

Using human-centred design to develop empathy and supports for litigants in person

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Cover illustration by Hannah Miller | www.hatiillustration.com

Figure 1: The human centred design process was designed by Caoimhe O'Hare

Executive summary

Our research focuses on people who go to family court without a lawyer in Northern Ireland. We call this group of people Litigants in Person (LIPs). LIPs operate within a justice system that is not designed to accommodate their needs. Article 6 of the European Court of Human Rights provides that all litigants should be able to participate in court hearings in order to protect their right to a fair trial.

In 2018, we published research based on a two-year study of how LIPs participate in civil and family court hearings in Northern Ireland: [Litigants in person in Northern Ireland: barriers to participation](#), funded by the Nuffield Foundation. The research set out the different barriers to participation faced by LIPs which we described as:

- **Intellectual** - not understanding the process
- **Practical** - not being able to access help or support
- **Emotional** - frustration, fear and anger experienced as part of the process
- **Attitudinal** - being stereotyped as difficult to deal with by other court actors

The research found that there was a need for cultural change to normalise the presence of LIPs in the court system and embed their perspective in reforms to the court process to tackle attitudinal barriers, and a need for information materials to support LIPs to tackle the other barriers.

The Nuffield Foundation funded this second stage of our research to evaluate whether a **human-centred design** (HCD) process could be used to help meet these needs, [along with a parallel study that identifies ten descriptors of legal participation](#). HCD is a participatory process where designers who are making a product work closely with the people for whom the product is intended. In that way, the process helps to ensure that the final product meets the needs of those who will be using it.

This paper summarises our full-scale HCD process involving justice stakeholders and LIPs, and how this resulted in a public-facing information website and an interactive online navigation app. Our full report is available here: www.ulster.ac.uk/empathy-for-LIPs

What we wanted to find out

We wanted to find out if, or how, a HCD process could help do two things. First, could it help to identify an effective way to support people who go to court without a lawyer? Second, could this process counter negative attitudes held against and by LIPs within a court system not designed for them?

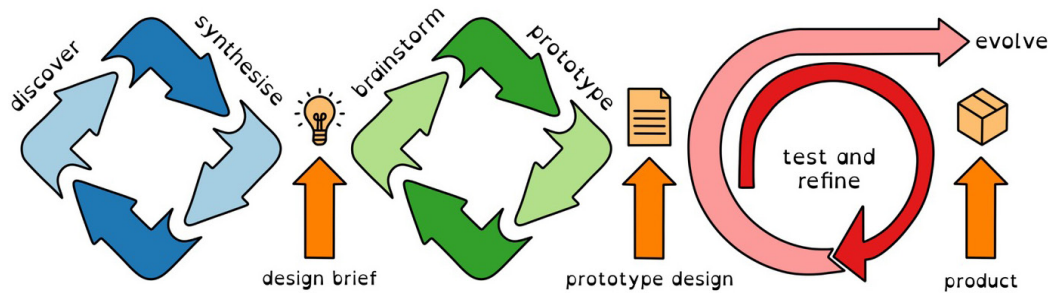
What we did

We formed a Design Group of people, all of whom had experience either of proceedings involving LIPs or actually had been a LIP, to work with us to design something that would help LIPs in the family court system. They agreed to be our research participants and provided their written reflections on the process as it progressed. These reflections became the qualitative data that we analysed to help us answer our two questions.

The HCD process

The HCD process takes participants through different stages, starting with inspiration, then moving into creating ideas and ending with implementing and testing these ideas. There are six stages of the HCD process – **Discover, Synthesize, Brainstorm, Prototype, Test & Refine, and Evolve** - as illustrated in Figure 1 below.

FIGURE 1: THE HUMAN CENTRED DESIGN PROCESS



1. DISCOVER

In the Discover stage, the designers investigate the problem. They gather information on the context, the users and their needs, preferences, experience and expectations of the thing to be designed. The outcome of the Discover stage is a good understanding of the challenges facing the intended users and the characteristics of the users themselves.

