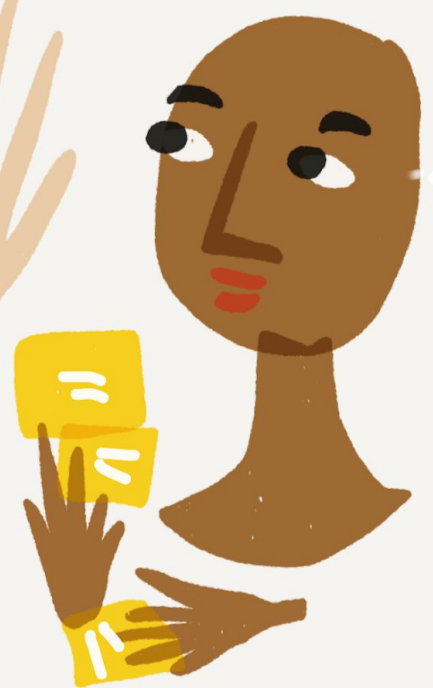
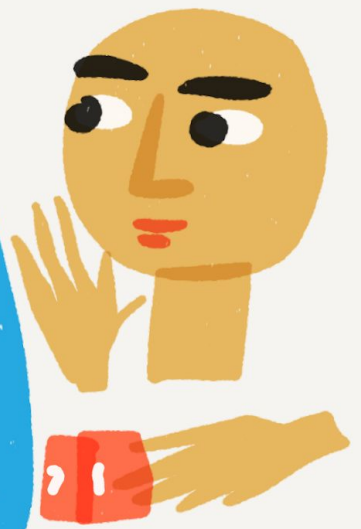
2. Acknowledging + planning for biases

Your team should go through preparatory work around unconscious biases, fears, and stereotypes regarding the client population that you'll be doing the design work with.

Discuss if there will be vulnerable populations who you're working with, including:

- Migrants
- People who have been sexually abused
- People who are socially and economically disadvantaged
- People who have been sex workers, or have done socially marginalized jobs

LET'S MAKE
AN
ETHICS PLAN
FOR OUR
WORK.



3. People and Setting

Depending on the type of design work, you'll need to plan differently for participants.

In an interview, have a minimum amount of your team present (2 people, ideally -- 1 to ask questions and the other to keep documentation), and in a private place.

For group design work, the setting will be less controlled. Invite people and form groups based on the core mindsets. Each group should have a trained leader from your team. Ensure they are trained on the protocol and principles, with particular training on the specific vulnerable population they'll be interacting with. Also check with them about their own concerns around the topic matter.

4. Getting informed consent

Have a protocol, with a written and verbal script that explains to the participant:

- What the purpose of the session is
- How long it will take
- What they can expect to discuss
- The possible risks and benefits of participating
- Any possibly upsetting topics that will be raised
- How the gathered info will be used, and who it may be disclosed to

The session cannot begin unless the person has heard this information, had the chance to ask questions, and given consent -- ideally with a written form and signature.



IS THIS
STILL A
GOOD TIME
TO TALK?

HAVE YOU
EVER
WORKED WITH
A LAWYER
BEFORE? OR
A DESIGNER?

5. As you begin your design session

Even after you've gone through the consent procedure, start the session with a check-in. Use questions that reinforce the consent and terms of engagement -- and make sense of them for your participant.

"Just wanted to make sure, is this still a good time to talk?"

"Do you think talking with me will create any problems for you?"

"Do you have any questions about how your info will be used, or who might see it?"

"Have you ever spoken with a [legal professional] before? How was that experience?"

6. Craft questions to limit re-traumatization

If your design session moves towards having the participants discuss their own experiences, particularly those that might involve fear, pain, or humiliation, be careful with how you ask questions, or respond to their stories.

- Allow the option to talk about experiences, but do not require it
- Do not include negative judgments in your questions -- that infer the person is immoral, unintelligent, or otherwise bad

As the participant shares information, **do not interrupt** their stories. Let them complete their stories and thoughts before asking additional questions.



7. Watching for discomfort

Throughout the session, be aware of the participant's anxiety level -- especially

- If they show signs of distress, that the topic is uncomfortable or they do not want to share their experience
- If a question makes them seem suspicious or nervous about your intentions
- If someone else arrives or passes by

If you sense discomfort, give an out:

- Change the topic of conversation -- have a neutral alternative topic prepped
- Suggest a break, for water or bathroom
- Offer to end the session immediately, and thank them for working with you.

8. Ending with thanks and follow-up

As you end the session, make sure you ask the participant if they have any further questions about what you are doing with this project, or what will happen next. Also give them the opportunity to give feedback.

“Was there anything else that you’d like to say?”

“Do you have any feedback for us?”

“What would you suggest us to do as next steps?”

Always **thank the participant** for their time and willingness to speak with you.

Have a resources list that they can take for possible service referrals, but do not make promises that you cannot fulfill.



THANK
you!
Any
questions?



WHAT
HAPPENS
NEXT?



9. Keeping materials safe + confidential

All the information you gather should keep the participants' identity private -- unless the sessions were designed to be public, and you have explicit consent to share the information.

From an interview, the private details should only be discussed with people who will be bound by duty of confidentiality. It shouldn't be presented in any public forum in a way that can be used to identify the person.

When you use the materials internally, or when you save them, use code-names to refer to different participants (like, P1, P2, P3, etc.).

At the same time, ensure that you do capture the design work thoroughly, so you can make use of the notes and images in your work.

Further Resources

As we have created our own design protocols for working with community (including this book), we have used several wonderful resources for inspiration, that we recommend to you:

Timo Dietrich, Jakob Trischler, Lisa Schuster and Sharyn Rundle-Thiele, **Co-designing services with vulnerable consumers**, Journal of Service Theory and Practice, 2017.

IDEO, **Little Book of Design Research Ethics**, <https://lbodre.ideo.com/>

World Health Organization, WHO **Ethical and Safety Recommendations for Interviewing Trafficked Women**, 2003, <http://apps.who.int/iris/handle/10665/42765>

Good luck in your
community design
work!

Tell us what you think
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<http://legaltechdesign.com>

