

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

Gráinne McKeever, Lucy Royal-Dawson, John McCord,
Priyamvada Yarnell & Mark Potkewitz





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

Gráinne McKeever, Lucy Royal-Dawson, John McCord,
Priyamvada Yarnell & Mark Potkewitz



This project was funded by the Nuffield Foundation, but the views expressed are those of the authors and not necessarily those of the Foundation.

ISBN: 978-1-85923-293-4

Contents

Foreword	5
Acknowledgements	7
Executive summary	9
What we wanted to find out	9
What we did	10
The HCD process	10
1. Discover	10
2. Synthesize	10
3. Brainstorm	11
4. Prototype	11
5. Test and Refine	12
6. Evolve	12
What did we learn from our research?	12
Recommendation	14
Chapter 1 Human-centred design and litigants in person	15
Empathy and supports for litigants in person	16
What is human-centred design?	17
Human-centred design in the justice sphere	19
Human-centred design to bring about attitudinal change	20
Chapter 2 Putting human-centred design into practice	22
Mentors for learning about HCD	22
Gathering stakeholders for the Design Group	23
Design Group Workshops	24
Chapter 3 HCD Stages 1 and 2: Discover & Synthesise	26
Stage 1: Discover	26
Stage 2: Synthesise	26
Developing personas	27
Workshop 1: ‘Walking in the shoes’ – Discover & Synthesise	28
Discover	28
Synthesise	29
Reflections on the discover and synthesise stages	31
Chapter 4 HCD Stage 3: Brainstorm	32
Workshop 2: Brainstorm	32
Reflections on the brainstorming stage	34
Chapter 5 HCD Stage 4: Prototype	35
Workshop 3: Prototyping	35
Narrowing down to two tangible ideas	36
Workshop 4: Selecting prototype designs	37
Building the two supports	38
Building the website	39
Building the Pathfinder Tool	45
Reflections on building the supports	50

Chapter 6 HCD Stage 5 - Test & refine	52
Usability testing	53
Inquiry method for website usability – Design Group in Workshop 5	54
Inquiry method for website usability – beyond the Design Group	58
How was the website being used?	59
User-testing the Pathfinder Tool using a think-aloud protocol	59
Reflections on the test and refine stage	61
Chapter 7 HCD Stage 6: Evolve	63
Are the supports being used by NICTS staff?	63
Future home of the supports	64
Reflections on the evolve stage	65
Chapter 8 What are the challenges of co-producing materials using the HCD process?	67
Time-consuming	67
The enormity of the task	68
Unforeseen stoppages	69
Attrition	70
In-person versus online	71
Conclusion	71
Chapter 9 Can a user-focused co-production approach build relationships and empathy?	72
Can the HCD process facilitate a diverse group to identify the support needs of LIPs?	72
The power of the persona	72
Practicality versus creative ambition	74
Empowering and enjoyable method	75
Would use it in future	76
Did the HCD process have a positive impact on stakeholders' attitudes towards LIPs?	76
Differing perspectives	76
Solutions focused attitudes	77
Cognitive shifts	78
Conclusion	79
Chapter 10 Do the supports meet family law litigants' information needs?	80
Feedback	81
'This is the stuff I need to know'	81
Empowering	81
Comprehensive and accessible	83
Supporting the advisers	84
Limitations	84
A website hosted by Ulster University?	85
Further improvements	86
Conclusion	87
Chapter 11 Conclusions and recommendations	88
References	91
Appendix 1: Timeline of activities of the human-centred design stages	93
Appendix 2: Personas	95
Appendix 3: Reflective questions from the HCD workshops	103

Foreword

The Honourable Mr Justice McAlinden

This research is an important contribution to understanding how to support personal litigants in their journeys through the family courts in Northern Ireland. Going to court is stressful for individuals, particularly where a person does not have a lawyer to assist with the legal requirements and procedures. Personal litigants come from a variety of different backgrounds and need support at each of the different stages of the legal process, from deciding whether to go to court, to initiating or responding to legal action, to representing themselves in their hearing. It is clear that many personal litigants are unaware of what is expected of them and obtaining the necessary information can be difficult.

The practical focus of this research, through the creation of an information website and online navigation tool for people going through the family court system, has been a significant development in filling this information gap. I am delighted that the Department of Justice is now sponsoring the maintenance of this website so that it can continue to be used by members of the public. By creating these online materials through a people-centred design process, the research has also helped to close the communication gap between personal litigants, lawyers and other court actors, but it is clear that a gap still remains. This engenders a level of mistrust which operates to the detriment of everyone, further increasing stress levels in an already stressful environment and potentially hindering the achievement of meaningful and constructive progress towards a fair and just outcome.

The research is valuably underpinned by a rights-based approach based on the guarantee of a right to a fair hearing provided under Article 6 of the European Convention on Human Rights. It remains a challenge for all of us in the legal system to ensure personal litigants feel they are treated fairly and have a perception of fairness. Identifying ways in which this outcome can be achieved will benefit not just personal litigants but others within the court system. The research gives us valuable insights into how we might adapt the system and our own practice to meet the obligation that Article 6 imposes.

The findings and recommendations of this research are based on rigorous research and provide a robust and detailed road map for all of those involved in court proceedings, administration and policy development and Professor McKeever and her colleagues are to be rightly lauded for their development of this research project and their tireless efforts to ensure that it was brought to a successful conclusion despite the impact of the COVID-19 pandemic. The findings and recommendations deserve to be examined alongside the recommendations put forward in Lord Justice Gillen's civil and family justice reviews from 2017, alongside the research published in 2018 by Ulster University, with the Northern Ireland Human Rights Commission.

I was privileged to chair the advisory group linked to this research project the membership of which included both branches of the legal profession, judges, court service and Department of Justice officials, the Legal Services Commission, academics with expertise in participation, court systems and research methods, the Law Centre (NI) and the Family Justice Innovation Lab in British Columbia. I want to extend my personal thanks to all the members of the advisory group for their support, wisdom and insight. Finally, I would like to thank the School of Law at Ulster University, and their research team for completing this research and the Nuffield Foundation for their financial support.

Acknowledgements

This research starts from the place where our original 2016-18 research left off. In 2018, we published our report on [Litigants in Person in Northern Ireland: Barriers to Legal Participation](#). Over the last five years, while the current research was completed, we have turned to many of the same people that our original research drew on and we are immensely grateful for their continued engagement. We are grateful also to those who joined us from 2019 onwards, as we started our new projects. Their participation was critical to the success of our research.

There are too many individuals to mention but we are indebted to the litigants in person who shared their insights with us; to members of the Northern Ireland Courts and Tribunals Service and the Access to Justice Directorate in the Department of Justice who helped guide the development and dissemination of the information tools; to the Law Society and Bar Council, particularly those members who worked directly with us to shape the research; to the Office of the Lady Chief Justice and members of the judiciary who took part in our data collection; to the amazing members of our Human-Centred Design Group, who stuck with us through COVID-19 and all of the challenges that it presented; to the advice organisations who gave substantial feedback on the information tools; to Kari Boyle and Jane Morley from the Family Justice Innovation Lab, British Columbia, who mentored us on Human-Centred Design; to our academic colleagues at Glasgow Caledonian University who mentored us on Q methods; to our Ulster University web team, Mark Kennedy and James Rogers, who worked patiently with us to bring the research products to life; and to Dan Farley and Hannah Miller for their design work so we could finally publish the reports.

We acknowledge, with huge gratitude, the support of the Nuffield Foundation, which has funded our research on litigants in person in Northern Ireland since 2016. We are particularly grateful for the support from Ash Patel and Rob Street who helped ensure the research did not get derailed by COVID-19 and allowed us to take a different route to our destination.

The Nuffield Foundation is an endowed charitable trust that aims to improve social wellbeing in the widest sense. It funds research and innovation in education and social policy and also works to build capacity in education, science and social science research. The Nuffield Foundation has funded this project, but the views expressed are those of the authors and not necessarily those of the Foundation. More information is available at www.nuffieldfoundation.org.

Further thanks are due to additional funders including through the AHRC's Impact Seed Funding, Ulster University's Research Impact Fund, Ulster University Faculty Research Recovery Fund, and the Ulster University School of Law.

Finally, we would like to thank The Honourable Mr Justice McAlinden KC, who chaired the Advisory Group for our research with fortitude and good humour. We are grateful to all the members of the Advisory Group who offered constructive advice on the research at various stages from 2019-2023, including on early drafts of the findings and recommendations:

Les Allamby, Former Chief Commissioner, Northern Ireland Human Rights Commission
Paul Andrews, Legal Services Commission
Kari Boyle, Family Justice Innovation Law, British Columbia
Professor Penny Cooper, Birkbeck University
Eileen Ewing, Senior Vice President, Law Society of Northern Ireland
Professor Jessica Jacobson, Birkbeck University
Professor Laura Lundy, Queen's University Belfast
Debbie Maclam, Operational Policy Branch, Northern Ireland Courts & Tribunals Service
Dr Neil McHugh, Glasgow Caledonian University
Mr Justice John Meehan, Family Court Judge
Jane Morley, Family Justice Innovation Law, British Columbia
David Mulholland, Chief Executive, Bar Council of Northern Ireland
Gráinne Murphy, Member, Bar Council of Northern Ireland
Ursula O'Hare, Director, Law Centre Northern Ireland
Bronagh O'Reilly, Access to Justice Directorate, Department of Justice Northern Ireland
Mrs Justice Rosalie Prytherch, Family Court Judge
Samantha Sayers, Legal Services Manager, Law Centre Northern Ireland

Membership of the Advisory Group does not constitute an endorsement of the research and its recommendations, which are the responsibility of the authors alone.

Cover illustration by Hannah Miller. 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 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. 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.

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?

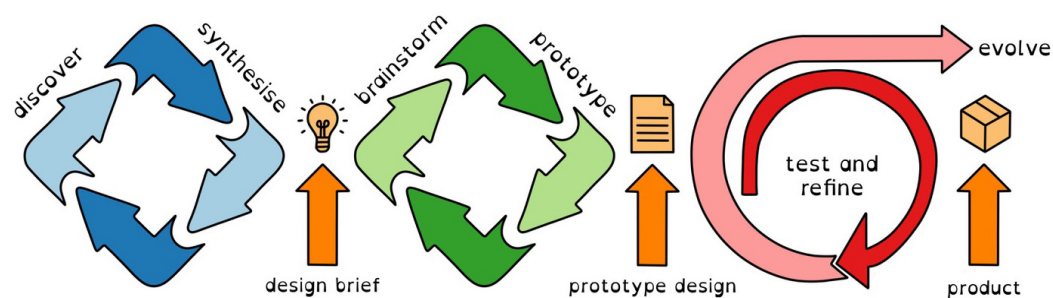
What we did

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

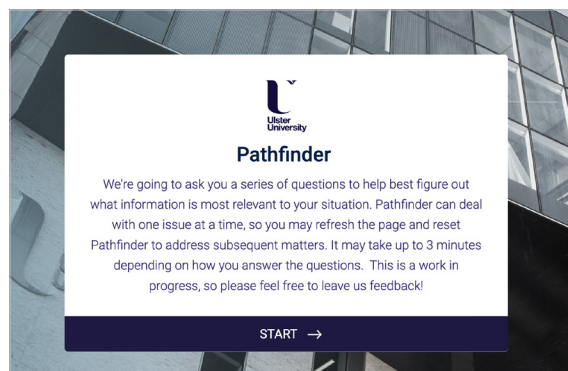
This final stage sees the designed **product** made available to the users it is intended for. Depending on the format of the design, this may involve a production line, dissemination, marketing, permissions.

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.

Chapter 1

Human-centred design and litigants in person

The experiences of litigants in person (LIPs) have been the subject of significant research, within and beyond the UK, revealing a clear narrative that LIPs operate within a justice system that is not designed to accommodate their needs.¹ The extent to which their needs can be met depends on the extent to which supports are put in place to help them. The purpose of such supports is not just to make the litigation process less overwhelming but has at its root the need to ensure that litigants are able to participate effectively in court hearings, meeting one of the core criteria determining their right to a fair trial under Article 6 of the European Court of Human Rights. The state can discharge this obligation in different ways – it is not required to provide all litigants with lawyers, although a publicly funded system of legal representation can be an effective way to discharge the state’s duty. The test of effective participation, however, is not whether everyone has a lawyer, but whether litigants can overcome the barriers to participation that they face. For all litigants, there are three main barriers that can obstruct their legal participation: intellectual, practical, emotional. For unrepresented litigants, there is a fourth barrier: attitudinal.² Intellectual barriers exist where litigants are not able to understand the process, the language or the legal issues. Practical barriers relate to the very real difficulties in being able to access help or support. Emotional barriers arise not just from the issue being litigated but from the process itself, generating frustration, fear, anger and stress. Attitudinal barriers reflect the cultural entrenchment within the court process that sees LIPs and court actors adopt negative attitudes towards each other, with each seeing the system as one that is being held back by the demands to accommodate the other.

-
- 1 G McKeever, L Royal-Dawson, E Kirk and J McCord, 'The Snakes and Ladders of Legal Participation: Litigants in Person and the Right to a Fair Trial under Article 6 of the European Convention on Human Rights' (2022) 49 *Journal of Law and Society* 71; G McKeever, L Royal-Dawson, E Kirk and J McCord, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf>; J Mant, *Litigants in Person and the Family Justice System* (Oxford: Hart, 2022); J Dewar, BW Smith, and C Banks, *Litigants in person in the Family Court of Australia*. Research Report No. 20 (2000) Family Court of Australia <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/reports-and-publications/reports/2000/fcoa_pr_litigants_in_person>; NA Knowlton, L Cornett, CD Gerety and JJ Drobinske, *Cases without counsel: research on experiences of self-representation in US Family Court* (2016) Institute for the Advancement of the American Legal System <https://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf>; R Lee and T Tkacukova, *A study of litigants in person in Birmingham Civil Justice Centre* (2017) The Centre for Professional Legal Education and Research, Birmingham Law School <http://epapers.bham.ac.uk/3014/1/cepler_working_paper_2_2017.pdf>; J Macfarlane, *The national self-represented litigants project: Identifying and meeting the needs of self-represented litigants. Final report* (2013) <<https://representyourselfcanada.com/wp-content/uploads/2016/09/srlreportfinal.pdf>>; R Moorhead and M Sefton, *Litigants in person. Unrepresented litigants in first instance proceedings* (2005) Department for Constitutional Affairs Research Series 2/05; Office of the Lord Chief Justice, *Review of Civil and Family Justice in Northern Ireland. Review Group's Report on Civil Justice*. (September 2017) <<https://www.judiciary-ni.gov.uk/publications/review-groups-report-civil-justice>>
 - 2 G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf>; G McKeever, 'A Ladder of Legal Participation for Tribunal Users' (2013) *Winter Public Law* 575

Empathy and supports for litigants in person

The research literature shows that court actors (lawyers, judges, court staff) often expect LIPs to educate themselves on what they should do for each stage of their legal proceedings.³ Where LIPs do not do this, it is taken as a failure on their part. Where essential information on court procedures and legal tests is not available or accessible, as is the case in Northern Ireland, it is difficult to conclude that the failure to be informed lies with the LIP. Equally, however, if this information was easily available and accessible, there are further concerns that this would be seen as automatically enabling effective participation. Without any accompanying attitudinal changes to how LIPs are seen and treated, information alone is unlikely to facilitate effective participation: there is a need to address both support and attitudes. The question for this research, therefore, is whether the provision of information combined with attitudinal change can enable LIPs to participate effectively in court hearings. Our hypothesis is that creating public legal information for LIPs through a co-productive process, which centres the LIP as the user, has the potential to develop a foundation for cultural change in how LIPs are supported that, in turn, can help break down intellectual, practical, emotional and attitudinal barriers to participation.

This project tests that hypothesis through the methodology of human-centred design, with the objective of creating litigant support materials to improve LIP participation in court hearings in a way that can generate attitudinal change. Our research questions, therefore, are:

1. What are the challenges of co-producing support materials?
2. Can a user-focused co-production approach create mediative conditions to build functional relationships and empathy?
3. Do the co-produced support materials meet LIP needs with respect to accessibility and helpfulness?

The research, along with our parallel study on understanding legal participation,⁴ lays the foundation for a longitudinal assessment of increased legal participation with an associated reduction in the barriers LIP face, including a change in attitude in how LIPs and courts actors regard each other. The time it would take for such change to manifest in litigation performance and behaviour in individual cases is beyond the time available for this project, and so we cannot offer conclusions here on whether the supports ultimately reduce the barriers to legal participation and generate attitudinal change. What we can do, however, is assess the extent to which the research generates initial attitudinal change on which future developments can build, and how the availability of information might help bridge the gaps between participative barriers and effective participation.

Before we discuss how we addressed the three research questions, the remainder of this chapter explores the principles of human-centred design, its use in the justice sphere and how it may be harnessed to bring about attitudinal change.

³ G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf>;

⁴ The parallel study describes the characteristics of legal participation which can help identify when the standards of effective participation as an element of the right to a fair trial under Article 6 ECHR may be under threat: G McKeever, L Royal-Dawson, J McCord and P Yarnell, *The ten descriptors of legal participation – a Q methods study* (2023) Ulster University <<https://www.ulster.ac.uk/10-descriptors>>

What is human-centred design?

The project uses human-centred design (HCD), a co-productive, participatory process, which centres on the LIP as the court service user.⁵ HCD approaches the design of services and products from the perspective of the user; designers work with potential users of the products or services which are being developed so that the end product or service matches the needs and preferences of users.⁶ This contrasts with the historic use of design to beautify a product towards the end of the design process and instead adopts ‘design thinking’ to help the process of creating tangible outcomes that speak directly to human experiences. That means the benefits of (in this case) socio-legal research can be translated into more visually literate communication.⁷

‘Design thinking’ is characterised by the principles of empathy, collaboration and experimentation. Empathy is kindled to ensure that the solutions are directed at the human experience of services or products. Centring the problem-solving thinking on human experience guides the designers and users, building empathy where the user experiences pain or friction, to design deliberately to avoid these pain points occurring.⁸

Collaboration between the designers and users gels the process by combining their distinct perspectives: the designers apply their knowledge and expertise of system design and development to the problems and experiences of the system as defined by the users.

The experimental principle aerates the solutions allowing them to go through cycles of development and failure until an optimal solution is reached. There is scope here for multiple ideas to be initiated, developed and explored, with the iterative process of experimentation guiding the decisions on what solution best fits the users’ needs. This principle refutes the ‘business as usual’ approach to solving complex problems where conventional strategic planning or an expert-made pilot is imposed as the solution without reference to the realities and consequences for the users.⁹

Tim Brown, the pioneer who applied design thinking into the social realm, describes the design process as a system of ‘spaces’ to create a ‘continuum of innovation.’¹⁰ We share the perspective of Perry-Kessarlis in “maintaining some distance from some of the ‘dark sides’ historically associated with the term innovation – specifically, its emphasis on change for the sake of it; on aggregated costs and benefits over micro-disparities and diversities in perceptions, expectations and experiences; and on neoliberal values such as efficiency, maximisation and growth.”¹¹ The innovation sought here – in terms of both the product and the process – is rooted in the need to enable legal participation.

5 By ‘co-productive’ we mean active participation in the design process by users (those for whom the system is designed) and by the various ‘insiders’ (professionals, court staff, and other stakeholders) as common in participatory research. See for example S Kemmis and R McTaggart (eds), *The Action Research Planner* (3rd edn, Deakin University 1988); P Park, ‘People, Knowledge and Change in Participatory Research’ (1999) 30 *Management Learning* 141; J Bergold and S Thomas, ‘Participatory Research Methods: A Methodological Approach in Motion’ (2012) 13 *Forum: Qualitative Social Research* Art 30

6 IDEO, *The Field Guide to Human-Centred Design* (2017) <<https://www.designkit.org/resources/1.html>>; L Kimbell, *The Service Innovation Handbook: Action-Oriented Creative Thinking Tool Kit for Service Organizations: Templates, Cases, Capabilities* (BIS Publishers 2015); J Morley and K Boyle, ‘The Story of the BC Family Justice Innovation Lab’ (2017) 34 *The Windsor Yearbook of Access of Justice* 1; A Perry-Kessarlis, ‘Legal design for practice, activism, policy and research’ (2019) 46 *Journal of Law and Society* 185

7 A Perry-Kessarlis, *Doing Sociolegal Research in Design Mode* (Routledge 2021) 47; S Passera, ‘Flowcharts, swimlanes, and timelines – Alternatives to prose in communicating legal-bureaucratic instructions to civil servants’ (2015) 32 *Journal of Technical and Business Communication* 229

8 This can also be seen as an affirmation of human rights as it strives to reach solutions which support and strengthen the dignity of human beings: R Buchanan, ‘Human dignity and human rights: Thoughts on the principles of human-centred design’ (2018) 17 *Design issues* 35; L Sossin, ‘Designing Administrative Justice’ (2017) 34 *The Windsor Yearbook Access to Justice* 87

9 J Morley and K Boyle, ‘The Story of the BC Family Justice Innovation Lab’ (2017) 34 *The Windsor Yearbook of Access of Justice* 1

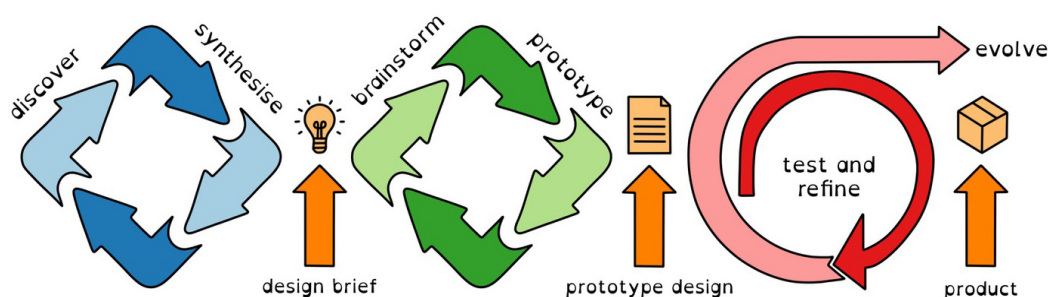
10 T Brown, ‘Design thinking’ (June 2008) *Harvard Business Review* 84, 88

11 A Perry-Kessarlis, *Doing Sociolegal Research in Design Mode* (Routledge 2021) 47

Three spaces are identified by Brown as necessary for a design project: inspiration from the circumstances that motivate the search for a solution; ideation for generating, developing and testing ideas; and implementation to create the path to market or make the solution available. Brown's spaces have since evolved and been developed into five steps by Margaret Hagan following the same principles. In her model they cover the following steps: Discover (also referred to as 'Understand'), Synthesise, Build (which involves both Brainstorm and Prototype), Test, and Evolve (also referred to as 'refine').¹²

For our process, we replicated these steps into a six-stage process, separating the Build stage into the two stages of Brainstorm and Prototype, incorporating Refine into the Test stage and using the Evolve stage to give space to the implementation stage which brings the design into production and use in the real world.¹³ Figure 1 below shows the stages of the design principles.

FIGURE 1: THE HUMAN-CENTRED DESIGN PROCESS



Our project aims to apply these design principles to the development of co-produced supports for LIPs in family proceedings, using a HCD process that progresses through each of these principles:

1. **Discover** - A thorough understanding of the challenges and the stakeholders involved is needed to inform the entire process. This stage would see the HCD research team investigate the existing system to provide a full understanding of the workings of the litigation process: context, gaps, strengths, user preferences, problems and needs. It is useful to think of the process of information gathering in this stage as divergent because it expands the understanding of the issue and the intended users of the design.
2. **Synthesise** - This stage interrogates the output of the process of understanding in the discover stage to converge on a design brief and identify the target users of the system or product. This stage essentially defines the problem and the people for whom you will be designing, and converges on a design brief.
3. **Brainstorm** - The next stage is to generate possible solutions for the design brief to be prototyped. The brainstorming promotes quantity and again diverges to allow each and every solution to be considered. Tangible ideas from the brainstorm are selected for prototyping by narrowing the ideas down to those seen as viable or preferable.

¹² In M Hagan, *Law By Design* (2016) <www.lawbydesign.co/> Hagan's five steps are: Discover, Synthesis, Build, Test, Evolve. In M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality* 199 Hagan defines the steps as Understand, Synthesis, Brainstorming & Prototyping, Test, Refine. We amalgamate these two models and set out six steps that capture the design process.

¹³ M Hagan, *Law By Design* (2016) <www.lawbydesign.co/>; IDEO, *The Field Guide to Human-Centred Design* (2017) <www.designkit.org/resources/1> 133; T Brown, 'Design thinking' (June 2008) *Harvard Business Review* 84, 89

4. **Prototype** – This stage develops **prototype designs** which are rough and ready versions of the ideas identified previously as possible solutions. Whether the group work goes through several ideas or just one, the key to this stage is testing to receive feedback and so refine the designs in further iterations. Prototyping takes place along with the next stage to ensure the design meets the users' need and it necessarily converges towards the chosen design.
5. **Test and refine** - The prototypes are frequently tested with users, preferably in live situations. They are evaluated through user feedback which is used to refine and improve the design until it more closely meets the users' needs and preferences.
6. **Evolve** - This is the process of getting the designed product out into the world and into users' hands. The iterative process of acting on feedback from real world users to improve and so re-test the design may be repeated several times while the product is in use.

There is nothing inherent in the HCD process that dictates the type of design that would be best suited to meet the brief. Various solutions may be produced, such as a service, a tangible product, a digital resource, a set of rules, or a system. The eventual design comes about as the combination of the principles of HCD and the characteristics of design thinking of empathy, collaboration and experimentation as they are embodied by the people in the process.¹⁴

Human-centred design in the justice sphere

Human-centred design (HCD) is not a new approach to either research or development, although its application to wicked legal problems is relatively recent.¹⁵ HCD is more commonly associated with developments in software or IT, largely unencumbered by the need to replace creaking and ancient systems, focused instead on innovation in unexplored territories. Nevertheless, the objective remains the same: having designers design under the guidance of product or service users, to align the design output with user needs.

An early application of Design Thinking to the justice domain was by Ball who discussed its potential application to the complex problem of sentencing commissions in California, although he did not implement a design process.¹⁶ His conclusion was that for any design to succeed it needs the wider support of policymakers, the criminal justice sector and the public. Dan Jackson and his colleagues at NuLawLab based at Northeastern University School of Law, Massachusetts, introduced a 3-week course on human-centred design in their legal technology programme to prepare students to generate novel technology solutions which are human-facing.¹⁷ They found the students relished the stages of HCD but struggled with the ideation and experimentation phase because of an engrained desire to produce one honed completed solution instead of proliferating several for prototyping. Hagan, however, has been at the forefront of

14 IDEO, *The Field Guide to Human-Centred Design* (2017) <www.designkit.org/resources/1> 10; M Hagan, 'Law by Design' (2016) <www.lawbydesign.co/>; L Sossin, 'Designing Administrative Justice' (2017) 34 *The Windsor Yearbook Access to Justice* 87

15 M Hagan *ibid*; J Morley and K Boyle, 'The Story of the BC Family Justice Innovation Lab' (2017) 34 *The Windsor Yearbook of Access of Justice* 1; R Buchanan, 'Wicked Problems in Design Thinking' (1992) 8 *Design Issues* 5

16 WD Ball, 'Redesigning Sentencing' (2014) 46 *McGeorge Law Review* 817

17 D Jackson, 'Human-centred legal tech: integrating design in legal education' (2016) 50 *The Law Teacher* 82

innovations that apply HCD in the legal system, which include court reform, improving legal services, quality and efficiency improvements, developing online dispute resolution systems and designing videoconferencing.¹⁸ Many organisations and centres have been established to innovate for improved court experiences using HCD, such the Stanford Legal Design Lab and British Columbia's Family Justice Innovation Lab, among others.¹⁹

Hagan and Kim applied human-centred design to tackle LIPs' negative experiences of court proceedings and self-help centres.²⁰ They hypothesised that the improvement of services like these requires the promotion of procedural justice, the dignity of individuals and perceived control within the system. Complexity of the system reduces any sense of autonomy, which in turn has a negative impact on litigants' sense of dignity and procedural justice. The designs were steered towards increasing a sense of control and received positive feedback, but the absence in the study of comparator designs or an evaluation of the designs in vivo with regards to their capacity to reduce negative experiences leaves this approach to design uninterrogated. Additionally, while the method is appealing and intuitive Hagan's work does not extend to evaluating its impact.²¹

Human-centred design to bring about attitudinal change

The research objective for our study is two-fold: to have a diverse group of stakeholders identify the support needs of LIPs within a legal system that sees their existence as an aberration and thereby make an impact on participants' attitudes towards LIPs to recognise and meet their support needs. Cultural change is challenging and so the principle of empathy in HCD becomes highly significant for our purposes. Whether HCD can foster attitudinal change is part of what we need to understand. For this we draw on contact theory from social psychology to help support the design thinking principles of empathy and collaboration.

