

The Legal Designer: graphic designer, re-drafter or neither?

Max Lunn talked to CEO and founder of TLB (The Law Boutique), Electra Japonas, to get an insight into all things legal design. TLB is currently looking to hire a senior legal consultant to join their thriving 'legal transformation' team.

Temps de lecture : minute

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At Maddyness, we have recently launched our job board in partnership with Jobbio connect the right people with the right roles. As part of our commitment to shed some light on what these roles mean, we're talking to professionals at the coalface. This week, we looked into legal design.

Before diving into the role itself, it's worth getting the lay of the legal services land. Although legal tech may dominate the 'what's hot' conversation in the legal service industry, there's a whole ecosystem of impressive businesses (and therefore JOBS) that are not built around proprietary tech - of which TLB is one. Electra even asserts that 'we're still in gen 1 of legal tech' and that as someone who investigates different legal tech solutions for her clients, she's 'not impressed by anything at the moment'.

Notably, she recounts that a whopping 90% of their tech projects are from clients that have already bought the tech and realise it's not working for them. 'Tech's a tool, not a solution. Changing your mindset is a really important and overlooked part of this, as well as changing your behaviour within the organisation. These are not things the tech company is going to tell you to do'.

Electra tells me TLB are a 'design driven legal consultancy, whose mission is to make lawyers lives better'. Boom. They have two sides to their business, which exclusively focuses on in-house lawyers and companies that have no lawyers (i.e. they don't cater to law firms). The first is 'legal-as-a-service' and the second is 'legal transformation'. The former is best understood as on-demand extension to in-house legal teams, whilst the latter does what it says on the tin: it transforms how its clients 'do' the law. This is where legal design comes into the equation.

To 'make lawyers lives better', they look broadly at how in-house lawyers work, accounting for the fact they've come from either private practice (i.e. law firms) or very large in house teams. What this means is there's a pain point: upon leaving private practice, the inbound general counsel will go from an often idiosyncratic, opaque way of working that prioritises detail and security to a fast-paced, business environment focused on commercial outcomes.

Fundamentally, Electra points out, there's a mismatch in outlook between the in-house lawyer and the business. 'The general counsel comes in feeling a bit lost as they're not speaking the same language as the rest of the business. The business is focused on growth, and lawyers have traditionally been more focused on protecting the business'. So this mismatch is what TLB - and other legal design and operations companies - aim to reconcile, and legal transformation and design is a big part of it.

Development of the in-house lawyer role

Contextualising this a bit, Electra comments the in-house lawyer is a role that is itself only 25 years old. Back then, general counsel were really brought in just to cut costs and manage the various law firms from which they contracted legal services. Today, in-house lawyers exist to be a business enabler. Electra notes this requires a mindset shift to get from a to b. In a broad sense this is what TLB and others can offer, by

championing a much more user-centric approach to law.

The emergence of legal operations professionals has therefore been driven by a need for the legal profession to be more efficient, transparent and cost effective in their operations. Legal operations professionals are focused on understanding the business of law, how legal services are delivered and how they can be improved. They are able to bring a strategic approach to legal operations, analysing the existing processes and systems and making recommendations on how to optimise them.

Legal design (and indeed legal transformation) can be seen as the next step in the journey: it takes design thinking broadly into the law, moving it from the common sense and streamlining of legal ops to a design-led, iterative approach that is by now familiar to sectors such as software or product development.

What does a legal designer do?

So this is the all-important context – but what does a legal designer do? We asked Electra what the legal consultant would be getting up to at TLB, and what sort of experience they're looking for.

'[t]he main thing for us is to bring in a lawyer who is really, really good at contracts, and confident enough to take something that's very convoluted and translate back into plain English, whilst always having the specific user in mind. Because, if it's a b2b contract, it can be in plain English, as you're talking to a lawyer or businessperson, but if it's a contract that's going to be read by a refugee led organisation abroad, then a different tone is needed.'

At its core, it's about optimising and simplifying documents, then, for which there is of course a graphic element too (at TLB this will be carried out by a separate individual).

Why now?

Finally, we touch on why there is a surge in legal design jobs: what are the factors causing the business-need for companies like TLB to hire them in? Electra's response is twofold, accounting for one internal and one external factor for in-house lawyers. The internal factor is driven by in-house lawyers wanting to be a bigger part of the business, rather than the infamous 'department of no'. As Electra says, 'senior lawyers don't want to take a pay cut from private practice, just to come in-house just to be siloed into lower-level work - reviewing NDAs - without any wider visibility, or sense they are adding value'. This creates demand for in-house lawyers to really try and understand and thus maximise their purpose and prove their worth - leading to a greater need for legal design.

The external factor comes from the business, who as Electra explains 'doesn't want you to redline the contract to death: you're not adding value that way, it simply wants to sell or buy stuff. You don't get a pedestal because you're a lawyer and what you do is complicated'. In-house lawyers, therefore, need to seamlessly engage with other work streams, make their work transparent, standardised and legible, and ultimately add value rather than block business. Legal design is crucial for this.