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Design Thinking, Visualization, and Law: A New Paradigm in Legal Studies

Horizontes Universidad

Octaedro

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Foreword

Álvaro Antón Antón
Project Coordinator

The book *Design Thinking, Visualization and Law: A New Paradigm in Legal Studies"*is a significant contribution to the field of legal education, stemming from the Jean Monnet Project "*Legal Design Thinking and Legal Visualization*: Towards Understandable EU Law." It presents an innovative approach to legal education and practice, emphasizing the integration of legal design and legal visualization principles and tools.

This book and the project from which it derives are grounded in the application of design principles and techniques to enhance the communication of the law, primarily through two fundamental concepts: *Legal Design Thinking* and *Legal Visualization.*

Legal design involves using design concepts and techniques to improve the communication and understanding of legal aspects. This approach leads to the creation of clearer and more visually appealing legal documents, assisting people in better comprehending their legal rights and obligations. It also aims to simplify legal terminology and make legal processes more accessible to the general public.

The other pillar of the work presented is Legal Visualization, which refers to the use of visual representations, such as graphics and diagrams, to more effectively explain legal concepts. This can help simplify complex information, such as legal process flows or legal argument structures, making it easier for both lawyers and non-legal professionals to understand.

The book gathers critical insights, classroom innovations, and theoretical and practical frameworks developed during the project. It begins with a theoretical foundation, highlighting the project's unique features, and then delves into the practical experiences of various professors at CEU Cardenal Herrera University with their students. These practical cases provide concrete examples of how legal design and visualization can transform the teaching and practice of law.

Beyond its academic value, this work challenges conventional paradigms of legal education. It proposes a teaching model that is not only intellectually stimulating but also emotionally engaging and accessible to all. When reading this book, readers are invited to be part of a paradigm shift, reimagining legal education and practice as a human-centered, inclusive experience deeply aligned with the values of the Jean Monnet Project.

The book is structured into four main parts, each of which addresses specific aspects related to design, visualization, and law in various academic and practical contexts. Each of these parts contributes to the understanding of how legal design and visualization can transform the teaching and practice of law, making it more accessible and comprehensible for both legal professionals and the general public.

Part I: The Theoretical Framework: In this part, the theoretical framework of the book and the project is established. It includes the first two chapters that provide a conceptual and methodological foundation for understanding the principles of *Legal Design Thinking* and *Visual Design Thinking* in the legal context. The first chapter introduces the project and its focus on achieving a more accessible understanding of European Union law.

Chapter 1 " Revolutionizing Legal Education: The Jean Monnet Project on Legal Design Thinking and Legal Visualization, Towards an Understandable EU Law" by Dr. Álvaro Antón Antón focuses on integrating innovative methodologies into legal education, particularly in making EU law accessible and understandable. It highlights the importance of user-centered design and visual communication in law, and the need for interdisciplinary collaboration in legal studies. The project aims to democratize justice and enhance legal experiences through empathetic and creative legal solutions, addressing linguistic, educational, and cultural barriers in legal systems. It proposes a shift in legal edu-

cation and practice, emphasizing the importance of clear communication and inclusivity.

Chapter 2 "*Design Thinking*: Methodology of Application in Other Disciplinary Environments" by Dra. Sara Barquero Pérez discusses the application of *Design Thinking* in various sectors, including legal and visual design thinking. It details how *Design Thinking*, originally related to product development, has evolved into a tool for generating innovation across different sectors. The document elaborates on the methodology's processes and stages, emphasizing its user-centric approach, flexibility, integration of technology and business, and iterative nature. It also includes practical examples of *Design Thinking* applications in educational settings.

Part II: Practical Applications from Legal Sciences - EU Law and Policies: In this part, practical applications of the concepts of *Legal Design Thinking* in the field of European Union law and related policies are explored. Concrete examples are presented of how legal design and visualization can enhance the communication and understanding of relevant legal issues.

Chapter 3 " *Legal Design Thinking* in Communication about Relevant Jurists" by Dr. Sara González Sánchez and Dr. Antonio López Álvarez explores the application of *Legal Design Thinking* in legal education. Focusing on a seminar aimed at enhancing students' oral and written communication skills, the authors describe how students are challenged to explore the profiles of distinguished jurists and create visual representations of their theories. The methodology emphasizes student engagement, collaboration, and creativity, fostering a deeper understanding of legal principles and effective communication. The seminar also integrates aspects of legal communication at both oral and written levels.

The Chapter 4 "A Teaching Experience on the Use of *Human-Centered Design* on Instagram" by Dra. Adela M. Aura discusses a project in the European Union Law course at CEU Cardenal Herrera University. It explores the use of *Human-Centered Design*, *Design Thinking*, and *Legal Design* to enhance the understanding of the EU among young Spanish university students. The project leverages Instagram to reach and engage students, aligning with the European Year of Youth's goal of involving young people in Europe's democratic life. The study highlights the effectiveness

of innovative, user-centered teaching methods in legal education.

The Chapter 5 "The Omnibus Directive for Algorithmic Price Customisation in E-Commerce" by María Luisa Mena Durán focuses on applying *Legal Design Thinking* to e-commerce in the context of the EU's Omnibus Directive. It discusses the challenges and opportunities of the Directive's implementation, emphasizing the need for legal professionals to understand and adapt to digital transformations in commerce. The article advocates for the integration of *Legal Design Thinking* in legal education to prepare future lawyers for emerging challenges in digital environments, highlighting the importance of creativity, problem-solving, and technological skills in legal practice.

Part III: Practical Applications from Legal Sciences - Private and Public Law: This part focuses on practical applications of *Legal Design Thinking* and *Legal Visualization* in the contexts of private and public law. The chapters in this section address topics such as the exercise of testamentary capacity, mortgage and real estate purchase and sale clauses, fundamental rights, special civil procedures, child abduction regulations, and more.

The Chapter 6 "Person-Centred *Legal Design*: Making Testamentary Capacity an Accessible Right for Persons with Disabilities" by Dra. Beatriz Hermida Bellot examines the application of *Legal Design Thinking* to assist individuals with disabilities in understanding and exercising their right to create wills. It focuses on Law 8/2021, aligning Spanish laws with the International Convention on the Rights of Persons with Disabilities, and emphasizes creating accessible legal systems. The document details a project to develop tools that make testamentary laws more understandable for people with disabilities, highlighting the role of empathy, creativity, and user-centric approaches in legal education.

The Chapter 7 "Principles of *Human-Centered Design* in Law Studies" by Dr. Esperanza Ferrando Nicolau delves into applying legal design and visualization techniques to make mortgage and real estate purchase and sale clauses more understandable. It addresses the challenges faced by citizens in comprehending complex legal matters, advocating for training future jurists in techniques like *Legal Design Thinking* and *Visual Thinking*. This approach aims to enhance client understanding of legal acts and

contracts, emphasizing empathizing with users and understanding their unique financial circumstances. The document is part of the Jean Monnet Project for making EU law more understandable.

The Chapter 8 "*Legal Design Thinking* and *Legal Visualization* in the Framework of Fundamental Rights" by Dra. Mª Rosa García Vilardell examines the application of these concepts to the right of parents to choose their children's education. It explores the balance between state neutrality and individual liberties, highlighting the significance of public comprehension in legal issues related to educational choices and ideological freedom. The paper emphasizes the role of accessible legal communication and includes infographics to enhance public understanding of constitutional rights, particularly in the context of education and ideological freedom.

The Chapter 9 "The Application of Legal Design for a Better Understanding of the Special Civil Proceedings of the Civil Procedure Law" by Dr. Rosa Pascual Serrats focuses on the use of *Legal Design Thinking* and *Visualization* to clarify special civil proceedings in law. The article is part of the Jean Monnet Project, aiming to make EU Law more understandable. It highlights the necessity for legal professionals to use clear and visual techniques to explain complex legal processes to laypersons, emphasizing the importance of this approach in legal education and practice.

The Chapter 10 "Application of the *Legal Design Thinking* and *Legal Visualization* Methodology to Facilitate the Understanding of Child Abduction Regulations" by Dra. María Dolores Cano Hurtado focuses on the use of *Legal Design Thinking* and *Legal Visualization* to simplify the understanding of regulations surrounding child abduction. It addresses the critical nature of this issue, particularly in international contexts, and highlights the importance of accessible legal communication for the general public. This approach seeks to empower individuals with knowledge about legal actions and preventive measures in child abduction cases.

The Chapter 11 "*Legal Design* Focused on Legal Persons" by Dr. Remigio Beneyto Berenguer discusses the confusion in distinguishing between foundations and associations, both civil and canonical. It emphasizes the importance of understanding

these distinctions to apply the correct legal regime. The paper proposes the use of *Legal Design Thinking* and *Legal Design Thinking* techniques in legal education to help students and professionals easily identify and differentiate these legal entities, thus making the legal system more accessible and comprehensible.

The Chapter 12 "Application of *Legal Design* and *Legal Visualization* Techniques to Facilitate the Understanding of Basic Criminal Law Concepts" by María Asunción Chazarra Quinto emphasizes incorporating new methodologies in criminal law studies. It advocates using *Legal Design Thinking* and *Visualization* to make criminal law concepts clearer and more comprehensible, even for non-lawyers. The approach aims to enhance communication, collaboration, and knowledge sharing in the field, fostering a more engaging and effective educational experience in criminal law and procedure.

The Chapter 13 "Principles of *Human-Centered Design* in Civil Family Law: Application of the *Legal Design* and *Legal Visualization* Methodologies to Facilitate Understanding of Separation, Divorce, and Marital Nullity" by Dra. María Dolores Cano Hurtado focuses on the application of *Legal Design Thinking* and *Visualization* in family law. It discusses the need for accessible legal language and clear understanding in the context of matrimonial crises such as separation, divorce, and annulment. The document highlights the importance of making legal processes understandable to laypersons, especially in emotionally charged situations like family law matters.

The Chapter 14 " *Legal Design Thinking* and *Legal Visualization* in the Context of Teaching Canonical Marriage Law and Its Application in Ecclesiastical Courts" by Dr. Mª Rosa García Vilardell discusses applying *Legal Design Thinking* and *Legal Visualization* to canonical marriage annulment. It emphasizes the importance of these methodologies in understanding canonical marital law and improving the analysis and interpretation of legal texts. The project aims to make canonical marriage annulment more comprehensible and accessible, using innovative teaching methods to enhance legal education.

Part IV: Multidisciplinary Experience: The final part of the book explores the application of design and visual thinking techniques in multidisciplinary contexts. The chapters in this section address topics that go beyond the legal field, such as the rela-

tionship between constitutional law and political science, circular economy, and the care of children in a hospital setting.

The Chapter 15 "The Relationship Between Constitutional Law and Political Science: The Use of *Legal Design* and *Legal Visualization* to Understand the Electoral System and its Regulation" by Dra. Marta Pérez Gabaldón explores the intersection of political science and constitutional law. It specifically focuses on the electoral system, using *Legal Design Thinking* and *Legal Visualization* to make the complex regulations of electoral systems more understandable. This approach is applied in a teaching setting to assist first-year law students in grasping the intricacies of electoral law and its impact on democratic processes.

The Chapter 16 "*Design Thinking* and *Visual Thinking* Techniques Towards a Circular Economy" by Dra. María Pilar García-Alcober and Dr. Valentín Gallart-Camahort focuses on educating Business Management and Law students using *Design Thinking* and *Visual Thinking*. It aims to develop skills to address the transition from a linear to a circular economy. The project involves a case study of a wine company, where students explore creative solutions to promote sustainability, emphasizing the importance of visual communication and innovative thinking in both business and legal education.

The Chapter 17 "*Design Thinking* in the Service of Children in Hospital" by Dra. Marta Ruiz Revert focuses on applying *Design Thinking* in hospital classrooms to ensure the right to education for hospitalized children. It highlights how this approach can create flexible, adaptive learning spaces and improve the atmosphere of hospital classrooms. The aim is to alleviate the negative effects of hospitalization on children's education and well-being, using a user-centered methodology that engages students in understanding their illness and treatment while enhancing the learning environment.

This collection of documents represents a comprehensive exploration into the intersection of design thinking, legal design, and technology in the legal field.

These works collectively underscore the importance of integrating user-centered design, visual communication, and innovative methodologies in legal education and practice. They emphasize the need to make legal systems more accessible, understandable, and empathetic. The emphasis is on democratizing

justice, breaking down linguistic, educational, and cultural barriers, and fostering interdisciplinary collaboration to enhance legal experiences and outcomes. This prologue introduces a pioneering movement in legal studies, bridging the gap between traditional legal frameworks and modern, inclusive approaches to law and justice.

PART I: THE THEORETICAL FRAMEWORK

1

Revolutionizing Legal Education: The Jean Monnet Project on *Legal Design Thinking* and *Legal Visualization*, towards an Understandable EU Law

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Abstract
This article presents "*Legal Design Thinking* and *Legal Visualization*: Towards Understandable EU Law," a project focused on integrating innovative methodologies into legal education. It emphasizes making EU law accessible and understandable through user-centered design and visual communication. The initiative aims to equip students with the skills to develop empathetic, creative legal solutions. It highlights the importance of interdisciplinary collaboration and practical application in legal studies, ultimately aiming to democratize justice and enhance the legal experience for all.

1.1. Introduction

To establish a trust-based relationship between citizens and institutions at both national and EU levels, it is essential to provide comprehensive information about policies, decision-making procedures, legislation, and operations. Equally important is informing citizens about their rights. Additionally, ensuring that both national and EU legal systems are accessible and understandable to citizens is crucial.

However, modern legal frameworks often struggle with accessibility and user-friendliness. The language used in legal documents is typically complex and replete with specialized jargon, challenging the average person's comprehension. Moreover, ex-

isting legal documents, policies, and procedures often suffer from poor design. As HAGAN (2021a) pointed out, the legal system may not have fully embraced human-centered design in its policymaking processes. This issue is exacerbated by the fact that most legal texts and documents are created by lawyers, primarily for other lawyers, and that the legal system is more tailored for legal professionals than for the general public.

This necessitates a paradigm shift in legal studies. Emerging trends emphasize the visualization of legal information and suggest innovative formats for presenting legislation, integrating design principles and methods to enhance public access to the law.

In response to these trends, the Jean Monnet project "*Legal Design Thinking* and Legal Visualization: Towards Understandable EU Law," led by a team of professors from various faculties at CEU Cardenal Herrera University, is pioneering the practical and theoretical application of *Design Thinking* in legal education.

The project's primary goal is to utilize *Legal Design Thinking* and *Legal Visualization* techniques to make Law and EU Law, along with their institutions, more comprehensible and accessible. Central to this endeavor is the conviction that citizens should be able to understand the law, particularly within the EU context. The project aims to make legal systems more relatable by addressing linguistic, educational, and cultural barriers, thereby adopting a citizen-centric approach.

In an era of increasingly complex legal information, this innovative project also focuses on the implementation of new trends in the visualization and presentation of legal information. By adopting novel formats and incorporating design methods, the project aims to significantly improve public access to the law, enhancing the connection between policies, legal objectives, and citizens. Key to this approach is clear, regular, open, and timely communication that meets the informational needs of society and fosters a more inclusive approach to the law.

This initiative is a strategic move to position CEU Cardenal Herrera University as a front-runner in Spain in this innovative domain through the creation of the *Legal Design Lab*, which fosters a collaborative environment for educators and learners. The Lab is committed to revolutionizing legal studies, advocating that jurists collaborate across disciplines to design tools that

simplify complex legal information, thereby aiding in understanding the law and facilitating decision-making.

The initiative introduces new methodologies for resolving legal problems, equipping students with the skills to develop ideas using *Design Thinking* in legal contexts. Students are taught to focus on the user, simplifying complex legal concepts through visualization. Legal design's inclusion in the curriculum ensures that future jurists are equipped with tools that consider user experiences. Upon identifying needs, students learn to respond through the development and design of visual tools and processes, including iteration and the creation of accessible legal documents and prototypes

This project is vital for developing and maintaining the skills required by today's legal professionals. It encourages students to explore innovative solutions in various legal fields, harnessing creative thinking, design skills, and visual techniques.

This cutting-edge educational approach bridges the gap between theoretical knowledge and practical application, providing students with a deeper understanding of EU legal frameworks through advanced teaching methods.

Overall, this initiative has made EU law more accessible and understandable. By integrating contemporary teaching methods into legal education, it sets new educational standards, highlighting the transformative potential of modern teaching methodologies in law.

1.2. Key Insights into *Legal Design Thinking*

1.2.1 Integrating human-centered design in legal systems: The emergence and impact of *Legal Design Thinking*

Numerous researchers champion the need to incorporate more elements of human-centered design into the digitalization processes of administrations and the design of legislation and legal services. Human-centered design is a practice focused on creating products that are useful, usable, and engaging for users. It is predicated on the notion that products, services, organizations, and systems should be constructed with the needs, behaviors, and preferences of their intended users at the forefront. This de-

sign-based approach facilitates a deeper understanding of the services offered and concurrently drives innovation to augment existing offerings. Additionally, the values, organization, and mechanics integrated into any solution will cater to the interests, practices, and potential constraints of all stakeholders (HAGAN, 2021b). This methodology has found applications in sectors such as services, healthcare, and finance, and its ultimate goal has now permeated the legal field, primarily through digitalization and *Legaltech*, and the application of legal design techniques (HAGAN, 2020).

Central to this Jean Monnet Project is "*Legal Design Thinking*," aimed at rendering legal information more comprehensible to the public. This goal is achieved by developing communication techniques and visualizations that transform the representation of legal systems, EU institutions, their structures, and pertinent legal issues, thereby enhancing their accessibility in everyday contexts. The collaboration between communication and information designers is crucial in organizing and presenting information to maximize clarity and understanding.

Legal Design Thinking represents an innovative approach in the legal arena, merging design principles and methods with legal practices. This concept, emerging relatively recently and still evolving, lacks a universally accepted definition, with each practitioner maintaining a slightly different yet similar understanding of what legal design entails.

Fundamentally, it is a methodology rooted in the design field. *Design Thinking* is primarily concerned with the cognitive process of generating new ideas, transcending mere aesthetics or the physical form of objects, and focusing on how things "ought to be." This approach extends beyond tangible products to encompass the design of intangible services and experiences. The objective is to develop rational procedures for addressing complex problems, which can encompass social or business issues often referred to as "wicked problems" in design-thinking parlance (BERGER-WALLISER *et. al.*, 2017).

Often, design is mistakenly associated solely with aesthetic enhancements. While aesthetics play a role, the essence of design lies in functionality, user-friendliness, and effectiveness. Specifically, design's core lies in its investigative nature, involving thorough examination and observation of various elements and sys-

tems encountered in daily life. The primary focus is on how these elements can be improved, made more user-friendly, and deliver greater value to users (HUOVINEN, 2021). This contemplative aspect of design aims to augment functionality and utility, ensuring more meaningful and beneficial experiences for those interacting with these systems. It is a method of problem solving, geared towards creating usable, useful, and engaging products and services. Design's true purpose, as articulated by KATZ (2012), is about designing with intent.

As PANKE (2019) notes, the concept of *Design Thinking* has been the subject of discussion and study in the design doctrine for 30 years. However, its adoption in recent years as an innovation technique has caused it to shift and gain importance in multiple disciplines beyond design. Thus, we can find different approaches to this concept in various areas where it is being integrated. According to GOLDSCHMIDT (2017), despite this denaturalization of the mentioned concept, we can identify two fundamental aspects: (1) A method applied in industrial sectors focused on the development of innovative products or services. (2) Descriptive models of the design process, based on observational research of design activities in both real and laboratory environments, carried out by teams or individuals. However, although initially perceived as a mindset, a process, and an attitude exclusive to the design realm, the aforementioned concept has evolved to include techniques aimed at boosting efficiency and innovation beyond the traditional boundaries of design. Consequently, "design" now signifies not only the creation of physical products but also encompasses services, experiences, ecosystems, and even social and political systems (BUCHANAN, 1992).

In the case of information designers, this involves making objects function as intended for users and clarifying, simplifying, and making information accessible. The goal is to present information in a manner that is understandable and useful for decision-making, revealing the true meaning and operation of things.