Contact theory has developed from Allport's original 'contact hypothesis' which is premised on the idea that pre-existing prejudices between groups of people can be reduced through contact that involves members of the different groups interacting with each other and working towards agreed goals. The empirical evidence supporting this theory is well established and demonstrates how contact can enhance inter-group empathy by facilitating perspective taking that leads to understanding.²² Hughes sets out Allport's four conditions under which contact can lead to positive attitudes towards different groups:

“Firstly, groups involved in contact should have equal status (at least in the contact situation). Secondly, groups should work on a problem/task and share this as a common goal ... Thirdly, the task must be structured so that individual members of both groups are inter-dependent on

18 M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality* 199

19 *ibid* 205; J Morley and K Boyle, 'The Story of the BC Family Justice Innovation Lab' (2017) 34 *The Windsor Yearbook of Access of Justice* 1

20 M Hagan and M Kim, 'Design for Dignity and Procedural Justice' (2017) *Advances in Intelligent Systems and Computing Proceedings of the Applied Human Factors and Ergonomics International Conference* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2994354>

21 M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality* 199

22 G Allport, *The nature of prejudice* (Addison-Wesley 1954); TF Pettigrew and LR Tropp, 'A meta-analytic test of intergroup contact theory' *Journal of Personality and Social Psychology* (2006) 90(5) 751; P De Tezanos-Pinto, C Bratt and R Brown, 'What will the others think? In-group norms as a mediator of the effects of intergroup contact' (2010) 49 *British Journal of Social Psychology* 507.

each other to achieve this common goal. Finally, contact should be legitimised through institutional support.”²³

Further research has examined not just the importance of these conditions but the “mediational (how and why contact works) and moderational (when contact works) variables” of contact theory.²⁴ These reinforce the evidence on the transformative impact of contact between members of diverse groups. In essence, cooperative inter-dependence helps foster attitudinal change, increasing empathy to motivate group members to behave in a more supportive way and feel more positive about others.²⁵

The HCD process of identifying and resolving pain points aims to provide the conditions for participants to reach and share a common goal of designing a support for LIPs in family law cases. The inter-dependence of the participants is intended to reflect the need for different perspectives on how the legal system works as well as how it is experienced; creating inter-dependence in the group focuses on structured tasks, including identifying pain points and coming up with ideas for supports for LIPs informed by the members’ very different perspectives. The institutional support is both inherent and aspirational – inherent in the inclusion of key institutional stakeholders in normalising contact between litigants and court actors in partnership and building solutions together, and aspirational as something that is not just an experiment or academic endeavour but can lead to tangible outcomes. The HCD process therefore allows us to explore the mediational and moderational variables that could assist with reaching a point of empathy sufficient to contribute to attitudinal and, potentially, cultural change.

Collaboration is a tried and trusted approach for many different participatory research methods and so it feels familiar to legal researchers, although perhaps less so in the field of court reform where innovation is often more limited. Piloting and evaluation are occasional visitors in the legal system, including within government initiatives to reform and test new processes, but experimentation is less familiar territory, both in terms of scope and speed of iteration and the capacity to fail and repeat. In part, this is due to reform often being driven by ‘value for money’ considerations and so any business case for funding reform is often premised on the assumption that ‘success’ will be on these terms. HCD therefore allows us to test the theoretical assurances that collaboration can generate empathy through inter-group contact but that the experimental outcomes (including the failures) that result from this collaborative, empathetic approach can themselves be a useful method of generating legal innovation for user-focused reform.

In the remaining chapters, we describe a full-scale human-centred design process involving justice stakeholders and litigants in person, and how this resulted in a public-facing information website and an interactive online navigation app. The following six chapters describe the six principles of the human-centred design process beginning with the preparations needed to put HCD into practice and detailing how we carried out each stage with the Design Group. The final three chapters discuss the challenges of the HCD process and how it succeeded in producing the conditions to build empathy; and whether the supports eventually produced by the HCD process meet the requirements of litigants in person, as framed by our three research questions. The project demonstrates the huge potential of the HCD process to create empathy and understanding and overwhelmingly useful support for litigants in the justice system.

23 J Hughes, ‘Contact and context: sharing education and building relationships in a divided society’ (2014) 29 *Research Papers in Education*, 193, 194

24 *ibid* 194

25 JF Dovidio, SL Gaertner and K Kawakami, ‘Intergroup Contact: The past, the present and the future’ (2003) 6 *Group Processes & Intergroup Relations* 5

Chapter 2

Putting human-centred design into practice

The human-centred design (HCD) methodology offered the project clear potential to tackle two of the core problems that the original research had identified: the lack of any practical supports for LIPs and the need to effect attitudinal change that could both recognise the need for this support and the value of designing it to reflect a range of perspectives. On paper, we could follow the HCD path with relative ease. That was particularly true of the first two steps in the HCD process: to discover the landscape and to synthesise the problem so that the mission of the design process is clear. As we set out in more detail below, the original research provided a comprehensive insight into both of these. With such significant work already achieved, it was tempting to move directly and immediately into the remaining stages of HCD, using the head-start that we had created to expedite the process. The project team, however, was new to the methodology and while there is often no substitute for learning-by-doing, what we felt would be most useful was practical insight into how to progress the subsequent stages.

Mentors for learning about HCD

Having reviewed many of the global legal innovations which had developed principles and guidance on how to create user-focused support materials, and identified who was using HCD in their work on legal innovation, we were particularly struck by an honest and detailed critique of the work of the Family Justice Innovation Lab in British Columbia.²⁶ Writing in a special collection of the Windsor Yearbook of Access to Justice, seasoned practitioners Kari Boyle and Jane Morley offered invaluable insight into a process that spoke to our ambitions. Our aim for attitudinal change aligned closely with their work to challenge hardened perspectives and orient people to not just see things from a different point of view, but to reflect on their own perspectives through empathy with others.

Boyle and Morley agreed to mentor and support us in the initial stages of the project and were included in our project planning from the proposal stage. They helped us sharpen our focus on the project mission and to get the most out of what we had already done and what we could aim for. Boyle and Morley also attended and helped facilitate the first workshop in Belfast, Northern Ireland, and continued to challenge our thinking at each subsequent stage.

²⁶ G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) < https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf > 289; see previous chapter for HCD in the justice sphere; J Morley and K Boyle, 'The Story of the BC Family Justice Innovation Lab' (2017) 34 *The Windsor Yearbook of Access of Justice* 1

Gathering stakeholders for the Design Group

At the inception of the project, we envisaged the co-production of supports for LIPs as the work of a Design Group made up of stakeholders from both sides of the court service counter - users and providers. Phase 1 of our research had demonstrated the importance of the perspectives of experts by experience, such as LIPs, along with professionals with expertise, such as court officers, legal representatives, judges, Children’s Court Officers and the advice sector in problematising and understanding legal participation. Just as only one perspective would never be sufficient to provide a holistic understanding of the LIP journey, so too in the HCD process, all ‘users’ of the family justice sector will have a stake in how supports for LIPs can be designed. Court actors provide insight into the implementation or staffing of design solutions, LIPs provide the reality check of how the designs would work for lay people. A further reasoning for a broad base of stakeholders is that the inter-dependence of the different sub-groups is a pre-condition of successful contact.²⁷ Institutional support is also a necessary pre-condition and the inclusion of senior staff and management from both the Department of Justice (DOJ) and the Northern Ireland Courts and Tribunals Service (NICTS) in developing and implementing agreed solutions was a way to further embed the contact hypothesis within our HCD process.

Using contacts generated from the initial research, invitations to join the Design Group were accepted by 33 people from the major stakeholder groups, with the composition noted in Table 1 below:

TABLE 1: DESIGN GROUP MEMBERS

Stakeholder groups	No. of people	Label used in quotations
Department of Justice senior managers	2	Court staff
NICTS senior managers	6	Court staff
Court Children’s Officer ²⁸	1	Practitioner
McKenzie friend	1	Practitioner
Family barristers	2	Practitioner
Family solicitors	2	Practitioner
Retired judge	1	Practitioner
Litigants in person, either in current or past proceedings	7	LIP
Therapeutic counsellors	2	Other professional
Voluntary sector – women’s, children’s, family mediation, mental health, human rights, social justice	6	Other professional
IT specialist	1	Other professional
Change management specialist	1	Other professional
Observer	1	Other professional
TOTAL	33	

²⁷ G Allport, *The nature of prejudice* (Addison-Wesley 1954); J Hughes, ‘Contact and context: sharing education and building relationships in a divided society’ (2014) 29 *Research Papers in Education*, 193

²⁸ Court Children’s Officer in Northern Ireland is a social worker who specialises in court proceedings involving children, akin to the Children and Family Court Advisory and Support Service in England and Wales

The 'ask' for the Design Group members was to take part in a series of workshops both as co-producers in the HCD process and as research participants. For many, there was a personal or professional interest in developing support materials for lay access but there was also a willingness to act as research participants, by providing commentary and reflections on the process to produce data on two of the project's Research Questions:

1. What are the challenges of co-producing support materials?
2. Can a user-focused co-production approach create mediative conditions to build functional relationships and empathy?

The third Research Question related to the end result of the Design Group's work to produce support materials that would usefully serve LIPs seeking information on self-representation. If the resultant support materials were of little or no use, the HCD process would not have achieved its objective, thus:

3. Do the support materials meet LIP needs with respect to accessibility and helpfulness?

Recruitment and research requirements were given ethical approval by Ulster University's Research Ethics Committee, and participants gave full and informed consent to their reflections and comments being compiled as qualitative data.

We were not in a position to offer a financial incentive to participants other than out of pocket expenses for travel and childcare, and participants were motivated by their interest in seeing change or being able to contribute their experience.

Design Group Workshops

The Design Group attended five workshops. The first three workshops were held in November and December 2019 at Ulster University. The choice of the neutral location, not aligned to any one of the LIP or justice sector stakeholder groups, and the participation of the Department of Justice and court service personnel as equals in the process and not as gatekeepers of it, added legitimacy to the process. The fourth workshop was due to take place in early March 2020, but industrial action across the University sector meant it had to be postponed to later in the month. It then fell victim to COVID-19 restrictions and was postponed, resuming in November 2020 as an online workshop. Workshop 5 was also held online, in June 2021, to test one of the LIP supports – the new website. The second support that was designed – an online Pathfinder Tool – was tested on a one-to-one basis with Design Group members during January and February 2022.

The first three workshops thus covered the first four of our design stages (see Figure 1) – discover, synthesise, brainstorm and prototype. Then there was a period of prototyping and building until we embarked on the test and refine stage in Workshops 4 and 5.²⁹

29 A timeline of the process and its many stages and associated activities, including the usability testing, is given in Appendix 1.

Each of the stages – both in principle and how we put them into practice – are described in the next five chapters before we arrive at a discussion on how helpful the resultant supports were to LIPs, what the challenges are when co-producing support materials using this method and whether the method can create the conditions to build relationships and empathy amongst stakeholders from divergent groups.

Chapter 3

HCD Stages 1 and 2: Discover & Synthesise

Stage 1: Discover

Commonly, in the discover stage the members of the Design Group investigate the design problem to be addressed for themselves. This may entail observing, interviewing, focus groups, consultations or other relevant methods to gather information on the users and their needs, experience and expectations of the system to be designed.³⁰ The outcome of the discover stage is good understanding of the challenges facing the intended users and the characteristics of the users themselves.³¹

The original Litigants in Person in Northern Ireland (LIPNI) research was based on a two-year study, during which the research team compiled a significant qualitative and quantitative data-set that provided detailed description and analysis of the situation of LIPs in family proceedings in Northern Ireland.³² This provided a thorough understanding of the challenges that needed to be tackled for LIPs and identified the relevant stakeholders to inform the entire process. The significant overlap between the participants in the original research project and the Design Group meant that we had a head start in agreeing what the discovery process revealed. Our task was to use these data to create resources to support the HCD process, specifically to enable the participants of the Design Group to understand the LIP experience of family proceedings in Northern Ireland.

Stage 2: Synthesise

The synthesis stage distils the discover stage to focus on the problems that will be the subject of the design intervention. The aim is to search for and arrive at possible solutions, called design briefs, around which the Design Group can orient their work.³³ Personas, a key feature of HCD, are often used in this stage. Personas are fictional descriptions of real users of the product or system to be designed. They contain a user's needs, experience, behaviour, preferences and descriptions of how they understand or

30 IDEO, *The Field Guide to Human-Centred Design* (2017) <<https://www.designkit.org/resources/1.html>>; M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality* 199

31 T Brown, 'Design thinking' (June 2008) *Harvard Business Review* 84

32 G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf>;

33 M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality* 199, 202; T Brown, 'Design thinking' (June 2008) *Harvard Business Review* 84, 88

interact with the system or product.³⁴ They can be used in the design process to inform and guide the Design Group's understanding of the situation facing the users they are designing for. By gathering around a common user experience, diverse stakeholders in a group become equals within the process, sharing the same tasks and roles. Equalising the status between participants is one of the conditions that enables empathy to deliver successful contact outcomes.³⁵

DEVELOPING PERSONAS

We used personas to provide the focus for the Design Group's problem-based solutions. These needed to be realistic and in-depth enough to inform the Design Group members of the issues which LIPs face in the family court, reflecting the intellectual, practical, emotional and attitudinal barriers that LIPs experienced. Instead of opting for personality archetypes, which is one approach to developing personas, we created personas each with their own litigant journey to illustrate common developments in family cases based on the combined experiences of several LIPs we met in the previous study and who had been presented as case studies.³⁶

We had clear feedback from Boyle and Morley on the task of structuring the personas. They advised against overloading the personas with too much detail, instead leaving some room for ambiguity to allow the group members to embellish or add their own experiences, discuss motives and the implications of their actions. We followed through on their advice of using a template to structure the information to include a photograph, background information, the persona's goals for their family case, a summary of the litigation journey so far and quotes to reflect their thoughts and feelings at different stages of their journeys. After four drafts, we arrived at four personas (Dan, Sinead, Tomass and Joanne) representing different characteristics and litigant journeys.³⁷ They were written to be easy to relate to and still leave some room for the participants to use their own imagination to develop more detail based on their experience. The persona booklets were colour-printed on high gloss paper to convey the professionalism of the process and they were used throughout the process.

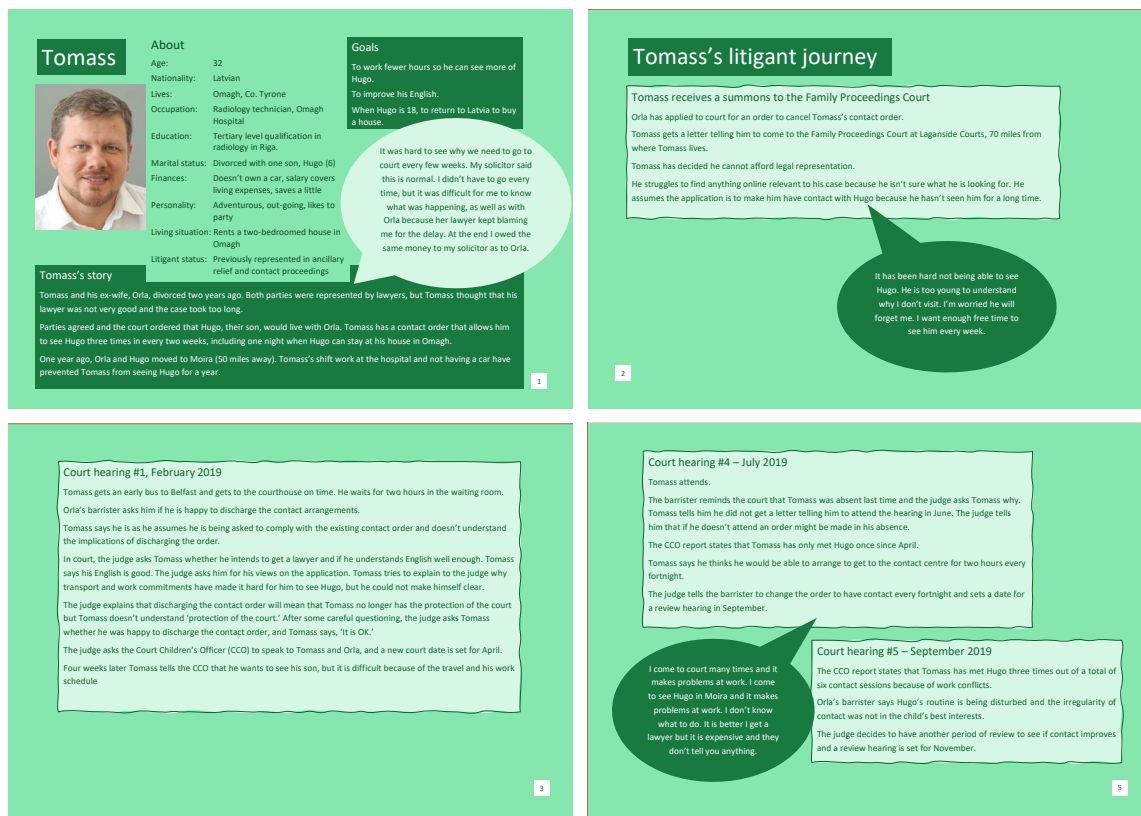
³⁴ M Hagan *ibid*, 213

³⁵ J Hughes, 'Contact and context: sharing education and building relationships in a divided society' (2014) 29 *Research Papers in Education*, 193

³⁶ M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality* 199, 216

³⁷ See Appendix 2

FIGURE 2: EXAMPLE OF ONE OF THE PERSONA TEMPLATES USED IN THE HCD PROCESS



Workshop 1: 'Walking in the shoes' – Discover & Synthesise

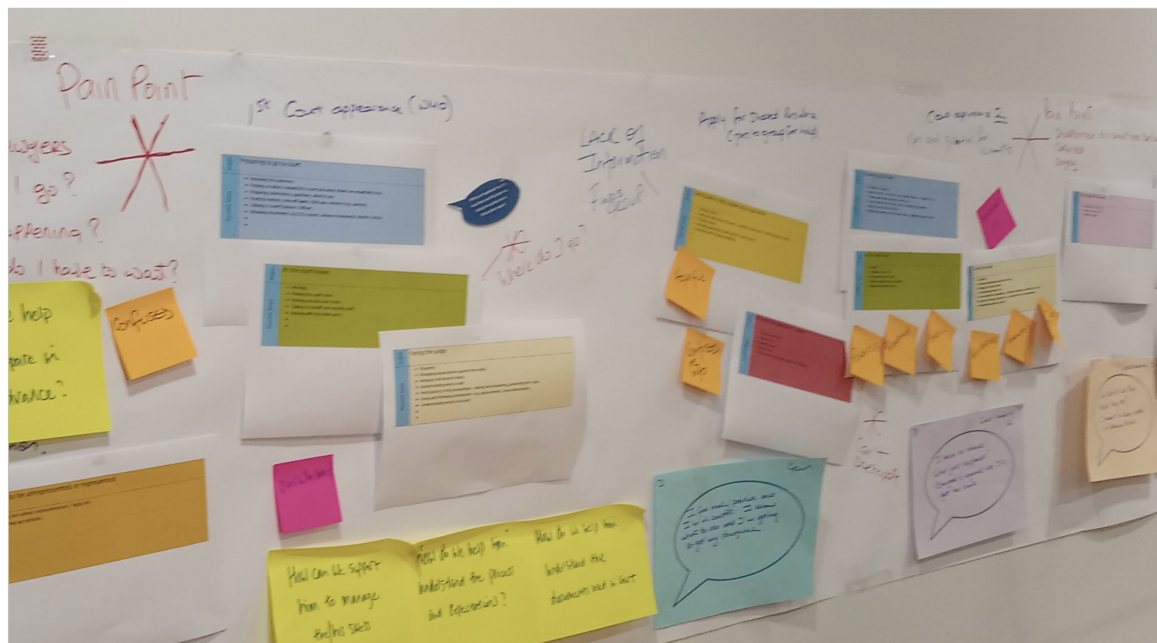
Workshop 1 in November 2019 was held in the Belfast campus of Ulster University in a room large enough to allow five work-tables and a circle of chairs for the 26 participants who attended, along with four researchers and our two mentors. Boyle and Morley emphasised the importance of creating the physical space to nurture mutual respect and equality of status of all stakeholders.

The workshop introduced the context of the project and LIPs in Northern Ireland and the role, purpose and goals of the Design Group as part of HCD process. Design Group members were introduced to the use of reflective diaries as a means of capturing their thoughts and reactions to working with a diverse group in a HCD process.

DISCOVER

The Design Group then took up their roles in the discover stage. They were each assigned to one of five groups and were introduced to their persona and their litigant journeys. To 'walk in the shoes' of their persona, they were asked to create a graphical representation of their persona's journey through the courts, depicted on long rolls of blank paper, using coloured pens and sticky notes to mark events. This process of unpicking the events and the persona's thoughts and feelings along the way allowed them to understand the problems and the people at the centre of the design process. It also provided a structured task that gave each member of the group equal status to achieve a common goal through inter-dependence, reinforcing three of the conditions of contact theory.

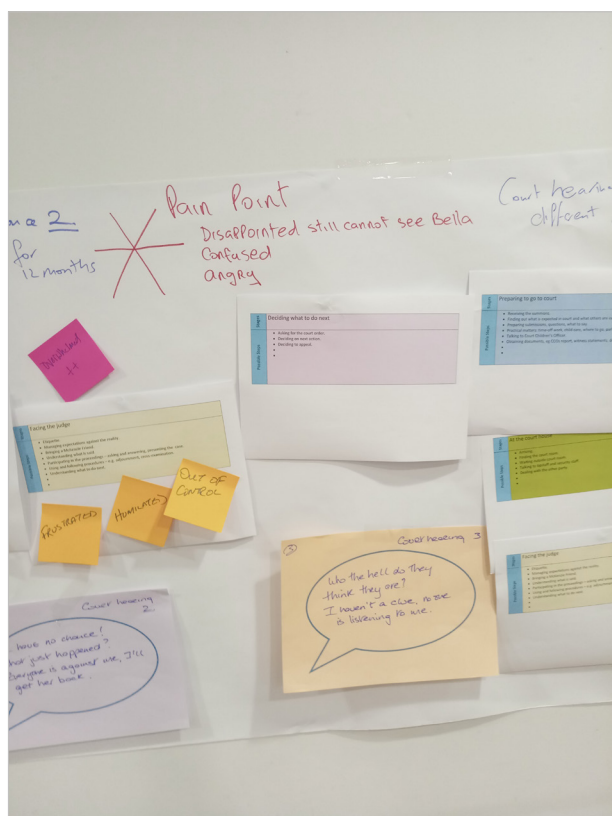
FIGURE 3: PERSONA LITIGATION JOURNEY MAPPING EXAMPLE



SYNTHESISE

Still in Workshop 1, and after having walked in the shoes of their personas, the Design Group were asked to begin the synthesis stage of the HCD process identifying the ‘pain points’ along the personas’ journeys. These were characterised by incidents, behaviours, experiences, outcomes that made the journeys difficult, frustrating or confusing.

FIGURE 4: IDENTIFYING PAIN POINTS



Once the pain points were identified, we asked the Design Group to flip the pain points into questions to ask: ‘How can we... alleviate or eliminate this pain point for this persona.’ The purpose of this was to re-orientate their thinking towards identifying possible solutions to avoid or alleviate the pain points. In all, 18 ‘How can we ...’ questions were produced by the five groups directly relating to their individual personas – see Table 3. The questions covered emotional, practical and intellectual issues, but crucially relationship management issues too.

TABLE 3: THE 18 ‘HOW CAN WE...’ QUESTIONS

LIPs have certain personal characteristics

1. How can we help Dan to prepare in advance?
2. How can we support Dan to manage the/his stress?
3. How can we help Dan understand the process and expectations?
4. How can we help Dan understand the documents used in court?
5. How can we help Dan to avoid conflict with Deena?
6. How can we help deal with his non-molestation order?
7. How can we help Dan be able to cope emotionally and build resilience?
8. How do we support Dan in applying for an order in relation to his child?
9. How can we help Sinead and Michael co-parent their children?
10. How can we help Sinead access relevant materials?
11. How can we help Sinead stay out of the court (and resolve issues directly)?
12. How can we help Sinead be comfortable in court arena?
13. How can we help Joanne understand what stages will happen in court?
14. How can we help make the process more affordable for Joanne?
15. How can we inform Joanne about the alternatives to going to court?
16. How can we make Tomass’s experience at court less traumatic or intimidating or more familiar?
17. How can we help Tomass understand the options of no representation vs representation?
18. How can we help Tomass understand and engage with the process having received the summons?

Workshop 1 ended with this process of questioning how to change the situation, that would form the foundation for the process of building through brainstorming and prototyping.

To facilitate a more focused discussion in the second workshop, the research team reviewed the 18 ‘How Can We ...’ questions to synthesise them into broader, categorical questions. This further synthesis of the identified pain points led us closer to the design briefs, which at this stage consisted of five ‘How can we...’ questions, also echoing the barriers to legal participation seen in the previous research – intellectual, practical, emotional and attitudinal. Some of the ‘How Can We ...’ questions related to relationship management issues (for example, Qs 5 & 9) which fell outside of the project aim to develop user-centred support materials and were not taken further:

1. How can we help X understand the process and expectations of court action as a LIP?
2. How can we help X understand documents, materials relevant to their situation?
3. How can we help X to engage in the process and court actors engage the LIP?
4. How can we make the experience of court proceedings more manageable emotionally?
5. How can we provide supports to X to encourage them to resolve the matter

outside court?

The fifth question in the list sat outside the remit of the project which is focussed on supports for LIPs who are going to court, not those trying to avoid court. We wanted to keep this question on the table because it not only related to one of the eighteen 'How Can We ...' questions but it also signalled a solution to all pain points ever experienced on every litigation journey – avoiding court in the first place. We kept it in the list of five. At the next workshop, we asked the groups to select one question from the first four they felt was most relevant to their persona. We then showed them the fifth question and asked if any of the groups wanted to swap to it. None of them did but they acknowledged its importance. Having completed the stage of synthesising, the Design Group were able to move to the third stage – brainstorm – where the process of ideation produces dozens of possible designs to meet the design brief.

Reflections on the discover and synthesise stages

Much of the discover stage had taken place in the previous study providing a rich and detailed account of the design problem and the intended users for an eventual design solution. These research findings informed the persona which were used to inform the Design Group members in the HCD process.

Clearly, not all HCD processes benefit from a head start like this and thus would require consideration of alternative means of marinating the members in the design problem and intended users' needs. We opted for persona, journey mapping and identifying pain-points, but there are a wealth of methods to reach a similar level of exposure and understanding.³⁸

Often during the discussions, one group member would query whether the persona's action was realistic only to be told it was by another member who had first-hand experience. This dialectic underlined the credibility of the persona to group members.

We were impressed and somewhat humbled by the depth and seriousness of the Design Group members' engagement in these stages, especially at this early stage of the process. It indicated to us the passion and invested interest some of the members felt about the experiences of LIPs and the importance of having a variety of perspectives in the mix. We were fortunate that such a diverse and relevant group of people were willing to get involved and it is a lesson on the wonders of networks and communities of practice.

