

A Critical Assessment of the Notion of Legal Design through the Case of “Les Surligneurs”, a Legal-Checking Media Outlet

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Since 2017, we have witnessed the progressive diffusion of this approach in our respective professional fields : the Law for Marie-Sophie de Clippele and Vincent Couronne and the industrial and service Design for Joachim Savin.

Conclusion

1.1.1 Cultural timidity

From the point of view of Design, legitimacy is built on the fact of **showing projects**. The presentation of the production and its criticism by professors and peers is even a constituent experience of the practitioner's training and future professional culture (Tovey, 2015; Adams & Forin, 2016).

1. Limits of legal design

1.1 Four types of limits

1.1.1 Cultural timidity 1.1.2 Methodological rigidity 1.1.3 Notional blur 1.1.4 Political significance

Our hypothesis is this existence of a **conflict** between two **professional cultures**, lawyers being by their training more inclined not to show their work, either for fear of "**failure** " and criticism (Rae Morgan and Emily Allbon, 2021) or because their main mode of expression is based on **text** and not on pictures (Michelle M Harner, 'The Value of 'Thinking Like a Lawyer" (2011) 70 Maryland Law Review 39).



1.1.2 Methodological rigidity

The discipline of Design has diversified and gradually emancipated itself from its original fields: industrial design and graphic design, to develop numerous approaches and practices. (Chanal, Le Gall, Irrmann - 2022)

However French legal design suffers from methodological rigidity, which the almost exclusive use of **user centered design** (Le Gall - 2021)

This methodological rigidity limits the potential for **transformation**, as shown by Don Norman and Roberto Verganti (2014)

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1.1.3 Notional blur

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We witnessed the use of terminology from **different fields** to describe legal design : plain language, behavioral sciences, customer acquisition, legal tech, alongside the few terms from **user-centered** design and graphic design: UX, UI, user journey, prototype.

All together being a kind of strange, non-academic melting pot with almost none of the technical terms of industrial, graphic or service design.

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1.1.3 Notional blur

This notional blur is paradoxical, because *legal design* is manipulated by professionals from an extremely specialized discipline where the term "**jurisdiction**" precisely defines closed areas, with their particularities and where it is only possible to work if you know the rules.

It is thus amusing that lawyers, who have a particular attachment to preciseness, come to the designers **jurisdiction**, as professional field, (Triper, Dubard , Boussard, 2011) without using the proper words.

1. Limits of legal design

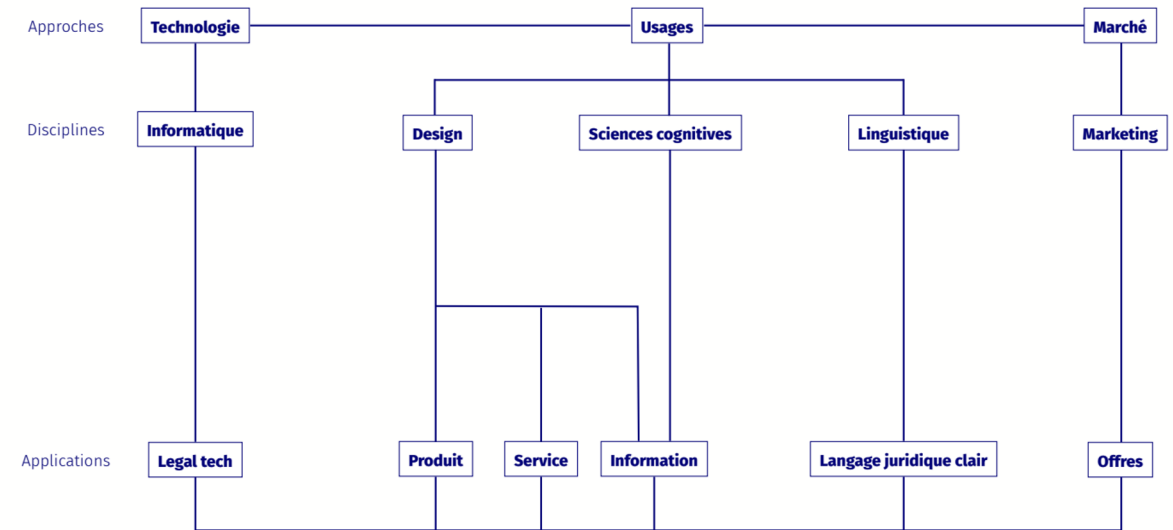
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Thus to clarify the various "currents" which cross the legal field, we simply propose to apply the framework posed by **Verganti** (2009) to define the traditional approaches of innovation and which distinguish technical, marketing and design-led approaches.