Outside the exclusive field of design, the term *Design Thinking* describes a new and innovative process to deal with complex issues and problems (BROWN & WYATT, 2010). In this sense, we observe an evolution or shift in the approach to the study of de-

sign thinking. This shift moves from exclusively describing cognitive processes used in the field of design, as previously described, to encompassing a set of methodologies used in various knowledge areas beyond design. These methodologies share the common trait of integrating these techniques into their disciplines. Therefore, *Design Thinking* is no longer understood solely as a science or a subject of study within design but rather as a mindset underpinning a series of methodologies that incorporate aspects of this process into their respective disciplines, with a focus on the mindset change of those who study or operate with it. In other words, there is a shift from considering design as a science to also understanding it as a mindset (PANKE, 2019; WRIGLEY & STRAKER, 2017).

The integration of the aforementioned methodology into the legal realm is broadly recognized as *Legal Design Thinking*. *Legal Design Thinking*, originating around 2013 at Stanford Law School and the Stanford Institute of Design (RAFFIN, BRULÉ, & DESMARES, 2022), is a subfield of *Design Thinking* that applies design principles to legal documents, processes, and systems to enhance their accessibility, usability, and effectiveness.

This approach applies design techniques to law, focusing on creating legal systems and services centered on people. It blends understanding the context of legal problems, creativity in proposing solutions, and rationality in aligning these solutions with reality. The goal is to use this methodology to facilitate understanding and access to the law and the functioning of legal institutions (HAGAN, 2021). Specifically, it aims to make legal information simpler and clearer for the public through the design of communication and visualization techniques, such as producing logical diagrams that visualize different institutions, their compositions, and legal issues for use in administrations.

HAGAN (2021b) views *Legal Design Thinking* as applying human-centered design to law, striving to make legal systems more user-friendly, usable, and satisfying. HUOVINEN (2021) notes that this definition centers on defining legal design as a means to assess and create legal services, focusing on their usability, usefulness, and engagement. However, legal design can also be viewed more broadly as a fusion of legal expertise, design tools, and technology in legal practice, with the potential to transform legal systems, services, legal processes, and education. As LUZAK

(2021) points out, all design principles encourage a focus on improving the usability, utility, and engagement of legal products and services. While these principles primarily target legal professionals, they could be integrated into legislative processes, either during policy formulation or when offering guidance on the optimal application of legal provisions. This is particularly relevant in designing consumer information, often perceived as difficult to comprehend, uninteresting, overwhelming, or perplexing.

Considering the above, the *Legal Design Alliance* (LeDA) offers a broad concept, describing legal design as an interdisciplinary approach focusing on solving or preventing legal problems through human-centered design, emphasizing the perspectives of law users – not just lawyers, but also citizens, consumers, and businesses.

In summary, legal design aims to make the legal system more intuitive, engaging, and accessible to everyone. Its primary goal for the general public is to demystify legal processes and enhance understanding and interaction with the legal system, making it more relatable and human-centric. This approach empowers individuals, providing them with greater clarity and control over their legal situations. The aim of legal design is to establish a human-centered, participatory approach to revamping the legal system, one that acknowledges the significance of new technology without prioritizing tech-driven solutions as the only option. It also recognizes the value of interdisciplinary, inclusive teams working on creating and testing new system enhancements (DOHERTY *et al.*, 2021).

For legal professionals, legal design offers tools to improve client service, emphasizing the provision of customized, client-centric legal services. It involves enhancing communication and service delivery by lawyers, with the ultimate aim of elevating the client's experience, understanding, and involvement in legal matters. Moreover, legal design integrates various design methodologies, principles, and visual techniques to revolutionize the conveyance of legal information, making it more digestible and accessible to a broader audience.

1.2.2. Approaches and characteristics of *Legal Design Thinking*: Innovating legal practice

Despite the absence of a rigid definition, the core values and objectives of legal design remain consistent: it focuses on prioritizing the end user in legal services and products. The aim is to create effective, usable, and appealing legal services by applying human-centered design and technology. Legal design is inherently interdisciplinary, encompassing sub-disciplines such as information, product, service, organization, and system design (PASSERA, 2017). Fundamentally, legal design seeks to enhance the communication of legal information and improve interactions between individuals and legal systems (HUOVINEN, 2021).

Legal design serves various purposes, goals, forms, and objects. For instance, according to the *Legal Design Alliance* (LeDA), there are distinct approaches to employing legal design:

- Problem-based: This approach emphasizes addressing real-world needs and challenges, setting aside differences to break down disciplinary barriers.
- Domain-oriented: It involves incorporating methodologies from diverse legal backgrounds, theories, and principles, tailored to the specific issue at hand.
- Communication: This facet focuses on creating information and interactions with deliberate design, rather than merely compiling them.
- Visual-first: A strategy that utilizes visual thinking and communication to ensure mutual understanding, moving beyond sole reliance on verbal communication.
- Simplification: It employs well-designed interfaces, services, and experiences, enabling users to engage with straightforward and efficient solutions, thus avoiding the complexity of the underlying system.
- Prototyping: This approach involves creating solutions through rapid rounds of iteration and experimentation, as opposed to attempting perfect planning from the outset.
- Empirical evaluation: This aspect assesses the impact of the existing system's design and any new interventions to ensure a meaningful improvement in user engagement with the system.

- Standards & patterns: In developing new solutions, the aim is to make them replicable, systematized, and easily extendable, rather than depending on a disparate array of custom, unique solutions.
- Semantic web-oriented: Digital solutions are adapted to fit the semantic web paradigm, supporting digital applications across various multi-channel devices.

The studies conducted within the scope of the project enable us to identify characteristic elements of *Legal Design Thinking*:

- User-Centric Approach: Central to *Legal Design Thinking* is the emphasis on the user, prioritizing their needs and experiences with legal documents and systems to enhance the accessibility and understanding of legal information.
- Interdisciplinary Collaboration: It encourages collaboration between lawyers, designers, technologists, and clients. This multidisciplinary teamwork leads to more creative and effective solutions to legal problems.
- Simplifying Complexity: *Legal Design Thinking* seeks to simplify the complexity inherent in legal information. It transforms dense legal language into visual formats that are easier to comprehend.
- Iterative Process: It involves an iterative cycle of prototyping, testing, and refining legal solutions. This process helps in fine-tuning legal products or services to better meet the user's requirements.
- Visual Communication: One of the cornerstones of *Legal Design Thinking* is the use of visual aids like flowcharts, infographics, and interactive digital tools. These aids help in making abstract legal concepts tangible.
- Improved Legal Services: By making legal materials more engaging and user-friendly, *Legal Design Thinking* improves the delivery of legal services and enhances client satisfaction.
- Education and Outreach: This approach can be used to educate both legal professionals and the public. It provides a framework for teaching and learning that is interactive and engaging.
- Accessibility and Inclusivity: *Legal Design Thinking* addresses the accessibility challenges that traditional legal texts pose, especially for those with disabilities or non-legal backgrounds.

- Empathy and Engagement: It emphasizes empathy by encouraging legal professionals to understand the emotional and practical needs of their clients, leading to more empathetic and human-centered legal services.
- Innovation in Law: *Legal Design Thinking* is seen as a driver for innovation within the legal industry, pushing the boundaries of traditional practice and creating new opportunities for service and product development.

In summary, *Legal Design Thinking* is about reimagining the law through the lens of design, with a firm commitment to clarity, usability, and the end user's experience. It could represent a paradigm shift towards a more inclusive and accessible legal system.

1.2.3. Enhancing legal communication through design and visualization techniques

Within the array of approaches presented, we emphasize the application of design methods, information design principles, and visual disciplines to enhance the accessibility of legal information communication. Specifically, this is achieved through techniques applied to projects aimed at improving the comprehension of legal content. These techniques involve the use of tools supplementary to text in order to effectively communicate complex legal content.

Legal Visualization is gaining increasing importance as it aligns with modern culture's visual orientation and aids in clarifying and persuading within legal contexts. To understand the significance of these novel initiatives, it is critical to recognize that several studies maintain the law as a predominantly text-oriented universe. Consequently, the "verb centric paradigm" remains dominant in the legal context (ANTÓN, 2020, 2023). As HAAPIO & PASSERA (2013) articulated, merely offering more information or enhancing access is insufficient; the true challenge lies in the content's understandability. Often, access to information does not equate to the ability to decode or comprehend its significance.

The advent of visual digital media has led some legal scholars to question this paradigm, particularly in light of the opportunities e-Government presents for visualizing legal content, such as

online legal information (BRUNSCHWIG, 2014). BERGER-WALLIS, BARTON, & HAAPIO (2017) argue that the digital revolution has significantly influenced the legal field, especially regarding visualization. This encompasses the use of images, diagrams, charts, and other visual aids to complement or replace text. However, these tools are frequently used in tandem with words, creating a hybrid mode of communication that bolsters the clarity and efficacy of legal information. When integrated with human-centered design principles, the approach transcends mere visualization. It entails the use of graphic communication tools and other design methods tailored for legal purposes, focusing on the creation and effective usage of these tools in legal domains.

Specifically, there is a movement within legal design aimed at simplifying legal information for the public through the design of communication techniques. This trend highly values clear, well-designed presentations, implicitly criticizing the often-inaccessible manner in which legal information is disseminated (BUCHANAN, 2001). According to HAAPIO (2013), information design employs graphic design principles and tools to enhance information communication, striving for efficiency and comprehensibility in presentation.

Legal Visualization is an approach that can significantly improve the accessibility of legal information. Utilizing visual communication techniques such as infographics, charts, and diagrams, it can render complex legal concepts and procedures more understandable, particularly beneficial for non-lawyers who might struggle with traditionally formatted legal documents. The role of communication and information designers is pivotal in organizing and displaying information to maximize clarity and comprehensibility, focusing on user needs and the context of information application.

This current focuses on both improving and clarifying legal information and texts, and the manner of their presentation in physical and digital formats. Specifically, through *Legal Visualization* techniques applied to projects related to legal content comprehension, these techniques involve using tools in addition to text to communicate complex legal content effectively (ANTÓN, 2021).

Firstly, elements that aid in information visualization, such as graphics, icons, tables, images, timelines, and diagrams, are in-

strumental. These are accompanied by considerations related to language, readability, typography, layout, color-coding, and white space. These measures, while complementary, are not inherently dependent on one another. For instance, when confronted with a complex legal text, the application of legal design would lead to: 1) Rewriting it in simple language, 2) Eliminating jargon or excessively technical language, 3) Including useful summaries, and 4) Adding information visualizations like diagrams, icons, and images (ANTON, 2023).

For example, when content complexity necessitates, readers need to comprehend both the overarching picture and the intricate details, often alternating between these two perspectives. Here, visualization plays a crucial role, understood as supplementing text with graphs, icons, tables, charts, and images. Visualization aids in text navigation, elucidating meaning, and reinforcing messages, even within the legal field. Information design encompasses more than visualization; it also involves various other beneficial aspects such as language, readability, typography, layout, color-coding, and white space (HAAPIO & PASSERA, 2013).

Additionally, certain approaches to this technique do not necessitate graphic elements or technology. Rather, they focus on enhanced information composition on the page, extensive use of font and text size, coherent hierarchies, and white space utilization for improved user orientation (MITCHELL, 2020). Products developed through this method include poster-sized organizational maps, flowcharts, governance documents, statutes, and policies with redesigned and visually enriched content. MITCHELL'S (2020) model applies a user-centered design approach to introduce significant yet non-radical enhancements to the legal field. The outcomes do not markedly deviate from the status quo, but rather bolster the current competencies and practices of legal professionals, including: 1) Consulting with clients to determine the most suitable design for them, and 2) Crafting documents that reflect the legal knowledge transferable to clients/users/taxpayers in a format that enhances their understanding.

An approach more ambitious than the previous one is advocated by MARTHA (2020), who proposes applying legal design not only to enhance legal products or texts but also to reconsider these services and interactions within the legal field. With the in-

corporation of legal design skills, jurists are equipped with tools to consider user experiences. Upon identifying needs, they could respond through the development and design of visual tools and design processes, such as iteration and prototype creation.

1.2.4. The methodological approach of human-centered legal design

The *human-centered legal design* approach, as outlined by HAGAN (2020), represents an innovative methodology in the field of law, incorporating a design work sequence that focuses on human needs. Thus, the core of legal design lies in the human-centered design process.

This approach is based on the premise that the most effective solutions to legal problems are derived from a deep understanding of the experiences and perspectives of those directly affected by these problems. Hence, this human-centered design perspective provides a framework for designing with communities affected by problems, enabling designers to deeply understand the people they seek to serve when creating solutions based on the community's needs.

The approach is bottom-up, as opposed to top-down, and starts with the premise that the people who face problems are the ones who hold the key to solving them. The process begins with an empirical foundation, where direct observation and the study of individuals' lived experiences play a crucial role in identifying needs and aspirations. In this sense, when applying this technique, designers must observe not only people's behavior but also their psychological experiences or the interpretations and meanings that subjects assign to the environments and processes they encounter.

In the implementation of this methodology, the integration and reconciliation of three fundamental criteria that intertwine in the design process are highlighted:

1. Desirability: Focuses on identifying and satisfying the needs and aspirations of stakeholders. This aspect goes beyond mere functionality, seeking solutions that resonate with users on a deeper and more personal level (i.e., what meets stakeholders' needs and aspirations).

2. Feasibility: Assesses what is possible within the current and future technological framework (i.e., what is technologically possible in the near future). This criterion ensures that the proposed solutions are technically viable and realistic in their implementation.
3. Viability: Considers the financial sustainability of the proposed solutions (i.e., what is financially sustainable). It is essential that interventions are not only effective and technically possible but also economically feasible in the long term.

This approach begins with human needs, goals, and fears, uncovering what is desirable and imbuing innovation and problem solving with a human-centered ethos. It requires a thorough empirical understanding, through direct observation, of what people need in their lives and what they like or dislike about specific practices and institutions (QUINTANILLA, 2017).

Human-centered *Design Thinking* moves through three stages when designing an intervention (QUINTANILLA, 2017):

1. Inspiration: In this initial phase, challenges and opportunities that motivate the search for solutions are identified. This involves recognizing and identifying key beneficiaries and stakeholders who will contribute to the identification of problems and potential solutions. The identified subjects will be those whose experiences are extracted through direct observation, ethnographic studies, surveys, or other forms of perspective taking, thus outlining the needs that the project must cover or address.
2. Ideation: During this stage, designers translate the information obtained in the previous phase to generate, develop, and test different hypotheses and ideas. Key criteria such as desirability, feasibility, and viability must be considered. Various proposals are developed and tested, taking into account the aforementioned key criteria.
3. Implementation: In this stage, designers develop an action plan for the most promising ideas. The creation of prototypes, reduced, adjustable, and less expensive versions of the possible final solution, will be necessary. The prototyping phase will serve to provide new perspectives to the designers. Once the prototyping is advanced, it will be refined, and it will be

possible to move towards the creation of a pilot phase, i.e., more complex, expensive, and complete tests.

The co-design framework is a key component of this methodology, as it involves direct collaboration with affected stakeholders in the process of creating and testing interventions. This approach helps overcome the most significant barriers and concerns associated with legal design methodologies, decentralizing expertise from academia to communities, with litigants, judicial staff, and advocates who have a real sense of how to develop possible interventions in the context. Moreover, it allows the participation of a greater level of people with different socioeconomic levels, avoiding biases (BERNAL & HAGAN, 2020).

Alongside these bottom-up co-design methodologies, there are also more top-down methodologies, such as desk research, reviews of the innovation landscape, or rigorous evaluation techniques. In this case, interventions are developed through models, patterns, and theories of experts with established knowledge about what types of interventions have been successful in comparable areas.

Furthermore, as BERNAL & HAGAN (2020) point out, the complementarity between co-design methodologies and more traditional approaches such as document research and rigorous evaluations is crucial. According to these authors, a research-informed methodology framework can ensure that interveners build from national best practices in their local community; avoiding concepts that have been proven not to work elsewhere; and leveraging proven design patterns or behavioral nudges that have proven successful in laboratory settings. Thus, while co-design provides an intimate understanding of the specific context and user needs, more structured research and evaluation methods allow the leveraging of established knowledge and practices, ensuring that interventions are based on the best national practices and avoid previously ineffective approaches.

Specifically, the system based on co-design work provides essential insight into a specific context and, in principle; the ideal would be to use both methodologies in combination. However, the possibility and viability of obtaining results by applying the methodology based on previous studies and reports have also been defended. Thus, for example, one could start with govern-

mental and institutional studies, behavioral studies, reports from associations and users, and reports from the ombudsman or similar bodies.

In the specific case of the *Design Thinking* methodology applied to the legal field, it starts from the aforementioned phases and approaches, not establishing fixed rules but rather proposing a series of principles and recommendations aimed at making the law more accessible and understandable. In a similar sense to the three stages described earlier, COCHRANE & MUNN (2016) suggest that the three main elements of *Design Thinking* are observational research, visual sense-making and rapid prototyping. For these authors, the typical process of *Design Thinking* is a cyclical process, structured, for practical purposes, into five distinct phases, each with a specific purpose within the design process. These phases are:

1. Empathizing and observing (Empathize): This phase is essential for deeply understanding the needs, experiences, and emotions of the people involved. It involves a deep dive to observe and understand the behavior and motivations of users, clients, or any stakeholders in the legal context. Techniques used in this stage may include interviews, participatory observation, and experience analysis.
6. Defining the problem (Define): In this stage, the information gathered during the empathy phase is synthesized to clearly define the problems to be addressed. It is a process of distilling observations to formulate a clear problem statement, which will guide the rest of the design process. This definition of the problem is crucial as it sets a clear focus and directs the creative process.
7. Creating ideas (Ideate): Here, ideas for innovative solutions to the previously defined problem are generated. This phase is characterized by its collaborative and creative nature, where the generation of a wide range of possibilities and potential solutions is encouraged. Brainstorming techniques and collaborative workshops are common at this stage.
8. Prototyping: In this phase, the generated ideas are transformed into tangible prototypes. A prototype can be any representation of a solution that can be tested and evaluated, from models to digital representations. The goal is to create

simplified and economical versions of the proposed solutions to explore their feasibility.

9. Testing: This final phase involves testing the prototypes with users or stakeholders. The purpose is to gather feedback to refine and improve the solution. This stage is iterative; prototypes are adjusted and retested in response to feedback, perfecting the solution until it effectively meets the identified needs.

These phases allow a clear differentiation between the identification of the problem and the search for solutions.

In conclusion, human-centered legal design, as proposed by HAGAN (2020) and detailed by QUINTANILLA (2017), offers a comprehensive and multidimensional methodological framework that promotes innovative, empathetic, and effective legal solutions, based on a deep understanding of human and contextual needs.

1.3. Examples of *Legal Design Thinking* and *Legal Visualization* in Practice

In the realm of legal practice, the methodologies of *Legal Design Thinking* and *Legal Visualization* offer transformative potential, streamlining and clarifying complex legal processes for enhanced accessibility and understanding. The following are illustrative examples of *design thinking* techniques and tools across various legal areas:

- Design of intuitive forms and interfaces: Legal forms, such as divorce applications or lawsuits, are often intimidating. Legal design focuses on simplifying them by dividing them into clear sections and providing detailed guidance for their proper completion.
- Creation of diagrams and process flows: Flowcharts and visualizations are used to explain legal procedures in a more comprehensible manner. These diagrams offer a visual representation of the steps and legal procedures, facilitating the understanding of complex cases. A notable example is the design of

flowcharts that guide people through the steps of an immigration process, demystifying a previously opaque procedure. Similarly, in a divorce process, a flowchart can help the parties understand the stages and necessary requirements.

