design thinking

THE FUTURE OF PRIORITIZING PEOPLE IN THE PROCESS

by Jay Hull

Design thinking has long been touted as a framework for product innovation, and rightly so; however, its use extends beyond product innovation — it is a valuable framework for lawyers to improve client service.

JAY HULL

Jay is a Partner at Davis Wright Tremaine LLP and leads DWT's innovation initiative, DWT De Novo. He focuses on deploying new and better approaches to the delivery of legal services to create greater value for clients. Having served as assistant general counsel for a public company, Jay understands the pressures faced by in-house legal teams. It's with this understanding and many years of transactional experience that Jay looks for creative solutions to clients' business and legal challenges. Contact him at jayhull@dwt.com.

What Is Design Thinking?

How can design thinking help lawyers improve the way we serve clients? As John Alber explains in his article (on page 40), design thinking is:

A human-centered approach to innovation that draws from the designer's toolkit to integrate the needs of people, the possibilities of technology and the requirements for business success.

For lawyers intent on improving service, this process begins by thinking about what clients really want, need and value, and then deliberately building service delivery around that input.

What Questions Should We Be Asking?

It isn't rocket science, it's not even advanced algebra, and yet this approach is rarely employed by lawyers in a thoughtful, disciplined and consistent way. Why?

Why don't we engage in human-centered design conversations with clients? Why don't we ask our clients questions outside the context of specific legal matters? Have we become so focused on task codes and billable time that we have lost sight of the importance of taking time to understand the pressures clients face?
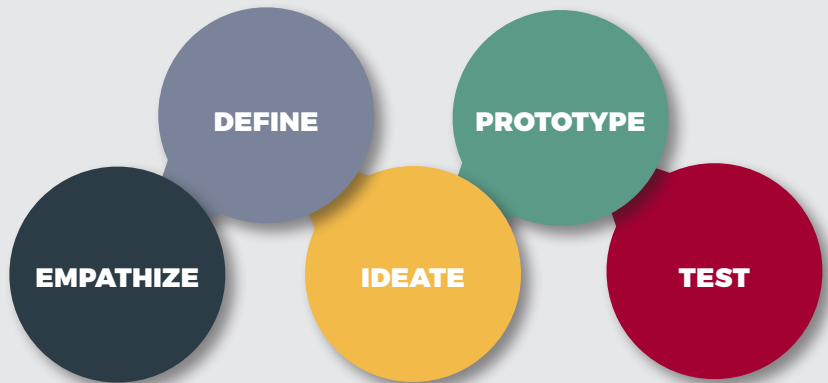
What we need to be asking clients is: what feels harder than it should? What are your pain points? What would make your life easier? It is only through asking these questions that we can begin to empathize with our clients; and developing empathy is the first step in using design thinking to improve client service.

Empathy is a natural fit for many lawyers; after all, compassion and the desire to serve others led many a lawyer to the profession in the first place. Despite this, empathy doesn't get much attention in CLE programs and practice group meetings. That is a mistake.

Clients want their lawyers to understand their real needs; they don't want legal services that are not informed by the broader context of their business. Design thinking can help us reach this understanding.

Key Principles of Design Thinking

Human-centered design principles include empathizing, defining, ideating, prototyping and testing. These principles provide a powerful framework for change, and it all begins with empathy.

DEFINE

PROTOTYPE

EMPATHIZE

IDEATE

TEST

The other principles remind us of the need to define the challenges and identify possible solutions through close conversations and "hands-on" work with clients. Rapid prototyping and testing of the possible solutions ensure the problem is, in fact, being solved. To be effective, this process must be done in collaboration with clients.

Lawyers must offer and deliver legal services "designed for our clients and their tasks." This is empathy in action.

Design Thinking in Action

When our firm won an engagement with Microsoft through an RFP process, we started from a place of empathy and designed both a solution and a delivery model based on what the in-house team at Microsoft told us frustrated them.

We designed intake protocols, workflows, templates and reporting tools based on our conversations and collaborated with them throughout to better understand their needs. This involved discussing topics that are not often part of the typical in-house/outside counsel relationship. It required a substantial time commitment from both parties.

We learned that Microsoft wanted to deploy a "managed service" model for the negotiation and execution of procurement contracts. We learned, not without failure along the way, that their objectives included the following:

(1) **Increase budget predictability**. Using a fixed monthly fee provided budget certainty. Prior to implementation, their monthly fees varied by as much as 200 percent.

(2) **Reduce the number of firms engaged in this work.** Working with 17 different firms was frustrating and inefficient. We designed a system wherein they now work with two (one for domestic projects and one for international projects). The two firms use a single shared tracking and reporting tool built on a SharePoint platform.

(3) **Continually improve the process by making data-driven decisions.** Microsoft wanted to capture data about the work in order to improve the system as a whole. To do this, we:

» *Established service-level agreements to set target response times. These data are captured and reviewed to measure performance.*

» *Implemented contract analysis to identify which provisions caused the greatest deal friction. Experienced lawyers might have predicted which provisions were the hardest to negotiate, but intuition is no substitute for hard data.*

Designed To Prioritize People

By starting with empathy, and using design thinking as a framework, our firm has not only helped Microsoft's in-house team focus on their highest and best uses, we have also markedly improved the way we serve our clients overall. Clients like it, and we'll keep working to do it better. From a client-centered design perspective, that's (almost) all that matters. **P2P**

Have we become so focused on task codes and billable time that we have lost sight of the importance of taking time to understand the pressures clients face?

This article was first published in ILTA's Summer 2016 issue of *Peer to Peer* titled "Future-Focused: Future Tech" and is reprinted here with permission. For more information about ILTA, visit www.iltanet.org.