38 IDEO, *The Field Guide to Human-Centred Design* (2017) <<https://www.designkit.org/resources/1.html>>; M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality* 199; M Hagan, 'Law by Design' (2016) <www.lawbydesign.co/>

Chapter 4

HCD Stage 3: Brainstorm

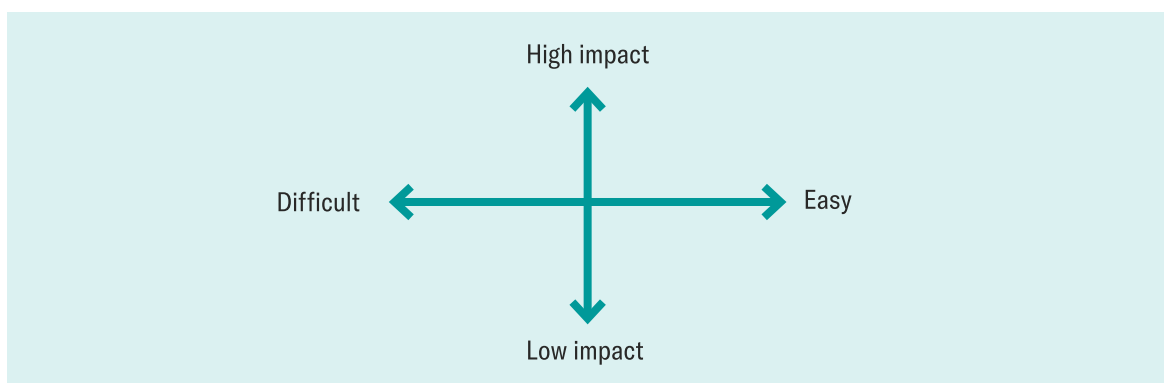
Often referred to as ideation, the brainstorm stage turns the design briefs into ideas for possible design. By tapping into the knowledge and creativity of the Design Group, this stage elicits as many ideas as possible, favouring openness and creativity over feasibility.³⁹ Ideation exercises can help participants to loosen up their thinking to generate as many ideas as possible.⁴⁰

Workshop 2: Brainstorm

The second workshop focused on the Design Group generating ideas and concepts that would prevent their persona's pain points from arising. We encouraged members to generate ideas without judgement or commentary, to produce quantity over quality, to be rapid, creative and to not exclude anything, no matter how pie in the sky, and to not be deterred by thoughts of cost, feasibility or resources. They worked alone and then together in their groups to share, cluster ideas and generate more ideas, using sticky notes to write down each new idea that was conceived.

This phase of the ideation process is necessarily divergent with as many ideas coming forth as possible. The next phase of the brainstorm hones down to one or two possible solutions for selection for prototyping. We used two criteria for assessing each idea's potential: likely impact on the persona's litigation journey and the practical consideration of ease of implementation. These two criteria were placed on 2 axes as shown in Figure 5 and the groups placed each of their suggestions on the grid according to its impact and ease of implementation, as the example in Figure 6 shows.

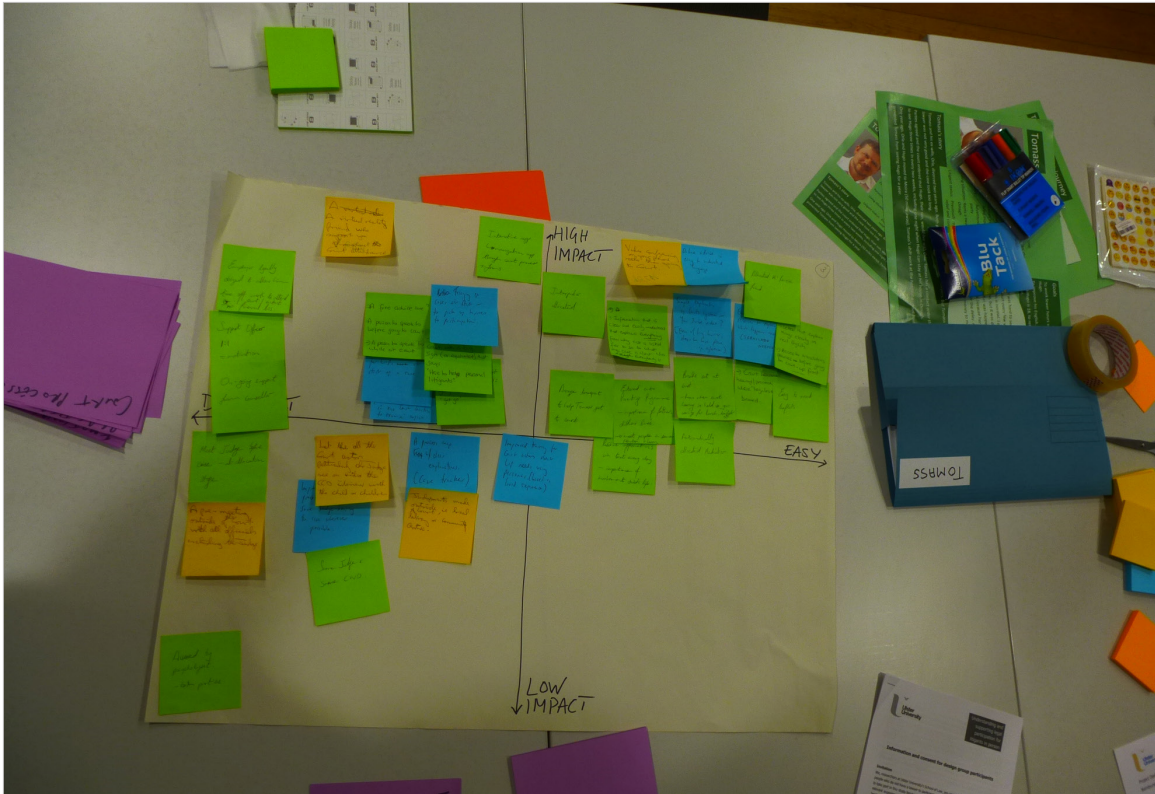
FIGURE 5: GRID USED TO CONVERGE IDEAS ACCORDING TO TWO CRITERIA- IMPACT AND EASE OF IMPLEMENTATION



39 IDEO, *The Field Guide to Human-Centred Design* (2017) <<https://www.designkit.org/resources/1.html>> 94; M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality* 199; M Hagan, 'Law by Design' (2016) <www.lawbydesign.co/>

40 Design thinking organisations and institutions recommend various 'warm up' exercises to prepare groups to ideate: for example, Hasso Plattner Institute Design Toolbox <<https://hpi-nyc.com/design-toolbox/>>; IDEO's Build Your Creative Confidence 30 Circles Exercise <<https://www.ideo.com/blog/build-your-creative-confidence-thirty-circles-exercise/>>; Design Sprints Kit's Crazy 8s <<https://designsprintkit.withgoogle.com/methodology/phase3-sketch/crazy-8s/>>

FIGURE 6: ONE GROUP'S OUTCOME OF CONVERGING IDEAS ACCORDING TO IMPACT AND EASE OF IMPLEMENTATION CRITERIA



We asked the groups to select one or two ideas from the top right-hand quadrant representing easy to implement and high impact ideas that they then presented to the other groups. The five ideas selected were:

1. **An information system** to alleviate the stress of self-representation covering lots of topics, such as role of the court staff, etiquette in court, what to expect, what to do and what not to do, in a suitable accessible format. These responded to 'how can we' questions 1 (help the LIP understand process and expectations of court action) and 4 (make the experience of court proceedings more manageable emotionally).
2. **Training for judges** on their role when faced by LIPs covering how to explain the process, tackling inconsistency in judicial behaviour and attitude, the importance of case management hearings, acceptable measures to reduce the burden on LIPs, such as breaks. This responded to 'how can we' question 3 (help the LIP to engage in the process and court actors engage the LIP).
3. **A virtual reality friend** to assist LIPs. This responded to 'how can we' question 3 (as above).
4. **Face to face or written guidance at the start of the process** to orient LIPs so they can understand what is going on. This also responded to 'how can we' question 3 (as above).
5. Practical, visible and accessible **information for LIPs in digital format**, not necessarily written, such as an app or a video to cover what to expect in court, role of various court actors. This responded to 'how can we' question 2 (help the LIP understand documents, materials relevant to their situation).

Once each group had presented their idea, the participants voted for the idea they thought would be most suitable for their persona and other LIPs. This was to focus the next phase of prototyping. The first idea – ‘an information system’ – won the highest number of votes by far, 17 out of a possible 21.

Reflections on the brainstorming stage

The ideation exercises produced dozens of ideas through lively and considered discussion and debate. The convergence exercise brought us to a single idea – ‘an information system’ – that all the groups could then prototype in Workshop 3.

Observing some of the groups in action, it was apparent that different people experienced different levels of comfort with the brainstorming exercises, some feeling attached to a single idea and others freely dreaming up many. This interaction within the groups stimulated further thinking and debate and our role as facilitators was to encourage the ideation without critiquing or rejecting the ideas. On reflection, incorporating exercises to get the brainstorming juices flowing may have aided those members less confident or familiar with this type of exercise.⁴¹

The research team were impressed with the dozens of ideas that the groups elicited. Although we knew some ideas were less feasible than others, the process of converging on so few ideas generated some anxiety among the research team that we were letting go of some excellent ideas. Listening to our mentors, we managed to resist the urge to take control of the process and let the Design Group steer it instead. Nonetheless, we squirrelled away the goldmine of other ideas written on post-its for future reference.⁴²

⁴¹ *ibid*

⁴² These included the (pre-COVID) suggestion of video-conferenced hearings and online advice. Other options proposed were to provide LIPs with a McKenzie Friend; providing automatic access to mediation; triaging cases to pick up particular barriers to participation; a dedicated information and advice space for LIPs at court buildings; process maps and case trackers for cases; a support officer and the option of counselling; the right to take time off work to attend court hearings, without financial loss; web-based applications to court; education for court actors on barriers to participation for LIPs.

Chapter 5

HCD Stage 4: Prototype

Prototyping in the design process leads to tangible but not polished solutions that provide a prop to test the strengths and weaknesses of an idea and which can then be developed further.⁴³ Prototypes should be rough and ready and can be in one of a multitude of formats – physical objects, sketches, wireframes, flow diagrams, storyboards, a role play. The format will depend on the solution.⁴⁴ Key to prototyping is frequent testing to receive feedback on how to refine the design to maximise its suitability for the intended users.⁴⁵

Workshop 3: Prototyping

In Workshop 3, the Design Group prototyped tangible ideas for ‘an information system’ which aims at increasing LIPs’ understanding and so improve their capacity to cope emotionally. The format and topics were up to them to decide, but the eventual designs would need to be accessible, available for all and, in particular, suitable, likeable and helpful for their personas. Group members had a selection of stationery and equipment to build their prototypes.

A brief as vague as ‘an information system’ allows the groups to explore and arrive at their own solutions related to their personas. The prototypes from the groups were either sketched diagrams or linked cards explaining their tangible ideas detailing topics to cover, style, structure, priorities, storyboarded narrative and even wording. By now there were only four groups due to attrition, and so four prototypes we put forward for review:

1. Toolkit Website to help LIPs navigate through the process
2. Phone app called ‘Your kids, your rights, your responsibilities’ with menu of options providing information on each stage of the process
3. Optimised Website containing information to explain the process
4. Videos about each stage of the process

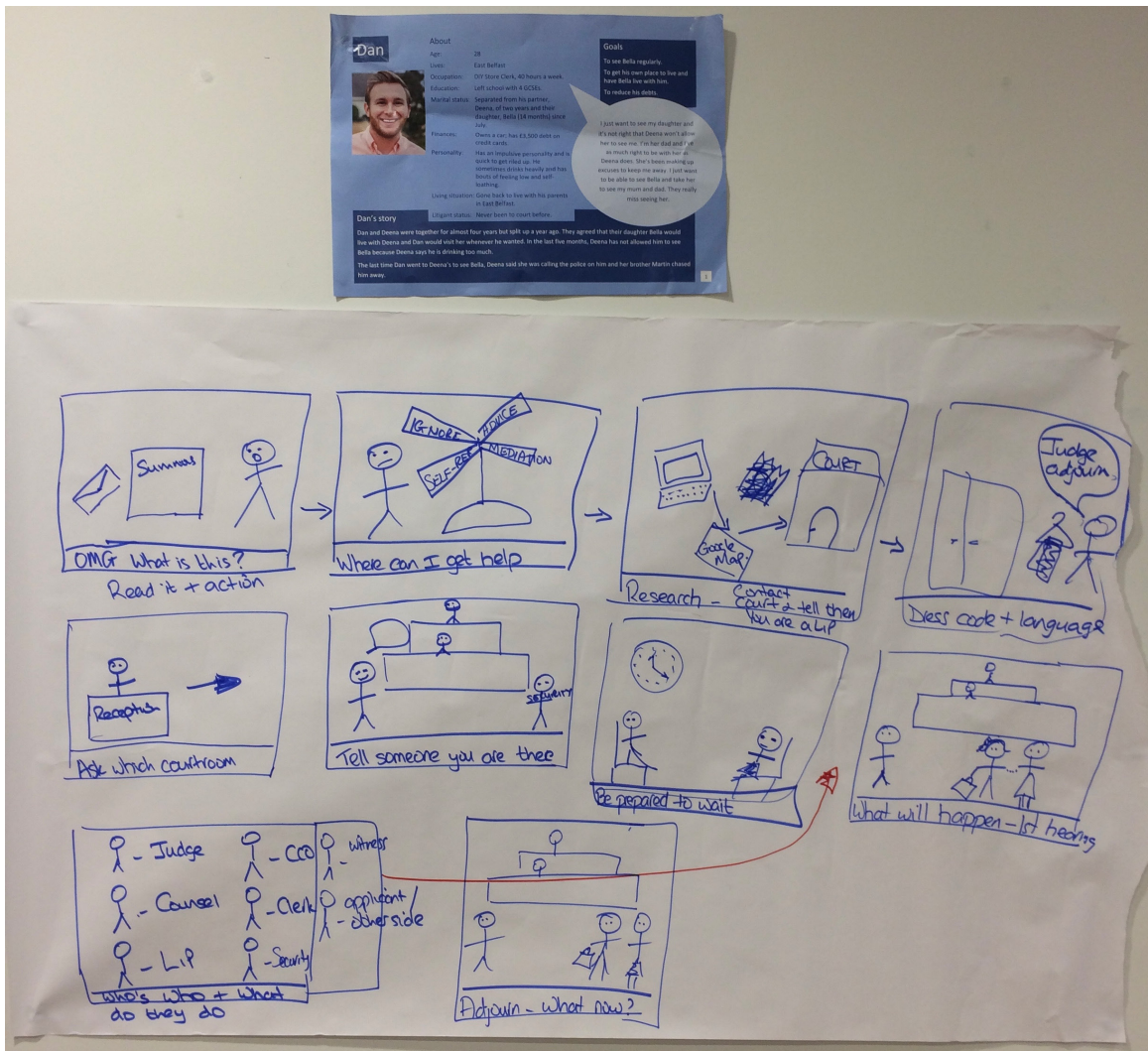
Each group presented their tangible ideas to the rest of the participants – see Figure 7 for an example. The discussion between the participants noted the overlap and common areas and the gaps. They pointed out the need for illustrated or animated content to accommodate different learning styles, which would require specialist input to create content for animation, video, web or graphic design. They also cautioned that the solution needed to remain as information and not to be construed as legal advice. We took note of these two points during the subsequent building of the supports.

43 T Brown, ‘Design thinking’ (June 2008) *Harvard Business Review* 84

44 IDEO, *The Field Guide to Human-Centred Design* (2017) <<https://www.designkit.org/resources/1.html>>, 111

45 M Hagan, ‘A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly’ (2018) 6 *Indiana Journal of Law and Social Equality* 199, 202

FIGURE 7: EXAMPLE FROM ONE OF THE GROUPS OF A FLESHED-OUT PROTOTYPES



NARROWING DOWN TO TWO TANGIBLE IDEAS

From the four prototypes, we needed to select one to take forward to build. We assessed the four tangible ideas against our available budget and resources. We alighted on two solutions: an information website containing information to aid LIPs to navigate the process, supported by video material on some topics; and a navigation tool to point LIPs to which part of the process they needed to attend to:

1. Navigational Tool, called **Pathfinder Tool**, incorporating some aspects of *App: Your kids, your rights, your responsibilities*
2. Website, called **Family Court Information for Northern Ireland**, incorporating elements of *Toolkit Website*, and *Optimised website* and some short, animated videos on specific topics.

Reflecting on the four prototypes, we, in effect, arrived at a solution that incorporated all aspects of the Design Group’s suggestions. Before we had the chance to take our solution back to them for further prototyping, the COVID-19 pandemic halted progress. The interruptions meant that further follow up with the other members was not possible for almost a year.⁴⁶

46 When the HCD process resumed, the prototyping work was also balanced against a further discrete project to assess the impact of COVID-19 on the family courts in Northern Ireland that was conducted from October-December 2020: G McKeever, J McCord, L Royal-Dawson and P Yarnell *The Impact of COVID-19 on Family Courts in Northern Ireland* (December 2020) < www.ulster.ac.uk/courtsurvey >

In advance of the work of building the website we had considered the potential for its future transferability and sustainability, with the aspiration that we could build it and DOJ could host and ultimately maintain it. Initial discussions with DOJ and NICTS focused on how we might build the website as a skeleton version of a DOJ website, so that it could be migrated across easily. Initially, it proved too bureaucratic to establish who the owners of different parts of the DOJ's system belonged to and rather than delay the project we opted to build it as an Ulster University website and investigate sponsorship options for when the project ended.

Workshop 4: Selecting prototype designs

In November 2020, in Workshop 4 – online due to COVID-19 – we were able to show the how the prototypes of the designs had been developed. The Pathfinder Tool was available as a mind-map showing the routing from questions to various options and the logic had not yet been built into the software programme that the Tool would be using. The website text was only available as a Word document. Even though it was in draft, it was a guide to the scope of issues the website might cover. We wanted to assess the suitability of the prototypes with the Design Group, reflecting both their personas and their own perspectives, and getting feedback on the following questions:

1. Would their persona have used these supports?
2. Are the supports useful for LIPs and others in the family justice system?
3. What is missing?
4. How will they be used?

We were counselled by our mentors against rushing the Design Group back into the process – to ignore the researchers' impatience to get the project moving again, to instead give members time and space to resume their thinking and re-familiarise themselves with their personas.

We re-sent the personas to the participants, asking them first to re-familiarise themselves with the particular personas they had worked with in their different groups, and second to consider how COVID-19 delays might have impacted on their persona's case. This fed a useful discussion on the familiarity participants had developed with the personas, needing very little re-introduction, with the silver lining that the prototypes could be reviewed in light of the new pain points that COVID-19 would have created for each persona.

We asked the Design Group to reflect on the shift from a face-to-face to an online workshop. They accepted it as inevitable and the new norm, so the familiarity that participants had developed from working online meant they were not intimidated by the online engagement, although some remained intimidated by unfamiliar technology. The disadvantages, however, were that the creative and social opportunities in the face-to-face workshops – being able to put sticky notes on the wall, getting up and walking around to see the work of other groups, working together in small groups and being energised by the in-person interactions – were not replicable and their absence was regretted. Had we not had the initial workshops as face-to-face, it is difficult to imagine how we would have developed or sustained the HCD process.

With regards to the feedback on the prototypes, it was perhaps fortunate that these were digital developments and so we were able to screen-share and demonstrate how the supports might work. The feedback was positive, ranging from lukewarm – “better than nothing” – to more encouraging comments that what was being prototyped was what the participants had in mind for their proposed designs. The Design Group signalled clearly to us that the prototypes were worth developing and so, for the next six months, the research team worked intensively to build them.

Building the two supports

At the outset of the project, we had not envisaged building the supports ourselves because we could not foresee the Design Group’s eventual prototyped designs. Our budget would not extend to contracting a website developer and app builder and so we had to assess our in-house and institutional capacity take on the tasks. The IT team at Ulster University advised the website could be hosted on the www.ulster.ac.uk website and gave two members of the team some basic training in how to operate the content management system. Another team member had prepared the 80-page Word document on the substantive legal and procedural information which they re-structured and edited for uploading. Two other members of the team began the self-taught process of building the Pathfinder Tool, identifying the appropriate software and working through a complex architecture of questions drawn from the website content that would guide users to the information germane to their circumstances.

The first study, however, recommended that support for Litigants in Person (LIPs) be delivered via the Northern Ireland Courts and Tribunals Service which we knew was a familiar and frequently visited resource by LIPs.⁴⁷ The HCD process rounded on a website and navigation tool but we had no authority to determine how they would be delivered or hosted. So hosting them on Ulster University’s platform with succession planning in place to transfer them to the Department of Justice at the end of the project was the most practical option.

The Design Group was clear that LIP supports should not create a false sense of security. Self-representation is a struggle for most LIPs and to imply otherwise would be dishonest. We had to consider whether an information hub on self-representation might cross the line between encouraging and supporting self-representation. The choice was made therefore to pitch the content to all family proceedings litigants – represented and unrepresented – providing enough information about procedural and substantive issues to enable informed choices to be made on representation.

⁴⁷ G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) < https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf > 108

BUILDING THE WEBSITE

To inform our thinking, we examined other informational websites, spanning government and judicial sources, civic society and charitable sites, blogs and information resources, to guide us on how to structure the information and on what we could reasonably aim for within the project mandate.⁴⁸

The website's function is to provide practical information on how to engage in the court process, and not to advocate for the use of court to resolve disputes, nor whether individuals should be represented, nor offer any legal advice. A section of the website is dedicated to **Alternatives to going to court** and refers to the pragmatics of reaching an agreement outside of court. It reaffirms the principle that contact arrangements should be in the best interests of the child and provides information for members of the public with a view to enabling them to engage more effectively with the court system.

Content

The website is divided into six sections, reflecting the temporal stages of entering into proceedings and recognising that the process may not be linear, is not managed by respondents in the same way as by applicants, and that users may be selective in how they access the information they need.

TABLE 4: CONTENT LIST OF THE FAMILY COURT INFO FOR NORTHERN IRELAND WEBSITE

CONTENTS - Site map of the website
1. Alternatives to going to court
2. Pathfinder Tool
3. Going to court
4. Legal jargon buster
5. Forms & links
6. Get involved in our research

The first section, **Alternatives to going to court**, focuses on alternative means of resolving child arrangements disputes. The next section offers the information seeker the Pathfinder Tool to be self-directed to a specific information target. The bulkiest section is **Going to court** as it contains explanations and procedural detail on family court procedures, and addresses the practical and intellectual barriers LIPs face. Both **Legal jargon buster** and **Forms & links** are repositories of related and relevant information, with the former providing lean definitions to words and phrases commonly used in Family Court Proceedings and the latter listing courts and links to other

⁴⁸ This included:

Ministry of Justice - UK, 'Making child arrangements if you divorce or separate' <www.gov.uk/looking-after-children-divorce>
 Department of Justice - Republic of Ireland, 'Guardianship, custody and access' <www.courts.ie/guardianship-custody-and-access>
 MyGovScot, 'Access to Public Services in Scotland, Children & Living Apart' <<https://www.mygov.scot/browse/births-deaths-marriages/divorce-separation/children-parenting-separation>>
 California Courts - The Judicial Branch of California, 'Self-help: Custody & Parenting Time (Visitation)' <www.courts.ca.gov/selfhelp-custody.htm>
 New York State Unified Court System, 'Court Help: Families & Children' <www.nycourts.gov/courthelp/family/index.shtml>
 Legal Aid British Columbia, 'Family Law in BC' <<https://family.legalaid.bc.ca>>
 MyLawBC, 'Guided Pathways - Make an Action Plan' <mylawbc.com/paths/family/index.php> This website has now been retired
 Children and Family Advice Support Service (CAFCASS), <www.cafcass.gov.uk>
 Advice Now, <www.advicenow.org.uk>
 Child Law Advice, <childlawadvice.org.uk>
 Rights of Women, <www.rightsofwomen.org.uk>
 Gingerbread, <www.gingerbread.org.uk>
 Treoir, 'Informing Unmarried Parents' <www.treoir.ie>
 Family Court Information for Families in the Bristol, Bath, Weston & Gloucester Family Court Area, a web resource created by a group of family lawyers in the Bristol area, <www.familycourtinfo.org.uk>

websites and resources. The final section is the research project's call to arms page seeking the involvement of potential research participants.

Incorporating legal language

We know that the legal language used for court proceedings can constitute an intellectual barrier to legal participation and so significant consideration was given to whether to integrate legal terms or replace them with lay-friendly language.⁴⁹ It seemed naïve and unhelpful to omit the legal jargon that LIPs would inevitably be exposed to in court and necessary therefore to provide an accessible understanding of what these complex and nuanced terms mean in order to build familiarity. Consequently, the website provides explanations within the text where legal terms appear as well as through the **Legal jargon buster**. The jargon buster was initially a solution to the technical limitations in creating a pop-up explanation of a legal term within the text, but its function as a stand-alone source for defining complex terms has proved useful in enabling users to directly access unfamiliar terms.

Illustrating the website

The need to include legal terms and jargon did not negate the need to make information accessible and helpful. The Design Group's instinct to inform through animations or illustrations is supported by cognitive theory that utilising both visual and audio senses maximizes understanding.⁵⁰ Consequently, we directed our limited budget to creating animations of complex information.

Key areas were identified where our first research showed that the LIP's lack of familiarity could be a major stumbling block to their ability to participate in their hearing. The first was 'How does the judge decide arrangements for a child' on the paramountcy of the child's welfare in decision-making at family courts, using an animation and audio description of the legislation underpinning this principle which forms the basis of a judge's decisions.⁵¹

A second was 'Court orders in family courts' about the different types of court orders, so that LIPs could initiate or respond to actions in a procedurally appropriate manner.⁵² This recognises that the terms of reference used by lay members of the public will not always correspond with the official order they are seeking. For example, the decision as to where the child will live is known colloquially as 'custody' whereas in legal parlance it is referred to as 'residence'.⁵³ LIPs frequently know what they want the court to decide but do not know its corresponding legal terminology.