- Conceptual maps representing legal relationships: These maps help law students and lawyers visualize how legal concepts are interconnected, facilitating the understanding and application of the law. For example, a conceptual map can represent the relationships between different areas of law, such as civil and criminal law.
- Infographics simplifying legal concepts: Infographics are useful for explaining legal terms or complex concepts in a visual and easy-to-understand manner. These are particularly useful for summarizing lengthy legal documents or procedures. For instance, an infographic might break down the elements of a lease agreement, highlighting the obligations of the landlord and the tenant.
- Creating infographics to explain legal processes, rights, obligations, or statistics: Creating infographics to explain legal processes, rights, obligations, or statistics involves transforming complex legal information into visually engaging, concise, and easy-to-understand graphics.
- Visual aids and Icons to represent legal concepts and process: Incorporating visual elements like icons, symbols, and images to represent legal concepts or steps in a process, making it easier for people to grasp complex legal ideas.
- Data visualization in complex cases: In complex litigation cases, data visualization can help lawyers identify patterns and trends in large data sets. For example, in environmental litigation cases, bar graphs can be used to show the evolution of pollution levels over time.
- Graphical representation of legal arguments: When presenting arguments to a client, Legal Visualization can help highlight key points and make the arguments more persuasive and understandable. For example, when presenting legal reasoning in a civil rights case, a visual representation can help the client follow the legal argument more clearly.
- Infographics for summarizing lengthy legal documents or procedures: Creating infographics to explain and summarize legal processes, rights, obligations, or statistics.

- Contract drafting: *Legal Design Thinking* can be used to create clearer and more comprehensible agreements for the parties involved. Redesigned contracts can help prevent misunderstandings and future conflicts, especially in consumer contracts such as insurance agreements or mortgage loans.
- Presentation of evidence in trials: *Design Thinking* is used to graphically represent complex evidence, such as event sequence diagrams in criminal cases or visual representation of evidence in property disputes. These visual representations can help clients, or even jurors and judges, more effectively understand the presented information.
- Dispute resolution: Legal design can be applied to improve mediation and negotiation processes, presenting arguments and proposals more clearly and effectively. In divorce cases, for example, a redesigned mediation process can help the parties reach agreements more quickly and with less conflict.
- Plain Language Writing for Policies and Legislation: Simplifying legal language to make it more understandable for non-lawyers. This involves avoiding jargon and using clear, concise language.
- Flowcharts and process maps: Using flowcharts to outline legal procedures or workflows. This can be particularly helpful in illustrating the steps in legal processes like court proceedings, contract approvals, or regulatory compliance.
- Storyboarding and scenarios: Using storyboarding techniques to visualize and design the user journey through a legal process, helping to identify pain points and opportunities for improvement.
- Accessibility features: ensuring legal documents and platforms are accessible to all users, including those with disabilities, by incorporating features like screen reader compatibility, large font options, and simple navigation.
- Legal education: In law schools, these disciplines are used to teach legal concepts more effectively to students and the general public. This includes the development of visual educational resources and interactive tools, such as legal simulations and e-learning modules.

Considering the mentioned areas, it is possible to illustrate concrete applications of *Legal Design Thinking* and in different

situations, which can help to understand how these disciplines could transform the legal experience, making it more accessible, understandable, and effective. These applications could significantly modify the way we interact with the legal system. The above approaches may led to results such as the following:

- Example 1. Simplified rental contracts:
  - Current situation: Rental contracts are often dense documents difficult to understand, full of legal jargon and ambiguity, making it hard for parties to understand their rights and obligations. Traditional rental contracts can be sources of confusion and discord between landlords and tenants.
  - Proposed innovation: Use legal design to create contracts with clear language and intuitive structure. This would include differentiated sections for each aspect of the lease, such as maintenance responsibilities, rent, cohabitation rules, and deposit policies. Additionally, graphical visualizations could be used to represent terms like the lease period, payment dates, late penalties, and the lease's expiration date.
  - Expected outcome: Better understanding by tenants and landlords, leading to fewer disputes and a more harmonious rental relationship.
- Example 2. Interactive guides for immigration processes:
  - Current situation: Immigration processes can be confusing and overwhelming, with a large number of forms and requirements. Immigration can be a complicated and overwhelming process, especially for those not familiar with the legal system.
  - Proposed innovation: Develop an interactive portal with flowcharts and systematic explanations for each type of visa or migration process. For example, a guide for a work visa might include visualizations of each stage, from document collection to the final interview.
  - Expected outcome: A clearer and more accessible process for applicants, resulting in more precise and efficient applications, thereby reducing the administrative burden on immigration agencies.
- Example 3. Redesign of social benefits application forms:
  - Current situation: Governmental forms for various social benefit programs, such as food assistance, unemployment

insurance, and housing programs, are often lengthy and confusing, leading to errors and incomplete applications.
  - Proposed innovation: Simplify and redesign these forms using legal design, highlighting key sections and using graphics to explain income or asset limits.
  - Expected outcome: Greater clarity for applicants, reduced errors in applications, and more efficient processes for agencies.
- Example 4. Visual representation of evidence in medical malpractice trials:
  - Current situation: Presenting evidence in trials can be complex and hard to follow.
  - Proposed innovation: Use detailed diagrams and visualized event sequences to present medical negligence cases, making it easier for juries to follow and understand the sequence of events.
  - Expected outcome: Clearer and more compelling presentations in court, potentially leading to fairer and more understandable trials.
- Example 5. Conceptual maps in environmental law education:
  - Current situation: Environmental law is a complex field with many interrelated laws and regulations.
  - Proposed innovation: Use conceptual maps to illustrate the connections between different laws and cases, visually showing how one law affects another or their interpretations in various judicial cases.
  - Expected outcome: Better understanding of the subject matter by students, facilitating learning and retention of complex information.
- Example 6. Infographics in law firms:
  - Current situation: Clients often face difficult-to-understand contracts and legal terms.
  - Proposed innovation: Create detailed infographics to break down contract terms, visually displaying obligations, restrictions, and key terms in an easily comprehensible manner for non-legal clients.
  - Expected Outcome: Better understanding and satisfaction for clients, and more effective communication between attorney and client.

- Example 7. Flowcharts for online conflict resolution:
  - Current situation: Conflict resolution processes can be lengthy and confusing.
  - Proposed innovation: Implement interactive flowcharts in online conflict resolution platforms to guide parties through negotiation, mediation, or arbitration options.
  - Expected outcome: A more transparent and navigable conflict resolution process, enhancing efficiency and satisfaction for involved parties.
- Example 8. Simplified jury instructions in legal trials:
  - Current situation: Jury instructions in legal trials are often complex and filled with legal terminology, making it difficult for jurors to understand and apply them correctly.
  - Proposed innovation: Redesign jury instructions using plain language and incorporate visual aids, such as flowcharts or decision trees, to clarify the decision-making process. This approach would make it easier for jurors to comprehend their duties and the legal standards they must apply.
  - Expected outcome: Improved understanding of legal instructions by jurors, leading to more informed and accurate verdicts.
- Example 9. Enhanced legal document accessibility for persons with disabilities:
  - Current situation: Legal documents are not always accessible to persons with disabilities, such as those with visual impairments or cognitive challenges.
  - Proposed innovation: Utilize legal design to create accessible legal documents, incorporating features like simplified language, large print, Braille versions, and audio descriptions. This approach would also include designing websites and online legal resources to be fully accessible.
  - Expected outcome: Increased accessibility of legal documents and resources for persons with disabilities, ensuring equal access to legal information and services.
- Example 10. Interactive legal compliance tools for businesses:
  - Current situation: Businesses often struggle to understand and comply with complex legal regulations, leading to unintentional non-compliance.
  - Proposed innovation: Develop interactive tools and applications that guide businesses through compliance process-

es. These tools could include checklists, decision trees, and custom-tailored advice based on the business's specific industry and size.
  - Expected outcome: Easier compliance with legal regulations for businesses, reducing the risk of legal issues and penalties.
- Example 11. Infographics and interactive visualizations in real estate transactions:
  - Current situation: Real estate transactions involve complex documents and processes that are often confusing to buyers and sellers.
  - Proposed innovation: Use infographics and interactive visualizations to explain the steps in a real estate transaction, including the roles of different parties, timelines, and legal obligations.
  - Expected outcome: Greater clarity and understanding for all parties involved in real estate transactions, potentially leading to smoother and more efficient deals.
- Example 12. Compliance checklists for regulatory laws:
  - Current situation: Complying with regulatory laws, such as health and safety regulations or financial compliance laws, can be overwhelming for businesses due to their complexity.
  - Proposed innovation: Develop interactive checklists that visually guide businesses through compliance requirements, breaking down complex regulations into actionable steps.
  - Expected outcome: Improved compliance by businesses, with reduced risk of overlooking critical regulatory requirements.

In summary, these practical examples highlight how Legal Design and are applied in real-world situations to make the legal experience more accessible, comprehensible, and effective. Whether in contract drafting, evidence presentation in trials, or online dispute resolution, these disciplines demonstrate their capacity to positively transform the way we interact with the legal system.

- Example 13. User-friendly legal portals for public services:
  - Current situation: Accessing legal information related to public services, like social security benefits or immigration services, can be daunting for the general public.

  - Proposed innovation: Develop user-friendly online portals with visual aids and simple language to guide individuals through legal processes related to public services.
  - Expected outcome: Greater accessibility and understanding of public legal services, facilitating easier access for the general population.
- Example 14. Legal process maps for business operations:
  - Current situation: Businesses often struggle to understand the legal implications of various operational decisions, such as expansion or restructuring.
  - Proposed innovation: Create comprehensive legal process maps that visually depict the legal considerations and steps involved in business decisions.
  - Expected outcome: Better strategic planning and legal risk management for businesses.
- Example 15. Infographics for understanding intellectual property rights:
  - Current situation: Intellectual property law is complex, and understanding the scope and limitations of various rights can be challenging.
  - Proposed innovation: Develop infographics that simplify the concepts of intellectual property rights, including patents, copyrights, and trademarks.
  - Expected outcome: Increased awareness and respect for intellectual property rights among creators, businesses, and the public.

1.4. Transforming Legal Education through *Legal Design Thinking*: A Comprehensive Approach for the Future of Law

Currently, digital technology plays a crucial role in the legal profession, affecting both client service and information delivery. Law schools are increasingly including technological education in their curricula. However, as JACKSON (2016) emphasizes, the emergence of tech-savvy lawyers necessitates that technological tools be designed to meet evolving human needs. Combining technological instruction with training in human-centered de-

sign not only prepares lawyers to develop innovative technological solutions but also significantly improves legal institutions and programs. Moreover, it is essential to equip jurists with skills focused on leveraging and valuing their human capabilities, creativity, and empathy to provide value beyond what automated systems offer. In this transition, *Legal Design Thinking* could play a fundamental role. This methodology represents the application of design, centered on human needs, to the legal world.

Indeed, design thinking, with its roots in various disciplines, is increasingly associated with legal education (RENARD, 2014). This methodology is used to place students in contexts that make them think and work like expert designers, fostering civic literacy, empathy, cultural awareness, and risk-taking (SHARPLES *et al.*, 2016; SKAGGS, 2018). As the awareness of the designed experience grows, so does the desire to apply *Design Thinking* to a broader range of scenarios, including legal education, to analyze and solve complex challenges (HODGKINSON, 2013).

Design thinking, encompassing a variety of creative strategies for directing projects with multiple stakeholders or fostering organizational innovation, is progressively recognized for its transformative potential in legal education. This methodology, already gaining traction in the U.S., is being incorporated into various faculties and sectors to develop strategies, new services, and improved legal documents (MARTHA 2020). As GROTS & CREUZNACHER (2016) state, *Design Thinking* methodologies help manage ambiguities and formulate the right questions, as well as identify possibilities and potential. In the context of legal education, this approach can address complex, socially ambiguous problem settings, often referred to as "wicked problems," which lack clear right or wrong solutions and resist traditional scientific and engineering approaches (PANKE, 2019; RAUTH *et al.*, 2010; RITTEL & WEBBER, 1973).

In legal education, the *Design Thinking* process is not just about finding immediate solutions but transcending the boundaries of typical problem solving to address fundamental questions. As legal challenges become more complex, the ability to approach these challenges from a design perspective becomes increasingly critical. This involves a creative process where law students are encouraged to analyze, synthesize, and generate ideas from different domains and to engage in activities such as

drawing, prototyping, and storytelling (BROWN, 2009). This approach and its associated activities not only foster creativity but also encourage law students to view legal constraints as sources of inspiration (BROWN & WYATT, 2010), leading to the integration of new signs, actions, and environments (BUCHANAN, 1992). All of which can lead to innovative approaches to problem solving. This methodology equips law students with a more holistic understanding of the law, combining traditional legal studies with innovative design principles. Thus, it has the potential to prepare future lawyers to think creatively and empathetically, focusing on the human elements of legal issues.

Additionally, it is necessary to introduce a significant change in legal studies to design mechanisms for effectively communicating complex legal information, aiding both in understanding the law and in decision-making. This necessarily involves collaboration with other disciplines. Precisely, a significant aspect of *Legal Design Thinking* is its emphasis on interdisciplinary collaboration. Law students are encouraged to work alongside professionals in design, technology, and other fields to develop comprehensive legal solutions. This collaborative approach fosters empathy, a critical skill for understanding and addressing the needs and concerns of those affected by legal decisions. This interdisciplinary collaboration can also result in more creative and effective legal solutions.

This combination offers legal educators a means to prepare lawyers not only capable of generating novel technological solutions but also fundamentally improving legal institutions and programs through those results. Furthermore, as we have argued, the introduction of design pedagogies within legal education also provides educators and students the opportunity to approach the study and interpretation of the law as a creative activity by exploring structured methods such as empathy through observation, prototyping, and acceptance of failure, with learning outcomes that have the potential to transform how lawyers approach their role. Therefore, by including these methodologies in legal studies, students can learn to approach legal issues from different perspectives, focusing not only on the legal aspects but also on the human and social impacts. This approach can lead to more empathetic and user-friendly legal solutions.

Despite some scholarly discourse characterizing the widespread interest in *Design Thinking* as problematic due to disparities in understanding and application (TAHERI *et al.*, 2016), its adoption in education is accelerating. In more than 60 U.S. universities and colleges, *Design Thinking* is taught through various programs (GOLDMAN *et al.*, 2014; CALLAHAN, 2019). It is increasingly being recognized for its contribution to interdisciplinary academic content and as a tool for fostering 21st-century skills (BELIGATAMULLA *et al.*, 2019).

Legal Design Thinking in legal education could address several dimensions, including curriculum design, teaching-learning approaches, and teacher training and support (LOR, 2017). It offers a problem-based learning paradigm that builds on creative problem-solving, innovative workspaces, and collaboration in multi-perspective teams (VON THIENEN, ROYALTY, & MEINEL, 2017). This approach provides a platform for students to develop a wide range of skills, from subject-specific learning goals to leadership and organizational development. These diverse applications demonstrate the adaptability and relevance of *Design Thinking* in shaping future legal professionals who are not just well versed in the law but also skilled in innovative, empathetic problem solving.

The integration of *Legal Design Thinking* into legal education represents an important evolution in how law is taught and practiced. It prepares students to navigate the complexities of modern legal challenges with creativity and empathy, equipping them with the skills necessary for success in a rapidly changing legal landscape. This approach not only enhances their legal acumen but also prepares them to be innovators and leaders in the legal field.

Along with all of the above, it must be kept in mind that there is no single reason to use *Design Thinking* in education, so various characteristics of the *Design Thinking* process and mindset can be aligned with different educational goals (PANKE, 2019).

In this sense, *Design Thinking* for education is described by some authors as a problem-based learning paradigm built on three pillars: a creative problem-solving process, creative workspaces, and collaboration in multi-perspective teams. PANKE (2019) finds these three elements in multiple educational contexts and settings and identifies seven different categories for the

application of *Design Thinking* in education: (1) As an instructional design method for the development of course content or teaching material (2) As a tool for curricular development (3) As a teaching strategy to achieve subject-specific learning goals (4) As a learning goal in itself (5) As a student support mechanism, i.e., tutoring, advising, counseling; (6) As a tool for process improvement or product development (7) As a methodology for leadership and organizational development.

It is true that *Design Thinking* can be taught as an independent subject; however, its main appeal in the field of law studies comes from its potential to act as a conduit to achieve different academic learning goals when integrated into specific subjects or training paths. In this line, CARROLL *et al*. (2010) have already argued that *Design Thinking* should be integrated into the academic content of specific areas or subjects. In this sense, they maintain that, although it can function on its own as an independent subject, its power as a learning tool lies in the ways it can support a wide range of interdisciplinary academic content."

Taking into account the above considerations, this project is presented as strategic, and its continuation is crucial to consolidate itself as a fundamental tool in the available catalog to achieve the competencies established in the teaching guides of related subjects. At the same time, we aspire to advance in the acquisition of other competencies demanded by the current market. Through creativity, design, and visualization, the project will allow students to develop competencies that will enable them to find innovative solutions applicable in any professional field of law. Incorporating *Legal Design Thinking* into university law studies, particularly through initiatives like the *Legal Design Lab*, aims to achieve several key objectives:

- Integrate the *Design Thinking* methodology into legal studies: Motivate students to participate in research and training activities that apply user-centered design in the field of law, seeking practical innovative solutions to real legal problems.
- Multidisciplinary collaboration: encourage law students to collaborate with peers from business, marketing, design, education, IT, and other disciplines to work on joint projects that address legal topics and develop not only interdisciplinary

approaches to legal issues but also new ways of communicating legal information.
- Development of legal communication skills: Teach students to demystify complex legal jargon and to translate complex legal texts into visual and comprehensible formats for different audiences.
- Promotion of innovation in legal education: Encourage students to develop and brainstorm new, interactive, and innovative methods and tools in their legal practice and study of law.
- Promoting social and ethical awareness: Instill in students a deep understanding of the importance of law in society and the responsibility to ensure that the law is accessible and fair for all.

The integration of *Legal Design Thinking* into law studies marks a significant step towards redefining legal education. It equips future legal professionals with a comprehensive, empathetic, and user-focused approach to law, promising a transformation in how legal education is perceived and delivered. This initiative not only makes legal studies more relatable and accessible to students but also prepares them to effectively serve and influence the broader society.

1.5. The Project: "*Legal Design Thinking* and *Legal Visualization*: Towards Understandable EU Law"

Despite the advancements in *Legal Design Thinking* and *Legal Visualization*, challenges remain to be overcome. Adapting these approaches into the traditional legal system can encounter resistance to change. Lawyers and judges may be reluctant to adopt new methodologies, and significant transformation in legal practice may take time. Increased awareness and training in these disciplines are required.

However, while challenges exist in integrating *Legal Design Thinking* and *Legal Visualization* into traditional legal systems, incorporating these methodologies into law studies can catalyze the transformation of legal practices, making them more responsive to the needs of society and individuals. Indeed, the future of

these disciplines is promising. As technology continues to advance, *Legal Design Thinking* and *Legal Visualization* are expected to play a fundamental role in democratizing justice and improving the legal experience for everyone. Interdisciplinary collaboration among designers, lawyers, technologists, and educators will be essential to move in this direction and fully leverage the potential of these innovative approaches.

We believe that one way to move forward is by integrating this methodology into legal studies. Integrating *Legal Design Thinking* and *Legal Visualization* into the curriculum of law studies can be a significant step toward modernizing the legal education system. This integration would expose future legal professionals to innovative approaches from the beginning of their careers, fostering a more adaptable and forward-thinking mindset.

The Jean Monnet project "*Legal Design Thinking* and *Legal Visualization*: Towards Understandable EU Law," implemented by a group of professors from the Faculties of Law, Business, Political Science, Design, and Education, represents a pioneering and significant initiative in the evolution of legal study and practice. The fundamental premise of the project is that citizens should be able to understand the Law. The essence of this project lies in integrating the *Design Thinking* methodology into the legal field, both theoretically and practically, with the aim of establishing Universidad CEU Cardenal Herrera as a benchmark in this area. It represents a significant step in the transformation of legal education and practice, employing the methodologies of Design Thinking to make legal concepts more accessible and understandable.

The focus on *Legal Design Thinking* and *Legal Visualization* is particularly noteworthy. The proposed methodology seeks to instigate a paradigm shift in the approach to legal studies. The goal is to shift from a paradigm of "reading the law" to "seeing, hearing, and interacting with the law." Using *Legal Design Thinking* and visual design to communicate complex legal information aims to achieve a "design for understanding" and a "design for decision-making," facilitating citizen engagement with laws and institutions. Additionally, presenting citizens' rights and guarantees based on the *Legal Design Thinking* methodology and Ergonomic Software Guidelines not only improves understanding for all citizens but also ensures accessibility for people with disabili-

ties. These methodologies, not traditionally associated with legal studies, have shown great promise in other fields for their ability to simplify complex information and enhance the user experience. Applying these techniques to the law, especially EU Law, could significantly aid in breaking down linguistic, educational, and cultural barriers. It can make the law more accessible to a broader audience, ensuring that citizens not only have access to legal information but can also understand and engage with it effectively. This change is based on the premise that the jurist must study the norm in collaboration with other disciplines, with the primary objective of designing mechanisms that facilitate the communication of complex information, thus contributing to the understanding of the law and informed decision-making.

