LEGAL MARKETING

A Natural Fit—Why Lawyers Need Design Thinking for Success

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Special to the Legal

Design thinking is a concept that can be tempting to ignore when you work in law. While the "thinking" part likely speaks to you, "design" could sound like the domain of creative professionals. Before you write it off—and with that, close yourself off to opportunity—consider this: Are you sure you don't work in a creative field?

You may already be using design thinking without realizing it. Let's say that you're working with a client for whom English is a second language. Say that your client wants to buy 23 parcels of land that are owned by nine different owners, and proposes to enter into nine different land contracts, each of which carries its own purchase price, earnest money requirements (i.e., how much money goes on deposit and when does it become nonrefundable), due diligence periods, deal milestones and closing dates. How

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are you going to get (literally) "on the same page" as your client about all of those key contract points?

Some lawyers, faced with this challenge, create visual tools that communicate key contract details—parcel, owner, purchase price, deposits, due diligence periods, other contract milestone dates, closing date—on a single-page Gantt chart that can be shared with the client for verification: all without drowning the client in text. Many lawyers won't put pen (or word processor) to paper on the nine land contracts without first completing a Gantt chart that has been verified with, and approved by, the client.

Why? Because your first job as a deal lawyer is to make sure that your client is getting, on paper, the deal that he expects. And because you told a detailed story about a complicated deal without resorting to legalese. And because your client now has a tool to use when explaining the deal to others.

Design and law are a natural fit. Lawyers (and the support staff and managers who work with them) are trained problem-solvers, whether anticipating and preventing problems or ameliorating them as they arise. That's the same skill set of a designer. As Stanford design professors Bill Burnett and Dave Evans put it in their book, "Designing Your Life," designers love problems. Problems create openings for good and even great ideas to take root, whereas if the status quo held, life might merely have unfolded in an adequate manner that never

allowed a situation's full potential to bloom.

As a firm with many members who have been involved in the arts—for example, David Larsson, the president of our firm, was a professional musician throughout law school—we've always been drawn to creative thinking. That's what drew Elizabeth, our chief strategist, to attend the Arts + Business Council's Designing Leadership program last year as the only law firm representative. There, professor Larry Starr recommended the book "Idealized Design," which recounts Bell Labs' transformative initiative in the 1950s to rethink innovation. What struck us about the story was that this wasn't a response to a time of crisis. The "problem" was that they were doing so well that their vice president feared they'd lose sight of the future. That VP's landmark design thinking assignment led to the creation of touch tone phones and the prediction of a host of other inventions that are now a part of our daily lives.

This year, we hosted Jason Magidson, a co-author of "Idealized Design," to guide us in generating our own ideas. Uniting as a group to deliberately think about how we can take what's a great firm in the present and adapt it so it will be even better in the future was powerful. Since then, opportunities, some of which have always been in front of us, have suddenly shown themselves.

How do you find your own ideas? To use the parlance of design thinking, one approach is to "ideate": you generate ideas, period, without labeling them "good" or "bad." By increasing the number of ideas you call up in any given situation, and by doing it in an intentional way, you open yourself up to opportunities. Those could be opportunities to advocate for your clients better, to run your practice better, or to create a more engaging career for yourself. The more you ask questions, the more you challenge your assumptions, the more you think like a designer, the more you play an active role in how you practice

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law. We liken it to birdwatching (and if you think birdwatching is a stuffy reference, go read the Times article about New York's Feminist Bird Club). Once you start paying attention to all the winged creatures that live in our midst and keeping a list of those you want to spot, it's as if they start revealing themselves to you. Or consider what Ira Glass has said, "Great stories happen to people that can tell them," and reframe it: great opportunities happen to people who can see them. Or paraphrase Hugh Grant's airport voiceover in "Love Actually": "Opportunities actually are all around us." What it takes is recognizing and seizing them.

If you're with us on this, we recommend checking out the Open Law Lab website of Margaret Hagan, director of Stanford's Legal Design Lab, as well as her "Design Thinking and Law" article on the ABA's Law Practice Today website. Her resources explore many more design principles as well as how to put them to use.

Why aren't we keeping this all to ourselves as a competitive advantage? Because we'd much rather see the legal profession advance as a whole than hoard ideas. Because the law is a profession of service, and more than anything else, what matters is our clients' success. In design terms, our "users" are the priority. More of us engaging with the mission of moving the user experience forward in law makes us all better together. •