In this project, this understanding was drawn from the first phase of our LIP research. Its findings provided a thorough understanding of the challenges that LIPs face and even though the first phase was completed in 2018, the barriers experienced by LIPs were still largely the same.

We invited people to join the Design Group from the relevant stakeholder groups: LIPs, legal representatives, McKenzie Friends, court staff, judges, members of statutory and advice organisations and IT specialists. Many of the group had taken part in the first phase of our research and were familiar with what the research findings were. This meant that we had a head-start in agreeing what the discovery process revealed.

2. SYNTHESIZE

Once the Design Group had a firm grasp of the context of design needs and the intended users, the next stage was to narrow down the specific problem to be solved. This means the problem can be turned into a **design brief** which defines the problem and the users who will be the subject of the design intervention.

The specific users are often represented by ‘personas,’ which are fictional descriptions of real users of the product or system to be designed. They portray a user’s needs, experience, behaviour, preferences and descriptions of how they understand or interact with the current system. Personas provide a common user experience that diverse stakeholders can gather around.

For this project, we developed four personas, each with their own litigant journey based on the combined experiences of several LIPs we met in the previous study. The personas' litigation journey reflected the intellectual, practical, emotional and attitudinal barriers that LIPs experience. 'Walking in the shoes' of their personas enabled the Design Group to reflect the personas' needs into a design brief. This part of the process is intended to generate empathy with the persona.

3. BRAINSTORM

The next stage generates possible solutions to meet the design brief. The purpose is for the design group to create as many ideas as possible, aiming for quantity over quality. Each of the ideas from this brainstorming process is then assessed to decide which should be selected for prototyping.

In this project, we used two criteria for assessing each idea's potential: the likely **impact** on the persona's litigation journey and the practical consideration of **ease of implementation**. Each idea was assessed against these two criteria and those assessed as both easy to implement and having a great impact were selected, one or two for each persona. The Design Group then voted on their preferred ideas from this shortlist. The idea selected was an 'information system' aimed at increasing LIPs' understanding and so improve their capacity to cope.

4. PROTOTYPE

Rough and ready versions, called **prototype designs**, of the selected brainstorm ideas are produced. The designs do not need to be polished but need to give the users a good idea of what they are like to use. Depending on the design, a significant **build** stage may be needed here. The prototypes are then put forward for testing.

For our project, the Design Group's prototypes set out different ways in which the tangible idea of an information system could be implemented. Prototypes took the form of storyboarded narrative, sketched diagrams and draft text, detailing what topics to cover as well as the style and structure of the information. Four prototypes were put forward and the researchers assessed each prototype against available budget and resources.

The optimal solution proposed, incorporating all aspects of the Design Group's four prototypes, was a website to provide information on what the family proceedings process involved and an online navigation tool to direct LIPs to the resources specific to their circumstances.

5. TEST AND REFINE

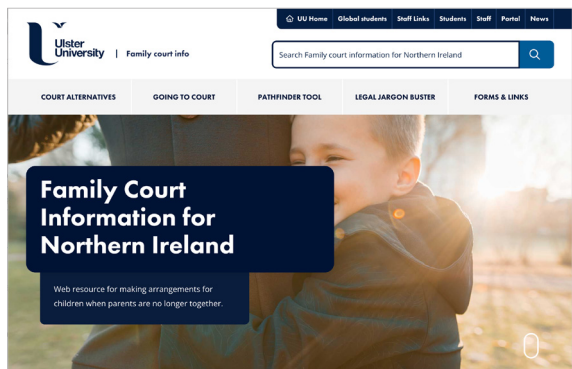
Users test the prototypes and give feedback on their suitability. The designs may be jettisoned at this stage or taken forward for further work to refine them. Designs which are likely to go into production as **products** may go through several iterations of testing and refining. Once the design settles, it is ready to be released into the world.