The work team, consisting of jurists and experts in psychology, pedagogy, communication theory, information technology, design, and audiovisual design, is tasked with presenting Law and the European Union to the citizen in an innovative way, using online *Legal Visualization* and *Design Thinking* techniques. This diversity in expertise ensures that the project tackles the complexities of law from multiple perspectives, making it more relatable and easier to comprehend for the general public.

The primary objective of the project is to implement *Legal Design Thinking* and use *Legal Visualization* techniques to enhance the understanding and accessibility of Law and EU Law, along with the functioning of its institutions. It specifically focuses on creating a more citizen-oriented approach to address linguistic, educational, and cultural barriers.

Moreover, the emphasis on creating a *Legal Design Lab* that involves both professors and students across various campuses fosters a collaborative and hands-on learning environment. This practical approach to legal education, coupled with the theoretical groundwork, will likely yield innovative solutions and methods to convey legal concepts more clearly.

1.5.1. Strategic objectives of the project: the innovative integration of *Legal Design Thinking*

The project encompasses several distinctive elements that set it apart as an innovative initiative in legal education and communication.

Promoting innovation in the presentation of legislation and legal information

We focus on transforming the traditional and often overwhelming presentation of legal texts and EU law into more dynamic, interactive, and visually appealing formats. We incorporate design principles and innovative methods to simplify and visualize legal information, facilitating public understanding of laws and policies. Specifically, this is achieved through the following actions:

- Application of *Legal Design Thinking* to Simplify Legal Information: "*Legal Design Thinking*" is at the heart of the project, aimed at simplifying legal and EU information for the public. It offers a new perspective in presenting legal language and delivering legal services, seeking to demystify EU legal jargon and make the law more accessible to the public. By incorporating human-centered design into documentation, legislation, policies, processes, and legal services, professionals can create friendlier and more attractive legal experiences, improving citizens' access to and understanding of legal documents.
- Visualization as a Key Tool: An essential component of *Legal Design Thinking* is Legal Visualization, using visual aids to explain legal concepts. This method effectively breaks down complex legal theories into more digestible formats, thus improving public understanding of the law.

Developing methods to advance effective and accessible legal communication

The project emphasizes promoting regular and understandable communication from public authorities and institutions to citizens. We strive to overcome barriers of jargon and legal complexity by presenting information in a clear and direct manner suitable for a wide and diverse audience. This is based on the following actions:

- Prioritizing user needs: The project integrates an approach focused on the needs of users and the specific context in which they seek and apply information.
- Information design beyond visualization: We delve into information design, encompassing elements like language,

readability, typography, design, color use, and strategic white space usage.
- Inclusive approach to law: We use *Design Thinking* methodology and ergonomic software guidelines to ensure that legal information is accessible to all, including people with disabilities.

Interdisciplinary collaboration to integrate new perspectives in the presentation and design of legal products, legislation, legal services, and educational materials

The project encourages jurists to work with experts from other disciplines to effectively communicate complex aspects of the law, thus improving decision-making and legal understanding.

Organizing outreach, promotion, training, and education activities

Project members aim to deepen and consolidate the developed and tested methodology through the *Legal Design Lab*", involving professors and students from various campuses. This Lab seeks to establish Universidad CEU Cardenal Herrera as a leader in this field.

We also organize conferences, training courses, workshops, seminars, and roundtable discussions on *Legal Design Thinking* topics, along with creating educational materials for professionals and the general public.

Integrating *Design Thinking* methodology into law studies

Integrating *Legal Design Thinking* into law studies marks a significant advancement. It equips future legal professionals with innovative tools and methodologies, fostering a more comprehensive, user-centric, and creative approach to legal education. With this integration, we aim to achieve the following objectives:

- Training: motivate students to participate in research and training activities applying user-centered design in law, seeking practical solutions to real legal problems.
- Multidisciplinary collaboration: Encourage collaboration among law, business, marketing, design, education, IT students, and other disciplines to work on joint projects addressing legal topics and developing new ways to communicate legal information.

- Development of legal communication skills: Teach students to translate complex legal texts into visual and comprehensible formats for different audiences.
- Promotion of innovation in legal education: Encourage students to develop new methods and tools for teaching law, focusing on interactivity and innovation.
- Promoting social and ethical awareness: Instill in students a deep understanding of the importance of law in society and the responsibility to ensure that the law is accessible and fair for all.
- Overall, these elements combine to form a comprehensive strategy that redefines the way legal information is communicated and understood. By focusing on user-centric design, visual communication, and interdisciplinary collaboration, the project sets a new standard in legal education and public engagement with the law.

Creation of a *Legal Design Lab* at UCH CEU

- Objectives of the *Legal Design Lab* at UCH CEU:
  - Introduce *Legal Design Thinking* within the field of legal studies.
  - Learn techniques to better empathize with the client's reality to create more understandable and desirable products-services for clients.
  - Gain knowledge for teamwork and collaborative work.
  - Develop ideas collectively from the user's perspective.
  - Learn the culture of embracing failure as a lesson for learning.
  - Apply *Design Thinking* techniques to the field of Law and EU Law to achieve better legal systems and more satisfactory services for their recipients:
    - ◊ Design strategies, new services, and better legal documents.
    - ◊ Provide students with insight on how to develop an idea through its use and application in the legal field.
    - ◊ Learn to place the user at the starting point.
    - ◊ Visualize and simplify complex concepts and procedures.
- Integration and Progress of the *Legal Design Lab*
  - University Micro-credentials Integration. Aligning with the University's innovative Micro-credentialing System to offer specialized recognition for Legal Design expertise.

  - Internationalization Synergy. Incorporating Legal Design Lab activities within key internationalization initiatives such as Collaborative Online International Learning (COIL), Business Internship Programs (BIP), and International Weeks to foster global legal understanding.
- Research and Training Hub
  - Continuing to lead in legal research and pedagogy, dedicated to nurturing the next generation of educators and scholars in the legal design field.
  - Academic and Educational Contributions. Producing high-quality academic publications and creating comprehensive educational materials to support legal design education.
- Institutional Integration
  - Embedding the Lab within the structure of the San Pablo CEU Foundation to leverage the strengths of its extensive network, including: 4 universities in Spain, 10 secondary education schools, 4 vocational training institutes
  - The Lab's mission extends beyond education and research, aiming to become a cornerstone in the legal design community, influencing policy and practice within and outside the academic realm.

1.5.2. Implemented activities and deliverables

In the constantly evolving landscape of legal education, the project under review represents a groundbreaking effort in incorporating modern teaching and learning methodologies into legal education. This initiative exemplifies the integration of *Legal Design Thinking* into legal studies, specifically focusing on EU law. It bridges the gap between theoretical knowledge and practical application, significantly enhancing the accessibility and comprehension of EU law. By leveraging creativity, design, and visualization, it equips students with the necessary skills to innovate within the legal field. This approach is not only about creating novel technological solutions but also about fundamentally enhancing legal institutions and programs.

This initiative, through its structured and multi-faceted approach, has significantly enhanced the accessibility and understanding of Law and EU law. The integration of creativity, design, and visualization has been pivotal in equipping first law

professors and then students with essential skills for innovation in the legal field.

The initial phase involved intensive workshops and seminars for law professors, introducing them to the principles of *Legal Design Thinking*. This training equipped them with tools to reimagine their teaching methods, focusing on interactive and user-centered approaches.

Subsequently, these methodologies were integrated into the classroom, profoundly impacting how students engage with Law and EU law. Through this innovative pedagogy, students developed skills beyond traditional legal analysis, including problem solving, empathy, and creative thinking

To further the integration of *Legal Design Thinking* into legal education, a comprehensive strategy was developed, encompassing activities and actions distributed across three distinct phases. This structured approach aligns with the recommendations set out in the project's report, ensuring a cohesive and effective implementation of this innovative methodology. The phases and their corresponding activities are detailed below:

Phase 1. Preparation and orientation: empowering educators

The project commenced with a preparatory phase, consisting of a kick-off meeting, a multidisciplinary gathering and a series of training seminars. These initial steps were crucial in aligning the project's objectives with the tasks of the Expert Working Teams (EWT), comprising specialists from law, communication, design, psychology, and education. The practical focus was on harmonizing collaborative efforts to simplify legal obligations, legal documents or enhance the communication of consumer rights

Kick-Off meeting

This initial session was crucial for aligning the project's objectives with the specific tasks and responsibilities of the Expert Working Teams (EWT). It established a foundational understanding of the project's scope, including setting work schedules, control mechanisms, evaluation systems, and an integrative training approach for all involved researchers.

Multidisciplinary meeting
This meeting gathered principal researchers from various disciplines, including law, communication, design, psychology, and education. The focus was on harmonizing the collaborative efforts of different Expert Working Teams (EWT), enhancing the customer experience in legal issues, simplifying legal obligations, and developing innovative strategies for online communication of consumer rights.

During this meeting, the principal researchers of the different areas will meet in common and parallel sessions with the Expert Working Teams (EWT):

- EWT 1: Methodological Team: *Design Thinking* methodology applied to EU Law (Areas: law, communication, design, psychology, education)
- EWT 2: Applied Law Sandbox team: The improvement of customer experience in legal issues such as pre-contracting and contracting and data protection
- EWT 3: Applied Law Sandbox team: Simplification, co-operative compliance of legal obligations
- EWT 4: Applied Law Sandbox team: New strategies to communicate consumers' rights and obligations online in a way that facilitates their understanding and accessibility.
- EWT 5: Design and dissemination team: New formats for presenting EU legislation using design principles: To get a paradigm shift from "read the law" to "see, listen and interact with the law".

Embracing *Legal Design Thinking* through seminars
A series of practical seminars conducted by experts has played a crucial role in integrating *Legal Design Thinking* into the realm of legal education. These seminars were designed to familiarize law professionals and educators with this innovative methodology, fostering a collaborative learning environment. The participants, comprising members of the Expert Working Teams (EWT) 2, 3, 4, and 5, engaged in extensive training and specific skill enhancement, guided by specialists in *Legal Design Thinking* techniques.

These sessions played a crucial role in equipping participants with the necessary training, principles, and tools for applying Legal Design in a legal context. The seminars were designed not

only to introduce this innovative methodology but also to demonstrate its potential and application in both the legal field and legal education. Each of these seminars was meticulously designed to cater to the specific needs and objectives of the respective Expert Working Teams. By participating in these workshops, the team members were not only equipped with the theoretical knowledge of *Legal Design Thinking* but also gained practical insights into its application in various aspects of legal practice and education. The key Focus Areas of the Seminars:

- Acquisition of Legal Design Method Training: The seminars provided comprehensive training in Legal Design methods, enabling participants to understand and effectively use this approach in their legal practices and teaching.
- Understanding the Principles and Tools for Applying Legal Design: Participants were exposed to the foundational principles and practical tools of *Legal Design Thinking*, which are essential for applying this approach in real-world legal scenarios.
- Approaching Innovative Methodology: The seminars offered an opportunity for participants to engage with innovative methodologies, understanding how these can revolutionize the way legal concepts are taught and practiced.
- Integrating Multidisciplinary and Interdisciplinary Methodologies: A significant aspect of the seminars was the emphasis on integrating multidisciplinary and interdisciplinary approaches among legal professionals. This approach fosters a more holistic understanding of legal issues and solutions.
- Developing Collaborative Skills: The training emphasized collaborative skills, crucial for the modern legal environment where teamwork and cross-functional collaboration are increasingly important.
- Empathizing with Client Realities: Participants learned to empathize with clients' realities, an essential skill for developing legal services and products that are not only effective but also resonate with clients' needs and expectations.
- Developing Innovative Legal Service Products: The seminars guided participants in developing innovative legal service products, incorporating *Legal Design Thinking* to enhance the quality and effectiveness of legal services.

Outline of the training seminars activities

- Seminar 1: *Design Thinking* methodology applied to Law and EU Law. Focus: Introducing *Legal Design Thinking* to the legal field, fostering team collaboration, and developing user-centric problem-solving approaches. This seminar aimed to introduce the discipline of *Design Thinking* specifically tailored for the legal field, known as *Legal Design Thinking*. It focused on equipping participants with the knowledge to work effectively in teams, to develop ideas collectively from the user's perspective, and to understand the culture of failure as an integral part of the learning process.
- Seminar 2: Improving Customer Experience in Legal Issues. Focus: Enhancing the client experience in legal scenarios such as pre-contracting, contracting, and data protection through empathetic and client-focused approaches. The focus here was on teaching techniques to deeply empathize with clients' realities, particularly in areas such as pre-contracting, contracting, and data protection. The aim was to create more understandable and desirable products and services for clients.
- Seminar 3: Simplification, co-operative compliance of legal obligations. Focus: Streamlining legal obligations and fostering cooperative compliance to make legal procedures more understandable and client-friendly. This seminar shared methods to simplify legal obligations and foster cooperative compliance, enhancing the approachability and understanding of legal services for clients.
- Seminar 4: New strategies to communicate consumers' rights and obligations online in a way that facilitates their understanding and accessibility. Focus: Developing new strategies for effectively communicating consumers' rights and obligations online, enhancing their understanding and accessibility. The primary goal was to implement *Legal Design Thinking* to address real-world challenges. Participants were tasked with selecting a norm from European Law or Consumer Rights Law and devising strategies to make it more comprehensible and accessible to consumers through technology and communication. Implement *Legal Design Thinking* to respond to a real challenge. Specifically, we will select a norm from European Law/Consumer Rights Law and pose the challenge of how could we facilitate, through technology and communica-

tion, the understanding of the norm in such a way that any consumer can easily comprehend their rights and obligations.
- Seminar 5: New formats for presenting EU legislation using design principles: To achieve a paradigm shift from "reading the law" to "seeing, listening, and interacting with the law". Focus: This session aimed to shift the paradigm from traditional text-based law interpretation to more engaging and interactive formats like visual, auditory, and interactive mediums. The seminar provided participants with typographic, symbolic, graphic, and design resources to transform any written, verbal, or other types of content into powerful graphic representations that are visually attractive and highlight key ideas, processes, and concepts.

These seminars marked a significant step in preparing the theoretical framework and case design for applying *Legal Design Thinking*, particularly in the context of EU Law. By equipping legal professionals and educators with these innovative tools and methodologies, the seminars have contributed to shaping a more dynamic and user-centered approach to legal education and practice.

Phase 2 of *Legal Design Thinking* integration: research and implementation

The second phase of integrating *Legal Design Thinking* into legal education involved a comprehensive approach, including research activities, an international workshop, and the practical application of the methodology to real cases involving students.

Research activities

- **Part 1: Preliminary Study for Theoretical Foundation**. During this phase, team members engaged in an in-depth preliminary study to establish a solid theoretical base. This foundation was crucial for developing the remaining objectives of the project. The study encompassed the perspectives of Law, Design Thinking, and Legal Visualization. The research methodology was a blend of quantitative and qualitative approaches. It included interviews and surveys conducted with various stakeholders in the legal field, such as courts, legislators, students, administrators, business associations, and legal

advisors. These activities were carried out leveraging the networks of the CEU Foundation and international partners. The primary objective of the research was to identify key factors in the process of visualization and design in the field of Law and EU Law. This endeavor aimed to establish a methodological basis for further research and practical applications. The research culminated in the production of 17 Working Papers. These papers included both theoretical insights and initial working hypotheses, along with specific case designs for use with students in the 2022-2023 academic year.

- **Part 2: International Workshop on New Formats for Presenting EU Legislation**. This workshop was a pivotal event where the results of the research and preliminary designs developed during phase 2 were presented. Researchers from each Expert Working Team displayed their findings and engaged in discussions with other researchers. The workshop facilitated a platform for updating research and advancing its practical application, specifically focusing on the specific cases to be applied practically with university students.

Implementation: practical application involving students in *Legal Design Thinking*

The culmination of this phase was the practical application of the methodology to real cases, involving university students. The initiative of integrating *Legal Design Thinking* into legal education marked a significant milestone with its practical application involving university students

This hands-on approach allowed students to engage directly with the innovative principles of *Legal Design Thinking*, applying them to real-world legal scenarios. It represented a significant step in bridging the gap between theoretical learning and practical application, providing students with a unique opportunity to experience the transformative impact of *Legal Design Thinking* in real-world legal scenarios.

The primary goal was to immerse students in solving real legal problems using *Legal Design Thinking*, providing them with practical skills and a user-centric perspective for simplifying complex legal concepts. The project incorporated this methodology in solving legal problems of undergraduate students to provide them with a vision on how to develop an idea using *Design*

Thinking for its application in the legal field. The student learns to start with the user as a starting point and to visualize and simplify complex concepts. With the incorporation of *Legal Design* among their competencies, future legal professionals can have a tool to take into account user experiences. Once needs are detected, they can respond to them through the development and design of visual tools and design processes, such as iteration and the creation of prototypes and more accessible legal documents for their clients.

The phase commenced with a series of training workshops and seminars designed to introduce students to the principles of *Design Thinking* and its adaptation to the legal world. These included:

- Training Action 1: Workshops on *Design Thinking* methodology applied to Law, offering an introduction and adaptation of principles to legal scenarios
- Training Action 2: Workshops focused on collective idea generation through user-centric approaches, known as *Legal Design* Sprints.

Following the training, the *Legal Design Thinking* methodology was integrated into selected subjects within Law, Business Management, and Education degrees. This integration involved seminars and workshops on design, prototyping, and co-creation.

Students were presented with specific legal problems related to the syllabus of their courses and EU Law. Challenges were posed in the form of questions, prompting students to identify user problems and devise solutions to make laws more accessible.

Regarding the methodology followed in this implementation phase with the students, it is important to note that, as previously mentioned, the methodology of *Design Thinking* in the context of legal education is characterized by its flexibility and focus on principles and recommendations, rather than strict rules. In this sense, we follow a traditional methodology based on design and other works and experiences in the legal field, which involves 5 phases for the students to follow. Specifically, the methodology is implemented through the following developmental phases:

- **Empathize**: This initial phase involves understanding and empathizing with the end-users of legal services. It is about gaining insights into their needs, experiences, and challenges. For law students, this could mean understanding the perspectives of various stakeholders in legal scenarios, such as clients, judges, or the general public. In this phase, Law students were presented with a specific problem related to the syllabus outlined in the Course Guide of the subject and EU Law that can affect a legal operator or user (e.g., problems that people with intellectual disabilities have in forming their testamentary will and the difficulties of the caregivers of these people or those who provide them with the necessary support to carry out their task, as well as the challenge for the notary in assessing the testamentary capacity of people with disabilities). Students were presented with the challenge in specific questions: How to make the Law of xxx more accessible and understandable to users like xxx? This question implies the need for students to know the Law involved to be able to devise resources that make this Law more accessible to the identified users (e.g., people with disabilities)
- **Define**: In this stage, students empathized with the identified users, considering all collected information to gain a deeper understanding of their situations. In this phase, students synthesize their findings from the empathy stage into a clear and concise problem statement. This step is crucial as it sets the direction for ideation and solution development. It is about translating the empathized needs and experiences into definable legal problems or challenges.
- **Ideate**: The ideation phase encourages creative thinking and brainstorming. Students generate a broad array of ideas and solutions to the defined problem. This stage is characterized by its open-minded and innovative approach, where no idea is too far-fetched or outside the box.
- **Prototype**: Students, working in teams, brainstormed and developed ideas to design mechanisms that address the posed legal challenges, eventually converging on a main idea. Here, students develop tangible representations or models of their selected ideas. Prototypes in *Legal Design* could include mock legal documents, visual representations of legal concepts, or simulated legal processes. This phase allows students to ex-

periment with their ideas and see how they might work in practice.
- **Test**: The prototype created in the previous phase was tested, with feedback gathered from relevant stakeholders. This stage allowed for the refinement or discarding of ideas based on their effectiveness in solving the problem.