49 G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf> 104; NA Knowlton et al, *Cases without counsel: research on experiences of self-representation in US Family Court*. (2016) Institute for the Advancement of the American Legal System <<https://iaals.du.edu/projects/cases-without-counsel/>>; J Macfarlane, *The national self-represented litigants project: Identifying and meeting the needs of self-represented litigants. Final Report* <<https://representingyourselfcanada.com/wp-content/uploads/2016/09/srreportfinal.pdf>>

50 See Workshop 3: Prototyping; also RE Mayer, 'Cognitive Theory and the Design of Multimedia Instruction: An example of the Two-Way Street Between Cognition and Instruction' (2002) 89 *New Directions for Teaching and Learning* 55

51 G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf> 176; video 'How does the judge decide arrangements for a child' <https://www.youtube.com/watch?v=0_eMGbiyhs&t=5s>

52 *ibid*, 176; video 'Court orders in family courts' <<https://www.youtube.com/watch?v=7N7HdJ32Skc&t=13s>>

53 In an acknowledgement of this, family law solicitors in Northern Ireland often refer on their website to custody rather than residence

The third animation, 'What is parental responsibility?', explains who can assert parental responsibility and how it can be obtained, so that prospective litigants know whether they have standing to apply to the family court.⁵⁴

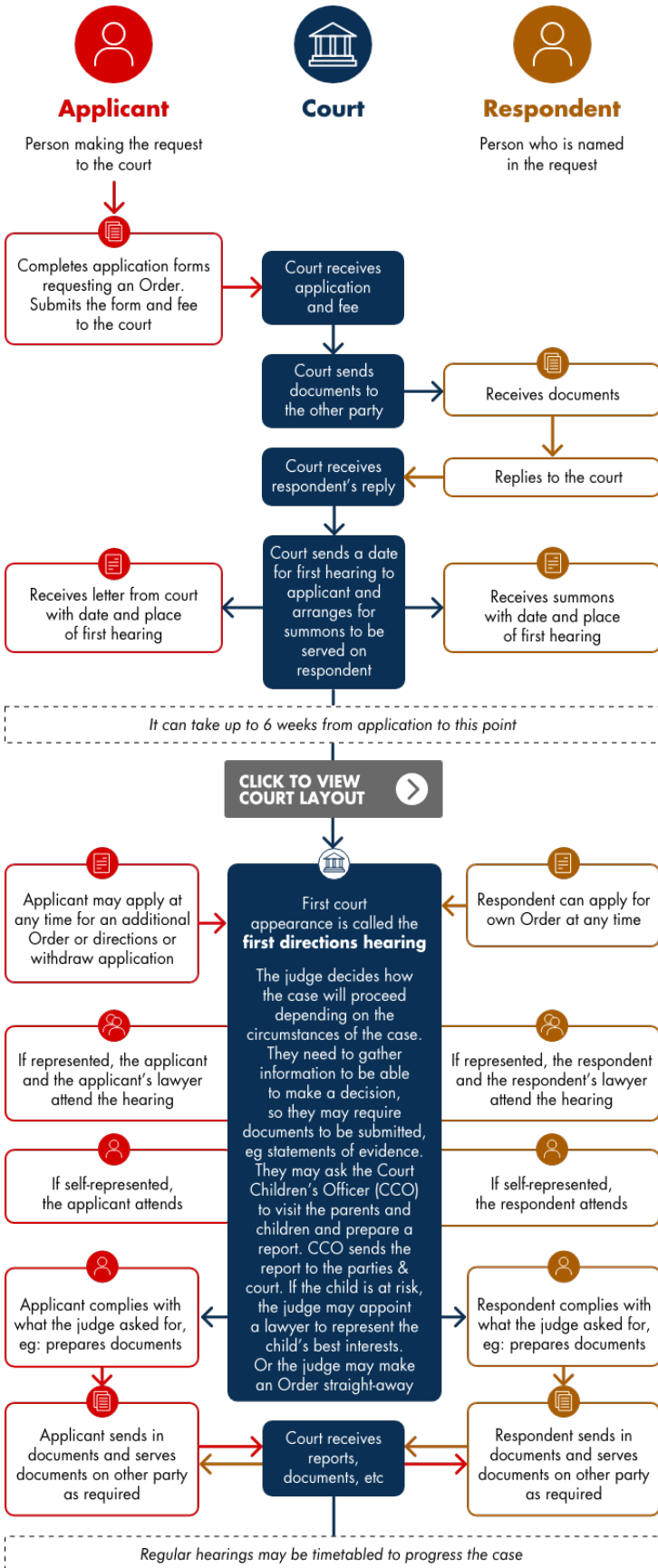
In addition to the animations, three graphical images were developed to illustrate a typical family case, a typical court room lay-out and the hierarchical structure of the courts hearing private family law cases. The typical family case image conveys the entirety of a private family court cases at the Family Proceedings Court, from application to final order (Figure 8).⁵⁵ This hybrid flowchart and swim lane diagram provides a bird's-eye view of the process that many LIPs in our research had anticipated being far shorter and less complex.⁵⁶

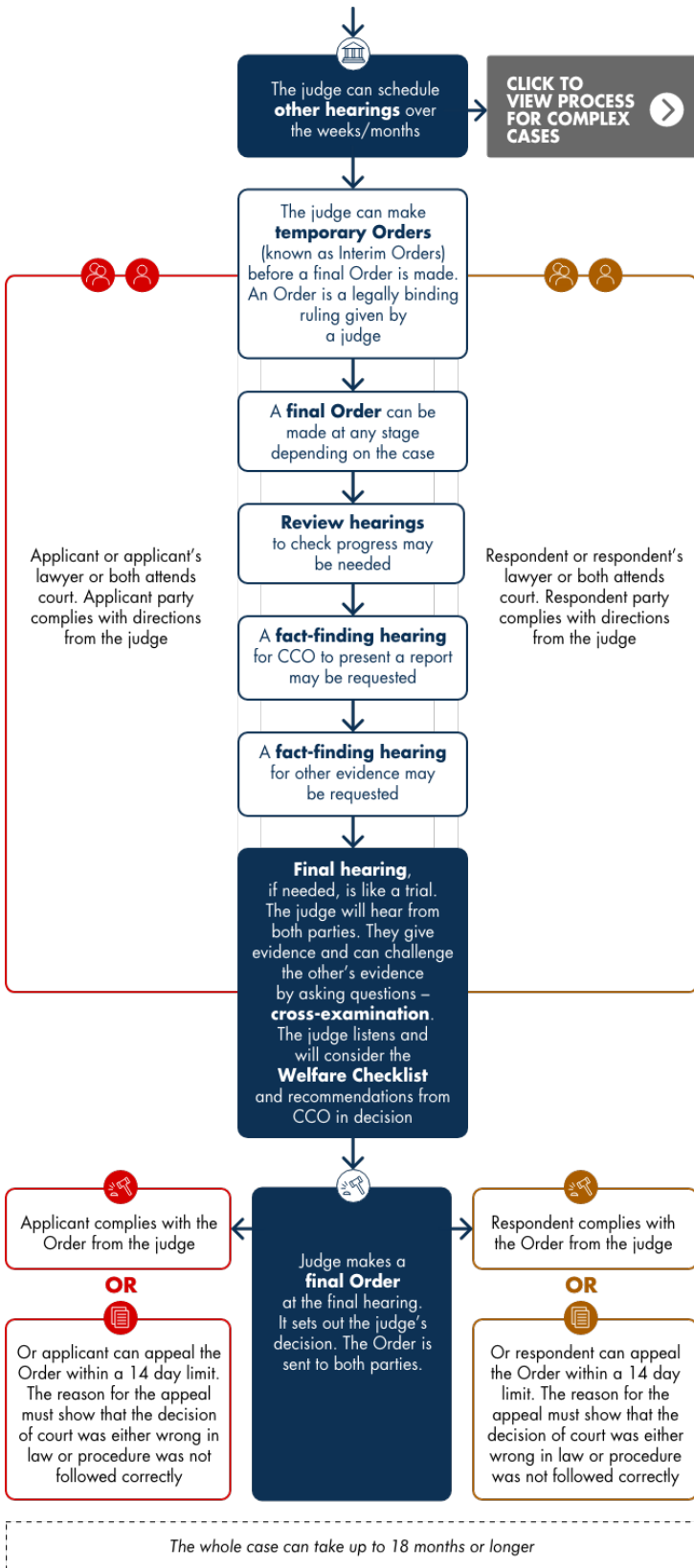
54 'What is parental responsibility?' <<https://www.youtube.com/watch?v=4IKxFnbgBQg&t=38s>>

55 'A typical family case in the Family Proceedings Court' <<https://www.ulster.ac.uk/familycourtinfo/going-to-court/about-family-courts#guide-section-922967>>

56 G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) < https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf > 221, 232

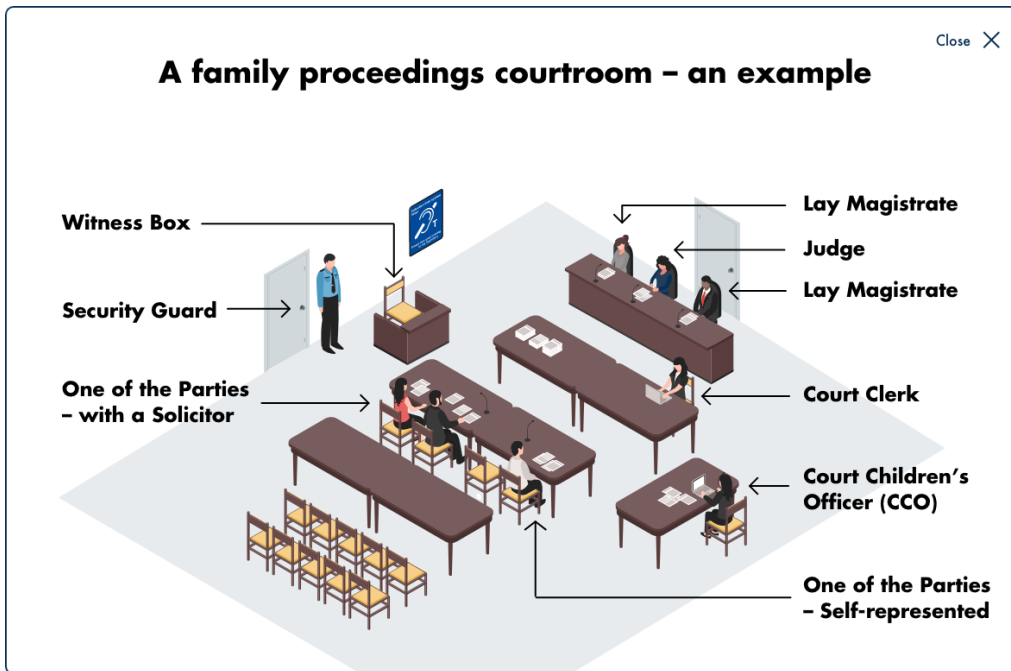
FIGURE 8: DIAGRAM OF A TYPICAL CASE IN THE FAMILY PROCEEDINGS COURT IN NORTHERN IRELAND





Embedded in the typical family case diagram, and located elsewhere on the website, are the two other graphics. The layout of the typical courtroom is based on family proceedings courts in Northern Ireland and offers a sketch of who to expect to be present in an in-person court appearance, another information gap cited by LIPs in the original research (Figure 9).⁵⁷

FIGURE 9: A TYPICAL IN-PERSON FAMILY PROCEEDINGS COURT HEARING IN NORTHERN IRELAND



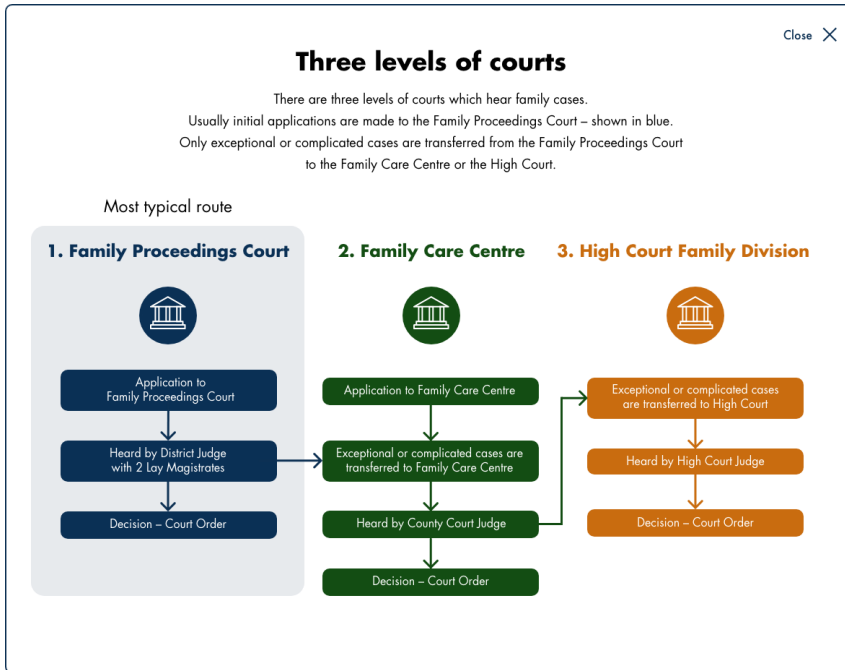
Since the graphic was created, many in-person hearings were migrated to online or hybrid hearings but we have been unable to create or fund additional illustrations to represent these hearings. In reality, LIP hearings are more likely than fully represented hearings to be in-person and the anticipation is that face-to-face hearings will increase as public health restrictions have eased.

The third graphic shows the route family cases can take beyond the usual starting place of the Family Proceedings Court, including application or transfer to the Family Care Centre and transfer to the High Court (Figure 10).⁵⁸

⁵⁷ G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) < https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf > 106; see 'A family proceedings courtroom' <<https://www.ulster.ac.uk/familycourtinfo/going-to-court/hearings#guide-section-925971>>

⁵⁸ 'Three levels of courts' <<https://www.ulster.ac.uk/familycourtinfo/going-to-court/about-family-courts#guide-section-919883>>

FIGURE 10: THE THREE LEVELS OF COURT THAT A PRIVATE FAMILY LAW CASE CAN BE HEARD IN NORTHERN IRELAND



Several Design Group members had advocated for a virtual video tour of a courthouse and courtroom. This is something the DOJ were working on and – as with their animation on alternatives to court – we have agreed that we would add DOJ’s new video material to our website, rather than duplicate their efforts.

It is important to acknowledge that not all information can be conveyed through animations and graphics, even if budget allowed for this. Legal procedure is complex and the website reinforces this reality throughout.

Launching the website

The privacy settings on the developing website were removed in June 2021 to enable public access to it on the URL: www.ulster.ac.uk/familycourtinfo. This facilitated access for the testing stage of the HCD process.

BUILDING THE PATHFINDER TOOL

The concept of the app presented by the Design Group entitled ‘Your child, your rights, your responsibilities’ aimed to guide litigants through different available options depending on their individual circumstances and provide them with information relevant to the particular stage of the process that they were facing. We envisaged this as a navigational tool that could be embedded into the website and also be downloadable as an app, providing specific routes through the information contained there.

One member of the research team had prior experience developing a similar navigational tool for divorce proceedings with colleagues in Ontario, Canada, and so offered expertise in drafting the online conditional logical steps that someone entering court procedures may engage. Another member of the team had practical experience and knowledge of private family law procedure in Northern Ireland. This combination of expertise in court procedure with conditional logic mapping presented the opportunity to develop a viable navigational app.

The two team members evaluated a number of different platforms considering their use and accessibility as well as their affordability within the parameters of our budget for development. This included reviewing tools already licenced by Ulster University, including Squiz, a digital content management platform designed for the public sector and through which we were developing our website.⁵⁹ While Squiz worked well as a content management system neither the decision-tree nor chatbot tool proved suitable for the Pathfinder Tool. This exploration confirmed for us that we wanted to move away from a chatbot approach, in part because of their wide adoption in customer support solutions and the negative association for users with chatbots based on that context.

In terms of usability, versatility, portability, and ultimate sustainability, we settled on an online form design and hosting platform – Jotform – typically used for questionnaires and surveys, that would support the detailed question and route architecture necessary to guide users through different pathways. This is a free ‘no-code’ automation platform.⁶⁰ It offered a robust set of free features, including mobile-device optimisation, and its compatibility with a number of content management platforms meant that there would be flexibility and portability with whomever ultimately hosted the website after the life of the project.

Separately from the project, we were able to trial the process of tool development on Jotform in April 2020, in response to the COVID-19-led increased demand for employment law advice placed on Ulster University’s Law Clinic. The pilot took the form of an employment rights pathfinder to provide information to employees and employers on issues around furlough, redundancy, dismissal and social security benefits.⁶¹ The pilot demonstrated how, through this ‘no-code’ automation platform, we could frame the legal questions to be put to the end-users of the app in a manner which related to the legal principles and rules applicable to the issue. In doing so, we could determine the text of the questions, order in which questions were sequenced and the form of feedback or information that was provided to the user, and how that is delivered: either through the app, by download, or through further links.

Developing the Framework

A question framework had to be developed to enable the family proceedings issues to be structured through sequential questions or flowchart of information. This was not a simple mapping exercise between what the law says and questions LIPs might ask. Instead, it required fundamental reconsideration of engagement with legal rules, abstractions of the process of providing legal advice and how the user would answer questions. The challenge was to cover a range of potential real-life scenarios and legal caveats, recognising that this would not apply to all cases. We considered the typical progression of family law case issues in view of the legal status of the user, age of the child and range of possible and common legal and procedural issues. We were also mindful of the General Data Protection Regulation and so the Tool was designed to provide users with information without collecting personally identifiable information or requiring form submission, although it does permit users to provide anonymous qualitative feedback if they wish.⁶²

59 Squiz – web content management platform <<https://www.squiz.net/>>

60 Jotform – free online tool to create forms using conditional logic <<https://www.jotform.com>>

61 See <<https://www.ulster.ac.uk/lawclinic/home>>

62 *EU General Data Protection Regulation (GDPR)*: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ 2016 L 119/1.

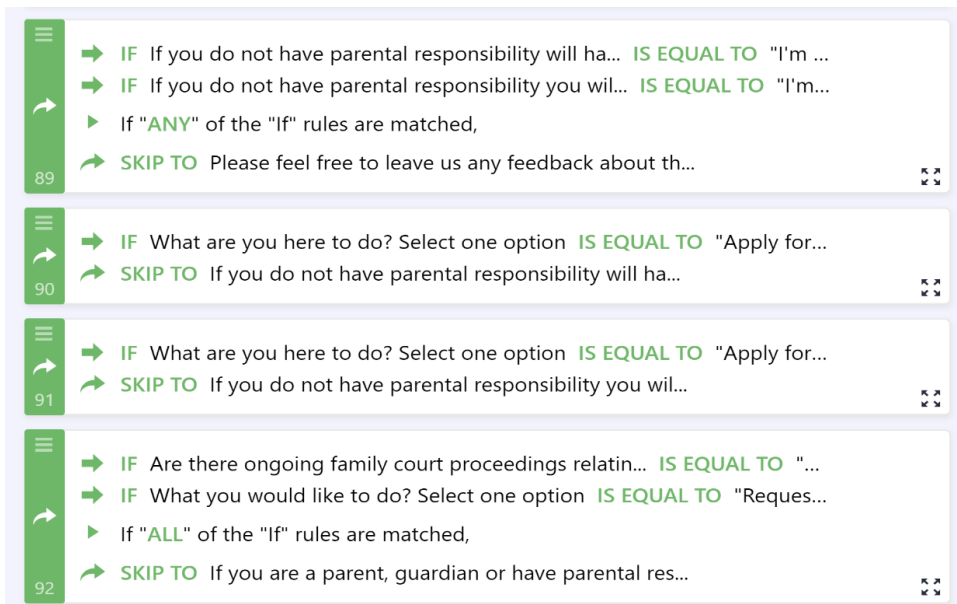
Using the spider-map app Mindmeister, we designed a detailed series of questions to map out the possible pathways open to someone seeking information related to making child arrangements.⁶³ This allowed us to develop simple questions that constituted smaller components of larger and more nuanced legal issues. The structured question architecture enabled binary choices and specific option-based answers to minimise confusion or indecision and to guide users along the pathway most germane to their putative situation. Aligning with the website options, we opted for pathways relating to alternatives to court, information about going to court, court proceedings relating to various family orders and information on court processes, forms and documents.

Conditional logic

Guided by the Mindmeister map, we transferred the logic to Jotform whose the decision tree comprises a set of rules (conditional logic) for providing decisions and results according to the values input by users in response to questions. The user is prompted to provide responses to the ordered questions, typically by means of values such as yes/no/I'm-not-sure. Through the app conditional engine, the values have specified rules based on if/equal-to/then/skip-to mapping between the values of the variables and results – see Figure 11.

The app then delivers information to the user as to the navigation pathway and signposts to further information, based on the user’s responses to the questions. Underpinning the question flow, with overlapping conditional rules, we ended up with 226 conditional logic commands, none of which is visible to the user while using the Tool.

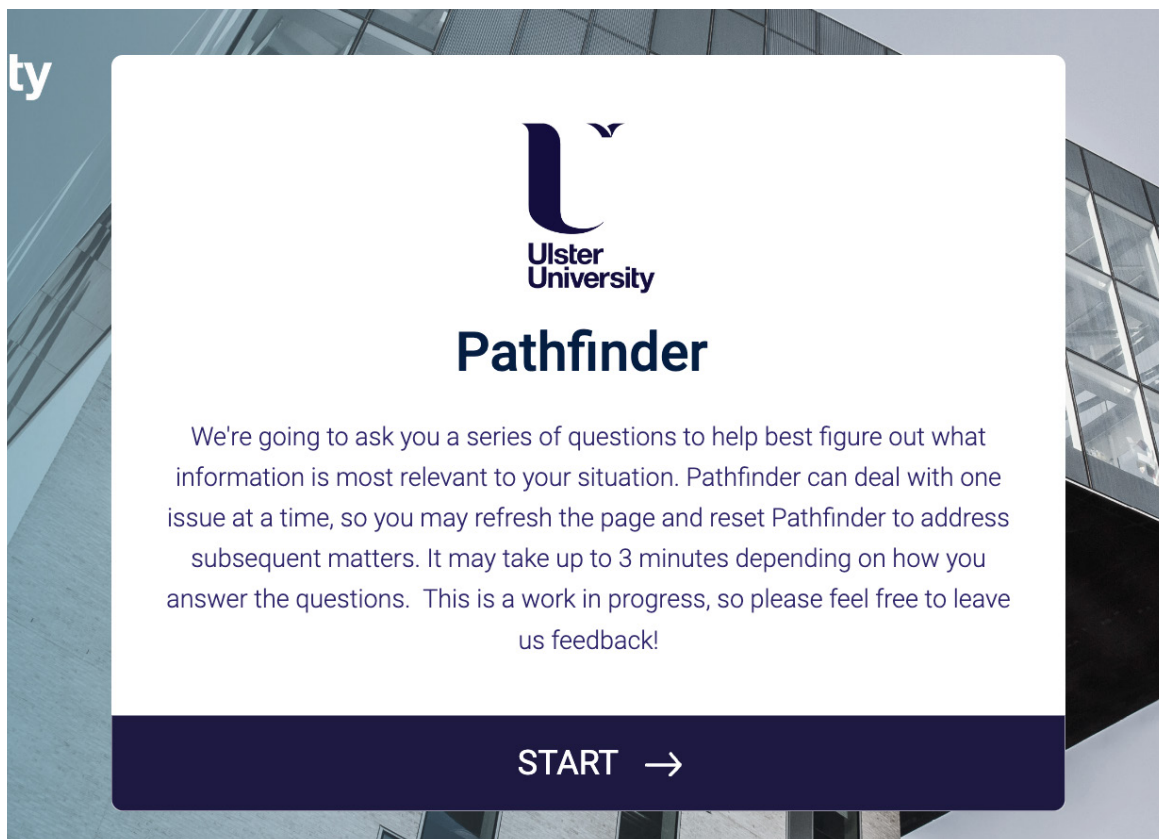
FIGURE 11: EXAMPLE OF CONDITIONAL LOGIC UNDERPINNING QUESTION FLOW IN JOTFORM



63 Mindmeister – a free online mapping tool <<https://www.mindmeister.com>>

Using the app

FIGURE 12: WELCOME CARD OF PATHFINDER TOOL⁶⁴

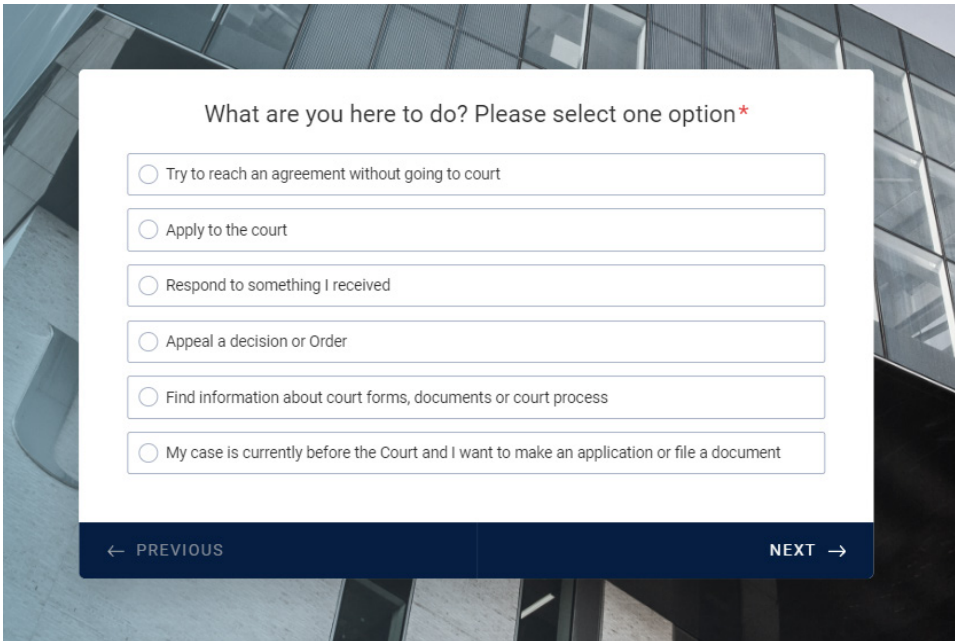


The Tool leads with a statement on its purpose, namely that it is a resource designed to provide information pertinent to the user's situation – see Figure 12 above. The next card requires the user to indicate that the information does not constitute legal advice. The next questions consider jurisdiction and whether the child would likely be subject to an order of the court served as a significant and clear point of demarcation to use for the initial triage. By frontloading this gating criteria, cases where users fall outside the scope of family proceedings in Northern Ireland are able to be exited from the Pathfinder. In both cases, this type of user is presented with an explanation that the Tool does not meet their information need and an invitation to leave feedback on the Tool or start again.

For those who proceed with their search, the next stage triages their standing in relation to the child in question (biological mother or father, etc). Then they select one of a set of common pathways relating to information on alternatives to going to court, making an application or responding to a summons, appealing a decision already made, procedural 'how to...' information, such as how to write a position statement or a process in existing proceedings (see Figure 13). Not all possible pathways could be included so we decided to focus on the most common issues, including some that are identified as problematic or complex.

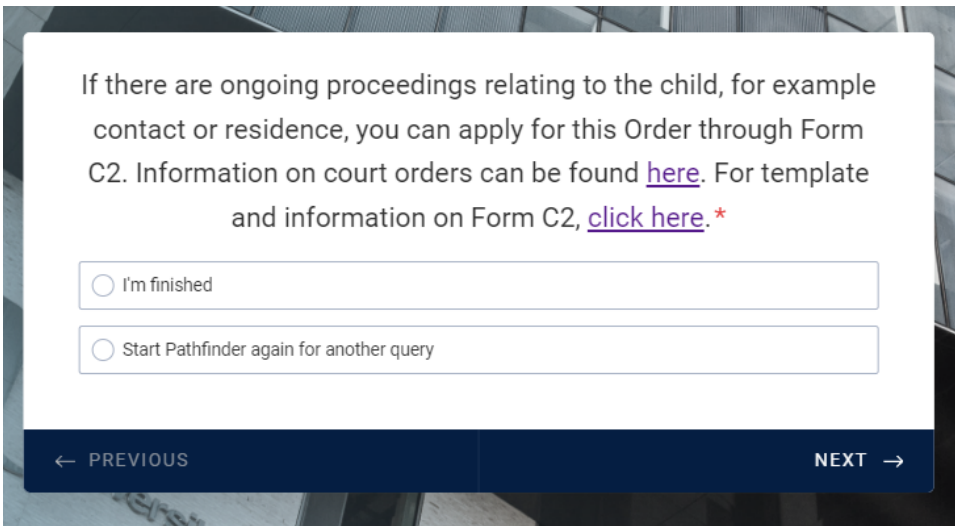
64 Pathfinder Tool can be found at <<https://www.ulster.ac.uk/familycourtinfo/pathfinder>>

FIGURE 13: AN EXAMPLE OF TRIAGING QUESTIONS IN PATHFINDER TOOL



To progress along a pathway, the user is prompted to select options relating to their information need, allowing them to go back or start again at any point. Each pathway ends with a final card with summative information and further links to a ‘soft landing area’ – a printable summary of the issue – and links to the relevant pages on the website (Figure 14).

FIGURE 14: EXAMPLE OF A SUMMATIVE CARD GUIDING USER TO FURTHER INFORMATION



Providing soft landing areas (SLAs) with summative information within the Pathfinder Tool is intended to provide a stand-alone tool, while the links back into the website allows the user to explore the issue in more detail.

In-house testing of the App

After developing the initial framework in the Jotform platform the app was informally reviewed and piloted by the research team and with colleagues in the School of Law to test for content, clarity, functionality and usability. This revealed concerns over whether the question flow was overly complex and cumbersome. Through iteration and pathway truncation, the architecture was streamlined down from 294 to 157 questions.

The main changes to the app related to clarity, content reordering, end pathway change and question revision in terms of language and style. Breaks in the conditional logic were also identified and fixed. Following this informal review, the Tool was published on the website to be tested by potential users and stakeholders, allowing us to progress to Test & refine stage.

Reflections on building the supports

It was not a surprise that the Design Group, using the personas created from data gathered on LIP experiences in the first study, would opt for a website, since a key finding pointed to the lack of available information on self-representing or family proceedings.⁶⁵

Core of emotional coping is understanding, so an information system, for example, video, other media, which covers lots of topics, such as do's and don'ts for LIPs, expected roles of court actors, etiquette in court, what to expect, what to do. Make it accessible and available.
(Other professional, Workshop 3)

While the need for this resource was evident, creating it was a huge task which meant that the build stage was by far the most substantial part of the project. The decision to build the website and Pathfinder Tool had to be based on consideration of the research team's capacity, timeline and budget. The team possessed the legal and procedural knowledge to write the content of the website but the technical skills required to create these support products had to be learned at pace. Support from the IT team at Ulster University was vital in enabling this, along with the tenacity of the two researchers who took on this significant task. The ideal position would have been to hand over the build to a team of web designers, but the budget we had estimated at the outset of the project, well in advance of any support materials being identified, would not have stretched this far and would have excluded the spend we saw as necessary (reflecting the Design Group's recommendations) on providing illustrations and animations to illuminate some of the complex legal and procedural issues. We were also advised that marketing was a necessary component of creating a new web resource if we wanted to reach our target audience. This was particularly the case where the website was hosted by a less than obvious source – a university – rather than an organisation or agency affiliated with the courts.