If the application of this framework is incomplete, we hope it will help to clarify the discourse on legal innovation and the professional fields involved.



1.1.3 Notional blur

On the one hand, the legal designers are almost exclusively lawyers, so it is quite normal that their professional background lacks the references acquired during initial training in design.

On the other hand, design is poorly structured in France, there is no university section and the unions are historically weak.

The weakness of the french design “guild” associated with the lack of professional training among legal designers, and even the lack of respect for other discipline, (Morgan, Allbon - 2021) maintain in our option, this notional blur which undermines the credibility of *legal design*.

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If Design has its own contradictions, between the humanism it defends and the consumer society that allowed its existence as a field (Midal, 2009), its **self-criticism** is nonetheless consubstantial.

From William Morris to *Designers éthiques* group, practitioners have often questioned their role in production and assumed a political stance. Even if all designers are not politicized, they are at least aware of the strong symbolic stakes of their profession.

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The encounter with the Law, in the current democratic context, could have been a space to empower individuals or groups, to question institutions or the way the law is made.

But apart from operational efficiency or, at best, respect of consumer rights, it seems that *legal design*, as a **commercial practice**, only partially succeeds in unleashing its potential.

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1.2 Inherited and local limits

In this section we will try to give an explanation for these limits by following the almost epistemological relation between Design and *legal design* through *design thinking*.

We will also put this filiation into perspective with the local context of application.

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1.2 Inherited and local limits

1.2.1 Design thinking legacie

1.2.2 Local application

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Popularized by Tim Brown, design thinking is a method inspired by designers work and ways of thinking.

This approach, used by many consulting agencies, has popularized design in many fields.

Unfortunately the method is often practiced according to a linear "recipe", and without involving professional designers, narrowing down its potential (Verganti & Norman, 2013).

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Starting from Stanford Law school and design school, and aiming at making “the civil justice system more equitable and accessible”, *legal design* was mainly popularized in France through local law firms, legal tech startups, major private legal publishers and legal counselor looking for a new way to work.

Even if some government department and agencies like CNIL or DILA took some interest, the topic was monopolised by those private actors. They colored the practice by their own standards resulting, in our opinion, in a lack of social commitment and professional culture about Design.

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GENESIS, MISSIONS, AND DESIGN OF LES SURLIGNEURS

- **LES SURLIGNEURS** verify the conformity with the law of statements made by public figures, particularly in the media.
- **LES SURLIGNEURS** also aims to shed light on the political debate through legal issues.
- **LES SURLIGNEURS** : in short articles, easily accessible to the public
 - (1) Statements are “highlighted”
 - (2) politically debated subjects are “clarified” in law
- **LES SURLIGNEURS** are legal researchers with extensive expertise in their respective fields.



- FAUX -

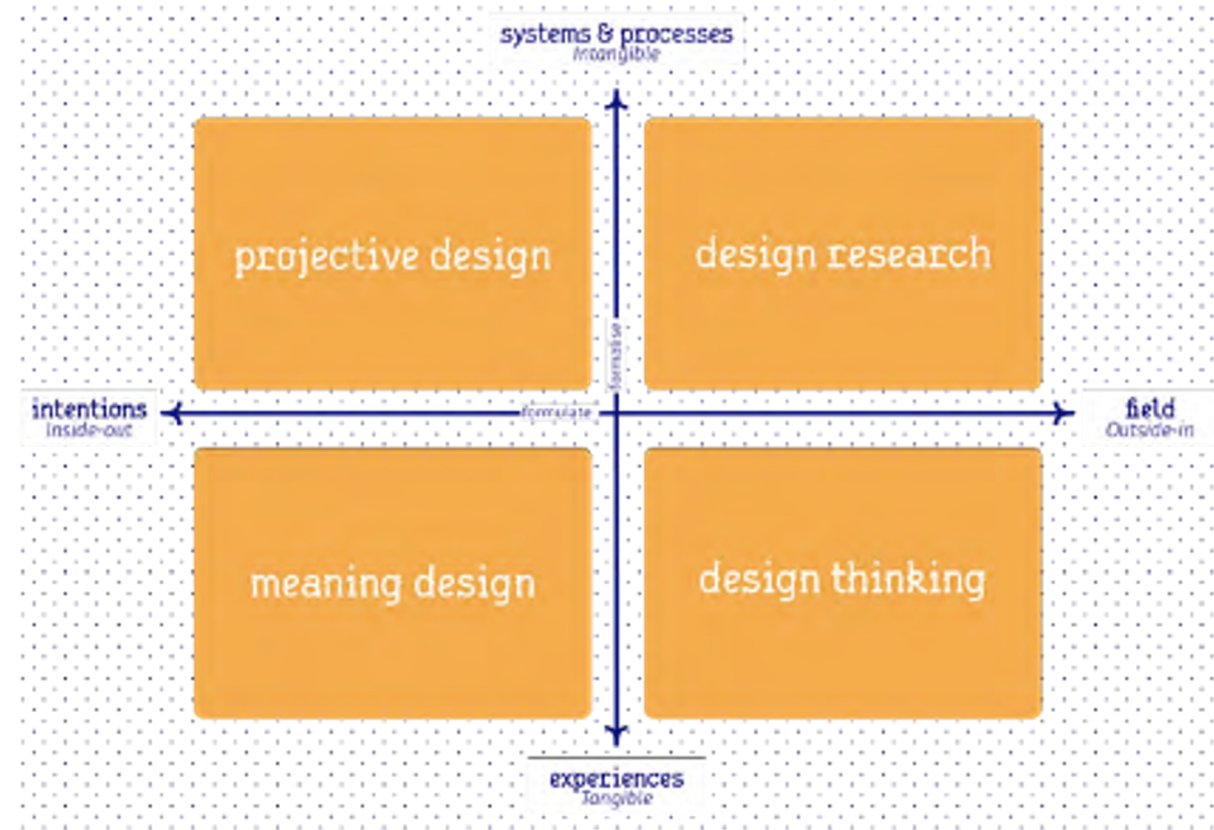
GENESIS, MISSIONS, AND DESIGN OF LES SURLIGNEURS