Results

In conclusion, Phase 2 successfully demonstrated the effectiveness of integrating *Legal Design Thinking* into legal education by providing students with hands-on experience in applying this methodology to real-life legal challenges. In this regard, some of the results achieved with the students were as follows:

- Integration of new methodologies in legal studies to identify and develop solutions and alternative proposals that are more attractive and focused on the needs of users/clients/taxpayers/governed.
- Increased student involvement in subjects where *Legal Design Thinking* (LDT) is applied by introducing more visual and creative content.
- Enhanced student motivation by presenting innovative perspectives in the field of Law.
- Providing students with tools to design solutions for current complex problems.
- The project, through creativity, design, and visualization, has enabled students to acquire competencies that will facilitate the search for innovative solutions applicable to any professional field of law.
- The process has allowed for innovation not only in the proposed solutions but also in the development of the process itself.

Throughout this implementation phase, the emphasis was on developing and refining educational resources that could effectively translate the principles of *Legal Design Thinking* into tangible learning experiences for students. The team's effort was twofold: firstly, to create didactic materials for use within the academic setting, and secondly, to produce educational content on EU law for a broader audience. Some of these results are:

- Development of didactic materials: The materials developed were designed to be interactive and engaging, incorporating elements of visual design, case studies, and practical exercises. These resources were tailored to suit the curricular needs of different courses across three universities and six schools within the San Pablo CEU Foundation. The materials underwent a rigorous testing process, involving student feedback and iterative refinements to ensure their effectiveness in enhancing understanding and engagement with legal concepts.
- Application in academic settings: In classroom settings, these materials served as a bridge between theoretical legal principles and their practical applications, enabling students to visualize and interact with complex legal concepts in a more accessible manner. Faculty members integrated these resources into their teaching methodologies, facilitating a more dynamic and student-centered learning environment.
- Student-Led development of EU Law educational materials: Students actively participated in creating educational content on EU law, applying their newly acquired *Legal Design Thinking* skills. These student-created materials were designed to demystify EU law and make it more relatable to everyday contexts, thereby promoting better comprehension among non-legal audiences.
- Dissemination beyond the classroom: The educational content on EU law was disseminated beyond the confines of the classroom, targeting a wider audience including other students and the general public. This dissemination involved various channels such as online platforms, workshops, and public lectures, broadening the reach and impact of these resources.

The initiative has significantly contributed to enhancing the pedagogical approach within legal education, emphasizing creativity, user-centeredness, and practical engagement. By extending the reach of these materials to the general public, the project has played a pivotal role in improving the overall understanding of law and EU law, making it more accessible and less intimidating for non-experts. In essence, this phase of the project not only advanced the pedagogical methods within legal education but also contributed to public legal education, fostering a more in-

formed and engaged society in regard to Law and EU law and its implications.

Phase 3. Dissemination of the Jean Monnet Project

Jean Monnet Project International Congress
Title: *Design Thinking* and *Legal Visualization* Techniques for Advancing Towards a More Accessible Legislation.

The Jean Monnet Project International Congress: "Design Thinking and Legal Visualization Techniques for Advancing Towards a More Accessible Legislation" was a pivotal event organized as part of the project's initiatives. This international congress was designed to promote the integration of *Legal Design* and *Legal Visualization* techniques into the realm of legislation, with the primary goal of making legal concepts and documents more accessible to a wider audience.

The congress was uniquely structured to accommodate both in-person and online participation, allowing for a broader reach and participation from individuals worldwide. Over 150 attendees, representing diverse universities and organizations, gathered to share insights, ideas, and experiences related to the project's objectives.

One of the highlights of the congress was the presentation of key project outcomes, where experts and practitioners displayed innovative approaches and successful applications of *Design Thinking* and *Legal Visualization* in the field of law. These insights were not only beneficial to academics but also held practical significance for legal professionals, policymakers, and anyone interested in improving the accessibility and comprehensibility of legal frameworks.

To ensure that the knowledge and insights shared during the congress could reach a global audience, the main conclusions and key discussions were captured in a series of video recordings. These videos, available in both Spanish and English, were thoughtfully equipped with subtitles to enhance accessibility and facilitate wider dissemination.

In essence, the Jean Monnet Project International Congress served as a dynamic platform for fostering collaboration, exchanging ideas, and advancing the integration of innovative techniques into the legal field. It was a significant step towards

making legal concepts and EU legislation more comprehensible, ultimately benefitting citizens, legal practitioners, and policymakers alike."

Public awareness meeting

The Jean Monnet project "*Legal Design Thinking* and *Legal Visualization*: Towards Understandable EU Law" hosted a series of Public Awareness Meetings, playing a pivotal role in disseminating the project's objectives, achievements, and future plans to a broader audience. These meetings, conducted in a hybrid format allowing for both online and in-person attendance, were critical in promoting the project's mission across a diverse range of stakeholders.

The primary aim of these meetings was multifaceted. Primarily, these gatherings aimed at educating the public about the significance of making EU law more accessible and understandable. They were instrumental in displaying the various innovations and advancements achieved through the *Legal Design Lab* and other project activities. A crucial aspect of these meetings was the engagement of diverse stakeholders. They successfully brought together students, legal professionals, educators, and the general public, fostering discussions about *Legal Design* and *Legal Visualization*. This engagement provided a valuable platform for exchanging ideas and perspectives. Additionally, these meetings were pivotal in gathering feedback from attendees, which played a significant role in refining and enhancing future initiatives of the project.

Each meeting commenced with a comprehensive introduction by the project leaders. This introduction not only outlined the project's aims and significance but also set the tone for the informative and interactive sessions that followed. The meetings featured a series of insightful keynote speeches by legal experts, educators, and project members. These speeches highlighted the project's key achievements and laid out the theoretical framework underpinning the integration of *Legal Design Thinking* into legal education.

A highlight of these meetings was the demonstration of various tools, prototypes, and educational materials developed by the *Legal Design Lab*. These demonstrations provided tangible evidence of the project's innovative impact in the field of law.

Moreover, the meetings included interactive sessions such as workshops or breakout discussions. These sessions offered attendees a hands-on experience of *Legal Design*, enhancing their practical understanding of its application in real-world legal contexts.

Overall, these Public Awareness Meetings were fundamental in advancing the project's goals, enhancing the visibility of the innovative approaches in legal education, and strengthening the connection between academic research and the broader public understanding of EU law.

Additional project outcomes

The project has achieved substantial outcomes in its various phases, significantly contributing to the field of legal education and practice.

- Research phase outcomes: During the research phase, the team's diligent efforts yielded impressive results, including the creation of seventeen Working Papers. These papers reflect the depth of research conducted and provide valuable insights into the integration of *Design Thinking* in legal studies. Additionally, the project saw the publication of nine Teaching Innovation Publications in prestigious open-access publishers, highlighting the project's commitment to accessible educational resources. The team also presented ten papers at International Teaching Innovation Congresses, displaying their findings and innovations on a global stage.
- Implementation phase outcomes: In the implementation phase, the project's achievements were manifold. A comprehensive open-access book was developed, compiling the main conclusions of the project. This book serves as a vital resource for educators, students, and legal professionals. A range of educational materials, *Legal Design* tools, best practices, prototypes, real cases, and theoretical developments were created. These resources are instrumental in fostering a deeper understanding of *Legal Design Thinking* and its application in legal contexts. The project engaged actively with university and high school students through various activities, broadening the reach and impact of its method-

ologies. To further these efforts, a series of actions were developed, ranging from integrating this methodology into undergraduate activities to workshops for implementing *Legal Design Thinking* and *Legal Visualization* among university and high school students. The educational materials developed include slides and presentations in both cases designed to be visually engaging and easily understandable, diverse educational resources like case studies and interactive exercises, and templates and frameworks to assist in *Legal Design* projects.

- Additional developments: The project saw the creation of a *Legal Design Lab*, integrating these innovative techniques into the Bachelor's Degree in Law studies. This lab serves as a hub for the development and application of *Legal Design Thinking* in legal education. Furthermore, the launch of a project website marked a significant step in disseminating the project's resources and findings. The website features open-access materials, detailed project information, and a series of informative videos. A notable achievement in the dissemination of the project's results is the production and upload of 19 videos, summarizing the main findings of the project. These videos provide an accessible overview of the project's outcomes and are a testament to the project's commitment to broadening the understanding of EU law.

Overall, the Jean Monnet project has made remarkable strides in transforming the approach to legal studies, paving the way for more accessible and understandable EU law through the innovative application of *Legal Design Thinking* and Legal Visualization.

1.6. Summary of the Project

1.6.1. About us - Jean Monnet Project

- Our team: A diverse group of professors and experts from the Faculty of Law, Business, Education, and Political Sciences at UCH, skilled in legal studies, psychology, pedagogy, communication, IT, design, and audiovisual media.

- Our mission: We are on a mission to redefine legal education through innovation and collaboration, aiming to nurture a generation of jurists equipped to transform legal complexities into clear, accessible narratives for society at large.
- Our vision: To pioneer the integration of "Design Thinking" into legal education, aiming to make complex legal information more accessible and understandable for everyone. Establish UCH as a leader in *Legal Design Thinking*, through the creation of a multidisciplinary *Legal Design Lab* involving professors and students.
- Our approach: To transform legal studies by designing cross-disciplinary mechanisms that simplify the communication of legal norms and facilitate citizen engagement in legal decision-making.
- Our focus: Implement *Legal Design Thinking* and advanced visualization techniques to demystify Law and EU Law, ensuring institutions function effectively and are accessible to all citizens, overcoming language, education, and cultural hurdles.

1.6.2. Project objectives

- *Revolutionizing Legal* text presentation: Transforming legal texts into dynamic, interactive visuals using infographics, animations, and interactive online tools to enhance public comprehension.
- Enhancing legal communication: Commitment to clear, jargon-free, and understandable legal communication, ensuring information is accessible to a diverse audience.
- Fostering interdisciplinary work: Collaborating across disciplines to develop effective communication tools, improving legal decision-making and understanding.
- Accessibility and inclusion: Employing *Design Thinking* and ergonomic software to make legal information universally accessible, including for individuals with disabilities.
- Engagement and legal literacy: Conducting outreach through conferences, seminars, and educational content, promoting legal literacy among professionals and the public.

1.6.3. Innovation in legal education

- Project aim: To modernize the engagement with legal topics using new approaches tailored for diverse audiences.
- Paradigm shift: Transitioning from traditional text-based study to interactive and multisensory learning experiences with the law.
- Design for engagement:
  - Visual design: Simplifying complex legal information for better understanding.
  - Decision-making: Empowering citizens through accessible legal knowledge.
- Inclusivity and Accessibility:
  - Using *Legal Design Thinking* and ergonomic software to cater to all, including those with disabilities.
- Core Objective:
  - Implement *Legal Design Thinking* and *Legal Visualization* to demystify Law and EU Law, ensuring effective institutional functioning.
  - Citizen-Centric focus: Bridging gaps by addressing linguistic, educational, and cultural barriers.

1.6.4. Objectives for university students

- Strategic continuity: Ensuring the project's integration as a key tool in achieving curricular competencies and meeting market demands.
- *Design Thinking* in law: Encouraging active student engagement in user-centered *Legal Design* and research for practical problem solving.
- Interdisciplinary projects: Fostering collaborative efforts across law, business, and tech disciplines for innovative legal communication solutions.
- Enhancing legal communication: Training students to simplify complex legal information into visual formats for varied audiences.
- Innovative legal education: Motivating the creation of interactive and innovative teaching methods within legal studies.
- Social and ethical commitment: Embedding a sense of societal and ethical responsibility in legal accessibility and equity.

1.6.5. Multifaceted approach to legal education

Our approach encompasses a variety of actions and strategies:

- Theoretical developments
  - Research initiatives: Facilitating research on the intersection of law and *Design Thinking* to advance theoretical understanding in the field.
  - Lectures and seminars: Inviting experts in *Legal Design* to share insights and foster a deeper theoretical comprehension among students.
- Curricular innovation:
  - Integration of *Legal Design*: Revamping law degree programs to include Legal Thinking and Visualization, ensuring these pivotal methodologies are woven into the fabric of legal education.
  - Syllabus enhancement: Methodical revision of course content to embed *Design Thinking* principles, preparing students for a modern legal landscape.
- Real-World engagement:
  - Collaborative legal projects: Launching initiatives where interdisciplinary student teams tackle practical legal challenges using *Design Thinking* approaches, bridging the gap between theory and practice.
- Empowering workshops:
  - Hands-on training: Organizing interactive workshops for students, focusing on the application of *Legal Design* methodologies to foster experiential learning and skill development.
  - Faculty development programs: Tailored training for academic staff, enhancing their ability to deliver cutting-edge *Legal Design* education.
- Comprehensive educational tools:
  - Dynamic teaching materials: Designing visually compelling slides and presentations to elucidate the principles of *Legal Design*, engaging students in an interactive learning journey.
  - Diverse learning resources: Curating a suite of educational resources, from case studies to simulation exercises, to deepen students' understanding and application of legal visualization.

  - *Legal Design* templates: Supplying a collection of templates and frameworks that serve as foundational tools for students to create visually accessible legal arguments and presentations.
- Outreach and early education:
  - High School initiatives: Extending educational outreach with specialized materials and workshops to cultivate an early interest in the EU and legal field among high school students, promoting innovative thinking from the outset.

1.6.6. Results achieved with students

- Integrate new methodologies within legal studies to identify and develop alternative solutions and proposals that are more attractive and focused on the needs of users/clients/taxpayers/governed.
- Greater student involvement in the subject matter where LDT is applied by introducing more visual and creative content.
- Increased student motivation by presenting innovative perspectives in the field of Law.
- Provide students with tools to design solutions for current complex problems.
- The project, through creativity, design, and visualization, will allow students to acquire competencies that will facilitate finding innovative solutions applicable to any professional field of law.
- The process allows not only innovation in the proposed solutions but also in the development of the process itself.

1.6.7. Dissemination of results

Jean Monnet Project International Congress

- Event: Design Thinking & Legal Visualization Congress
  - Focus: Enhancing legislation accessibility through innovative design methods
  - Format: Hybrid, with in-person and online participation for global reach
- Highlights:
  - Presentations on practical applications of Legal Design in law
  - Cross-disciplinary collaboration and idea exchange
  - Key outcomes recorded and shared online for broad access

- Impact: A pivotal step in making law more understandable and accessible, benefiting a wide audience of academics, professionals, and policymakers.
- Website: Congreso Internacional Jean Monnet: | año 2023 | CEU UCH (uchceu.es)

Research phase achievements

- Scholarly contributions:
  - Produced 17 Working Papers on Legal Design methodology
  - Published 9 Open Access Teaching Innovation Publications
  - Delivered 10 Presentations at global Teaching Innovation Congresses
- Developing an Open Access Book for 2024 publication by Octaedro Publishers, summarizing project findings
- Generated a suite of Educational Materials, including *Legal Design* tools, best practices, and prototypes

Implementation and outreach

- Educational innovation:
  - Legal Design Lab: A creative space for integrating Legal Design into law studies, fostering practical skills
  - Engagement activities: Interactive sessions and educational initiatives for university and high school students
- Digital resources and collaboration:
  - Project website: Central hub for open-access materials and updates at Legal Design Thinking | CEU UCH
  - Legal Design Thinking | CEU UCH (uchceu.com)
  - Video library: 19 videos detailing project insights available at Jean Monnet International Congress – YouTube Legal Design Thinking | CEU UCH (uchceu.com)

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2

Design Thinking: Methodology of Application in Other Disciplinary Environments. Application Tools: Legal Design Thinking and Visual Design Thinking

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Abstract
Design thinking is a methodology for solving complex problems that is action-oriented rather than problem-focused, enabling progress towards the creation of the preferred future scenario. Design thinking draws on logic, imagination, intuition and systemic reasoning to explore the possibilities of what could be and to create desired outcomes that benefit the user.

The *Design Thinking* methodology has its origins, like so many other things related to innovation, at Stanford University in California. The design consultancy firm IDEO[1] was the first to apply it to commercial projects in the 1970s, and today this company, with its CEO Tim Brown[2] at its head, continues to be a benchmark in terms of *Design Thinking* and innovation.

Initially, this methodology was closely related to product development, but little by little it has evolved and has become a sensational tool for generating innovation from which ideas can arise in any sector and situation, in the development of innovative products or services, process improvement, definition of business models, improvement of the user experience, etc.

Among them, the legal sector is immersed in profound transformations that require new ways of approaching its relationship with clients and/or users. *Design Thinking*, as a methodological basis, can be a good solution to these

1. https://cantwait.ideo.com/
2. https://www.ideo.com/people/tim-brown

new needs. And this involves training future jurists in techniques such as *Legal Design Thinking*[3] or *Visual Thinking*[4] so that they are capable of transmitting to the customer (buyer, borrower, heir, testator, etc.) the implications of the legal acts they propose. This introductory chapter of the methodology is developed in the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visualization. Towards an Understandable EU Law (620987-EPP-1-2020-1-ES-EPPJMO-PROJECT)."

2.1. Introduction and Theoretical Framework

Design Thinking is first and foremost a change of mindset, which, together with tools and processes, allows organizations to manage innovation without relying solely on happy ideas.

> Design Thinking is a set of practices that helps companies see problems from a new perspective and solve them in an atypical way.[5]

This definition captures two fundamental ideas: problem and solution are two different aspects that must be treated differently. In other words, new methods must be used to achieve different results.

The working structure of the Design Thinking methodology includes a series of defined processes that are "simple" to replicate. Moreover, it is measurable, as it consists of milestones that allow progress to be measured and progress to be evaluated, and iterative, allowing to go back to previous phases and redefining the approach.

Design Thinking is a methodology for finding solutions to problems/challenges through creativity, thinking, teamwork and cognitive, strategic and practical processes through which new concepts are developed.

In recent years, techniques and tools based on Design Thinking have emerged. These focus on modifying both the mentality

3. https://www.legaltechdesign.com/; https://www.legaltechdesign.com/reading-list-on-legal-design/; https://github.com/Stanford-Legal-Tech-Design/visual-guides

4. https://netmind.net/es/visual-thinking-que-es/; https://xplane.com/what-is-visual-thinking/

5. Gerda Gemser. Full Professor of (Corporate) Entrepreneurship at the University of Melbourne, Faculty of Business and Economics. "Strategic design: Eight essential practices every strategic designer must master"(BIS Publishers).

with which the creation process begins and the work process itself.

The main ideas defining the process are:

- People-centred. One of the fundamental bases of *Design Thinking* is the focus on solving people's real problems, considering the individual as the start and centre of the process. The user is the main actor, but there are other people (customers, employees, etc.) whose experience can be improved, thus helping to create greater value for the user. Before looking for the solution, it is essential to understand the customer or user's environment, through extensive exploration and questioning of established assumptions.
- Flexible, controlled and iterative process. One of the keys to Design Thinking is the right balance between flexibility/chaos and discipline/order. At the beginning of the process there is a lot of uncertainty, so flexibility is essential. Each of these iterations applies the process in full or in part until a tangible outcome is generated that includes experimentation as a key element of learning.
- Integrate people, technology and business.

This methodology is structured in clearly differentiated phases, the first two focus on defining the problem or challenge, and then, in the second two phases, devising the solution and prototyping it, being able to test its validity.

This allows us to divide the *Design Thinking* process into two clearly differentiated phases: Searching for the problem - Searching for the solution.

Each of these two phases is itself a creative process with an entry point and an exit point, which internally consists of two parts:

- Divergence: in this part of the process we start from something concrete and open up the possibilities to consider different options.
- Convergence: we start from multiple alternatives and the aim is to reduce the number of options.

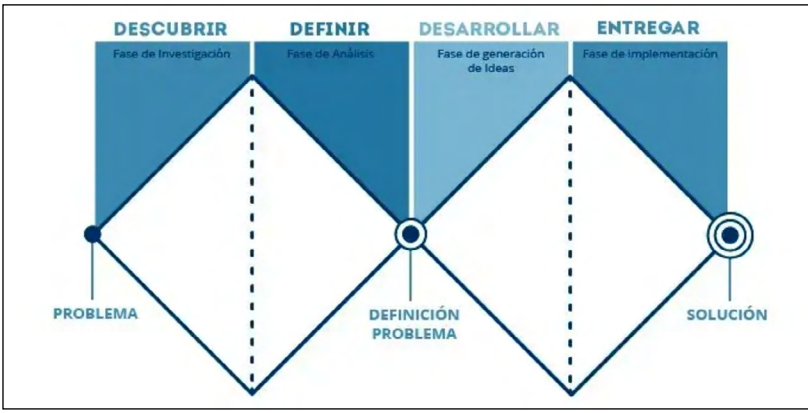

Figure 2.1. Source: Design Council, 2014

The Double Diamond is a visual representation of the design and innovation process. It is a simple way to describe the steps taken in any design and innovation project, regardless of the methods and tools used.