⁶⁵ See in particular the recommendation on developing online information for LIPs: G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf> 213; Similar recommendations were made in the Office of the Lord Chief Justice, *Review of Civil and Family Justice in Northern Ireland, Review Group's Report on Family Justice* (September 2017) <<https://www.judiciaryni.uk/publications/review-groups-report-family-justice>> 192 and *Review Group's Report on Civil Justice* (September 2017) <<https://www.judiciaryni.uk/publications/review-groups-report-civil-justice>> 179

The Pathfinder Tool seemed an aspirational idea, and it was not immediately obvious that the team would be able to deliver this. The attraction was clear, however, as it was an innovation that would complement and connect with the main website and would be more in need of proof-of-concept evidence than a website if the DOJ were to be persuaded to take it on. We were fortunate, therefore, that one team member had some experience of a similar project, albeit assuming a different role as legal rather than technical expert, that gave us some confidence in pursuing it. Initial research, driven by a desire to see if it could be implemented, led to a decision to take it on. The learning curve was steep and required considerable patience and perseverance but has been a worthwhile effort in showcasing how innovative HCD ideas can be implemented, further reinforcing the value of this methodology.

Ours was an experimental context where the capacity to develop the products depended on the resources of the research project and team. However, in an operational or commercial HCD context, the evolve stage would involve an implementation strategy to ensure the resources and means to deliver the product or service were in place. Securing funding streams, marketing, further test and refining, dissemination would all be part of the strategy.

Chapter 6

HCD Stage 5 - Test & refine

The test and refine stage is at the heart of the HCD process because it is only through testing a prototype that we will know whether the designed product will work for the people for whom it is intended.⁶⁶ This means that failure is an important part of the process because it is unlikely the first prototype will be the right fit. Once a design is released into the real world, it will create consequences and impact for as long as it exists. Ensuring any repercussions do not outweigh the advantages of the design involves the iterative process of test-refine to be continued.⁶⁷ This allows the designers to keep learning and refining to improve the design,⁶⁸ informed by user feedback which keeps them at the centre of the testing phase. This maximises the design's eventual adoption.⁶⁹

Building and testing in the early stages should be happening almost simultaneously to allow instant reactions to any progress or decisions made in the development.⁷⁰ Feedback may come from the actual intended users as well as experts or system professionals, but the former is prioritised to infuse the design with the user experience.⁷¹ The backbone of testing is user feedback which can be collected in many ways – interviews, observation, focus group discussions, questionnaires.⁷² The feedback can cover a number of user-centred variables, and pre-determining measures of success can guide the testing phase.⁷³ Hagan recommends testing should be for usability, usefulness and value. Exploring these three dimensions informs the designers about the user experience and where to focus attention to refine the design.⁷⁴

1. Is the design usable – how easy it is to use? Can a task be completed using it?
2. Is the design useful – does it help achieve goals? Does it meet a need?
3. Is the design valuable – is it desirable; does it have real world currency and use?

We incorporated these three dimensions in our testing phase which primarily focused on the usability of the tools as computer-based assets. Once the HCD testing stage could start in earnest, it incorporated various features related to the suitability of the products for the intended users and inevitably had to embrace product-testing methods specific to the products' formats.

66 IDEO, *The Field Guide to Human-Centred Design* (2017) <<https://www.designkit.org/resources/1.html>> 21

67 HWJ Rittel and MM Webber, 'Dilemmas in a General Theory of Planning' (1973) 4 *Policy Sciences* 155, 161; VD Quintanilla, 'Human-centred Civil Justice Design' (2017) 121 *Pennsylvania State Law Review* 745

68 IDEO, *The Field Guide to Human-Centred Design* (2017) <<https://www.designkit.org/resources/1.html>> 25

69 *ibid* 126

70 *ibid* 126; M Hagan, *Law By Design* (2016) <www.lawbydesign.co/> ch3.4

71 M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality*

72 IDEO, *The Field Guide to Human-Centred Design* (2017) <<https://www.designkit.org/resources/1.html>> 126

73 IDEO, *The Field Guide to Human-Centred Design* (2017) <<https://www.designkit.org/resources/1.html>> 147

74 M Hagan, *Law By Design* (2016) <www.lawbydesign.co/> ch3.4

Usability testing

Before the onset of the pandemic, we had planned hands-on testing sessions with the Design Group, during which they would test aspects or sections of the supports and deliver feedback directly, and then further testing with LIPs in court proceedings. However, during the pandemic, parallel building and testing could not take place because of the difficulty in convening further workshops, and plans for live testing with LIPs fell victim to restrictions placed on our access to LIP court proceedings and therefore to LIPs as research participants. That meant we had to reorient our approach to usability testing for both the website, which was made live on Ulster University's website in June 2021 as an advanced prototype for Design Group testing, and the Pathfinder Tool, which was released for testing in January 2022.

We looked to industry standards and usability evaluation methods for testing online tools. In relation to the former, the International Standards Organisation's (ISO) suite of standards includes a definition of usability as being 'the extent to which a system, product or service can be used by specified users to achieve specified goals with effectiveness, efficiency and satisfaction in specified context of use.'⁷⁵ This definition is directed at the interaction between the human and the product, emphasising the product's capability to meet the users' expectations, rather than the site's performance on accessibility or functionality metrics divorced from human interaction. This latter type of performance testing for functionality was conducted by Ulster University's Digital Department,⁷⁶ so that we could focus on usability testing. The ISO's definition of usability (effectiveness, efficiency, satisfaction) offered a complementary approach to the HCD focus for testing prototypes (usable, useful, valuable), to allow us to test for the following:

1. How effective are the products at meeting the information needs of users, particularly LIPs?

This goal echoes Hagan's HCD testing dimension of usefulness and includes the accuracy, relevance, completeness and comprehensibility of the content.⁷⁷

2. How efficiently can users locate the information they are looking for?

Following Hagan's testing goal of usability, this includes how easy the products are to use, including the in-site navigation, the use and clarity of links and hyperlinks to other pages or other sites. Internally for the website this encompasses how well the search engine works and how amenable the structure of the site is for finding the information.

3. How attractive and how satisfying are they to use?

Again, following Hagan's testing goal of usability, this includes the appearance, the layout, the design and the users' subjective reactions to using the products.

⁷⁵ International Organisation for Standardisation (2018) *Ergonomics of human-system interaction- Part 11 Usability; Definitions & Concepts* (ISO 9241-11) <<https://www.iso.org/standard/63500.html>>

⁷⁶ This was done via in-house tools, such as Funnelback to test and optimise the in-site search engine and Silktide to maximise the website's accessibility. Funnelback is a search engine optimisation product of the web content management platform Squiz: <https://www.squiz.net/products/funnelback> Silktide runs automated tests to assess aspects of website accessibility, such as readability scores of the text, functionality of links, colour contrasts, screen reader metrics: <https://silktide.com/>

⁷⁷ M Hagan, *Law By Design* (2016) <www.lawbydesign.co/> ch3.4

4. How closely do they meet the expectations of the Design Group?

The value of the design is assessed by this testing goal. We were keen to learn whether we had delivered on the Design Group's original tangible ideas which resulted from the HCD process and so had currency among the stakeholders.

For usability evaluation methods (UEMs) for the website and Pathfinder Tool, again we looked to those suited to evaluating information websites, in particular governmental sites, and online navigation tools. UEMs can be empirical or through inspection. Empirical methods collect data on how real end-users complete a predefined task, while inspection methods are conducted by IT expert evaluators to check usability against a set of guidelines without any input from real end-users.⁷⁸ Even though our limited technical capacity narrowed our choice to the use of empirical methods, their reliance on end-user's interactions also complemented the human-centred approach of the study.

Our products, usability testing goal and available budget narrowed down the types of empirical UEMs that we could reasonably adopt:

Inquiry – this is where users provide feedback to the evaluators in an interview, a questionnaire or other format;

User-testing – this is where the user is observed conducting a task to determine usability.⁷⁹

This led us to three specific UEMs for the website and one for the Pathfinder Tool:

1. Inquiry method for the website usability using pre-set questions for a group discussion with users
2. Inquiry method for the accuracy of the information on the website in interviews with expert users
3. Inquiry method using a survey questionnaire to obtain a comparable metric of usability of the overall website
4. User-testing with think-aloud protocols for the usability of the Pathfinder Tool and a short interview about whether the products had met the expectations of the Design Group.

We were also interested to know how the website was being used. The four approaches to our usability testing and their results are described here, along with a Google Analytics analysis of how the website was being used.

INQUIRY METHOD FOR WEBSITE USABILITY – DESIGN GROUP IN WORKSHOP 5

We ran a fifth, online workshop with the Design Group in June 2021 to conduct usability testing on the built-out design of the website. The two prototyped products – Family Court Information for Northern Ireland website and the Pathfinder Tool – were being

78 A Fernandez, E Insfran and S Abrahão, 'Usability evaluation methods for the web: A systematic mapping study' (2011) 53 *Information and Software Technology* 789

79 MY Ivory and MA Hearst, 'The State of the Art in Automating Usability Evaluation of User interfaces' (2001) 33 *ACM Computing Surveys* 470. They identify three further methods: inspection, where an evaluator uses a set of criteria or heuristics to identify potential usability problems in an interface; analytical modelling, where an evaluator generates usability predictions from user and interface models; simulation, where an evaluator mimics user interaction with the interface.

developed simultaneously, but the Pathfinder Tool was more technically challenging and took longer to develop, so by June 2021, only the website was available for usability testing at this stage.

We set the Design Group a task to use the website ‘walking in the shoes’ of their persona to assess how well it met the needs around which it had been initially developed. We asked them the following questions:

1. How does your persona interact with the website? Is it easy for your persona to use?
2. How easily does your persona locate the information they are looking for on the website?
3. What prevents your persona from locating the information?
4. Can your persona understand the information provided?
5. How will your persona act on the information they find?
6. What features are most valuable to your persona and why?

The feedback of each Design Group member began from the position that the mere existence of a website was a positive development. Some of the LIPs in particular had been sceptical about whether anything would happen or whether the research was just a talking-shop with no realistic prospect of achieving something tangible or beneficial. Other LIPs noted that what was produced was ‘better than nothing.’

The positive feedback highlighted particular aspects that Design Group members felt would alleviate their persona’s emotional toll. Members were impressed with the wealth of information on the website as a means of addressing the personas’ problem of not knowing what to expect or to do in court. Praise was provided for the different ways in which information was portrayed, and this was seen as being well focused on the intellectual and practical barriers that personas faced, as well as those which were evident from the original research and the experiences of individual Design Group members.

Significantly, members were alive to the need to convey the reality of litigating in family courts – the stress, the complexity, the foreignness of the language and environment. There was some concern, however, that there was too much information and that this could preclude the opportunity for LIPs to get quick answers. Countering this, a former LIP noted that the website being text heavy was reflective of the process and ‘it is good to know what you are getting yourself into’ – whether voluntarily or not. Another member noted that ‘complexity reflects how people will feel when they come to court, there is so much information [but you] have to work your way through it’ (Other professional).⁸⁰

While the **Legal Jargon Buster**, diagrams and animations were widely praised, it was also accepted that not all aspects of court procedure can be made into an animation or a graphic. Indeed, there was some criticism that the presentation of information in lay-friendly format did not reflect the complexity and anxiety that LIPs faced. A former LIP commented that the animation ‘How does the judge decide arrangements for a child’ was too ‘Little House on the Prairie,’ offering an ideal rather than reality. This reflected our challenge of providing neutral information on what was meant to happen, rather than what sometimes happened in practice.

⁸⁰ For each direct quotation, we indicate the role of the speaker only and no other identifying features.

A common feedback theme related to the website's capacity to manage expectations. This was seen to relate particularly to LIPs often assuming that more support was available to them, and the resulting frustration that flowed from its absence. This was one reason why many Design Group members and experts appreciated the 'Alternatives to Court' section of the website. For people with experience of the system there was, by and large, an alignment to the principle of court being a last resort for family proceedings involving children. They placed an emphasis on the emotional toll, as well as the practical difficulties, of court proceedings.⁸¹ For example, they wanted readers to be aware of the scrutiny they would receive from the court, and that a Children's Court Officer may make an assessment of their parenting skills. The Design Group feedback was that these critical matters were rightly addressed in the website.

The website language was clear enough for the Design Group members, most of whom believed it was 'nice and simple' and that users would have no problem. However, some queried whether their personas would understand the language used. For example, a court staffer suggested that her persona reading through cross-examination webpages may not recognise the passive phrase of 'disputed issues' as being something to challenge and suggested that they would be more likely to act if something more straightforward was used for example, 'if you disagree this is what you can do'. The research team took this on board and reviewed the content to identify and amend this and similar examples.

Several Design Group members were unable to find information they felt was relevant to their personas. This flagged to the team that some information may be buried, and the need for a more effective search function. The University's digital team adapted the search engine to allow better targeted results. We also re-structured the website by merging pages and improving the navigation functions, introducing a page contents menu as well as a site menu per page.

The numerous comments and suggestions from the Design Group were reviewed by the team and either acted on immediately, referred to the digital team for their technical consideration or rejected as not possible. The revisions that were implemented led to a full overhaul of the website, resulting in its current structure and navigation. The feedback that was not implemented included ideas that spoke to the sense of desire for LIPs to be given a vindication of their experience within a system which they navigate alone, without the support of a lawyer. As one LIP Design Group member reflected being a 'LIP can be lonely'.

The first idea was for the website to provide testimonials from LIPs who had gone through the system to reflect their experiences. In addition to this being beyond the provision of procedural information, we were concerned that this might be overstepping the neutral stance that the website adopted, which seeks to empower litigants to make informed decisions rather than seek to persuade them to self-represent or otherwise.

The second idea was to have an online register whereby LIPs could connect to each other. This went beyond the scope of the website as a repository of information. Nevertheless a number of support groups are listed in the **Forms & Links** section of the website which may be able to offer LIP opportunities to connect with other LIPs.

⁸¹ For example, that the hearing was unlikely to be held at the time listed, that they might need to wait hours to be called into court; that the hearing was not transcribed and no record was available to them, that they were expected, though not told, to make their own notes; that the Court Children's Officer's report was not necessarily sent to them but they could call and attend the court offices to read the report: G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf> 111

Establishing a 'Frequently Asked Questions' section was also suggested, something we saw as valuable but premature at this point. A decision was taken to keep this under review with future sponsors, when sufficient insights from Google Analytics & other website software as to usage could be established – for example looking at the most frequently searched terms, the most widely read pages and sections of the website – that would directly inform a FAQ section that could be flagged on the homepage.

Accuracy testing

It goes without saying that an information source must be accurate to earn the credibility and trust of its users, and to be true to its intention. Additional to the accuracy testing by court actors in the Design Group, we enlisted the help of four NICTS staff from three different courts, providing a mix of court levels and geographical locations, and two practitioners – one legal and one advisory - to review the website's content using an inquiry method.⁸²

We opted for questions to guide their searches using slightly different prompts depending on their background and held online discussions to obtain their responses and feedback, June 2021. The expert responders were thorough, checking the pages of the website, using their experience of professional engagement with LIPs through their frontline interaction with them and their knowledge of practice and procedure. Their expert view was not limited to that of a LIP persona.

This audit of the website, covering procedure familiar to the respondents, threw up several inaccuracies on the website which reflected inconsistencies in practice across different courts. The variation in court practice that arose from judicial discretion had a direct impact on our ability to be consistent, and therefore accurate, in information provided on the website. For example, it was not possible to advise how many copies of documents were required or the sequencing of submissions, since this varied across courts, despite this being a direct pain point for LIPs who are looking for information on how to proceed and become confused by the inconsistent approaches of different judges. Consequently, we had no choice but to remove references to individual court practice, and kept the information generic with a suggestion to contact the court for advice. Other information was out of date, including court contact details. The outcome here was to correct not just our website but the DOJ's, where we had taken the information from.

Further feedback related to how our website presented information compared to the DOJ website. In particular, concerns were raised that our website linked court forms according to the level of court, rather than under the rules of each court, as they currently are on the DOJ website. We knew the latter relied on LIPs knowing which rules apply to which court, a problem exacerbated by the fact that the names of the rules do not intuitively match with the court – for example, the Family Proceedings Rules are applicable for the Family Care Centre, and the Magistrate Rules are applicable for the Family Proceedings Court. The agreed solution was for us to provide a direct link to court forms on our homepage – **Forms** – so that court staff could direct LIPs to the relevant form and they would immediately be able to locate it.

⁸² We had anticipated more feedback from practitioners, yet despite requests to the Law Society of Northern Ireland and the Bar Council of Northern Ireland, only one practitioner responded

Court staff were highly attentive to the common issues faced by LIPs that caused confusion and contributed to a LIP's sense of frustration and were happy for LIPs to be directed to court staff for assistance. This meant making clear what court staff can and cannot do.⁸³ The court staff appreciated this clarification and believed that the website had the potential to alleviate LIPs stress and that of court staff as the frontline engagement with LIPs.

The **Legal Jargon Buster** was seen as an important feature for LIPs who were often confused by language used in the court hearings and in the court forms. The diagram of a typical case in the Family Proceedings Court in Northern Ireland (see Figure 8) was seen as giving the user an accurate sense of the length of time a case took and the level of complexity it involved.

Beyond court staff, we had some practitioner feedback that helped ensure accuracy. A family law solicitor provided comprehensive feedback on the extent to which the website was a fair reflection on the role of legal representatives, both in terms of their relationships with their clients and their engagement with LIPs. The solicitor could see the advantages of being able to refer not only LIPs to the website but also clients who could be reminded of the court principles and their role in proceedings. The **Alternatives to going to court** section was also reviewed for accuracy by a support organisation, which led to some factual corrections.

INQUIRY METHOD FOR WEBSITE USABILITY – BEYOND THE DESIGN GROUP

To gain insight into the usability of the website for users beyond the project, we opted for an established questionnaire tool that had been validated as part of its development and would allow us to benchmark the scores for our site against other sites.⁸⁴ There are dozens of online usability questionnaires to select from, but very few which offer benchmarking against the scores on other websites and are free to use in academic studies. We opted for Website Analysis Measurement Inventory (WAMMI) because it has both of these characteristics.⁸⁵ WAMMI has 20 standardised statements on five dimensions: attractiveness, controllability, efficiency, helpfulness and learnability which the respondents rate using a five-point Likert scale from strongly agree to strongly disagree. It also allows for open-ended questions and we opted for questions on what respondents felt was the best feature of the website and what could be done to improve it.

A disadvantage of this method is that we would have no idea of which pages the respondents had visited nor the length of time spent on their visits. The main problem, however, turned out to be the lack of public engagement with the usability questionnaire.⁸⁶ In the event, only seven people responded to the questionnaire by July 2022.

Four men and three women completed WAMMI. The website scored highly on Attractiveness and Helpfulness, but Controllability gained the lowest score of the dimensions, suggesting the seven respondents felt their navigation of the site was

83 See <<https://www.ulster.ac.uk/familycourtinfo/going-to-court/about-family-courts#guide-section-920037>>

84 S Elling, L Lentz, M de Jong and H van den Bergh, 'Measuring the quality of governmental websites in a controlled versus an online setting with the "Website Evaluation Questionnaire"' (2012) 29 *Government Information Quarterly* 383

85 J Kirakowski, N Claridge and R Whitehand, 'Human-centered measures of success in website design' (1998) *Proceedings of the 4th conference on human factors & the web* 1 <http://www.wammi.com>>

86 *ibid*

not as easy as it could be. All seven answered ‘Very Important’ to the question: “How important to you is it to have a website about this topic available for Northern Ireland?”

In the open ended questions, the respondents offered their views on the website’s best feature: **Legal Jargon Buster**, Pathfinder Tool and the provision of the information that cannot be found elsewhere were equally lauded. There were some suggestions for improvements, which included: additional terms to add to the jargon buster, additional links to local services, information on the duration of family proceedings cases, eligibility criteria for legal aid and a call to keep the website going, with possible input from the public, LIPs and partnerships with other universities.

These results are quietly encouraging and suggest the website is serving a need to a high enough usability standard. The method, however, was clearly found to be wanting due to the low number of responses.

HOW WAS THE WEBSITE BEING USED?

The three inquiries into the website’s usability and accuracy provided useful qualitative insights but we also wanted quantitative information on how it was being used. For this we harvested data from Google Analytics from 22 September 2021 to 16 February 2022, opting for metrics that would give us an idea of how users engaged with the website, including type of device used, duration of visits to the website and how users reached the site. A total of 14,092 sessions – that is, a group of interactions recorded when a user visited the website – took place on the website but only 3,385 of those were recorded for users in Northern Ireland. Most visitors, 79%, used their mobile phones to view the website and 20% used a laptop or desktop. The remaining 1% used a tablet.

We noted some positive changes in usage after we made improvements to the website’s navigation based on the feedback from testing. Our analysis focused on Northern Ireland users, given the purpose of the website. The average duration a user spent in a session on the website rose from 2 minutes 53 seconds to 4 minutes 44 seconds after the improvements. The number of pages viewed per session also increased, from 1.85 pages to 2.73 pages. This suggests the modifications, possibly combined with the familiarity of some users with the site, reduced the number of users clicking off the site straightaway.

USER-TESTING THE PATHFINDER TOOL USING A THINK-ALOUD PROTOCOL

Testing the usability of the Pathfinder Tool presented a different challenge to that for the website because of its highly interactive character and tailored information delivery. As described earlier, the user interacts with the Tool by selecting an option closely matching their circumstances or information need to then move to the next screen. The eventual information delivered is one of 69 end cards which guides the user either into a ‘soft landing page’ of information specific to that pathway’s information quest or into the most relevant page of the website, or both. The Tool requires no browsing, only clicking on options, and there is limited scrolling in the soft landing pages. The user progresses through a self-selected pathway which renders an inquiry method for usability testing less reliable because of the difficulty in capturing users’ decisions after the test session. A user-testing method where the evaluator observes users interacting with the Tool lends itself more amenable to capturing this type of data.⁸⁷

87 MY Ivory and MA Hearst, ‘The State of the Art in Automating Usability Evaluation of User interfaces’ (2001) 33 *ACM Computing Surveys* 470

Think-aloud protocols are a common method for user-testing. They require the user to verbalise their thoughts as they use the object being tested. Three variants are typically applicable to web applications: concurrent, retrospective and constructive interaction.⁸⁸ Concurrent think-aloud protocols suited our situation as it was possible to work with users online and share their screen to observe their movements while hearing their verbalisations. We developed 17 brief scenarios mimicking typical user information needs for the testers to aim for and conducted the sessions with 13 members of the Design Group. Each tester worked through one or two scenarios and the session concluded with a few additional questions on their reflections of the HCD process and whether the products had met their expectations. Detailed action points from the feedback were identified for refining the Tool while the commentaries were coded using NVivo.

The results of the think-aloud testing were immensely rich and instructive to improving the Tool's navigation, functionality, transition to both the soft-landing areas (SLAs) and the website, and to understanding how people would interact with it in the real world.

Positive feedback on the Pathfinder Tool covered its ease of navigation, clear presentation, concisely worded options and capacity to direct someone to the right place given their needs. The introductory screen that manages expectations over how long it takes to move through the Pathfinder received particular praise. The brevity and clarity of the SLAs, inclusion of parental responsibility agreements and the examples of completed forms on the SLAs were also welcomed. On the website, many features were picked out for special mention – the animations, diagrams, links to court forms, inclusion of information about appeals and links to support services. The combination of the Pathfinder with the SLAs and website were seen as an 'oracle' ([Other professional](#)) and 'another step on the ladder' ([LIP](#)) to provide the information someone would need if self-representing.

Design Group members were also clear on how the supports could be strengthened. Some found the transition from the Pathfinder to the SLAs or website as problematic because they opened up a new browser tab for each click, making it difficult for them to return to the right tab. Others did not mind having many tabs open in one session. We were advised by the University digital team to leave the navigation as it was, because users could more easily locate an open tab than keep clicking back to locate it.

Specific wording was flagged for terms perceived as appropriate, ambiguous or too formal. The feedback also identified the potential for misunderstanding unfamiliar terminology. For example, while the term 'on-going proceedings' was clear to us, several testers assumed that proceedings were ongoing for as long as an order was in place, rather than until the case has completed. It was a salutary lesson in not taking any explanation of procedure or process for granted. Multiple testers putting the Pathfinder through its paces with different scenarios was also a productive way of refining the options and pathways, given that too many pathways would make the Pathfinder unwieldy while too few would restrict its usefulness.

88 M van den Haak, M de Jong and PJ Schellens, 'Retrospective vs. concurrent think-aloud protocols: testing the usability of a library catalogue' (2003) 22 *Behaviour & Information Technology* 339; M van den Haak, M de Jong and PJ Schellens, 'Evaluating municipal websites: A methodological comparison of three think aloud variant' (2009) 26 *Government Information Quarterly* 193. Concurrent think-aloud protocols take place in real time while retrospective is done after the user has completed the test and then verbalises their actions while watching a recording. Constructive interaction has two users who work together on a task and verbalise their thoughts through interacting with each other.

One of the more difficult issues that the testing highlighted was the very different user-interface dynamics of the Pathfinder, which is light on text, interactive and brief, and the website, which is encyclopaedic and text-heavy. At inception, the two supports were designed to meet different information needs, yet the preference to signpost users of the Pathfinder to the website for further information required users to move from one platform to the other. This transition was, for some of the testers, jarring and seen as potentially off-putting. A couple of testers said they would give up at this point and call the court office or seek legal representation. This linked to concerns where the litigation was experienced by a respondent as a form of control by an abusive ex-partner view and would be too overwhelmed by the abundance of information on the website to be able to make use of it. A response to this was the potential for the website to be used by advice and support agencies to take their clients through the process, particularly for women who are in or leaving abusive relationships. This potential for the website to be used by advisors to improve their knowledge and familiarity with family court proceedings was seen as realistic and achievable.

A further disconnect arose from the need to link users to DoJ webpages for further information on fees and forms, which are not particularly lay-friendly. Watching testers attempt and fail to obtain the correct information from these pages caused us to question the sense and ethics of including the links, but inevitably the information was something that LIPs would need to access. The team decided to include the links for completeness but to also provide the most salient information in the website.

As with the website testing, not all of the suggestions for improvements to the Pathfinder could be implemented, especially where these would have required additional resources and IT capacity. Overall, however, the opportunity to see how different users interact with the supports was highly instructive and made the team reconsider how to present some of the information. Some testers read everything and opened text boxes, while many skim-read and looked for links to click. Some testers used their experience and knowledge of family proceedings to carry them through the pathways and website, while others came to it as novices and were deterred or had to battle through. We understood from this that we could not anticipate every users' habits and preferences but by watching the testers explorations we could see how best to improve the site.

This process of refine and evolve on the basis of actual use should be on-going and the hand-over of the supports should include suggestions operationalising this.

Reflections on the test and refine stage

The impact of COVID-19 on our original methodology for usability testing meant that we had to shift our thinking to alternative methodologies. There were numerous options for testing and evaluating online supports that offered potential to get qualitative and quantitative insights into how end-users interacted with the products, which also helped support our human-centred design approach. Unsurprisingly, the richest data came from our direct engagement with our Design Group, both through workshop 5 and think aloud sessions. The least successful methods were those that relied on online engagement with those not directly involved in the research, such as through a feedback survey on the website. The potential for engaging online visitors to the website

was perhaps untapped. The lesson for future custodians of these products would be to recognise the value of qualitative feedback and to ensure that any direct marketing of the tools is well targeted, something that might be more easily achieved by DOJ, given its existing users.

The main value of the testing phase was to guide us on how to further refine the supports. Both the website and the Pathfinder Tool went through substantial reviews to streamline their offering to result in easier to navigate and more accessible tools. This highlights the importance of repeating the test and refine stage of the design process for as long as the designs are in use.

Chapter 7

HCD Stage 6: Evolve

The final stage of the HCD process is to get the design out into the world and continue to generate feedback from users to further improve it and ensure that it can evolve to meet user needs, continuing the iterative loop of test-refine.⁸⁹ The process and steps to do this will depend on the type of design, its scope and intended reach, but driving this stage is recognising the product's long-term impact and presence.⁹⁰ It may be appropriate for a different organisation with real-world experience to take on this 'implementation' phase once the designers have tested and refined the prototypes.⁹¹ The long-term aspirations of the design along with how it meets the changing preferences of its target users are also considerations for the evolve stage.⁹² Once the supports were officially launched, we were keen to know whether and how they were being used, which in turn would inform us on where their eventual location should be.

Are the supports being used by NICTS staff?

NICTS staff are key gatekeepers in the process of litigating in person. Phoning or dropping into court offices was common practice for the LIPs we met in LIPNI.⁹³ From the point of view of NICTS staff, a commonly held belief was that LIPs disproportionately took up their time with information requests and one of the findings from our previous research was that staff would value an information resource that they could direct LIPs to.⁹⁴ Clearly, we were not in a position to assess any reduction on their time spent on LIP information requests because the project timeline did not allow time for a before and after assessment. However, the role of the support materials to fill the information gap for LIPs may offer a resource to which NICTS staff can guide service users. We were in a position to seek the opinions of NICTS on this potential, as well as whether the supports were of use to them in their own roles. A third motivation for canvassing the views of NICTS was to bring the supports to their attention because we had no way of knowing whether they were aware of its existence.