In this project, we tested the usability and accuracy of the online supports and used the feedback to refine them.

6. EVOLVE

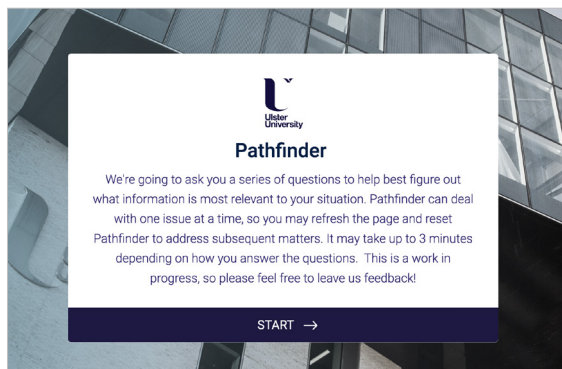
This final stage sees the designed **product** made available to the users it is intended for. Depending on the format of the design, this may involve a production line, dissemination, marketing, permissions.

The online supports for this project can be found here:



Northern Ireland Family Court

Information website: <https://www.ulster.ac.uk/familycourtinfo>



Pathfinder tool:

<https://www.ulster.ac.uk/familycourtinfo/pathfinder>

Evolve also involves considering the sustainability of the designed product. In this project, the continuation of the website has been secured for three years through funding from the Department of Justice in Northern Ireland. Beyond that, our objective is for the Department to subsume the website within official government channels. The work to achieve this is continuing.

What did we learn from our research?

First, we learned that that HCD works to identify an effective way to support LIPs in family court proceedings and to create a product that delivers support:

- HCD can successfully produce supports for LIPs. It empowers members of the Design Group to identify a relevant and useful design brief. It allows the designs to be developed and tested until they fit the problem. It delivers effective supports for LIPs to answer the design brief.

“I think human centred design should be at the heart of every service available to the public.” (Advice worker)

“I definitely think it is something we can learn from and apply in the future... there are benefits in making sure you get the product right. I think we see that with the website and the Pathfinder Tool, it's nigh on perfect in terms of what we thought we would get and it's much more evolved. So, the case has been proved for [HCD].” (Court staff)

- It creates solutions that are responsive to further change and development.
- It provides meaningful assistance to those facing the prospect of going to court and empowers them to act on a more informed basis.
- It is challenging to create information supports that adequately cover the complexity and the seriousness of the required information within the time and budget available and in a format suitable for a wide variety of users.
- The supports that have been developed can also be used by represented litigants, by lawyers, by court staff and by others within the court system to help meet information needs.

Second, we learned that the HCD process could counter negative attitudes held against and by LIPs within a court system not designed for them:

- HCD brings together people with different perspectives and experiences to work on a specific problem. It generates empathy for those affected by the problem and ambition to work together to resolve the problem. HCD can overcome feelings of mistrust, tension, cynicism and scepticism and ignite faith in humanity. However, its efficacy in producing long-term attitudinal change is not proven in this study. HCD is still quite new to socio-legal and public legal education domains. As a process, HCD is time-consuming, immersive, difficult and enjoyable, and can create the conditions for a positive change in attitude among – and potentially beyond – the participants.
- The use of personas which place participants in the shoes of the intended user is one of the most critical aspects of the HCD process in generating empathy, understanding and solution-focused thinking.

“[Persona] has changed my perspective, i.e. made me think about their motivations ... I have been periodically thinking about them during the week and ways the situation could be improved.” (Court staff)

“Learning about family court changed my view on issues I realised I had quite a fixed view on beforehand.” (LIP)

Recommendation

We recommend HCD as a method for tackling design and reform exercises in the justice system. The process succeeds in producing relevant, user-oriented products. Given the scale of effort involved in a successful HCD process, we recommend that this is matched to the scale of ambition. HCD should therefore be used to tackle wicked legal problems since it offers a new way to conceptualise and tackle problems that have previously appeared to defy solutions.

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