The versatility of the Double Diamond is evident by the variety of different ways it can be used today, including[6]:

- for an initial assessment of the type of project and the approach needed to address a specific challenge;
- to facilitate a discussion on a range of projects, to help decide their priority in terms of relationship, stage or focus;
- as a tool to help teams focus at the start of a project;
- as a method to start shaping project strategy and management;
- to verify a project in terms of 'where we are in the process';
- to help people feel comfortable with "going wide and unfocused" in the two divergent phases of Discover and Develop.

This structures the *Design Thinking* process as follows:

- Observation/empathy phase. Divergent thinking is activated, provoking the broadest possible vision, gathering as much information as possible, analyzing the situation from the point of view of the people involved in the context being worked

6. Design Council. https://www.designcouncil.org.uk/our-work/news-opinion/double-diamond-universally-accepted-depiction-design-process

on. Placing people at the centre of the analysis allows the point of view to be broadened and emotional intelligence to be developed, empathizing with the people involved in defining the problem.
- Problem Definition Phase. In a broad sense, it is the definition of the challenge to be addressed, activating convergent thinking, to analyze, synthesize and specify the information, perceptions, evidence, etc., detected in the previous phase.

These two phases make up the first large block of the double diamond, through which the concrete definition of the challenge must be achieved, generating broad learning about the subject matter and the context being worked on.

The second diamond allows:

- Search for solutions phase. Again, we work with tools that activate divergent thinking, such as *brainstorming, brainwriting, storytelling, moodboarding*, etc., which allow us to generate a large number of ideas that provide varied and creative solutions, enhancing thinking and informed decision-making.
- Prototyping/testing phase. This methodology is characterized by the actual development of the proposal and its validation through testing, either by means of surveys or by direct observation of the interaction with the user. Obviously, this last phase is convergent and enables the definition of the proposal, which can be improved and modified according to the data obtained in the testing.

2.2. Methodology

Design Thinking is not only a methodology, it is also an attitude. That is why we start with personal attitude tools that can help us in this process:

- Being aware of our roles in the processes.
- Being aware of the power of our behaviours on our "way" of doing and on the effectiveness of processes.
- Looking at the context, the sequences, the whole, and the parts that make up the whole.

- Get perspective, see what others see;
- Empathizing with the user;
- Synchronizing equipment.

2.2.1. Observe/Empathize

For this first phase of observation and empathy it is essential to put the focus on people. In order to do this, it is essential to be "aware" of what we must observe, which is beyond the surface, beyond the description of what we "see" of the user, we must empathize with them and discover what is not obvious.

It is important to correctly identify the consumer profile so that the process of understanding their motivations and needs is consistent. A wide range of users should be assessed to distinguish who is really involved in the project.

2.2.2. Define

This second phase is fundamental for the *Design Thinking* process, it is a phase to converge ideas, we start from a broad and divergent vision, to be able to define the problem. By observing all the perspectives we can define the real problem that is being addressed:

- Being aware of the dimensions and complexity of the problem.
- Generating views.
- Recognizing the value of problem definition through *insights.*[7]
- Refining the objectives and management of the process.
- Creating evaluation criteria.
- Generating agreements and consensus to authorize and allocate resources.

To achieve these objectives, we must work with as many options as possible, we start from the broad side of the diamond

7. The concept of *insight* is somewhat complex at a theoretical level, although in practice we have all experienced a situation where we have used it at some point. *Insight* is considered to be that capacity or faculty through which we can become aware of a situation, connecting the situation we are experiencing or thinking about a solution or its understanding. This experience or phenomenon corresponds to the idea of realizing something, with a sudden comprehension experienced as a kind of revelation after having been (usually) trying to understand or solve the situation in question.

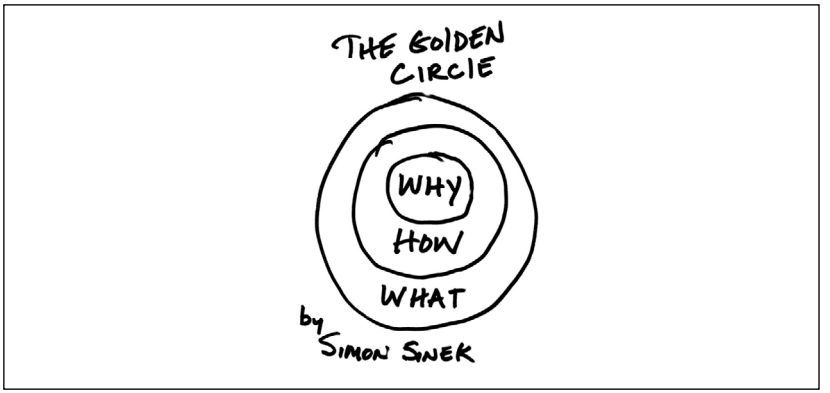

Figure 2.2.

proposing a multitude of needs to be refined until we reach the definition of the specific problem. The way we define the problem will dictate the process and guide the final result, which is key to the *Design Thinking* process.

This stage is like a filter, to select and eliminate some ideas. It is here that the entire volume of information obtained in the discovery stage is transformed and analyzed to redefine the problems and test some of the initial ideas and solutions.

At the end of this phase, a *brief* is developed with specific points and tasks related to improving existing products or developing new products or services. A well-defined problem should:

- Frame a problem with a direct approach to a particular user.
- Be inspirational.
- Generate criteria for evaluating ideas and comparing them.
- Capture the minds and hearts of the people involved.

It is a question of exploring what the user needs through the point of view of Why does he/she need it, the core of the analysis that can then be answered in the Ideation phase.

In this phase, the Golden Circle tool[8] is used, which establishes a major difference for this methodology, altering the ques-

8. Simon Sinek, a writer and motivational speaker, is known for his concept of "*The Golden Circle*". Sinek, Simon, 29 October 2009, *Start with Why: How Great Leaders Inspire Everyone to Take Action* Portfolio. 257 pages.

tions in relation to the user. Traditionally, in non-innovative processes, what do you need, how do you need it, and finally, why do you need it? And finally, why do you need it?

However, in the definition of the problem through the golden circle, as an innovative process, the first answer is why do you need it, how do you need it, and finally, what do you need? And finally, what do you need?

2.2.3. Ideation

We are facing a new socio-economic stage: new paradigms where creativity and differentiation are the key elements. In this context, detecting a problem implies the ability to detect the solution. Our mind, conscious and unconscious, is capable of developing an infinite number of possibilities. To this end, it is important to learn and implement tools that facilitate the task of devising solutions.

Design Thinking is a methodology that aims to generate innovative ideas, therefore:

- It helps to generate ideas that a priori we might consider ourselves incapable of creating or manifesting.
- It changes or improves a situation.
- It enerates different thoughts that bring about changes in reality.

Ideas play an essential role in the process: they must understand and provide a solution to the real needs of the user or group of users. Ideas generate that solution. The main objective of "Ideation" is to generate multiple potential solutions through ideas.

The Essential Elements of Ideation are:

- Empathy: understanding the problems, needs and desires of users.
- Teamwork: coming up with ideas individually and working on them together
- Playful atmosphere: enjoyment generates a state of mind that unleashes people's potential.
- Techniques with a strong visual content: working the creative and analytical mind.
- Good materials.

- Good team: diversity and multiple points of view.
- Good space.

Moreover, this process requires an "Attitude":

- Be curious and observant.
- Be empathetic.
- Do not have prejudices nor make assumptions.
- Be optimistic and positive.
- Lose the fear of making mistakes.
- See mistakes as opportunities.

Ideation allows for the generation of multiple ideas, where all ideas are valid.

These ideas give rise to many alternatives to choose from as possible solutions.

Therefore, the objective is to generate innovative ideas through creativity. There are numerous tools linked to the Ideation phase, although using all of them can be counterproductive, we will initially divide them into two sub-phases:

- Idea generation tools: whose objective is to help your team formulate a multiplicity of ideas aimed at solving the problem.
- Tools for organizing ideas, whose aim is to help the team classify and synthesize the ideas generated.

To initiate this ideation phase, it is important to organize meetings with team members, stimulate collaboration and creativity, work with large amounts of data, and generate ideas based on user needs:

- Tools for the generation of ideas: *brainstorming*, *brainwriting*, *storytelling*, *moodboard*, group drawing, reactivation activities.
- Idea organization tools: Mind mapping, *Card sorting*, saturate and cluster, six thinking hats, positioning matrix, rough prototyping.

Through these tools, the ideas that best suit the formulation of the solution should be selected, "imagining" how the proposal will interact with the user.

2.2.4. Testing/Prototyping

At the end of the *Design Thinking process*, the solution must be prototyped. This is a fundamental element of this methodology, as through the prototype we can test which elements of the solution work and which could be modified and improved. The prototype must be submitted to the users' criteria in order to be validated. *Design Thinking* is an iterative process, so it is possible to go back to previous phases to review elements of the proposal, even the proposal as a whole.

In this last phase, *Visual Thinking* is appropriate as a user-friendly way of understanding.

2.3. Examples of the Application of *Design Thinking*

The examples shown in this chapter have been developed in the Strategic Design course of the Industrial Design and Product Development Engineering degree at the CEU Cardenal Herrera University.

2.3.1. Phase 1: Observation/Empathy

The starting point of the exercise is the description of the process as outlined in this chapter, allowing as an initial approach the selection of a typical user chosen by the students.

Figure 2.3. Case 1. Sara Navarro

Figure 2.4. Case 2. Elisa Perez

The tools used in this phase are the empathy map, the person map and the relationship map.

The people map tries to describe as exhaustively as possible the typical user we are going to observe, not only their main characteristics, but also their tastes, expectations, lifestyles, etc.

Empathy maps are intended to explore user behaviours in certain scenarios, allowing for the detection of existing "needs" that are not obvious.

As mentioned above, this methodology focuses on people, not only on the potential user, but also on other actors involved in their behavior and decision-making. The objective of the stakeholder map is to graphically visualize the impact that the different actors have on our potential user.

2.3.2. Phase 2: Define

To define the problem or "need", as mentioned above, a convergent process of defining concepts associated with the contexts or situations observed is initiated. Applying the tool of the 5 whys, associated with the Golden Circle.

The *Design Thinking* methodology, due to its own dynamics, promotes collaborative teamwork, allowing for varied perspectives on the concepts put forward. In this example, we worked

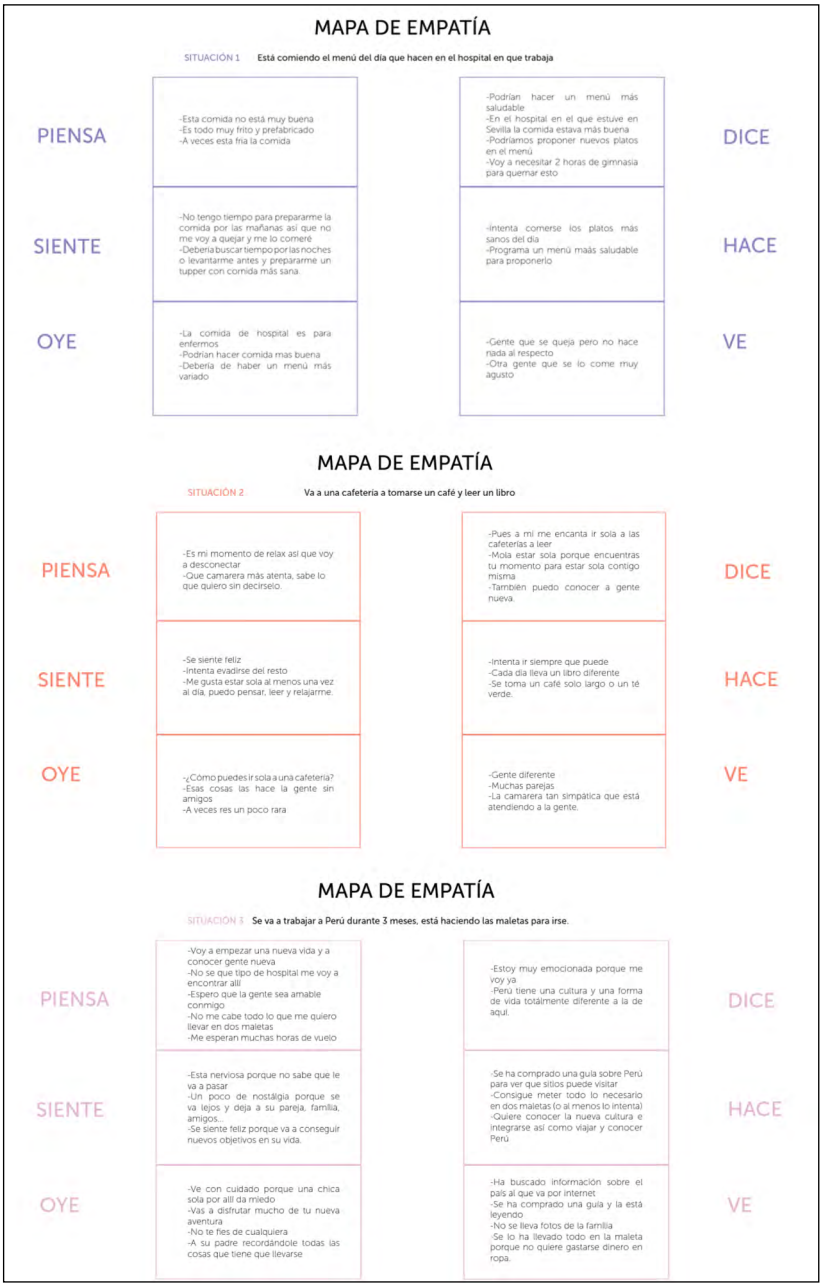

Figure 2.5. Case 1. Sara Navarro

Figure 2.6. Case 2. Elisa Perez

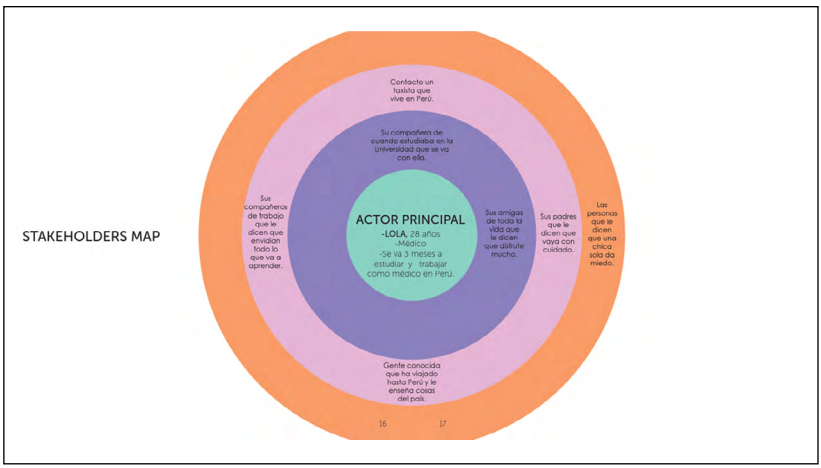

Figure 2.7. Case 1. Sara Navarro

with the 6 thinking hats tool, which allows us to address, in a collaborative way, the observation of the approaches from different analysis roles.

The six hats represent six ways of thinking and should be seen as directions of thinking rather than labels for thinking.

Putting on a hat implies defining a certain type of thinking, allowing it to lead in a certain direction.

Figure 2.8. Case 2. Elisa Perez

When doing so, the thinker(s) are diverted from their usual role and are led to think differently about the topic in question.

These are the styles of thinking that each hat represents:

- White Hat. With this thinking we focus on the information and/or data available.
- Red Hat. Problems are analyzed using intuition, feelings and emotions. The participant explains them without having to justify them.
- Black Hat. It is the hat of judgement and caution. It is about being critical and highlighting the negative aspects of the subject matter.
- Yellow Hat. It is the opposite of the previous one. It looks for positive logic, advantages, benefits, etc.
- Green Hat. It is the hat of creativity, of generating new thoughts.
- Blue Hat. It is the hat of the control and management of the thought process. It summarizes what has been said and draws conclusions.

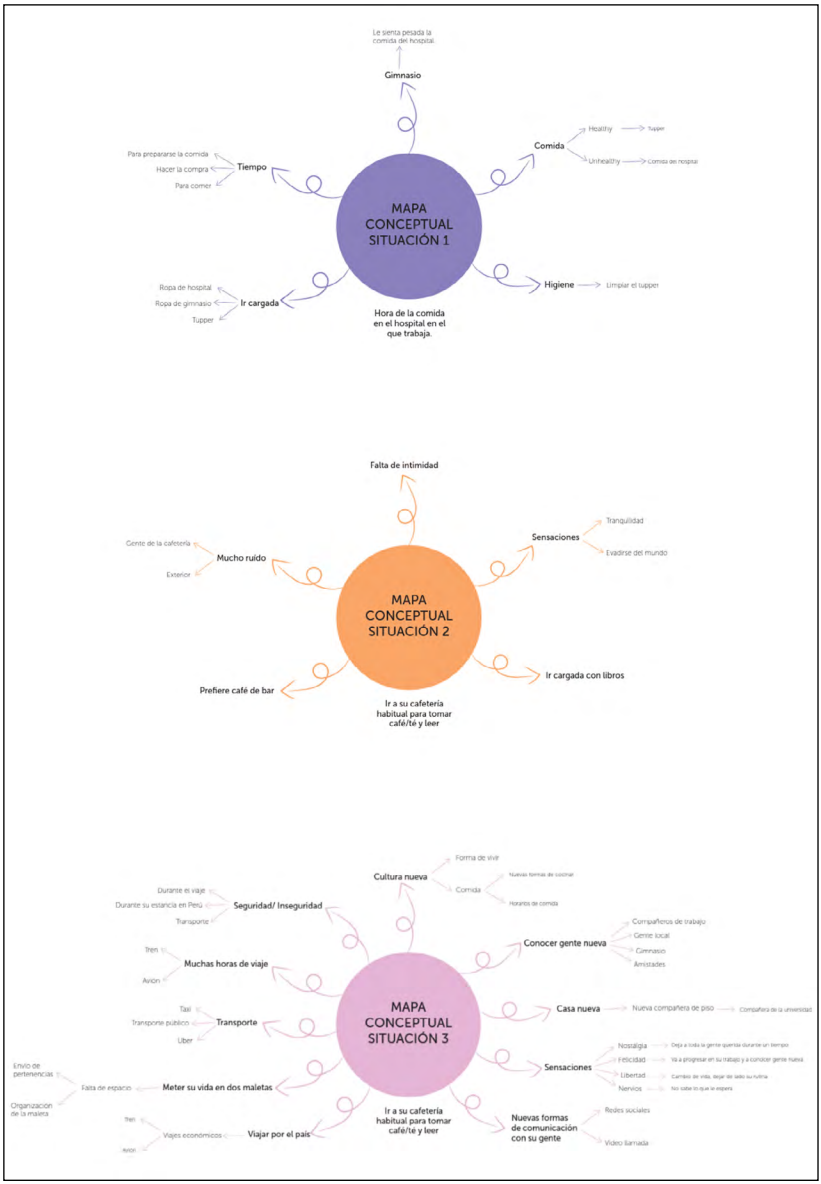

Figure 2.9. Case 1. Sara Navarro

The use of this tool makes it possible to refine and filter the proposals and to provide creative and valuable insights at this stage.

Figure 2.10. Case 1. Sara Navarro

Figure 2.11. Case 2. Elisa Perez

2.3.3. Ideation

We start the second part of the diamond in this phase of divergence again, the previously obtained conclusions and concepts must again be submitted to the largest possible number of views. As already mentioned, initially idea generation tools are used: in this example *brainstorming*.

After this broad process, visual tools are used to organize ideas, which allows prioritizing and connecting those that provide a better response to the problem or "need" posed.