We circulated an invitation by email to NICTS to take part in a five-minute questionnaire canvassing their views on the website and the Pathfinder.

We received responses from ten NICTS staffers. All ten had used the website but only eight had tried out the Pathfinder. There was unanimous agreement that the

89 IDEO, *The Field Guide to Human-Centred Design* (2017) <<https://www.designkit.org/resources/1.html>> 157

90 *ibid* 11; M Hagan, *Law By Design* (2016) <www.lawbydesign.co/> ch3.5; HWJ Rittel and MM Webber, 'Dilemmas in a General Theory of Planning' (1973) 4 *Policy Sciences* 155, 161; VD Quintanilla, 'Human-centred Civil Justice Design' (2017) 121 *Pennsylvania State Law Review* 745

91 M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality* 204

92 M Hagan, *Law By Design* (2016) <www.lawbydesign.co/> ch3.5 ch 3.4

93 G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf>

94 *ibid* 79

website and Pathfinder Tool are helpful, clear, easy to use, easy to navigate and easy to understand. One person disagreed on whether the information was accurate, which was due to an incorrect fee listed (since amended). One person also reserved judgement on whether the information held in the supports was trustworthy, while the other nine agreed it was. All respondents said they would recommend the website to people who contact them about family proceedings apart from two who were neutral about the website and one who was neutral about the Pathfinder Tool.

This suggests the potential exists for NICTS to re-direct callers to an alternative source of information, as stated by one female respondent:

As a member of staff working in the family care team, this will be extremely useful to direct LIPS to. (NICTS staff member)

Seven respondents agreed that they would use the website for their own purposes, and eight said the same for the Pathfinder. Again, this suggests the supports offer a credible resource for NICTS to use as well as to refer others to.

This exercise yielded some specific comments on omissions on the website and Pathfinder, which we were able to address. One of these was a salient suggestion from a female member of court staff to prepare the users for the onslaught of information they may need to navigate:

The website and Pathfinder are excellent but maybe consideration given on explaining in some way that the user needs to be patient when looking at all the information – it could be overwhelming but I realise all the information needs to be on the website. (NICTS staff member)

These responses were collated in the month before the official launch of the supports in April 2022, and it indicated the need to get the products out to the wider world.

Future home of the supports

The location of the website on the Ulster University website was considered a temporary solution for the lifetime of the project and future proofing was required to allow the continued evolution of the mature prototypes that had been created. The need for information about family proceedings in Northern Ireland will outlast the duration of the project, and was simultaneously beyond our capacity once the project ended. While the website was a prototype and not available for external view, it presented a difficult sell to the most obvious long-term keeper of such a resource: the Department of Justice of Northern Ireland, the statutory body which bears the obligation to ensure information about legal proceedings is accessible and available to all who need it. Nonetheless, the members of the Design Group who were NICTS and DoJ staffers were aware of the website's potential and the latter were in positions to facilitate the ultimately successful discussions on the website moving under its wing. The DOJ has agreed to fund the updates of the website and Pathfinder Tool by paying for legal expertise to review and revise their contents for passing to Ulster University's IT team to execute the changes. This agreement is on a yearly review basis for three years. As yet, no agreement has been struck for the DOJ to assume complete, direct control over the supports.

Reflections on the evolve stage

The objective of the evolve stage is to get the product or design out into the real world and used by the people it was designed for. We officially launched the Family Court Information for Northern Ireland website and Pathfinder Tool in April 2022 and conducted an initial investigation to learn how they were being used and whether they met the brief of being helpful and accessible to LIPs – reported on in Chapter 10. We are assured that they were being used by LIPs, advice sector workers and some NICTS staff. Despite efforts to engage with the legal professions to explore their reactions to the supports, we drew a blank and received no feedback other than from one solicitor and the Design Group members. Nonetheless, the feedback from the supports' intended users suggests they offer credible, trustworthy information in a digestible format.

The next step in the evolve stage was to ensure the supports reach the people who seek the information they hold. Our ideal solution to this is the wholesale adoption of the website by the Northern Ireland Department of Justice, and the inclusion of the website's URL in all correspondence to litigants in Family Proceedings cases. We have made progress towards that ambition through a formal agreement with the DOJ to fund the updating of the website for three years. However, a complete adoption and promotion of it to litigants is still lacking.

On reflection, the research study was not obligated to enter into the evolve stage. For our purposes, obtaining the data to answer the three research questions was sufficient and could be obtained by the end of the prototype and build stage with no need for the official launch. However, having arrived at two supports which received overwhelmingly positive feedback and immediate adoption, leaving the supports on the shelf was felt to add to the barriers to the legal participation we aim to dismantle. Even though the task of arriving at a long-term solution to maintain the supports was long and arduous, it was most certainly worthwhile. It is a lesson to any HCD process to at least think ahead of what the evolve stage may entail to initiate interest and buy-in from long-term investors or keepers.

In the previous chapters, we saw how the human-centred design process was able to produce supports. In the next three chapters, we discuss our findings to our three research questions:

1. What are the challenges of co-producing support materials using the HCD process?
2. Can a user-focused co-production approach create mediative conditions to build functional relationships and empathy?
 - i. Can the HCD process facilitate a diverse group to identify the support needs of LIPs?
 - ii. Did the HCD process have a positive impact on stakeholders' attitudes towards LIPs?
3. Do the supports meet LIP needs in relation to accessibility and helpfulness?

In each workshop, we asked the Design Group members to provide written reflections on their expectations and experiences, using questions to prompt and direct thinking.⁹⁵ This allowed members to comment on what they saw as the challenges, to be honest about their frustrations and any cynicism they might have about the process. It also provided scope for them to reflect on whether the HCD experience led them to change their views on the process or their attitudes towards the other members. We used NVivo to code their reflections and thematic analysis to answer our research questions. Once the supports were publicly available, we were able investigate whether they met LIPs' needs through interviews.

⁹⁵ See Appendix 3 for the list of reflective questions for each workshop which focused on expectations and more general views of the process, personal goals and the experience of working in a group of diverse stakeholders

Chapter 8

What are the challenges of co-producing materials using the HCD process?

Using the human-centred design process both to co-produce materials for LIPs and with stakeholders from all corners of the justice sphere in Northern Ireland was completely novel. We could not anticipate how it would unfold, what it would produce or even whether we would be able to produce anything at all. For this reason, our first Research Question was directed at learning and reflecting on the process because we wanted to identify the challenges that arose from the process over the months of work.

Neither could we have anticipated COVID-19 but completing a HCD process during a global pandemic provides unique insight into whether the process was robust enough to tackle the objective of providing support materials for LIPs in Northern Ireland and to identify the challenges in doing so. This chapter also, therefore, reviews the challenges that emerged throughout the different stages of our HCD project resulting from the pandemic.

There were a number of general challenges facing a project of this scope, involving multiple stakeholders and participants over an extended period of time (2019-2022). These would likely exist regardless of timing but were exacerbated by the impact of COVID-19. Beyond that, however, the challenges allowed us to focus on whether the problems could become opportunities or learning points to show how the HCD process could work best.

Using the Design Group members' written reflections on their expectations and experiences from the workshops, we extracted what they saw as the challenges, their frustrations and any cynicism they experienced. These are described here under headings relating the themes that arose from their data.

Time-consuming

It takes time to move through each of the stages of HCD, none of which can be rushed if the process is to result in useable outcomes. Guided by our mentors, Boyle and Morley, we scheduled workshops for four to five hours each, to work through the stages and build the commitment to the objectives of the process. This time demand impinged not just on the research planning but, more importantly, on the capacity of the Design Group members to attend. We opted for sessions starting in the late afternoon after 4pm as most members worked standard office hours, and ending by 9pm, with the incentive of dinner being provided half-way through each workshop. We

did not offer any stipend or fee to the members beyond dinner and reimbursement of expenses, including childcare cover, and this may have affected recruitment and retention of members (see Attrition below). For example, judges would ordinarily be recruited for additional work through the Office of the Lady Chief Justice which carries reimbursement or an expectation of one. While it is unlikely that we would have considered a budget to encourage judicial participation, in hindsight we would have included a budget to financially compensate those with lived experience, going beyond the less tangible benefit of satisfaction at having contributed to a significant reform process and product, which our LIPs and others acknowledged.

We scheduled the first three (in-person) workshops within a six-week period to keep the momentum flowing, with the intention of running the fourth and fifth in quick succession to present the ideas that we had selected for further development and to test the prototypes. While COVID-19 ultimately distorted this timeframe, it was important from the outset to be realistic about the amount of time the HCD process could take – from start to finish as well as during each workshop – and make sure participants were aware in advance. Getting that buy-in was crucial although it did not prevent criticism of the lengthy process, which was sometimes wrapped up in cynicism. For some participants, the process was initially seen as self-indulgent, muddled and long-winded, while for others it was just another means of arriving at the obvious answer:

It was thought provoking and good to have different viewpoints. However, I think the results would have been able to be arrived at in another way as well – we knew change was needed. (Other professional, Workshop 3)

One member's frustration at the end of the first workshop was that the process could have been completed in half the time. By the third workshop, however, she had changed her view and understood why the extended time was needed.

The nature of the process requires there to be flexibility and freedom in the design solutions suggested by the Design Group. As organisers, we had some input on the chosen designs to ensure their feasibility within time and budget. Yet, inherent in the process is an element of the unknown. As it turned out, the Groups' designs were resource-rich, requiring time and effort to create and complete and this was more burdensome than we anticipated. That impacted on the extent to which we could involve the Design Group: given the complexity and breadth of information we needed to make accessible to the public, checking all of the elements of content creation was not something that we could impose on our Design Group who volunteered their time.

The enormity of the task

Several members of the group remarked on the difficulty of designing a support for the complex litigation procedure and amount of information that LIPs need.

What appeared to be a simple exercise quickly became complex when we realised the amount of information that would need to be contained. (Other professional, Workshop 3)

We can't design support that will match a legal degree & qualification but we can make progress. Citizens have a fundamental right to use the justice system. (Court staff, Workshop 3)

Furthermore, some also noted the challenge to envisage a support that would sufficiently cover the information but still remain deliverable with the available resources. Responding to a question about the challenges of the HCD, this participant responded:

Refining & limiting the information & accessibility of the information to what may be available in terms of resources. (Other professional, Workshop 3)

Nevertheless the challenge did not prevent the Design Group from completing the task. Had it proved too difficult, however, we might have asked them to focus only on one aspect of litigating or one stage of the process. In the event, we did not have to do this.

In the testing stage, our initial approach was to focus on the content of the materials that would form the substantive legal and procedural information. This was something we felt could be shared quite easily, particularly with those members of the Design Group with legal knowledge who could also advise on accuracy. The impact of COVID-19 at the outset of testing the products was a major setback and, ideally, we would have tested and refined the prototypes more frequently than we did, noting the success of Jackson's HCD process where he found that product testers engaged enthusiastically with incomplete products because they had the opportunity to influence the eventual design.⁹⁶ But even without the COVID-19 impact, we faced two dilemmas. First, the enormity of the procedural information the website needed to contain meant it would not be realistic to expect the Design Group to co-create it or even to test it all. As a Word document, it was over 80 pages at 40,000 words. We could have tested and refined every paragraph with the group, but this seemed too onerous for an already busy cadre of participants.

Secondly, we were conscious of the high-stakes nature of the information and were concerned that testing a half-baked version would be, at best, pointless – merely asking for feedback on what was a substandard website – and, at worst, irresponsible – creating the risk of mistrust, even within the Design Group. The website was not made available in case it was used prior to accuracy testing and our chosen platform had no facility to allow views from internal stakeholders only. We decided to build the website out as much and as accurately as possible before any testing.

Unforeseen stoppages

Industrial action at the University followed by restrictions due to COVID-19 halted progress for the best part of a year and meant that we were unable to continue face to face workshops. As we were forced to hold them online, the timings had to also change to be much shorter: the workshops were competing with 'Zoom fatigue' that many people experienced from having to move their working lives online to comply with public

⁹⁶ D Jackson, 'Human-centred legal tech: integrating design in legal education' (2016) 50 *The Law Teacher* 96

health requirements. Again, it was important to try to balance what the HCD process needed with what was reasonable to expect of Design Group members. Workshops 4 and 5 were therefore scheduled for ninety minutes each.

Given the reduced time available, the temptation was to focus only on the ‘test’ objective of the HCD process, showcasing the prototypes and getting feedback on these. We were impatient to plough on towards the end goals, particularly since time seemed too precious to divert to re-building rapport and creating space for trust to re-develop. Thankfully however, our mentors kept us focused to trust the process, to shake ourselves free of the rigidity we found ourselves defaulting to, requiring us to put the Design Group’s needs at the centre of our thinking rather than to keep a low gaze on deadlines, ‘efficient’ meetings and quick outcomes. This was sound advice and allowed the online workshop discussions to pick up where they had left off. As one of the participants noted, re-familiarising herself with the personas and the process felt as if she was transported back to the original workshops and the momentum that had been generated from those.

Attrition

The inevitable outcome of a time-consuming and resource-intensive process is attrition in the number of participants. Clearly, the onset of COVID-19 significantly punctured the process, deflating momentum that it had gathered, but even before this, we saw a steady decline in attendance. Workshops 1, 2 and 3 had, respectively, 26, 19 and then 14 members attending. Workshops 4 and 5 were attended by, respectively, 8 and 11 members. What was clearly helpful was that we began with a large cohort of 33 people who agreed to participate and so attrition was more manageable.

This is a major challenge for a HCD process premised on the willingness of voluntary participants: it is inevitably difficult to sustain attendance at a series of occasional workshops. Sustained programmes, such as Hagan’s Design Classes held over several weeks with students, or her Design Sprints over shorter periods, are likely to have better retention rates because the students are the main participants who undertake research relating directly to all HCD stages: from establishing the issues related to court processes, visiting the courts, going on ‘service safaris’ to navigate the court processes as if they were LIPs, producing the personas, journey maps and empathy maps to designing and testing the prototypes.⁹⁷ This immersive approach requires participation throughout the process which is possible with students enrolled on a course, but harder to achieve with voluntary participation. It may be that building in payment would enable greater participation, especially for those with lived experience as well as individuals working in non-statutory organisations.

In an attempt to plug gaps, we invited a new participant to join the Design Group for the final workshop to test the online tools, but without them having been steeped in the personas, this member drew only on their own professional perspective and was indistinguishable from the testing we conducted with other experts. The alternative may be to sacrifice depth of immersion for speed of design delivery, so that the design

⁹⁷ M Hagan, ‘A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly’ (2018) 6 *Indiana Journal of Law and Social Equality* 199

drives become the dominant focus. For our research, the question was focused more on whether HCD could impact on attitudinal change than on what product was prototyped and designed, so evaluation of the process inevitably took longer than a focused design-sprint.

In-person versus online

We were fortunate that we could hold initial workshops in person, allowing for face-to-face engagement between Design Group members and with the researchers. It is difficult to envisage how the early stages of HCD could have been done online. The first three workshops involved members creating physical artefacts, walking around the room for different tasks, moving from large to small groups, as well as socialising over dinner and tea/coffee. We did not take this physical interaction for granted; we knew it was part of the HCD process to have people step into interactive creative practices – from mapping pain points to generating early prototypes – and we had provided the physical resources of paper, coloured markers, sticky notes, tape, glue, string and more, to enable this. The layout of the room was deliberately designed to facilitate face to face engagement between people who would not otherwise be mixed together and the group dynamic relied heavily on creating a safe physical environment to enable the sharing of experiences. While the final two workshops were manageable online because the prototypes being developed were online tools that could be shared on-screen – and indeed may have presented technical challenges were we to have presented them to a large group in a face-to-face setting – the first three workshops would have been hugely challenging to move online. Some of the Design Group members who attended online workshops spoke about already being at the limit of their technical capability but more significantly spoke about the physical memories of being in the room with others, of seeing the development of artefacts take shape before them, filling the space on walls and tables and providing physical evidence of the thinking behind each creative development. The ability to move to online workshops was based on the ability to have had the initial workshops in-person and is not likely to have been possible without this strong foundation.

Conclusion

The challenges of using the HCD process to co-produce public legal education or information supports are not very different to using it to co-produce other products. Attrition, the length of time it takes and unforeseen stoppages can plague any HCD process. The wealth and complexity of information to wrangle into user-friendly supports is a feature of child arrangements in the family courts but not exclusive to this design brief. The onset of the pandemic too presented challenges, but not insurmountable ones. Placing this experiment within the Northern Ireland family justice context tested the flexibility and willingness of the various stakeholders to buy into the process and see it through to the end. The resulting celebrated supports are an affirmation of the process within this context, and, with due attention to financial contribution for the participation of people with lived experience, it a suitable method worthy of deployment by governmental and non-governmental bodies alike.

Chapter 9

Can a user-focused co-production approach build relationships and empathy?

The second research objective addresses whether the process of co-production can have an impact on attitudes towards LIPs in a legal system that sees their existence as an aberration and bring about empathy and a recognition of their support needs. Cultural change is challenging and we set our sights for Research Question quite low: can a user-focused co-production approach create mediative conditions to build functional relationships and empathy? This question tackles both the potential of the approach to create mediative conditions and its impact on people involved in it and so is broken down into two sub-questions:

- a: Can the HCD process facilitate a diverse group to identify the support needs of LIPs?
- b: Did the HCD process have a positive impact on stakeholders' attitudes towards LIPs?

As previously noted, we asked the Design Group members to provide written reflections on their expectations and experiences, using questions to prompt and direct thinking.⁹⁸ These data along with their reflections during the Think Aloud testing provide insights into whether the HCD experience led them to change their views on the process or their attitudes towards the other members.

Can the HCD process facilitate a diverse group to identify the support needs of LIPs?

If HCD is to work in designing legal supports we needed to understand whether it provided enough scope to accommodate the range of perspectives held by Design Group members, without losing sight of either the 'human' at the centre of the design or the validity of diverse views and experiences. We highlight here the elements that contributed to meeting that objective.

THE POWER OF THE PERSONA

The function of a persona is to allow the Design Group to focus on the journey of a fictitious litigant who is modelled on the experiences of LIPs who have been through the family justice system. It was essential that the personas were accurate depictions of

⁹⁸ See Appendix 3 for the list of reflective questions for each workshop which focused on expectations and more general views of the process, personal goals and the experience of working in a group of diverse stakeholders

real experiences so that they could withstand the scrutiny of the group members and sit alongside live accounts of actual experiences.

The Design Group members reflected that the personas fulfilled the role of providing sufficient detail to inform their thinking and shape their perspective.

Having a persona makes me think about the daunting nature of the court process when you don't know anything about it, including why you have been summonsed to court. The feeling of not having any control over issues in your life such as access to your children. Having a persona enables you to focus on another perspective. It is very evident that emotion can guide how people react to their experience at court. Interesting to hear other participants' views. (Court staff, Workshop 1)

The groups debated the personas intensively to map their journeys and identify their pain points. This process drew out individual perspectives and experiences from the participants. Often we overheard, 'For me, it was like this', or 'when I tried that....' This constant referral to lived experience added a personal dimension without it being the focus of the discussion leaving the personas to act as stimuli, removing the danger of straying into sensitive personal discussions.

Concentrating on the personas took out the 'heat' from any personalisation (Court staff, Workshop 3)

Working with persona has brought experience to life for everyone to give their viewpoints on – some similar but mostly varied. (LIP, Workshop 2)

Personas offered an effective way to maintain the equality of status between Design Group members, enabling different perspectives to be rehearsed and respected, grounded in the pain points that the persona's litigation journey revealed.

There was, however, initial concern that the focus on one persona would not yield a solution that would have wide applicability, including for LIPs who come with a variety of issues and capacities. For some, this meant that a design should not be solely aimed at LIPs but be there to support all court users.

It is difficult to focus on 1 person when we know there are issues that will affect many groups...I am conscious that anything we design should be useful for all court users and not only LIP's. (Court staff, Workshop 3)

Others found that the personas were not limiting but were informative and stimulated broad thinking:

Collectively easy to come up with ideas and the group allowed for development and challenge. Working through case allowed for 'broader' thinking regarding LIP issues. (Practitioner, Workshop 2)

Indeed, the supports that were put forward for prototyping were far from narrowly focused and could be utilised by litigants whose circumstances differed entirely from the personas, enabling not just diversity of input for the designs but diversity in usability. The members of the Design Group coalesced around the personas, in time creating common ground and a common vision of the supports they wanted to see.

PRACTICALITY VERSUS CREATIVE AMBITION

Some Design Groups members aired caution at what was realistic within the constraints of resources as well as the time to come up with a suitable and practical design and subsequently maintain it.

[A] concern would be unrealistic expectations of what court system can do for LIPs without additional resources. (Court staff, Workshop 1)

I have some concerns about some participants having unrealistic expectations for changes in policy or services which would be difficult / impossible to meet. (Court staff, Workshop 1)

Others expressed regret that the process lacked ambition or, alternatively, cynicism that the designs would never be realised.

Quite narrow goals and seem to be easily met. Would have liked them to have been more radical. (Practitioner, Workshop 1)

My concern would be that a lot of this work is in vain if the court system simply puts the findings on a 'shelf' pay little service to it and only implement the recommendation they are comfortable with. (LIP, Workshop 1)

These opposing points of view emphasise the differences in context and experience that participants bring to the process. Our HCD mentors, Boyle and Morley, reassured us to trust the process and to expect sceptical attitudes as well as those which welcomed the collaborative nature of HCD, which were indeed evident. As it happened, both the participants quoted above went on to change their minds and this pattern of subsequently converting to the HCD process became a familiar one.

There were a number of struggles that Design Group members faced in coming up with ideas for LIP supports. Some found it hard to let go of the constraints of cost and feasibility in their brainstorming, some struggled with the complexity of the information and perceived need to keep it realistic, while others lacked confidence particularly in proposing creative or unusual solutions:

I found coming up with different ideas somewhat of a challenge initially but it got much easier as I felt safe enough to have a go. (LIP, Workshop 2)

Creative thinking can be nurtured through ideation exercises to help participants loosen up their thinking to generate as many ideas as possible.⁹⁹ It was a significant aspect of maintaining equal status between members that there was no hierarchy of ideas; the focus was not on generating one or 'the best' idea, but on as many as occurred to the group, who were reassured during the brainstorming and prototyping that there were no 'bad' ideas.

99 Design thinking organisations and institutions recommend various 'warm up' exercises to prepare groups to ideate: for example, Hasso Plattner Institute Design Toolbox <<https://hpi-nyc.com/design-toolbox>>

Several members relished the creative challenge and found it easy and enjoyable, particularly the LIPs in the group who had direct experience of the lack of supports in NI for family proceedings cases:

It was easy to come up with ideas and I was impressed that the emotional state came to the fore. (LIP, Workshop 2)

The LIPs' reflection on the ease of coming up with ideas may be indicative of their lived experience of the complexity of procedure as compared with the experiences of court staff, practitioners and other professionals who have been trained to work within and around the procedural constraints and limited resources. It also highlights the need to accommodate both the LIP perspective so as not to overlook the reality of the LIP experience, such as the 'emotional state' referred to above, and the professional experience of the complexity of the procedures which lie at the heart of the selected design. This interplay of perspectives is discussed further under the next research question but it was clear that the moderation of views that inevitably took place through collaboration breathes experience, urgency and context into the process. It also meant that setting the creative and highly ambitious proposals – such as a virtual reality friend to guide LIPs through the process – alongside other more conservative proposals – such as people in court introducing themselves and explaining their role to LIPs – was a useful juxtaposition in highlighting the range of possible solutions.

EMPOWERING AND ENJOYABLE METHOD

HCD was new to all of the participants, not only the researchers. Rather than finding the process difficult or pointing out weaknesses in it, the Design Group reported they found it both manageable and enjoyable.

everyone was very friendly and happy to share, the facilitation of the UU team really helped to keep things moving and to ensure everyone could participate effectively. (Other professional, Workshop 5)

As a method for producing supports, the reflections tell us that the HCD stages of ideation and designing a prototype evoke a sense of progress towards a result, which in itself resulted in a positive reaction to the process of change generally:

Inspired to keep going – positive that something will change and improve. (Court staff, Workshop 2)

[At the] end of the night I was hopeful that tonight was the start of a journey that would end in equality of arms and effective participation. (Practitioner, Workshop 2)

The potential and power of the method arose from its centring around the needs and experiences of the end-users.

Everyone is supportive and genuinely interested in feedback from a variety of backgrounds. So I think that's what stands it aside from a lot of other things where people often rush ahead and do something, like [government departments], for instance ... and then come and consult the stakeholders afterwards. Whereas this has been genuinely developed with the stakeholders in mind and hearing their views on what the end result should look like. (Other professional, Think Aloud)

The realisation of collaborative potential was clearly seen as a strength of the HCD process not just in generating innovation and change but in ‘genuine’ engagement.

WOULD USE IT IN FUTURE

The demonstrable achievement of tangible ideas and the perceived value of bringing the user’s perspective into the room alongside those of other stakeholders suggested to some participants that it is a method worth considering in future design processes.

I think human centred design should be at the heart of every service available to the public. (Other professional, Workshop 5)

I definitely think it is something we can learn from and apply in the future. Obviously, it would take a while for [human-centred design] approach to bed in but I definitely think there are benefits in making sure you get the product right. I think we see that with the website, the webpages and the Pathfinder Tool. ... So, the case has been proved for that. So it is definitely something we can learn from. (Court staff, Think Aloud)

Clearly there may be some distance between members saying they would use the method and actually implementing it in their own work but this reaction underscores the appreciation of the power and pertinence of the HCD process.

Did the HCD process have a positive impact on stakeholders’ attitudes towards LIPs?

We were conscious that we could not aim this research question at bringing about a cultural change or the complete dismantling of attitudinal barriers that exist between LIPs and other court actors, but we were still aiming to investigate how and whether the process could influence how the two groups regarded each other.¹⁰⁰

DIFFERING PERSPECTIVES

The Design Group was purposefully made up of stakeholders across the family justice field, each with pre-existing perspectives on the issue of litigating in person and awareness that differences existed in the room. Their reflections at the outset of the process acknowledged that the exposure to these different perspectives was critical in being able to challenge their own thinking and develop their understanding, even if this was expected to be an uncomfortable experience:

I expect to become more familiar with different views and experiences about the court system. I fully expect differences of opinion which hopefully we can work through. (Practitioner, Workshop 1)

Anticipating tension given wide range of perspectives before common threads & co-operation emerges. (LIP, Workshop 1)

¹⁰⁰ G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf> 81, 205

As the workshops progressed, several members noted that they looked forward to learning more about the LIP experience or other aspects of the family justice system or to sharing experiences with the other members of the group:

By being able to listen to [other group members] I have been able to 'slow down the process' and ask questions – this has really helped me understand. (Other professional, Workshop 1)

The critical role of exposure to different perspectives to challenge, intimidate, confirm a position, influence, energise, learn from and so shape the design process was evident two years after the live workshops. Nine members of the Design Group gave us their views on the HCD process; the diverse mix of perspectives in the group came up more than other aspects of the process, such as the activities:

I found it really fascinating just having access to those [other perspectives] because we can become very insular in [sector] and we all tend to think the same way... and then you are suddenly hit with a room full of people with a complete opposite view. (Other professional, Think Aloud)

There were different groups there that had more insider knowledge of how the court system worked but I was surprised then at how I got listened to from the point of being on the outside... They all knew the systems but they really didn't know how to get through the mud, as it were... I was surprised at how much they listened to me. (LIP, Think Aloud)

There were a couple of examples of things that were said in our workshop that utterly horrified me and that I had no idea it was that bad. It even kind of surprised me about the depth of ignorance or lack of awareness in the court service about how hard it is or how far removed their thinking is from the people who are the service users. (Other professional, Think Aloud)

The enduring memory of the power and effect of the inter-group reactions suggests a lasting impact on the individuals, even in the face of interruption due to COVID-19 which prevented further opportunities to deepen the links between the DG members. While we cannot assert that this automatically translates to empathy or functional relationships, the pre-conditions necessary for such developments were apparent.