- **LES SURLIGNEURS** started with a designer (Joachim Savin) and a lawyer (Vincent Couronne)
- **LES SURLIGNEURS** followed clear design patterns:
 - Recognisable yellow colour,
 - recognisable logo,
 - yellow highlighting of a tag,
 - yellowing of a picture of the politician only showing the underpart of his face (mouth) without the eyes,
 - structure of the articles to be more readable (title – summary – short text, only to be read if clicked on),
 - a language which is accessible to the general public



GENESIS, MISSIONS, AND DESIGN OF LES SURLIGNEURS

- **LES SURLIGNEURS** started with a visible product - website with clear design patterns
- **LES SURLIGNEURS** are not only user-centered → innovate as a mix of “Meaning-Driven Design” and “Projective Design” (A. Le Gall & S. Saint-Auguste)
- **LES SURLIGNEURS** avoid the terminological confusion by relying from the start on designarial concepts especially graphic, web and service design
- **LES SURLIGNEURS** aims to question the law by going beyond sometimes mere checking - takes assertions seriously - within the limits of the rule of law



Four spaces of design practices by Apolline Le Gall

Conclusion

POLITICS AND THE LAW ARE MORE AND MORE COMPLEX

- **Europe faces a “polycrisis”** (Mireille Delmas-Marty, 2020)
- **Government vs governance**

3. Design of the public debate

3.1 Politics and the law

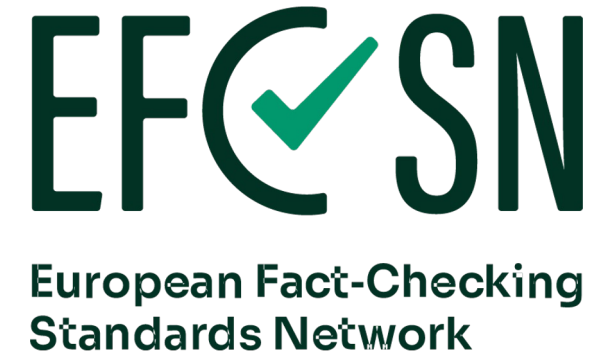
3.2 A paradox

3.3 Where are the law teachers ?

3.4 Where are the designers ?

A PARADOX: IT'S GETTING HARDER TO FIND RELIABLE SOURCES

- What's happening?
- Information disorders
- Some remarkable initiatives (vie-publique.fr, service-public.fr), involving designers in public innovation
- But it remains hard to bypass polarization of debate



WHERE ARE THE TEACHERS?

→ Where are the law teachers? Cultural timidity.

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WHERE ARE THE DESIGNERS?

→ Where are the designers? Symbolic and political limit.

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TO CONCLUDE

- It's time for designers to work with lawyers, and vice versa
- Les Surligneurs faces limits:
 - The design of public debate
 - The reluctance of law professors in public debate

THANKS!

www.lessurligneurs.eu