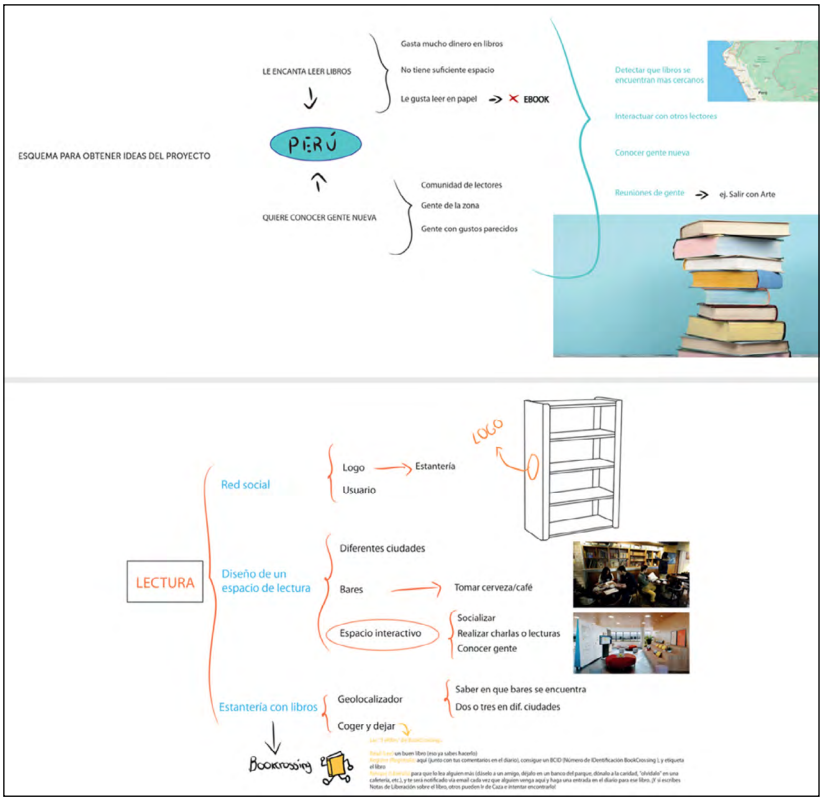

Figure 2.12. Case 1. Sara Navarro

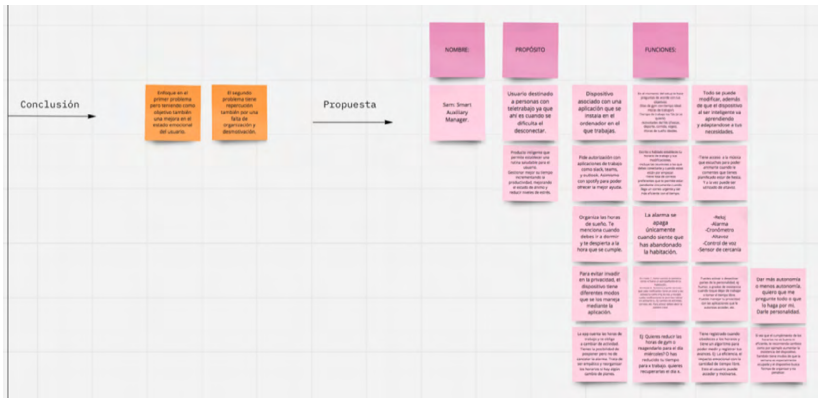

Figure 2.13. Case 2. Elisa Perez

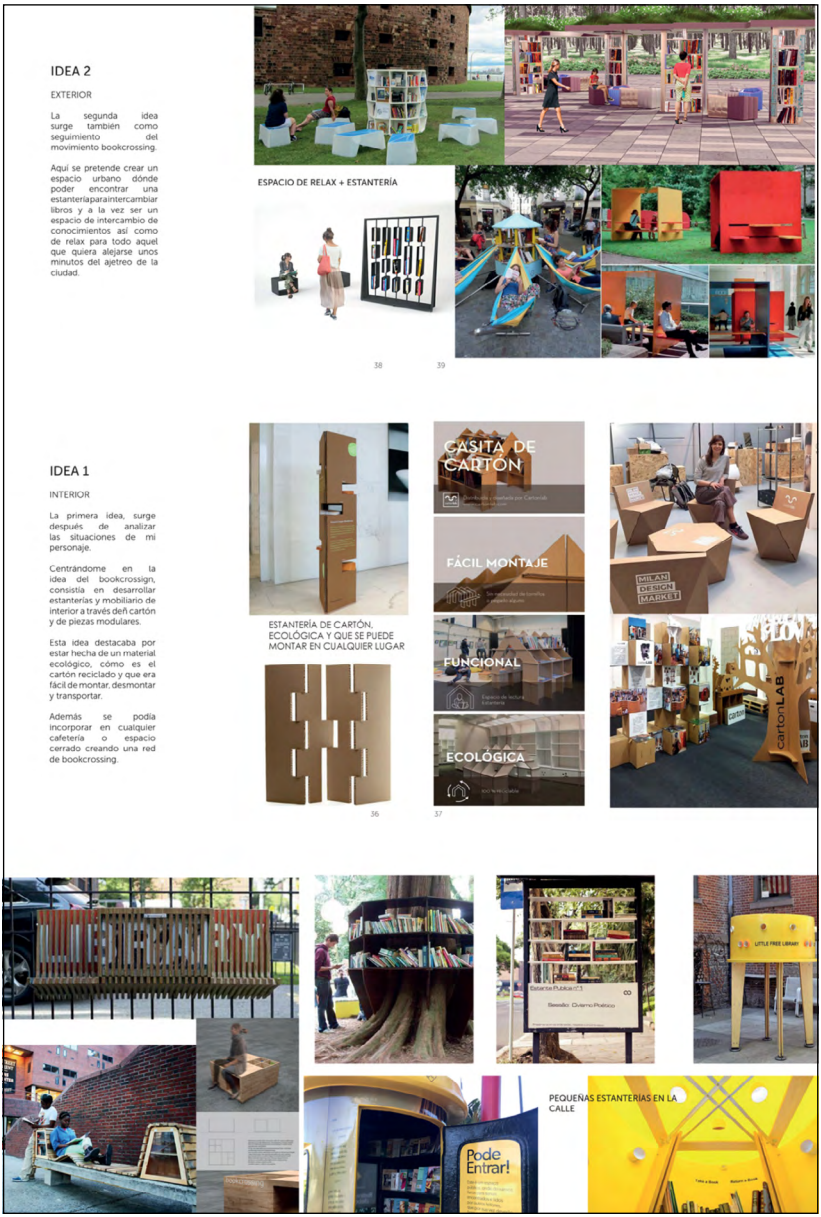

Figure 2.14. Case 1. Sara Navarro

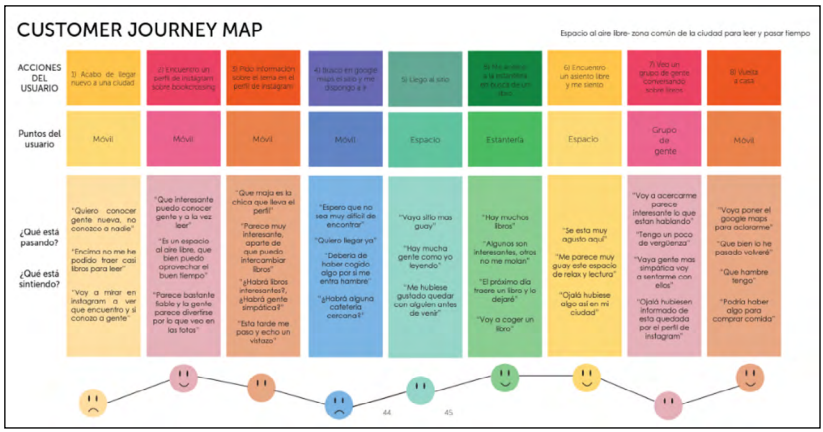

Figure 2.15. Case 1. Sara Navarro

As an iterative process, it allows us to take information from other phases that we can contrast with the proposals that are being developed. Through the *journey map* tool, we reconnect with the potential user and submit the idea to their interaction with it. Through this tool we can find critical or painful points in this interaction, which will require the revision of some aspects of the proposal.

In this case analyzed, it is a proposal for a public space to promote reading, interaction and common spaces in the city. Prototypes are therefore developed based on sketches and 3D visualizations of the final proposal, so that we can validate it.

The second case study, after the full process, proposes a *smart assistant manager, a* device designed for those people who struggle with the impossibility of disconnecting when working remotely.

2.4. Conclusions

This article develops an approach to the *Design Thinking* methodology in order to identify its elements of value to scenarios that require innovation and new proposals oriented towards the client and/or user.

It also shows examples of the application of this methodology for the development of new products and services, through tools that are easy to understand and apply.

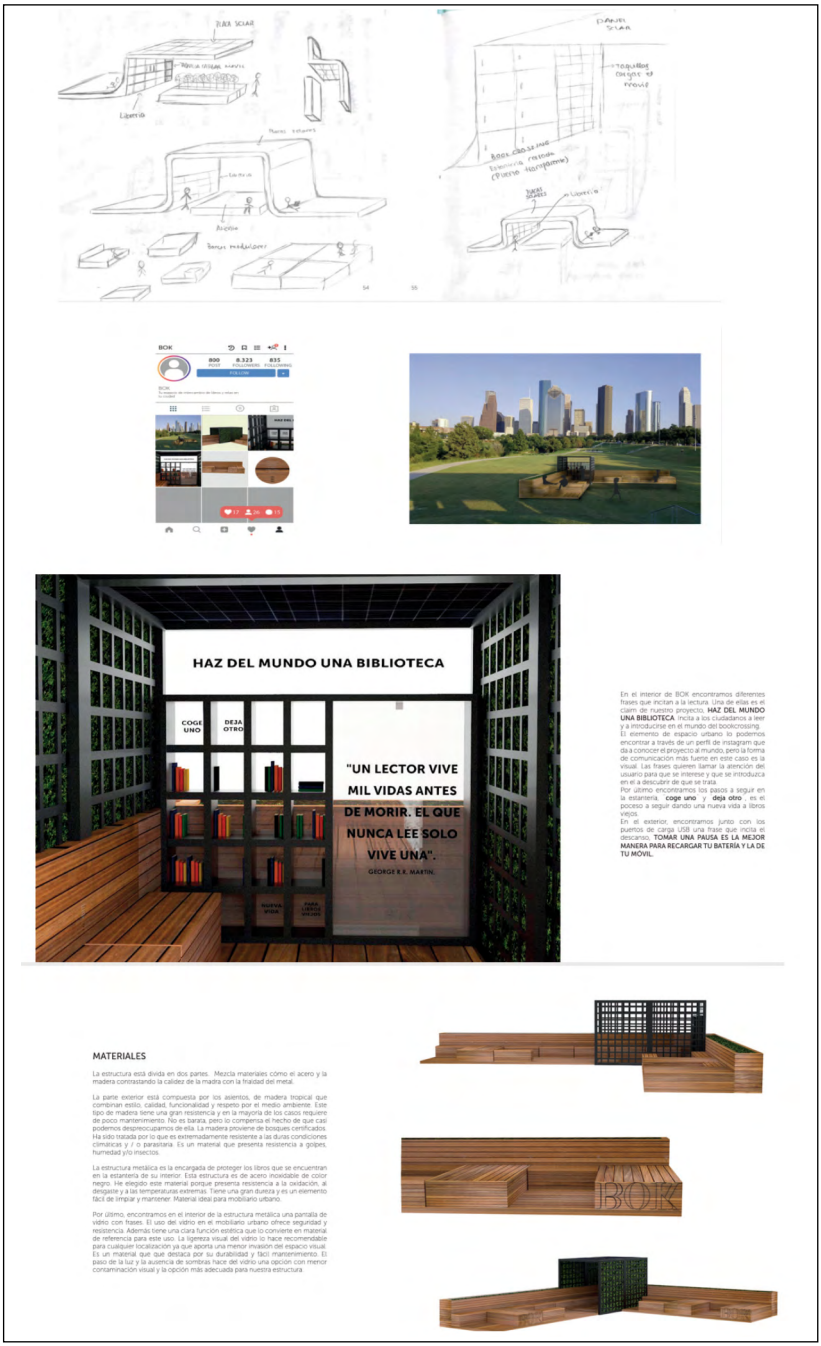

Figure 2.16. Case 1. Sara Navarro

Figure 2.17. Case 2. Elisa Perez

In this new context, the legal sector requires new solutions and a different relationship with the users themselves.

Legal Design Thinking and *Visual Design Thinking* are proving to be very effective tools in the search for solutions for the sector, which can bring legal language closer to common users, facilitating the understanding of documents, laws, contracts, etc., reducing the level of uncertainty and anxiety generated in legal processes, improving the understanding of national and international regulations by the population as a whole, using visual codes that are closer to current generations, etc.

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PART II: PRACTICAL APPLICATIONS FROM LEGAL SCIENCES - EU LAW AND POLICIES

3

Legal Design Thinking in Communication about Relevant Jurists

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Abstract
Background. In order to achieve the involvement of students in a seminar dedicated to oral and written communication, a challenge is posed: how to present the best jurist in history. Method. Based on the doctrinal review and the study of documentation on communication and the methodology of legal design thinking, we designed a seminar with students. Results. Among the myriad of lawyers, students dive into profiles of great interest to provide their peers with an inspiring role model. Conclusions. A seminar has been designed for first-year and first-semester Law students using the legal design thinking methodology to find solutions to the following challenge: to inspire them in the figures of the best-known jurists, through creativity, design and visualization.

3.1. Introduction

One of the priority objectives that our University pursues is the adaptation of the theoretical and practical content of the Law curriculum to the reality that our students face. In this sense, teamwork, innovation and creativity-oriented methodologies are necessary elements in the application of the principles on which the content of our Bachelor's degree program in Law is based.

Our primary goal is to enhance oral and written communication skills. We aim for future graduates to explore the profiles of

distinguished jurists throughout history. They will identify and elaborate on key aspects of these jurists' theories, culminating in a final product that offers a concise visual representation. This will serve as both an inspiration and a model for our students. While the primary objective, as we have outlined, is indeed crucial, it is equally true that the research, reading, and analysis of the works of the noted jurists, along with their oral presentation in the classroom, contribute to shaping a law student model that our University views as aligned with the competencies and methodologies demanded by future professionals. These activities develop essential skills: clear and effective transmission of information and ideas, the ability to present legal problems and offer understandable solutions to clients, and the capacity for concise argumentation and reasoning, among others.

To achieve this, we consider that the first step consists of presenting the challenge, projecting it through teamwork and presenting it orally. In this sense, it is worth noting that, in the first year of the Law Degree, students have received training in oral and written communication, as well as in teamwork, so they start their journey in this project with the acquisition of sufficient competences to face the challenge.

The tool that underpins the entire project is the *Legal Design Thinking* methodology, the fundamental purpose of which is to try to move students away from the safe place in which they find themselves as a result of the implementation of an excessively structured educational tradition, substantially based on the textbook and the quasi-literal reproduction of its contents. It is a paradigm shift that affects the development of skills and competences that enable them to develop, evaluate and propose legal solutions. Therefore, the main actor is the student himself, or in other words, the end user of a product, giving him the leading role and empathizing with him, bringing him closer to the labour market and his future clients.

3.2. Methodology

In the construction of the model in question, the Law faculty has decided to use the *Legal Design Thinking* methodology as an integral part of an Erasmus + Jean Monnet Projects 2020 project en-

titled "*Legal Design Thinking* and *Legal Visualization*. Towards an Understandable EU Law", of the Faculty of Law, Business and Political Science of the CEU Cardenal Herrera University.

The Law faculty has attended training sessions for the use of the *Legal Design Thinking* methodology at the teaching level in the degree studies, aimed at achieving objectives that can later be transferred in a simple way to our students. For example, learning techniques that teach us to empathize with the client and place us in their vision (product user) or acquiring knowledge to work collaboratively in a team. To achieve this, the training was structured in workshops on the adaptation of *Design Thinking* to the legal field, the generation of ideas collectively through the user, prototyping or co-creation to adjust with the user's feedback and the testing and adjustment of final solutions.

These workshops focused on the absolute protagonist of the challenge: the student. The main objective was to allow them to express themselves naturally and listen to their proposals. To turn them into active participants in the development of a project, where their experiences and knowledge contribute to shaping a clear understanding of the challenges they encounter and collaboratively devising solutions. To achieve this, the *Design Thinking* tool gives them the responsibility of proposing solutions to legal issues from scratch.

In essence, this approach requires students to engage in dynamic processes where precise solutions are not predetermined. They work collaboratively in teams to build prototypes, which they then need to validate independently.

We believe that the university environment, and more specifically the first year of Law, is the ideal place to initiate a change in the paradigm of student-centred teaching. The student is not only a recipient of information with theoretical and practical content throughout the four years of the degree. One of the approaches to learning must be oriented towards problem solving. These can become challenges and opportunities to explore creativity, the development of proposals, sharing them with others, discarding some and opting for others. In short, a process of individual, but also collaborative and cooperative work.

And as we have pointed out above, the technique of *Legal Design Thinking* has been deciphered and interpreted by external consultants through training courses in the Law faculty, but also

those who subscribe to these lines have relied on the doctrinal review of the most recent studies of the scientific literature on the methodology of *Legal Design Thinking* [1] .

By way of example, the work of the teams in this methodology is based on the development of a series of phases that can be summarized as follows:

- Empathy: to know and understand a problem, you have to observe and listen to the other person. Understanding comes into play.
- Definition: analysis of the problem itself in order to focus exclusively on it. Understanding is also essential.
- Ideation: search for solutions to the previously identified problem and sharing them. Exploration and teamwork.
- Prototyping: exploration of the final solution and implementation of the prototype.
- Test: test the solution and check if it is the right one. If not, go back to the previous phase to correct or modify.
- Implementation: putting the final solution into operation.

These steps were developed in the first *Design Thinking* models and have evolved over time. In adapting to the legal context, the phases of the current application have been both expanded and simplified for clarity. Specifically, the first phase, now called 'mapping,' involves defining and sharing the project's context within the team. The second phase, 'exploration,' focuses on analyzing the context and the user. This is followed by the 'construction' phase, where solutions to the problem are conceived and developed. Lastly, in the 'testing' phase, user feedback is gathered to define the future course of action.

In the initial stages, divergent thinking is paramount, emphasizing freedom, the abundance of ideas, imagination, and instinct. As the process progresses, convergent thinking becomes more prominent, focusing on analysis, specificity, critical and structured thinking.

In short, if society and business are changing, universities must change as well. Students are the living reflection of this change, so

1. Among them, we highlight the publications on guides to the creative process by Stanford University and the doctrine referred to in the bibliography of this short paper.

teaching methodologies must adapt to the new times. The user's needs mark the legal solutions and the University cannot remain on the sidelines. This is the main purpose of our project: legal training of excellent quality and adaptation to the new scenario.

3.3. Results

The seminar was conducted in the first semester of the first year of the Law program. Its objective was to inspire students with the knowledge of prominent figures in Legal Science and to foster motivation for their university studies, which we hope will be pursued with a sense of vocation.

In addition, the seminar also aimed to deepen the basic principles of communication, paying attention to the practical aspects of legal communication at oral and written level.

The seminar has been designed following the usual *Design Thinking* methodology phases of mapping, exploring, constructing and evaluating.

Firstly, a session was devoted to mapping, in which, as usual in the methodology, the working context was defined, and existing knowledge was shared.

The session was led by the teacher and the students participated in working teams of four members, which is considered to be an optimal or at least a very appropriate number for collaborative activities.

The challenge of the seminar for the students was defined as follows: "How to introduce my classmates to the best jurist in history". The starting point was to help the students to become interested in the most important jurists in history and to learn more about written and oral communication techniques.

To this end, students have carried out a preliminary and individual research and analysis work that has concluded in the selection, by each student, of 3 jurisconsults who are a reference to follow.

This initial study has focused on jurists from the continental and *common law* systems, avoiding those belonging to the Islamic, Jewish or Chinese legal traditions. This has ensured that the latter systems, so alien to our legal tradition, distort the already very broad object of research.

Once the research has been carried out, each student has to present the arguments and reasons justifying their candidacies within their team. A consensus must then be reached on a single legal concept to which the previous analytical work of all the students in the team will be extended.