SOLUTIONS FOCUSED ATTITUDES

The Design Group participants were collectively able to identify the needs of their personas and design prototypes of supports for their personas, suggesting some degree of empathy with LIPs. The caveat to this is that they were pre-disposed to wanting to see change and improvement to the court system. At the outset, the majority wanted specific improvements that would create a better experience for LIPs going through court:

Changes that I would like to see are mainly in the sphere of information accessibility – primarily shaped by service users. (Other professional, Workshop 1)

Some effective support for LIPs as well as improving the whole LIP experience in the court with personal support. ([LIP, Workshop 1](#))

The workshop activities gave ample opportunity to mine this pre-disposition, capitalising on the openness not just to ideas but to the views of others. Perhaps less willing participants could be led to the same place by managing their expectations at the outset and keeping a firm control on the different stages of the process; however, there is no doubt that involving people with a constructive, positive attitude towards co-produced solutions was an accelerant towards empathy.

COGNITIVE SHIFTS

‘Walking in the shoes’ of their persona and exposure to different perspectives appear to have been successful in producing some profound cognitive or affective shifts in some of the participants.

[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, Workshop 2](#))

Learning about family court changed my view on issues I realised I had quite a fixed view on beforehand. ([LIP, Workshop 1](#))

In getting to this point, group members reflected on transformations in their thinking, rooted in empathy:

Working through [persona’s] perspective reminds me of people that I have worked with and their complete frustration. I am reminded of the reality that I don’t know what I don’t know and this is especially pertinent when it comes to the language. If I am a ‘native’ speaker in any given language then I will understand ... nuance. If I am not a ‘native’ speaker of ‘legal-eeze’ then I am immediately disadvantaged without even knowing. ([Other professional, Workshop 1](#))

Useful to hear from other participants – a lot of concerns around how the persona felt, underlined the emotions that someone attending court deals with – sympathy, and felt that some of the things which upset LIPs and compounded their fears could have been resolved. ([Court staff, Workshop 2](#))

These self-reported shifts in perspective are important markers that the HCD method can produce individual realisations, generating insight from exposure to stakeholders whose perspectives they might not traditionally take into account:

Listening to other people’s perspectives allowed me to reflect what I take for granted re: what is a non-molestation order? What is a residence order? ([Practitioner, Workshop 2](#))

Yes - it is helpful to be reminded that not everyone is familiar with the court processes and that outside pressures/frustrations can influence behaviours ... From the feedback from my group it was also clear that

it helped others see that court staff/legal profession did “care” about the process that a LIP may be going through even though we may not be able to help in all instances. (Court staff, Workshop 5)

Conclusion

At a superficial level it is clear that our HCD process resulted in the Design Group identifying the support needs of LIPs evidenced by the existence and endorsement of the two supports. The combination of the right people in the room with a nose for realistic solutions, credible persona based on thorough research and an enjoyable, fully supported method all contributed to arriving at designs that actually meet LIPs’ needs. An added bonus along the way is the exposure of the method to the stakeholders with the potential of its adoption in the future.

The individual exercises of the HCD process lend themselves to discursive interactions between the group members. Centring on the persona, the discussions to complete the tasks of journey mapping and identifying their pain points arise naturally and intentionally. The detail as well as the gaps we provided in the persona stories stimulated debate and discussion, bringing forth differences of opinion and opportunities for agreement. In this way, we have shown that the HCD process created the conditions to engender empathy and collaboration in positive, discursive (albeit short-lived) relationships, resulting in tangible, moderated outputs. We have no evidence as to whether relationships lasted beyond the workshop door but the pre-conditions Allport has identified as necessary to achieve the ambitions of contact theory are clearly evident. The HCD process enabled the cooperative inter-dependence which is necessary to foster attitudinal change, increasing empathy to motivate group members to behave in a more supportive way and feel more empathy towards others.¹⁰¹ Allport’s fourth criterion, that contact should be legitimised through institutional support, also has the potential to be realised here, with the Northern Ireland Department of Justice recognising the value of the online supports by agreeing to meet the maintenance costs, ensuring that they are sustained beyond the life of the research project.

¹⁰¹ J Hughes, ‘Contact and context: sharing education and building relationships in a divided society’ (2014) 29 *Research Papers in Education*, 193, 194

Chapter 10

Do the supports meet family law litigants' information needs?

Our third Research Question – do the materials meet LIP needs in relation to accessibility and helpfulness? – could easily be folded into the Test & Refine cycle as part of the on-going evolve stage of the HCD process which seeks to make the product relevant to the people it was designed for. It limits its sights on a relatively superficial understanding of accessibility and helpfulness of the support materials, echoing Hagan's testing dimensions of usability and usefulness.¹⁰² It did not address whether the materials had any impact or influence on LIPs' ability or confidence to self-represent or on removing barriers to legal participation. It never was an objective of the research to assess this because of the length of time we anticipated between the tools becoming available and LIPs using them in their proceedings.¹ Instead, Research Question 3 addressed whether the supports were accessible (that is, understandable) and helpful to their specific needs.

During the testing stage, we received feedback alluding to this question from the Design Group, practitioners and a handful of users via our online survey.¹⁰³ Of particular importance was hearing how the advice sector were using the supports in their current work. However, the voice of LIP users in the real world was absent. Additionally, we needed to hear from LIPs or other litigants intending to use or having used the supports to address an authentic information need. A qualitative research approach was best suited to answer this research question because of the contextual idiosyncrasies users were likely to bring to the support materials which could not be adequately gathered from a quantitative approach.

Through our contacts in the support and advice sector, we held three online group interviews with people (twelve men and one woman) who were involved in child arrangement cases and two individual interviews with LIPs with past experience of self-representing. The group interviews were chosen over focus groups because the latter aim to produce collective rather than individual views of a social reality and we needed the flexibility to steer the discussion to answer the research question, rather than allow the participants' agenda to dominate.¹⁰⁴ Users' opinions on using the support materials were the data we sought. To this end, guiding their perusal of the products using scenarios was not necessary as they had their own authentic information need.

¹⁰² M Hagan, *Law By Design* (2016) <www.lawbydesign.co/> ch3.4

¹⁰³ Website Analysis Measurement Inventory (WAMMI) – see Chapter 6, sub-section 'Inquiry method for website usability – beyond the Design Group'

¹⁰⁴ L Cohen, L Mannion and K Morrison *Research Methods in Education* (6th edn, Routledge, 2007); C Robson *Real World Research* (2nd edn, Blackwell Publishing, 2002)

Feedback

In summary, the feedback we received was overwhelmingly positive, shedding light on how the supports were being used and will be used and offering some caution on limitations and ideas for additional features. This feedback along with reflections from the Think Aloud sessions are reported here under seven thematic headings.

‘THIS IS THE STUFF I NEED TO KNOW’

The supports met or exceeded the expectations of Design Group members and met the information needs of the discussion and interview participants:

It’s nigh on perfect in terms of what we thought we would get. It’s much more evolved than previously I thought it would be. (Court staff member, Think Aloud)

But once I seen it, it was like ah, this is stuff I need to know. (Litigant, Group Interview)

I wished I had’ve had that tool whenever I was going through what I was going through because the information I was having to find was not in one place. It was all over the internet; it was wherever I could find it. I didn’t really know how much of it was relevant to Northern Ireland because I was reading a lot of websites that came from England. (Former LIP, interview)

As proof of the supports meeting immediate needs, several respondents explained how they had used or were using them. One represented litigant gave the example of looking up the Welfare Checklist to help him prepare for a meeting with a Children’s Court Officer. Another had never heard of collaborative solicitors and was keen to find out more. Another still found out about Specific Issues Orders and which forms were needed from using the Pathfinder Tool. Others wanted to keep going back to the website to learn more and were not put off by the amount of information:

This resource was kind of like a treasure trove ... I’m not that concerned about how much information is there. I’m looking forward to ... [seeing] what else I can learn because...every time I go on it I feel more comfortable on it. (Former litigant, Group Interview)

The inclusion of sections on mediation and other alternatives to going to court, links to external organisations, reference to Article 179(14) and the focus on the welfare of the child were all given specific mentions as being valuable. Likewise, being specific to Northern Ireland was seen as very important and reassuring:

So knowing it’s Northern Ireland straight away tells you you’re getting what’s relevant to here. (Advice seeker, Group Interview)

EMPOWERING

The overwhelming impression among the intended users was that the supports empowered the readers to not only make up their own minds about what to do next, but to be a more active participant in their case, even if they were represented:

It really demystified a lot of the family court process because, for me, it's always been very intimidating to go to court and even to start trying to navigate that whole process. And I often then just deferred to solicitors ... and this ... pulled back the curtains and really let you see down to the simple things like the forms that you need to fill in, how much they cost, what the process is, what the length of time certain things take. (Former litigant, Group Interview)

I have no idea of court because I've not been there but I'm kind of going okay, I've an idea of what might happen in the process, what's involved is bigger than what I could ever have thought. (Advice seeker, Group Interview)

Doing it myself, I was taking back a little bit of control.... and I would have felt a lot better knowing that there was information, reliable information that was fact-checked. (Former LIP, interview)

This potential for the website to inform and prepare litigants who are represented was also seen as enabling them to better communicate with and understand their legal representatives:

I think for a younger person coming in, it's invaluable for them because they're going into like a minefield and it's pointing out the pitfalls before they even get in. If they were even talking to legal representatives for themselves, it would give them the chance to know what they are talking about, they wouldn't be rattling on, talking lots of nonsense. (Advice seeker, Group Interview)

Some respondents felt it would also make the court process less daunting and may even build confidence for both represented and unrepresented litigants:

[it] just really gives you so much confidence about the process because ... you sit behind a computer waiting for an email or a phone call back from the solicitor to tell you what's happening next with no knowledge about how authentic it is or what happens and whether there's any alternatives or anything like that. So it gives you so much confidence, it really empowers you ... (Former litigant, Group Interview)

The perceived value of knowing what to expect, and the potential alleviation of stress was spoken of by another former LIP:

It's like having an encyclopaedia in front of you, you go through it all. From one stage to the next stage. It takes the stress off, the pressure off ... it's self-explanatory. (Former LIP, Group Interview)

To improve the legal participation of litigants is a longer-term aim of the supports, but unfortunately one we did not have the opportunity to assess in the lifetime of this project. Findings from our earlier research indicated the roller coaster ride of self-representation when a LIP may be fully prepared for a hearing only to be stopped in their tracks by an unfamiliar term or unexpected turn of events, not knowing what

to do.¹⁰⁵ It would be unrealistic to expect LIPs to mug up on the entire contents of the website to prepare for their case, despite the apparent inclination of some of the respondents, and so how the website would actually be used in on-going proceedings is as yet unexplored.

There is, however, a related issue here that improving consistency in judicial practice will help reduce the number or nature of unexpected events that LIPs may have to deal with in a way that the website cannot currently do. A case in point is the evidence – disputed by several of our judicial participants in our study on legal participation, while justified by others – that some judges will invite a respondent’s legal representative to make the first representation to the court in the hearing rather than asking the unrepresented applicant to do so. This inconsistency has the potential to create at least the perception, if not the experience, of unfairness and bias, and makes it much more difficult to guide LIPs on the standard expectation that they will be asked to go first.¹⁰⁶ Another example relates to the number of copies of court applications that are required to be filed with court offices. These often vary depending on the judicial officer and thus the information cannot be definitively stated on the website causing confusion for LIPs, particularly where they obtain support from another person who has experience of an alternative court. Addressing such inconsistencies through a judicial Practice Direction is one of the key recommendations from our report on ‘The ten descriptors of legal participation’ that would go some way to improving LIP participation, with the consequential effect of simplifying user information, including on the website.¹⁰⁷

COMPREHENSIVE AND ACCESSIBLE

The litigant users of the supports recognised the information on the website was extensive but important and necessary. LIPs and advisors appreciated it for being different to other sources and actually providing information and managing to do so in a digestible way.

If you’re going to go looking for that information, you need to be prepared to actually wade through a lot... You cannot sanitise that amount of information easily. (Litigant, Group Interview)

it’s not just skirted over, it’s actually fully explained but it’s not over-explained as well. It’s broken down into very short paragraphs. It’s very digestible. (Litigant, Group Interview)

Us normal people can read it and understand it. (Advisor, Think Aloud)

While it was heartening to hear that we had succeeded in making the information accessible to many users, the respondents also mentioned several categories of people to whom the supports are less accessible. For those with low IT capability or low literacy levels or people with learning difficulties the comprehension levels demanded by the website are quite high and it is likely that they would need further support to use the website effectively. For people with disabilities, such as the sight-impaired, there may

105 G McKeever et al, *Litigants in person in Northern Ireland: barriers to legal participation* (2018) <https://www.ulster.ac.uk/_data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf> 186

106 *ibid* 157

107 G McKeever, L Royal-Dawson, J McCord and P Yarnell, *The ten descriptors of legal participation – a Q methods study* (2023) Ulster University <<https://www.ulster.ac.uk/10-descriptors>>

be technical solutions, such as Screen Readers, but that onus is put on the user rather than met in the design. These limitations should be seen as areas to improve rather than inevitable.

SUPPORTING THE ADVISERS

Representatives from advice organisations said they were using and would continue to use the website to expand their own knowledge to better support clients seeking advice on family separation or litigation. They were using it to prepare in-house team induction, training and reference materials and as a resource when supporting clients on the phone, opening up the jargon buster or the list of court forms, for example.

Additionally, they would encourage their clients to use it in their own time and for those not comfortable to use it alone, they would sit with them and support them to use it:

This makes our job so much easier when we have the resources at hand and it's time-benefiting for us as well within sessions where we can say, you don't need to read that now, here's a pack of information, here's the link, use your time on that. (Advisor, Group Interview)

So, you will come across women that .. just need a push in terms of confidence. Look this is here, you know, let's go through it and see. And we'd do it bit by bit. There's nothing there we couldn't fill in if you had somebody sitting beside you. (Advisor, Think Aloud)

This is amazing, this is a gamechanger for me, as a professional. (Advisor, Group Interview)

The adoption of the supports by the advice agencies implied they trusted the content. One advisor said they always check any information they release with their in-house solicitor, but there had been no need to do so when using the website.

LIMITATIONS

A note of caution was raised about making sure clients were ready for the information so it would not overwhelm them or inadvertently trigger a past trauma. This need to be sensitive to the receptiveness of potential users was further reinforced by support agencies dealing with clients who may have been abused and struggling to deal with the complexity of family proceedings as reflected in the level of detail in the website:

I would say for many people, many women we work with looking at that, I think, many would make a decision to go for legal advice ... I think considering everything else that's normally going on in a woman's life ... if she's too frightened, if she can't make a phone call, she's going to certainly find it too difficult to find the confidence to go online and try and apply to the court for an order herself. (Advisor, Group Interview)

This was accompanied by concerns that it would help facilitate abusive ex-partners – seen by the advice agency as more likely to be male – to initiate litigation as a form of control and reinforce patriarchal power structures:

The gender bias [in Family Court Proceedings] is way beyond the scope of what this can do. I think that's a given ... I don't think it is in the gift of yourselves to be doing anything about that. (Advisor, Think Aloud)

Another advice agency pointed to the supposition that men are less aware of where to go for support:

And I think for many men particularly, men don't know what is available in society whenever it comes to support. So, if this is their first port of call at least what is being painted here is a picture where you don't necessarily have to take the legal route, that there are other supports there for you. (Advisor, Group Interview)

We have not had the opportunity to explore any differential uptake of the supports based on gender and it is a regrettable and significant gap in our analysis since it is only when the design is in the real world that its potential use and consequences can be explored.

A further limitation was raised by a former LIP who said there is a significant difference between the description of how cases should be run and how they are actually run. Echoing the comment about the animations being too 'Little House on the Prairie' (see p53) and not reflective of the complexity, adversarial nature of the proceedings and the sense of being alone, this LIP's experience and how to deal with problems during the case were not represented in the supports:

...because of the contrast, you know, what it should be and what it is. That's what makes me angry, because we know where we should be but we are not there. (Former LIP, interview)

They noted that while information about processes is useful, it does nothing to help LIPs when they feel they are being mistreated or taken advantage of by some court actors towards LIPs:

So these websites help with knowledge, but we [LIPs] are still nothing. ... My first question would be... what to do if my rights are not respected? (Former LIP, interview)

This LIP's strong sense that LIPs are treated as aberrations in the system – 'something strange that doesn't belong to the system' – was not addressed in the supports:

If I look back at my case, I don't think this website could have resolved, could have helped me enough to get justice. (Former LIP, interview)

They felt a support service where LIPs could get practical support and help was needed on top of the information supports. Information alone is not enough.

A WEBSITE HOSTED BY ULSTER UNIVERSITY?

The online supports have been hosted on Ulster University's website, which some users thought lent trust, authenticity and authority to it, while to others, their location was a source of confusion, signalling that they were a student rather than public resource. More worryingly, however, some reflected that the university location was intimidating

for those without third level education. The sustainability plans for the website include Ulster University continuing to host it until 2025, sponsored by the Department of Justice, who will then have the option to take the website in-house. In the interim a clearer message needs to be provided to website visitors that the supports are intended for public use, an objective supported unanimously by the respondents:

‘This needs to be put on a platform and shared so that it reaches a wider audience, so it’s accessible for everybody.’ (Advisor, Group Interview)

‘[H]ow do you form trust with a solicitor? Well you form it from how much actual help on assistance they’re giving you, and I think that’s how trust in the website will be built - how much actual assistance and help us the website given you ... From what I can see from the website so far, it seems very helpful, and would be great assistance ... So on that basis, and that’s what makes it very trustworthy.’ (Litigant, Group Interview)

The perfect circle of making the website trustworthy involves making it accessible and able to meet the user’s information needs, which generates trust as a concrete outcome rather than an abstract aspiration.

FURTHER IMPROVEMENTS

Finally, we received suggestions for improvements which buzz with authenticity coming from the intended users. They included:

- An interactive graphic with pop-ups with the relevant information instead of links to other pages
- Information on how to make a complaint about irregularities in the administration of one’s case or the inappropriate conduct of others in the case
- Additional links to support organisations if the information triggers past trauma
- Use pop-ups to text instead of links to other pages
- Legal aid calculator
- An idea of the cost of litigating
- Case studies indicating experience, length of proceedings, costs
- More court form templates with guidance on how to complete them
- Dilute references to considering obtaining legal representation.

These very practical suggestions from the intended users again reiterated to us the importance of incorporating the end-user’s voice in the design process. Some of them would be excellent additions, while others may prove less useful. In the test and refine-evolve phase, these suggestions can be aired in the next round of improvements, something for the eventual host to embrace.

Conclusion

As proof to the assertion that the HCD process with the diverse group of people was able to identify supports, this chapter has shown that the supports are well targeted and useful not only to LIPs but also the advice sector who offer support to people undergoing family separation and other child arrangement problems. Access to the information lifts a veil on the process and offers the potential to prepare LIPs for what lies ahead. Whether the supports can do this in the long-term needs to be investigated to answer this research question more fully.

The limitations and further improvements for the supports suggested by the respondents indicate the work required for the lifetime of the supports. Not only will they need updating in the light of procedural or legal changes, but also they will need further improvements to remain relevant and attractive.

Chapter 11

Conclusions and recommendations

The purpose of using human-centred design was two-fold: to develop practical supports for people going to court without a lawyer and to begin a process of cultural change among court actors to reorient the perspectives of those for whom LIPs were problematic trespassers rather than legitimate court users. By centring the voice of the LIP and developing innovations that are focused on resolving the problems they face, we hoped to begin breaking down some of the practical and attitudinal barriers that LIPs face.

The steps of the HCD process were challenging and benefited greatly from the focused support and expertise of our mentors who helped us accept a different pace of research as part of the process and the outcomes. The practical restrictions created by COVID-19 had the potential to undermine the momentum that had gathered in the first three workshops, forcing the project to be paused and then picked up in an online format. As noted in our discussion, had the COVID-19 restrictions been in place at the outset of the research, we would have struggled to achieve the level of engagement and contact that the intensive face-to-face workshops produced. Workshops 1-3, focused on discovery, synthesis and prototyping, were the most critical aspects of the HCD approach. Workshops 4 and 5, focused on testing and refining the product, were more about bringing to life the hard work that had been done in the previous three workshops, ensuring that these live digital products reflected the Design Group's vision of what was needed to manage or eliminate the pain points of the project's personas. The evolution of the website and Pathfinder during the project was an intensive process of looking to all available data sources – particularly when direct access to LIPs in live proceedings was frustrated by COVID-19-based court protocols – but it was possible. A more difficult ask is whether that evolution can be sustained when the project finished. For that, the work on securing a successor to fund the maintenance of the tools was vital and the Department of Justice commitment to fund the tools until 2025 is the first step on the way to embedding future iterations within government websites.

The supports that the HCD process produced were warmly welcomed as easy to use, accessible and helpful. Their immediate uptake is an endorsement of the supports' trustworthiness, utility and that they fill a gap for much-needed information. They will be used as a self-learning resource and as a resource to help others navigate their way through the options for family separation. Their accessibility to all potential users needs to be widened to ensure people with disabilities are not excluded from using them.

HCD proved a challenge to deliver. It was time consuming, resource-intensive, demanding and frequently frustrating. There were familiar elements that our previous research had utilised including collaboration and drawing on both professional and lived

experience, but clear differences also emerged including divesting power to allow the prototypes to emerge and working to break down scepticism towards a process that we ourselves had no experience of. The linchpin was the mentoring that we received from seasoned practitioners who empowered us to give the HCD process its full potential, particularly when we were under pressure to make up for lost time and get to the end point. Their calm authority reassured us that the right journey was what would lead us to the proper destination and taking care of those making the journey with us was a vital role for us to play. Frustration gave way to pragmatism, and sometimes patience, and both the journey and destination were better for it.

Themes that emerged were of empathy for LIPs, respect for the collaborative endeavour that the HCD process delivered and praise for the products as meeting the needs of LIPs and exceeding the brief of the DG. The Design Group has itself acknowledged its own journey, from scepticism to optimism, impatience to awareness. From this we move from fear to hope that change initiated by this process can grow.

The strong evidence of attitudinal change – of stakeholders being able to not just accommodate different perspectives but to welcome them as valid and instructive with a sceptics' new-found faith – means that we have confidence in recommending HCD as a process for delivering reform. The challenges that we identify, around the level of effort that organising and sustaining the process requires, fuel the ambition to realise the full potential of HCD. Our research was focused on understanding if the process would work in a relatively small-scale approach, solving a problem that the system itself creates. The greater ambition should be to remove the problems from the system to which solutions need to be found. If HCD requires a considerable effort for small-scale remedial actions, why not channel the level of effort and resource that is required to do HCD well into tackling wicked legal problems that are assumed to defy solution? There are innumerable policy or service delivery problems which are seen as either difficult or impossible to solve, including those that relate to big systematic justice problems. We know that HCD has been used in Canada to inform a multi-sectoral initiative to redesign the family justice system, including the voices of children and youth whose families have experienced separation or divorce.¹⁰⁸ We know that design principles have been adopted by the Irish Government for the design of its public services,¹⁰⁹ and that HCD has been used by the Irish Courts Service in its family law reform programme.¹¹⁰ We know that the potential to create better systems promises not just policy or process reform but a chance to improve access to justice. We recommend, therefore, that HCD is applied to the problems within, and perpetuated by, the justice system that plague not just LIPs but all of the stakeholders in access to justice.

Our findings suggest that the supports developed through HCD will play a role in reducing the barriers to legal participation: by providing accessible and helpful information they are breaking down practical barriers; by helping advisors, people going through family separation on a legal route to increase their understanding and

108 J Morley and K Boyle, 'The Story of the BC Family Justice Innovation Lab' (2017) 34 *The Windsor Yearbook of Access of Justice* 1; K Eñano, 'Access to Justice BC launches initiative to redesign family justice system' (2022) *Canadian Lawyer* <<https://www.canadianlawyermag.com/practice-areas/family/access-to-justice-bc-launches-initiative-to-redesign-family-justice-system/367450>>; Family Justice Innovation Lab, 'Youth Voice Initiative' (started in 2017) <<https://www.bcfamilyinnovationlab.ca/initiatives/youth-voices/>>

109 Department of Public Expenditure and Reform, *Designing our Public Services: Design Principles for Government in Ireland* (2022) <<https://www.ops.gov.ie/app/uploads/2022/10/Design-iPrinciples-for-government-in-Ireland-web.pdf>>

110 E Darcy and B O'Connor, *The Courts Service: User-centred design approach* (2022) presentation for Better Public Services Ireland <<https://www.youtube.com/watch?v=RAAJZhZUY2Q>>

ability to manage FPC cases, they are breaking down intellectual barriers; and by building confidence, they are going some way to breaking down emotional barriers. These are hints at the potential of the supports since we have not been able to assess whether the supports actually boost confidence or reduce anxiety with respect to self-representation. We know from our original research project on LIP experiences that capacity to cope or react to unexpected or unprepared 'curve-balls' can put LIPs on the back foot, but we cannot say whether these supports mitigate or lessen these set-backs. It has not been possible to gauge how effectively barriers to legal participants will be tackled by the supports, for how many people or whether there will be differential use by men and women. It would be unrealistic to expect them to fill all the information gaps for all people in search of private family proceedings information in Northern Ireland, but the findings suggest they go a long way meeting the vital information needs of LIPs.

References

- G Allport, *The nature of prejudice* (Addison-Wesley 1954)
- WD Ball, 'Redesigning Sentencing' (2014) 46 *McGeorge Law Review* 817
- J Bergold and S Thomas, 'Participatory Research Methods: A Methodological Approach in Motion' (2012) 13 *Forum: Qualitative Social Research* Art 30
- T Brown, 'Design thinking' (June 2008) *Harvard Business Review* 84, 88
- R Buchanan, 'Wicked Problems in Design Thinking' (1992) 8 *Design Issues* 5
- R Buchanan, 'Human dignity and human rights: Thoughts on the principles of human-centred design' (2018) 17 *Design issues* 35
- L Cohen, L Mannion and K Morrison, *Research Methods in Education* (6th edn Routledge 2010)
- E Darcy, B O'Connor, *The Courts Service: User-centred design approach* (2022) presentation for Better Public Services Ireland <https://www.youtube.com/watch?v=RAAJZhZUY2Q>
- Department of Public Expenditure and Reform, *Designing our Public Services: Design Principles for Government in Ireland* (2022) <https://www.ops.gov.ie/app/uploads/2022/10/Design-iPrinciples-for-government-in-Ireland-web.pdf>
- J Dewar, BW Smith, and C Banks, *Litigants in person in the Family Court of Australia*. Research Report No. 20 (2000) Family Court of Australia http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/reports-and-publications/reports/2000/fcoa_pr_litigants_in_person
- JF Dovidio, SL Gaertner and K Kawakami, 'Intergroup Contact: The past, the present and the future' (2003) 6 *Group Processes & Intergroup Relations* 5
- S Elling, L Lentz, M de Jong and H van den Bergh, 'Measuring the quality of governmental websites in a controlled versus an online setting with the "Website Evaluation Questionnaire"' (2012) 29 *Government Information Quarterly* 383
- K Eñano, 'Access to Justice BC launches initiative to redesign family justice system' (2022) Canadian Lawyer <https://www.canadianlawyermag.com/practice-areas/family/access-to-justice-bc-launches-initiative-to-redesign-family-justice-system/367450>
- Family Justice Innovation Lab, 'Youth Voice Initiative' (started in 2017) <https://www.bcfamilyinnovationlab.ca/initiatives/youth-voices/>
- A Fernandez, E Insfran and S Abrahão, 'Usability evaluation methods for the web: A systematic mapping study' (2011) 53 *Information and Software Technology* 789
- M van den Haak, M de Jong and PJ Schellens, 'Retrospective vs. concurrent think-aloud protocols: testing the usability of a library catalogue' (2003) 22 *Behaviour & Information Technology* 339
- M van den Haak, M de Jong and PJ Schellens, 'Evaluating municipal websites: A methodological comparison of three think aloud variant' (2009) 26 *Government Information Quarterly* 193.
- M Hagan, *Law By Design* (2016) www.lawbydesign.co/
- M Hagan, 'A Human-Centred Design Approach to Access to Justice: Generating New Prototypes and Hypotheses for Intervention to Make Courts User Friendly' (2018) 6 *Indiana Journal of Law and Social Equality* 199
- M Hagan and M Kim, 'Design for Dignity and Procedural Justice' (2017) *Advances in Intelligent Systems and Computing Proceedings of the Applied Human Factors and Ergonomics International Conference* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2994354
- J Hughes, 'Contact and context: sharing education and building relationships in a divided society' (2014) 29 *Research Papers in Education*, 193,
- IDEO, *The Field Guide to Human-Centred Design* (2017) <https://www.designkit.org/resources/1.html>
- International Organisation for Standardisation (2018) *Ergonomics of human-system interaction- Part 11 Usability; Definitions & Concepts* (ISO 9241-11) <https://www.iso.org/standard/63500.html>
- MY Ivory and MA Hearst, 'The State of the Art in Automating Usability Evaluation of User interfaces' (2001) 33 *ACM Computing Surveys* 470
- D Jackson, 'Human-centred legal tech: integrating design in legal education' (2016) 50 *The Law Teacher* 82
- S Kemmis and R McTaggart (eds), *The Action Research Planner* (3rd edn, Deakin University 1988); P Park, 'People, Knowledge and Change in Participatory Research' (1999) 30 *Management Learning* 141

- L Kimbell, *The Service Innovation Handbook: Action-Oriented Creative Thinking Tool Kit for Service Organizations: Templates, Cases, Capabilities* (BIS Publishers 2015)
- J Kirakowski, N Claridge and R Whitehand, 'Human-centered measures of success in website design' (1998) *Proceedings of the 4th conference on human factors & the web* 1 <http://www.wammi.com>
- R Lee and T Tkacukova, *A study of litigants in person in Birmingham Civil Justice Centre* (2017) The Centre for Professional Legal Education and Research, Birmingham Law School http://epapers.bham.ac.uk/3014/1/cepler_working_paper_2_2017.pdf
- NA Knowlton, L Cornett, CD Gerety and JJ Drobinske, *Cases without counsel: research on experiences of self-representation in US Family Court* (2016) Institute for the Advancement of the American Legal System https://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf
- J Macfarlane, *The national self-represented litigants project: Identifying and meeting the needs of self-represented litigants. Final Report* (2013) <https://representingyourselfcanada.com/wp-content/uploads/2016/09/srlreportfinal.pdf>
- J Mant, *Litigants in Person and the Family Justice System* (Hart Publishing 2022)
- RE Mayer, 'Cognitive Theory and the Design of Multimedia Instruction: An example of the Two-Way Street Between Cognition and Instruction' (2002) 89 *New Directions for Teaching and Learning* 55
- G McKeever, 'A ladder of legal participation for tribunal users,' (2013) *Public Law* 575
- G McKeever, L Royal-Dawson, E Kirk and J McCord, (2018) *Litigants in person in Northern Ireland, barriers to legal participation*, Ulster University https://www.ulster.ac.uk/__data/assets/pdf_file/0003/309891/UU-Litigants-in-Person-2018-Full.pdf
- G McKeever, J McCord, L Royal-Dawson and P Yarnell, *The Impact of COVID-19 on Family Courts in Northern Ireland* (2020) Ulster University https://www.ulster.ac.uk/__data/assets/pdf_file/0010/799039/Impact-of-CV19-on-family-courts-NI-201217.pdf
- G McKeever, L Royal-Dawson, E Kirk and J McCord, 'The Snakes and Ladders of Legal Participation: Litigants in Person and the Right to a Fair Trial under Article 6 of the European Convention on Human Rights' (2022) 49 *Journal of Law and Society* 71
- G McKeever, L Royal-Dawson, J McCord and P Yarnell, *The ten descriptors of legal participation – a Q methods study* (2023) Ulster University <https://www.ulster.ac.uk/10-descriptors>
- R Moorhead and M Sefton, *Litigants in person. Unrepresented litigants in first instance proceedings* (2005) Department for Constitutional Affairs Research Series 2/05
- J Morley and K Boyle, 'The Story of the BC Family Justice Innovation Lab' (2017) 34 *The Windsor Yearbook of Access of Justice* 1;
- Office of the Lord Chief Justice (OLCJ) *Review of Civil and Family Justice in Northern Ireland. Review Group's Report on Civil Justice* (2017) <https://www.judiciary-ni.gov.uk/publications/review-groups-report-civil-justice> and *Review of Civil and Family Justice in Northern Ireland. Review Group's Report on Family Justice* (2017) <https://www.judiciary-ni.gov.uk/publications/review-groups-report-family-justice>
- P Park, 'People, Knowledge and Change in Participatory Research' (1999) 30 *Management Learning* 141
- S Passera, 'Flowcharts, swimlanes, and timelines – Alternatives to prose in communicating legal-bureaucratic instructions to civil servants' (2015) 32 *Journal of Technical and Business Communication* 229
- A Perry-Kessarar, 'Legal design for practice, activism, policy and research' (2019) 46 *Journal of Law and Society* 185
- A Perry-Kessarar, *Doing Sociolegal Research in Design Mode* (Routledge 2021)
- TF Pettigrew and LR Tropp, 'A meta-analytic test of intergroup contact theory' (2006) 90 *Journal of Personality and Social Psychology* 751
- VD Quintanilla, 'Human-centred Civil Justice Design' (2017) 121 *Pennsylvania State Law Review* 745
- HWJ Rittel and MM Webber, 'Dilemmas in a General Theory of Planning' (1973) 4 *Policy Sciences* 155
- L Sossin, 'Designing Administrative Justice' (2017) 34 *The Windsor Yearbook Access to Justice* 87
- P De Tezanos-Pinto, C Bratt and R Brown, 'What will the others think? In-group norms as a mediator of the effects of intergroup contact' (2010) 49 *British Journal of Social Psychology* 507

Appendix 1: Timeline of activities of the human-centred design stages

Activity	Content	Human-centred design stage
Workshop 1 'Walking in the shoes' Nov 2019	Introduction to human-centred design approach in family justice. Groups map the persona's litigation journey and identify pain points and devise questions in the format 'how can we alleviate persona's pain points'?	DISCOVER SYNTHESISE
Workshop 2: Brainstorm Nov 2019	Divergence stage: groups brainstorm ideas that would help their persona address one 'how can we...' question. Convergence stage: groups select one or two high impact/ easy to implement concepts to take forward. Vote on each concept.	BRAINSTORM
Workshop 3: Prototyping Dec 2019	Groups flesh out concepts into a tangible design focusing on alleviating pain points.	PROTOTYPE
Build prototypes Feb 2020 – June 2021	Research team plan, map and write content for website and Pathfinder Tool. Discuss where to host the supports. Upload and proof content of supports.	PROTOTYPE
Workshop 4: Prototyping Nov 2020	Design Group were introduced to the prototyped concepts of the website and Pathfinder Tool and comment on their suitability for their personas.	PROTOTYPE
Soft Launch June 2021	Family Court Information in NI website goes live on Ulster University website to facilitate testing.	PROTOTYPE
Usability testing: June 2021 June 2021 Sept – Dec 2021 Jan – Feb 2022	Inquiry method to test website with Design Group in Workshop 5 walking in their persona's shoes Inquiry method for the accuracy of the website with expert users Inquiry method for website usability beyond the Design Group using WAMMI User-testing the Pathfinder Tool using a think-aloud protocol	TEST & REFINE
Build & refine: June 21–June 22	Restructure, amend and edit based on testing feedback.	TEST & REFINE

Activity	Content	Human-centred design stage
Usage analysis Sept 2021 – Feb 2022	Google analytics to see how the website is being used.	TEST & REFINE
Inquiry Feb – Mar 2022	Are the supports being used by NICTS staff?	EVOLVE
Launch 13 April 2022	Public launch of the tools.	EVOLVE
Group interviews Apr – June 2022	Do the supports meet family law litigants' information needs?	EVOLVE

Appendix 2: Personas

Dan



About

Age: 28

Lives: East Belfast

Occupation: DIY Store Clerk, 40 hours a week.

Education: Left school with 4 GCSEs.

Marital status: Separated from his partner, Deena, of two years and their daughter, Bella (14 months) since July.

Finances: Owns a car; has £3,500 debt on credit cards.

Personality: Has an impulsive personality and is quick to get riled up. He sometimes drinks heavily and has bouts of feeling low and self-loathing.

Living situation: Gone back to live with his parents in East Belfast.

Litigant status: Never been to court before.

Goals

- To see Bella regularly.
- To get his own place to live and have Bella live with him.
- To reduce his debts.

Dan's story

Dan and Deena were together for almost four years but split up a year ago. They agreed that their daughter Bella would live with Deena and Dan would visit her whenever he wanted. In the last five months, Deena has not allowed him to see Bella because Deena says he is drinking too much.

The last time Dan went to Deena's to see Bella, Deena said she was calling the police on him and her brother Martin chased him away.

I just want to see my daughter and it's not right that Deena won't allow her to see me. I'm her dad and I've as much right to be with her as Deena does. She's been making up excuses to keep me away. I just want to be able to see Bella and take her to see my mum and dad. They really miss seeing her.

1

Dan's litigant journey

Dan receives a summons to court

Dan gets a letter telling him that Deena has taken out a non-molestation order (NMO) against him and to attend court if he wants to dispute this.

Dan has an initial free legal consultation. The solicitor advises him to attend court and apply for contact with Bella.

The solicitor can represent Dan but requires a £500 deposit to take on the case which Dan can't afford.

Court hearing #1 – NMO, February 2019

Dan took the day off work and arrived at court early. He isn't sure which court room to go to. He waits in the waiting room for two hours until his name is called.

In the court room, Dan stands beside the door as it is filled with lawyers. Dan isn't sure what is happening and hears the judge asking Deena's solicitor about a police report and witnesses.

Dan tells the judge he just wants to see his daughter. The judge asks if he has made an application for contact. Dan says 'no' and that he thought he could ask today.

The judge sets a court date in March to decide on the NMO.

What just happened there? It was chaos and the judge was asking for a police report. What police report?

2

Dan applies for shared residence

Dan goes to a meeting run by someone who helps parents applying for contact and representing themselves.

Dan finds the contact application form online. It mentions a need to attend mediation. Dan is confused as no-one mentioned this. He goes to the library to print the forms as he has no printer.

With help from the group, Dan files his application for shared residence to the court.

Court hearing #2 – NMO, March 2019

In court, the judge explains the purpose of the hearing is to decide the NMO. He asks Deena into the witness box and swear an oath. She gives her evidence to the judge to explain why she needs a NMO.

Dan shouts out that she is lying.

The judge invites Dan to cross-examine Deena. Dan tries to ask Deena questions and the judge intervenes to reward them. The judge interrupts Dan to say he has heard enough and that his questions are irrelevant.

Martin, Deena’s brother, also gives evidence.

The judge asks Dan if he wants to ask Martin any questions, but Dan didn’t know he was expected to ask questions and can’t think of any questions on his feet and just says that Martin is a liar and uses drugs.

Dan is cross-examined and answers as much as he can. Dan says all wants is to see Bella. The judge asks if he has applied for contact. Deena’s solicitor tells the judge that it is listed for directions.

The judge makes a non-molestation order against Dan for 12 months.

Dan leaves quickly because he is late for work.

3

Court hearing #3– shared residence, April 2019

Dan attends court for his application for shared residence.

A different judge is hearing the case. Dan has made notes for the hearing but does not refer to them.

The judge asks Deena’s solicitor to present the case. Dan interrupts her to call Deena a liar.

The judge tells him he must speak only to the judge and not the solicitor.

Dan interrupts the solicitor again when she mentions the NMO, saying it is not relevant or fair, and all he was trying to do was see Bella. The judge warns him again and asks him to be patient.

The judge tells Dan and Deena’s solicitor that she wants them to provide written statements of evidence. She also asks the Court Children’s Officer (CCO) to assess the situation for Bella.

A new court date is set for June 2019.

Outside the court, Deena’s solicitor tries to speak to Dan who refuses to talk to her and calls her a liar.

Four weeks later Dan gets a letter from Deena’s solicitor which contains Deena’s written statement and notes that Dan has not sent in his statement as directed.

The CCO meets with Dan the following week.

Court hearing #4 – shared residence, June 2019

Dan brings his statement to court.

In the court room, Dan tries to give his statement to the judge who explains that Dan should have provided it to the court and to Deena’s solicitor before the hearing.

Dan asks when he will see his daughter.

4

Court hearing #5 – shared residence, July 2019

Dan brings Paul from the help group and tells the judge that Paul is his McKenzie Friend.

The judge tells Dan that she will not allow Paul into the hearing, as Paul has had not provided his credentials. The judge tells Dan he is better off with proper representation.

The CCO reports that both Dan and Deena were willing to try the contact but that it should be supervised initially.

The judge says supervised contact could take place at a local contact centre for 2 hours every week.

Dan says supervision is not needed and that he wants to take Bella to Spain with his family. There is already a family holiday booked.


The judge explains that supervised contact is interim and they need to take it slowly.

A new court date is set for August 2019 to review the contact arrangements.

I’ve been to court that many times now I could have my own room there. All I want is to see Bella and get Deena to see reason. The judge said I should get a lawyer – I think she’s right because no-one listens to me.

5

Joanne



About

Age: 36
 Lives: Carrickfergus, Co. Antrim
 Occupation: Classroom assistant in primary school
 Education: BA in Applied Biology
 Marital status: Divorced from ex-husband of 7 years, Aidan, with two children, Amy (6, who has autism) and Mark (4)
 Finances: Owns a car, receives maintenance from Aidan, just about manages each month.
 Living situation: Rents a three-bedroomed terraced house with Amy and Mark
 Personality: Serious, analytical, very protective of the children, has a small number of close friends.
 Other info: Her relationship with Aidan was abusive. She has a history of depression and anxiety.

Goals

To buy her own home.
 To get Amy and Mark into good schools.
 To qualify as a teacher.

I only want what is in my children's best interests. I understand their father has a role in their lives, and I'm happy to accommodate that but only while it is what they want. When I see them distressed because of contact with him, I worry he only sees them to get to me.

Joanne's story

Litigant status: Previously represented

Joanne divorced Aidan three years ago due to the violence in the relationship, for which he received a criminal conviction. A non-molestation order (NMO) is in place to limit Aidan's contact with Joanne.

Aidan applied for contact with the children. He completed anger management and parenting courses, and the court ordered direct contact 4 hours per week. Aidan contacts Joanne by email once a week to arrange hand-over and the contact.

Both Joanne and Aidan were represented during the divorce and family proceedings.

Joanne's litigant journey

Joanne responds to another application for contact

Aidan has applied for additional contact with the children – one afternoon during the week and over-night every other Saturday.

Joanne cannot afford representation because she is saving for a house. Also, she does not want to take time off work for the appointments with a solicitor.

Given the violent history of the relationship, she is concerned about the impact on her of any increase in the contact arrangements.

She cannot find case-law or examples that throw any light on her situation. She has searched the NICTS website but can't find much information for personal litigants.

We are here again, digging over the same ground. He wants to see more of the kids but I don't want him contacting me any more than he does now. I have to explain it all over again.

Court hearing #1 – March 2019

Joanne takes a day off work to attend court with support from her mum and sister. They wait for 90 minutes before being called, and Joanne enters alone. The courtroom is cleared of lawyers in preparation for the case.

The judge asks her whether she has representation and whether she will get a solicitor. She replies it depends on how things go. The judge explains that the purpose of the hearing is to decide what action to take to progress the father's application for contact.

Aidan's solicitor outlines the application, and she does not mention the previous court orders or the history of their relationship.

Joanne tells the judge she has no objections in principle. She tries to explain that the history of the relationship made her wary and hesitant, but her point isn't pursued.

The judge asks the Court Children's Officer (CCO) to meet with the children, Joanne and Aidan and also sets a new court date for May 2019.

At the meeting with the CCO, Joanne tells her that she did not want to increase the contact that she had with Aidan but was prepared for the children to spend more time with him.

Court hearing #2 – May 2019

Before Joanne goes into court, the CCO tells her that it will be a different judge hearing the case.

The CCO's report states that all parties agree to increase the contact.

In response to the judge's questions, Joanne tells the judge that she is not prepared to interact more with the father and refers to the previous court order limiting such contact. The judge did not know about this. Joanne provides the judge with her copy of the order.

The judge says Aidan's contact can be increased as agreed, that the current level of email contact be maintained and for the situation to be reviewed in two months by the CCO.

A new court date is set for July 2019.

The new contact arrangements are put into place. Mark tells his mum that his step-brother is being nasty to him and he does not want to go back to his dad's house. Joanne encourages him to try again. Mark does and says his step-brother is still being nasty and he doesn't want to go back. Mark does not mention it to the CCO but Joanne reports it to her.

How could the judge not know the history of my case? It must be in the file.

4

Court hearing #3 – July 2019

There is a different judge.

The CCO reports that the new arrangements are going well.

Joanne tells the judge that the CCO has not mentioned Mark's problems with his step-brother.

Aidan's solicitor says Aidan will keep an eye on things and that Aidan had a further request for contact for Christmas and a summer holiday.

The judge says that this additional contact was not part of the current application but that he will consider it seeing as they were all there. He asks the CCO to assess this and sets a new court date for two months later.

At the meeting with the CCO, Mark tells her he does not want to stay overnight with his step-brother. Joanne also states her preference for any holiday period to coincide with the children's weekends with their father to keep up the routine.

Court hearing #4 – September 2019

There is a different judge again.

The CCO report states that the weekends are going well apart from some fighting between the two boys, not severe enough to cancel the sleep-overs.

Aidan's solicitor tells the judge that it was difficult for Aidan to make contact arrangements because Joanne would not reply to Aidan's emails. Joanne has to raise the previous order limiting contact between her and Aidan with this judge too.

The judge makes a final contact order confirming the new arrangements including holiday contact.

5

Tomass

Tomass



About

Age: 32
 Nationality: Latvian
 Lives: Omagh, Co. Tyrone
 Occupation: Radiology technician, Omagh Hospital
 Education: Tertiary level qualification in radiology in Riga.
 Marital status: Divorced with one son, Hugo (6)
 Finances: Doesn't own a car, salary covers living expenses, saves a little
 Personality: Adventurous, out-going, likes to party
 Living situation: Rents a two-bedroomed house in Omagh
 Litigant status: Previously represented in ancillary relief and contact proceedings

Goals

To work fewer hours so he can see more of Hugo.
 To improve his English.
 When Hugo is 18, to return to Latvia to buy a house.

It was hard to see why we need to go to court every few weeks. My solicitor said this is normal. I didn't have to go every time, but it was difficult for me to know what was happening, as well as with Orla because her lawyer kept blaming me for the delay. At the end I owed the same money to my solicitor as to Orla.

Tomass's story

Tomass and his ex-wife, Orla, divorced two years ago. Both parties were represented by lawyers, but Tomass thought that his lawyer was not very good and the case took too long.

Parties agreed and the court ordered that Hugo, their son, would live with Orla. Tomass has a contact order that allows him to see Hugo three times in every two weeks, including one night when Hugo can stay at his house in Omagh.

One year ago, Orla and Hugo moved to Moira (50 miles away). Tomass's shift work at the hospital and not having a car have prevented Tomass from seeing Hugo for a year.

1

Tomass's litigant journey

Tomass receives a summons to the Family Proceedings Court

Orla has applied to court for an order to cancel Tomass's contact order.

Tomass gets a letter telling him to come to the Family Proceedings Court at Laganside Courts, 70 miles from where Tomass lives.

Tomass has decided he cannot afford legal representation.

He struggles to find anything online relevant to his case because he isn't sure what he is looking for. He assumes the application is to make him have contact with Hugo because he hasn't seen him for a long time.

It has been hard not being able to see Hugo. He is too young to understand why I don't visit. I'm worried he will forget me. I want enough free time to see him every week.

2

Court hearing #1, February 2019

Tomass gets an early bus to Belfast and gets to the courthouse on time. He waits for two hours in the waiting room.

Orla's barrister asks him if he is happy to discharge the contact arrangements.

Tomass says he is as he assumes he is being asked to comply with the existing contact order and doesn't understand the implications of discharging the order.

In court, the judge asks Tomass whether he intends to get a lawyer and if he understands English well enough. Tomass says his English is good. The judge asks him for his views on the application. Tomass tries to explain to the judge why transport and work commitments have made it hard for him to see Hugo, but he could not make himself clear.

The judge explains that discharging the contact order will mean that Tomass no longer has the protection of the court but Tomass doesn't understand 'protection of the court.' After some careful questioning, the judge asks Tomass whether he was happy to discharge the contact order, and Tomass says, 'It is OK.'

The judge asks the Court Children's Officer (CCO) to speak to Tomass and Orla, and a new court date is set for April.

Four weeks later Tomass tells the CCO that he wants to see his son, but it is difficult because of the travel and his work schedule

3

Court hearing #2, April 2019

Tomass waits two and half hours for his hearing. He is getting hungry but dares not leave in case he is called while in the café.

The judge asks for the CCO's report which states that Tomass wants to see Hugo and wants to try harder, that Hugo is happy about seeing his dad and that Orla would like contact to take place in a contact centre in case Hugo is nervous about being with his dad.

The judge checks if Orla's barrister and Tomass agree to weekly contact in a contact centre. Both say yes but Tomass does not know what a contact centre is.

The judge asks Orla's barrister to draw up the contact order and the CCO to make sure Tomass understands it. A new court date for a review hearing is set for June.

Outside Tomass tells the CCO it will be difficult for him to attend the contact centre in Moira every week.

Court hearing #3, June 2019

Tomass does not attend.

The judge sets a date for a new hearing for July.

I got a letter about the court date for the first time but no letter came for the second time.

4

Court hearing #4 – July 2019

Tomass attends.

The barrister reminds the court that Tomass was absent last time and the judge asks Tomass why. Tomass tells him he did not get a letter telling him to attend the hearing in June. The judge tells him that if he doesn't attend an order might be made in his absence.

The CCO report states that Tomass has only met Hugo once since April.

Tomass says he thinks he would be able to arrange to get to the contact centre for two hours every fortnight.

The judge tells the barrister to change the order to have contact every fortnight and sets a date for a review hearing in September.

Court hearing #5 – September 2019

The CCO report states that Tomass has met Hugo three times out of a total of six contact sessions because of work conflicts.

Orla's barrister says Hugo's routine is being disturbed and the irregularity of contact was not in the child's best interests.

The judge decides to have another period of review to see if contact improves and a review hearing is set for November.

I come to court many times and it makes problems at work. I come to see Hugo in Moira and it makes problems at work. I don't know what to do. It is better I get a lawyer but it is expensive and they don't tell you anything.

5

Sinead



About

Age: 42
 Lives: Derry / Londonderry
 Occupation: Payroll clerk, Civil Service
 Education: BSc Accounting at Ulster University.
 Marital status: Divorced from Michael in 2016 after 17 year marriage, 3 children Clare (16), Anthony (13) and Sean (6)
 Finances: Owns a car; 23 years left on mortgage for her home; £1,000 in debt on credit cards
 Living situation: Lives with the children in a three-bedroomed semi-detached house
 Personality: Optimist, easy going, diligent, enjoys a laugh with friends
 Other relevant info: Hard of hearing especially in noisy environment
 Litigant status: Previously represented in ancillary relief and contact proceedings through legal aid

Goals

To see the children through school and into university.
 To spend quality time with the children while they are all still at home.
 To be free of debt.

It felt like she was dragging the court case out so she could get more money – I couldn't see any reason why we had to keep adjourning the hearings to agree what we'd already said we were going to do with the kids.

Sinead's story

Sinead and Michael divorced three years ago. They were both legally represented and Sinead was able to get legal aid to pay for her solicitor but was not very happy with her:

Sinead and Michael agreed and the court ordered that the three children would live with Sinead. Michael has a contact order that allows them to spend every other weekend and two nights every week with him at his home in Derry / Londonderry

Michael was ordered pay a monthly sum to Sinead for their living costs, but he doesn't always pay it.

Sinead's litigant journey

Sinead receives a summons to the Family Proceedings court

Michael makes a third application in six months for a Specific Issues Order (SIO) in the Family Proceedings Court. The others were related to Amy's school and taking the children to Spain for Easter. This time, Michael wants the children's passports so that he can take them on holiday.

Sinead is representing herself but did ask her previous solicitor for help with the legal terms in the summons letter.

I can't get legal aid now and I can't afford a lawyer though I did speak to my last solicitor when I got the summons letter, to see what it meant. This is the third time this year. I've tried Women's Aid and Advice NI but they are too busy. And I called Michael's solicitor but couldn't get her on her phone. I can't see why she can't lift the phone and sort this out. It's only about the passports.

Court hearing #1 – June 2019

Sinead takes annual leave and comes to court with her father, Cathal, to serve as her McKenzie Friend. They arrive well before 10am and go to the waiting room. Michael is there with his solicitor.

In the waiting room, Sinead asks Michael's solicitor why she didn't return her calls to sort out the passports over the phone. She tells Sinead the hearing is a straightforward first directions hearing.

When Sinead is called into the court at 12pm, the judge tells Sinead it is not usually a good idea to have a family member as a McKenzie Friend, but he allows Cathal to stay. Michael comes in to the court too.

The judge asks if Sinead would be able to provide the passports. Sinead isn't sure if she should stand and is nervous. She says she can provide the passports but wants to know where and for how long the holiday will be. She starts to explain something, but the judge cuts her off.

The judge tells Sinead to hand over the passports and tells the solicitor to provide Sinead with details of the holiday. The judge sets a date for a review hearing in July.

Sinead sends the passports to Michael.

Court hearing #2 – July 2019

At the call-over, Michael is now represented by a barrister who tells the judge that she doesn't expect Sinead to be at court, but the G4S guard tells the judge Sinead is in the waiting room. The judge tells the barrister to deal with the case in the corridor.

The barrister comes over to tell Sinead that Michael wants to keep the passports and that Michael objects to Sinead's holiday plans which overlap with his contact time with the children. She says that Sinead's holiday will be in breach of the contact order.

In court, Sinead tells the judge she has handed over the passports but didn't receive the information about the holiday before the children left. Michael's barrister tells the judge she was not aware that she had to provide this information.

The barrister says Michael wants to keep the passports and has a problem with Sinead's holiday plans overlapping with Michael's contact time. The judge says that Michael needs to make a separate application to keep the passports.

Sinead tells the judge she will change her holiday plans so that Michael keeps his contact time. The judge says that the Specific Issues Order is discharged. Sinead is annoyed.

I did as the judge told me but Michael never told me where he was taking the kids. I had sleepless nights while they were gone. No-one cares.

4

Michael applies for another SIO

Michael submits an application to keep the passports and Sinead receives a summons.

Court hearing #3 – September 2019

At the call-over, the judge tells Michael's barrister to sort it out with the mother in the waiting room.

Michael wants to go before the judge but the barrister tells him that the judge wants it sorted outside. Michael sacks his barrister and the barrister re-enters the court to inform the judge that she is no longer representing Michael.

Michael and Sinead are called into court. They are both litigants in person now. The judge asks Michael to present his case. He says he goes abroad with the children more often than Sinead. Sinead says that as the parent with the residence order, she wants to keep them. She has no problem handing them over so long as she knows where the children are.

The judge rejects the SIO and makes an Article 179(14) order requiring both parties to seek the permission of the court to make further applications.

5

Appendix 3: Reflective questions from the HCD workshops

7 Nov 2019 Workshop 1 'Walking in the shoes of personas'

1. What are your expectations of working with such a diverse group?
2. What change do you want to see for personal litigants?
3. What do you hope to get out of working with this group for yourself?
4. Do you have any concerns about the goals for the group?

13 Nov 2019 Workshop 2 'Brainstorming: Diverge and converge'

Dinner time

1. How helpful/difficult was it to be exposed to the other perspectives in the group?

End of day

2. How easy was it for you to come up with ideas?
3. Were there different perspectives around the table that impacted on your thinking?
4. Can you think of anything that may have supported this 'ideation' process?

16 Dec 2019 Workshop 3 'Prototyping: Fleshing out concepts'

Dinner time

1. Thinking about the design you have been working on, how will it help your persona overcome the pain-points?
2. What difficulties were there designing for your persona?

End of day

3. What reflections do you have about the human-centred design process for the justice system?
4. In particular, what are your reflections on how the method made you view the system from the point of view of a LIP?
5. How helpful/difficult was it to be exposed to the other perspectives in the group?

23 & 25 November 2020 Workshop 4 'Picking up the pieces'

1. What difference has the impact of COVID made on your persona's case? What additional pain-points is s/he experiencing? Does s/he need different supports now?
2. COVID interrupted the momentum we had for the human-centred design process for supports for litigants in family proceedings - tell us what you have done to get back into the mind-set of the design process, if anything?
3. What are the drawbacks to holding the design workshops on Zoom?

22 & 23 June 2021 Workshop 5 'Testing prototypes'

1. Will the designs make a difference to personal litigants' litigation journeys?
2. What are your impressions of working in a group with many different perspectives?
3. How challenging was it?
4. Did others' views have an impact on yours?
5. Were your expectations of participating in the Design Group met?
6. What reflections do you have about using the human-centred design process for designing processes in the justice system?

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

Gráinne McKeever, Lucy Royal-Dawson,
John McCord, Priyamvada Yarnell & Mark Potkewitz



This project was funded by the Nuffield Foundation, but the views expressed are those of the authors and not necessarily those of the Foundation.