During this mapping session, the role of the teacher was twofold: firstly, to provide the working context and the necessary basic notions, and secondly, to act as a mediator in order to get the members of the student teams to agree on the relevant figure they are going to work on, seeking agreement and avoiding duplication with other working groups.

The jurisconsults resulting from the first mapping session were more than satisfactory, as the students provided a range of selected jurists covering a very broad period of time. Specifically, they are jurists who have lived and therefore developed their professional careers between the 1st and 20th centuries, thus representing different periods in the evolution of law. This variety and wealth of proposals has also been highlighted by the fact that the jurists selected belong to academic, philosophical, theological, judicial, political, legal, etc. fields. Thus, they constitute a magnificent representation of the legal world in general[2] .

2. In a first experience corresponding to a promotion of first year law students in the academic year 2022-2023, the following lawyers have been selected:

- Domitius Ulpianus (ca. 170-223/224 AD). He was a jurist and served as a civil servant under the Severan dynasty. Approximately two-fifths of the Digest (6th c.) are derived from his writings and Ulpianus is therefore considered the most influential jurist in the entire European legal tradition (HONORÉ, 2004)
- Francisco de Vitoria (1483-1546). He was a jurist and theologian and taught at the Universities of Paris, Valladolid and Salamanca. He was the father of the so-called School of Salamanca and is considered the father of modern international law. (TRUYOL SERRA, 2004).
- Christopher Columbus Langdell (1826-1906). He was a jurist and academic known for his brilliant performance as Dean of Harvard Law School. He is considered the originator of the case method as a tool for the understanding and study of law at university level.
- Hans Kelsen (1881-1973). He was a jurist, philosopher and judge, working as a professor at the Universities of Vienna, Berkeley, Cologne and Geneva. He was the creator of the Vienna School and his contributions to the philosophical analysis of law, the constitutional review of norms and international law led him to be considered the most influential jurist of the 20th century. (ROBLES, 2004).
- Robert Schuman (1886-1963). He was a politician and lawyer. He was a key figure in the creation of the current European Union, which has earned him the title of "father of Europe". (OREJA and DOMINGO, 2004).

Secondly, the exploration session in the *Design Thinking* system involves understanding the user and the context. In our seminar, the students have practiced team dynamics at intra-group and *inter*-group level to establish on which relevant jurisconsult they will perform the communication task.

In this second phase, we have also followed the same dynamics to determine the chosen oral and/or written means of communication for presenting the selected legal figure to peers. Examples include options such as posting on the University's Law blog, written and oral presentations at the University's International Student Congress, creating a video with a script, crafting a storyboard (vignette) for Instagram, preparing a report along with a PowerPoint presentation, delivering a Prezi presentation and an oral talk, designing a poster for the 1st-year Law classroom, among others.

As can be seen, students were asked to choose means of communication that included both oral and written aspects.

Thirdly, the construction session(s) involves the ideation and development of new solutions. In these, the working teams have developed their proposals through construction sessions in the classroom and outside the classroom.

Classroom time was set aside for students to carry out their communication projects on the previously selected relevant jurists.

Finally, the testing session(s) involve obtaining *feedback* from the user. The students have implemented their proposals for oral and written communication with their classmates. The activity was evaluated by means of a rubric provided by the teacher.

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4

A Teaching Experience on the Use of *Human Centered Design* and its Techniques on the Social Network Instagram, in the Service of the General Objective of the European Year of Youth

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Abstract
In order to maintain support for the European Union among young people, its common values, and objectives, it is essential to strengthen the European feeling among them; to do so, we must have communication tools that reach young people and techniques that enable them to understand the benefits they enjoy as European Union citizens. This is the only way to pique young people's interest in the European Union and its policies, allowing them to become active citizens and participate in Europe's democratic life.

This project illustrates a teaching experience conducted as part of the European Union Law course in the second year of the Law Degree program at CEU Cardenal Herrera University's Elche Centre. The project utilizes and evaluates Human-Centered Design, *Design Thinking*, and *Legal Design* techniques to enhance the understanding of the European Union among young Spanish university students and promote their active engagement with it. It is additionally supported by the social network Instagram, which is extensively utilized by young people in Spain as a form of communication; all of this is in alignment with the overall goal of the European Year of Youth.

4.1. Introduction

On September 14, 2016, in his State of the European Union address to the European Parliament, the former President of the

European Commission, Jean-Claude Juncker, indicated that the European Union is suffering an existential crisis, but it will not break up. The current Commission President, Ursula von der Leyen, before the same audience and also on the occasion of the State of the Union address on September 14, 2022 told MEPs that "As we are serious about a larger Union, we also have to be serious about reform".

Europe has been preparing for this moment, and in 2021 launched the "Future of Europe Conference" to engage with citizens for Democracy and build a more resilient Europe. In this process on the future of Europe, it is imperative to involve young people. Therefore, the year 2022 was declared the "European Year of Youth", aiming to encourage the participation of young people in the democratic life of Europe.

Starting from the described context, and recognizing that strengthening the sense of European identity among young people is crucial to maintain their support for the European Union, its values, and objectives, this paper seeks to explore effective methods and techniques for helping young Spanish university students gain a deeper understanding of the European Union, as well as the multitude of opportunities and advantages they experience as Union citizens.

To achieve this goal, the teaching experience conducted in the European Union Law course, offered during the second year of the Law Degree program at the Elche Centre of CEU Cardenal Herrera University, employs and evaluates *Human-Centered Design*, *Design Thinking*, and *Legal Design* techniques. These methods are used to aid young Spanish university students in comprehending the European Union and motivating their active engagement with it. It is also supported by the social network Instagram, which in Spain is extensively used by young people as a means of communication; all this, in the service of the overarching objective of the European Year of Youth.

This paper is divided into two sections: the first section, the theoretical framework, focuses on introducing the objectives of the European Year of Youth and examining the principles of Human-Centered Design and its application in the political context. The second section discusses the teaching innovation project implemented, which involves a practical exercise in Legal Design and Legal Visualization carried out in the classroom and on the

social network Instagram. This project involved second-year students enrolled in the European Union Law course, and it presents the results for further discussion. The paper concludes with the main conclusions drawn from the research.

4.2. The European Year of Youth

The year 2022 was designated as the European Year of Youth, and it also marked the conclusion of the Conference on the Future of Europe. We will now make a brief reference to what both milestones represent and aim to achieve in the process of European construction.

4.2.1. General statement and objective

The European Parliament and the Council declared 2022 the "European Year of Youth 2022",[1] on the basis of the Treaty on the Functioning of the European Union, which provides that the Union's action shall be aimed, inter alia, at promoting the participation of young people in the democratic life of Europe.[2] This European Year of Youth should give rise to a process of reflection on the future of young people and their active participation in building the future of Europe,[3] as the active participation of young people in democratic processes is of crucial importance for the present and future of Europe and its democratic societies.[4]

The overall objective of the European Year of Youth is therefore to boost the efforts of the Union, Member States and regional and local authorities, together with those of civil society actors, to empower, recognize and support young people, and thus to engage in dialogue with them. In particular, this is intended to help young people to better understand the European Union and actively promote the various opportunities available to them as a result of its policies, so that they become active and

1. Decision (EU) 2021/2316 of the European Parliament and of the Council of 22 December 2021 on a European Year of Youth (2022) (*OJ* L 462/1 of 28.12.2021).
2. Art. 165.2 TFEU.
3. Decision (EU) 2021/2316 ... *loc. cit.*, recital 7.
4. *Ibidem*, recital 8.

engaged citizens and drivers of change, inspired by a sense of belonging to Europe.[5]

4.2.2. Closing of the Conference on the Future of Europe

The Conference on the Future of Europe concluded on 9 May 2022, after a year of intense deliberations and citizen-led debates, in an attempt to allow European citizens to share their ideas on how to move forward in shaping a common future[6] ; it is now in a follow-up phase.

The Conference has its origin in the Declaration signed by the Presidents of the European Parliament, the Council and the European Commission on 13 March 2021: Joint Declaration on the Conference on the Future of Europe. Working with citizens for Democracy: building a more resilient Europe[7]. In this Declaration they recalled that seventy years had passed since the Schuman Declaration[8] laid the foundations of our European Union, of a single political project that brought peace and prosperity, and improved the lives of all European citizens. They therefore considered that it was now appropriate to reflect on the Union, on the challenges we European citizens face and the future we want to build together, in order to strengthen European solidarity.

Giving citizens a voice on what matters to them is thus seen as a major opportunity to maintain the support of the citizens of the European Union for its common values and objectives, as well as to support the legitimacy and democratic functioning of the institutions and to strengthen the link between European citizens and the European Union.

5. Ibidem, art. 2.

6. Multilingual Digital Platform of the Conference on the Future of Europe (2022)

7. Available, along with all other relevant documents on the Conference website, loc. cit.

8. Robert Schuman, the French Foreign Minister, issued the Declaration bearing his name on 9 May 1950, in which he proposed the creation of a European Coal and Steel Community whose members would pool coal and steel production. The declaration led to his signature of the ECSC founding treaty, the origin of what is now the European Union. The declaration can be found on the official website of the European Union at the following link: https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_es.

4.2.3. European sentiment

From the brief comment we have just made on the European Year of Youth and the Conference on the Future of Europe, it is clear that the feeling of belonging to Europe or European sentiment is particularly relevant at this time, since it is, in our opinion, the key to strengthening European integration. This feeling is closely linked to citizens' appreciation of membership of the European Union, which depends on their perception of the benefits obtained from it in their respective States.[9]

This is why it is crucial to find tools that reach out to young people, to find effective ways to communicate with them and to let them know what the European Union is, how they can participate in decision-making and, above all, the advantages for a young person of being a citizen of the European Union. In our opinion, *Human Centered Design* and its techniques on the social network *Instagram* are ideal for these purposes, as we will explain in the following section of this paper.

4.3. *Human Centered Design* and its techniques on the social network Instagram

4.3.1 Human centered design and its techniques in the political sphere

Our *framework*, or frame of reference, is what is known as *Human Centered Design*, created by IDEO (2015), an American consultancy firm, which proposes placing the person at the centre of all design, whether it is a product or a service, in order to improve people's lives. However, given the characteristics of our teaching experience, we are even more interested in the activity of IDEO-org, the NGO created by IDEO (2015) for social innovation, and its renowned field guide[10] .

9. To this end, the European Parliament periodically commissions surveys to know the citizens' opinions on specific issues or, in general, on issues relating to the Union, through what is known as the Eurobarometer; the results of these surveys are available on the following link: https://www.europarl.europa.eu/at-your-service/en/be-heard/eurobarometer.

10. As it explains: "The Field Guide to Human-Centered Design was designed and written by IDEO.org in San Francisco. It's an evolution of the Human-Centered Design

According to *Human Centered Design*, every product or service design should be built with the needs, behaviors and preferences of the agents that will use them in mind; this has been the dominant innovation methodology in service industries, from medicine to insurance and finance. However, this framework can be used not only for the design of a product, but also, in a generic way, to develop solutions to problems by putting people at the centre of everything. For this reason, *Human Centered Design* has now reached the legal sphere, thanks to movements related to *LegalTech* and *Legal Hackers* (HAGAN, 2020).

Based on the concept of *Human Centered Design* as a *framework*, *Design Thinking* would be an *approach*, that is, a concrete strategy that allows us to systematically address problem solving within this framework.[11] Furthermore, *Legal Design* could be defined as an emerging discipline in which the methods of *Human Centered Design* are applied to the legal field, in order to innovate, above all, in the way in which the law is presented, that is, in the legal language, but also in the way in which legal services are provided DAVIS, 2020; JACKSON *et al*., 2020). However, *Human Centered Design* as a *framework*, *Design Thinking* and *Legal Design* as an *approach*, can also be used in *policymaking*, that is, in the elaboration and design of policies and decision-making (JUNGINGER, 2013). Hence, it is suitable for the purposes of this teaching experience.

4.3.2. The choice of the Instagram social network

The social network *Instagram* has been chosen because it is the most widely used in Spain in the 18-24 age group,[12] the age

Toolkit, a book originally produced by IDEO in 2011. Years on from the HCD Toolkit's first publication, we've learned so much about how to use design to combat poverty, and the Field Guide is a chance to share what we've picked up along the way in the hope that you can put it into practice too". IDEO-org (2015)

11. Design Thinking is a methodology that originated at the *Design School* of Stanford University; *see* https://dschool.stanford.edu. It consists of 5 phases: empathize, define, devise, prototype and test. (THINKERS-CO, 2021). It should be noted that the University is based in Palo Alto, and that one of the founders of the company IDEO was also a professor at the *Design School*.

12. According to a study by IAB Spain –the world's largest association of communication, advertising and digital marketing, present in 47 countries, including Spain–, currently, the favorite networks of young Spaniards in the 18-24 age group are: in first place, Instagram (chosen by 34%); in second place, WhatsApp (chosen by 25%); in third

group in which the user profile of the teaching experience that we will describe below fits. Therefore, Instagram will be utilized, with the possibility of including links to other networks, or for the YT to IG function, which allows for the direct posting of videos from YouTube. Although YouTube is not currently among our users' top preferences, it contains content that may be valuable to disseminate in the teaching experience.[13]

In this sense, we believe that, however interesting a publication may be, if it is not published on the appropriate network, it will not have the expected dissemination. For example, the video published on *YouTube* by the European Commission in Spain on "Advantages of European citizenship", which despite its excellent production in just over 5 months has barely obtained 5 "likes" and only 90 views.[14]

4.4. The experience in the subject European Union law, 2nd year of the degree in law at the UCH, during the academic year 2022/2023

4.4.1. Introduction: presentation of an applied *Legal Design* and *Legal Visualization* exercise

We will now introduce a practical exercise in *Legal Design* and *Legal Visualization* that took place both in the classroom and on the social network Instagram. This exercise involved the active participation of a group of second-year Law Degree students who were enrolled in the European Union Law course.

The experiment aimed to determine whether using Human-Centered Design and the Instagram social network was an effective tool for two purposes: firstly, to enhance the learning experience and academic outcomes of Law Degree students enrolled in

place, others not included in the study (chosen by 26%); in fourth place, YouTube (chosen by 8%); in fifth place, Tik Tok (chosen by 6%); and in last place, Facebook (chosen by only 1%). (IAB. 2022)

13. *YT To IG* will be possible, that is, to publish a YouTube video directly on an Instagram post, in order to reach our user, who otherwise would not see it.

14. The video is accessible at the following link: https://www.youtube.com/watch?v=MAocIhAEPKI.

the European Union Law course, and secondly, to convey knowledge about the European Union to our target audience, consisting of first-year university students pursuing non-legal degrees. Specifically, the focus was on highlighting the advantages that Spain's membership in the European Union offers to university students in their respective fields of study. All this, with the ultimate aim of reviving the European spirit, putting the experience at the service of the general objective of the European Year of Youth: to encourage the participation of young people in the democratic life of Europe.

Following a brief note on the methodology used, we will proceed to describe the various activities carried out in application of this methodology. The subsequent section will be devoted to the Results and Discussion of this teaching experience, before closing the paper with the Conclusions.

4.4.2. Methodology of the research project

The project was carried out by Dr. Adela M. Aura y Larios de Medrano, Professor of International Law at the CEU Cardenal Herrera University (who signs this paper) together with the students of the Degree in Law enrolled in the subject European Union Law. In order for the students to be able to use Legal Visualization techniques, within the *Legal Design Thinking* methodology, to materialize the results achieved through the design process, we started with an initial training workshop, in which the students were introduced to the methodology to be applied.

The training in Legal Design methodology was conducted by a product design specialist, and during the workshop, participants were introduced to the renowned *Double Diamond* method for design and innovation processes.

While this method is divided into four consecutive and linear phases, it comprises two main parts: the creative phase, encompassing mapping and exploration, which guides us towards ideation and the development of new concepts with a user-centered approach; and the prototyping phase, which involves the "build" or design aspect, transforming the specific idea into a feasible product with a strong emphasis on visual construction. This phase must be accompanied by the "testing" phase to evaluate how the design performs in practice.

4.4.3. The teaching experience in the classroom and on the Instagram social network

This teaching experience is shaped by an interactive and flexible research; however, for explanatory purposes we have divided it into two stages: the one carried out in the classroom and the one carried out on the Instagram social network.

The work in the classroom

Dr. Adela M. Aura, the author of this paper and a professor of European Union Law, received training in this methodology and independently designed the entire experiment she intended to conduct with her students in the form of a challenge.

The challenge of the designed project was to explain the following to a first-year student of the Degree in ... (a non-legal Degree), using Instagram: what is the European Union, how do citizens participate in decision making, and what advantages being a citizen of the European Union have for them?

The group consisted of 27 students of the second year of the Law Degree, enrolled in the subject European Union Law, who had previously formed six "design teams". To carry out the experience, each group created an Instagram account.

As for the "End User" or target population, it was made up of young Spanish first-year university students (18-19 years old). However, given that it was not possible to cover the entire population, the sample consisted only of students enrolled in the first year of undergraduate studies at the Elche Centre of the CEU Cardenal Herrera University. Thus, in terms of the user and context to be explored, the professor assigned each team a different user, although it was always a student in the first year of one of the degrees offered at the Elche Centre, with the exception of the Degree in Law: Education, Physiotherapy, Nursing, Business Management and Dentistry.

Over the course of three months, students would be required to create posts and stories on the Instagram account that were directly related to the challenge, while adhering to the subject's syllabus and as explained.

The professor prepared comprehensive materials to organize the entire process and gather the results, of which the first pages are reproduced below:

Figure 4.1. First pages of Professor Dr. Adela M. Aura's materials

It should be noted that the experience was part of the student's assessment, accounting for 20% of their final grade; the high involvement of the students led to the success of the project, also in terms of grading, given that all groups achieved a score between 8.5 and 10 out of 10.

Its materialization in the Instagram social network

As mentioned above, the experiment lasted for the entire teaching calendar of the four-month period, from September to December 2022, although its materialization on Instagram took place over three months: October, November and December. During this period, students were creating posts and stories on the Instagram account that were directly related to the challenge and with their assigned end user. Throughout the process, the professor, through her own Instagram, interacted with the students, even on a daily basis, in order to provide feedback.

The Instagram accounts created, and initially aimed at first-year students of the other Degrees taught at the UCH Elche Cen-

tre, were gradually growing, both in content and in number of followers.

To test and gather feedback, we took into account not only the assessment that the professor made of the experiment, but also the number of followers and interactions that the Instagram of each group had on the network. It is worth noting that the number of followers on several Instagram accounts exceeded the sample size. In fact, for degree programs where first-year students at the Elche Centre ranged from 25 to 40, the dedicated Instagram account ended up attracting a significantly larger

Figure 4.2. Instagram accounts created by students of Dr. Adela M. Aura

number of followers. This occurred because the Instagram accounts were open to the public, allowing users who were not students of the Elche Centre of the UCH to follow them.

The following table shows screenshots of the different Instagram accounts in which this teaching experience materialized:

As we have already mentioned, this teaching innovation activity was part of the student's assessment, accounting for 20% of their final grade; the high involvement of the students led to the success of the project, also in terms of grading, given that all groups achieved a score between 8.5 and 10 out of 10.

4.5. Results and Discussion

The experience conducted as part of the European Union Law course in the second year of the Law Degree program at the Elche Centre of the UCH illustrates that the utilization of *Human-Centered Design* techniques is highly effective in enhancing the teaching of European Union Law. This improvement is evident through the following results:

- the great involvement of the students in the subject, as shown by their attendance to class, the daily follow-up of explanations and their interest in researching autonomously on the subject;
- providing students with innovative tools to find solutions to current challenges;
- the need to place the person, the "end user", at the centre; and
- the need for teamwork for the use of an agile methodology, which requires knowledge of the ability for innovation and creativity.

This experience, in which the social network Instagram has been used, shows its suitability and that of *Legal Design Thinking* techniques to reach young Spanish university students, as the following results reveal:

- the Instagram accounts created and, in principle, aimed at first-year students of the other Degrees taught at the UCH Elche Centre, were growing in number of followers;

- their "posts" and "stories" had hundreds of "likes", precisely because they were designed with their "end user" in mind and the information was what their followers were interested in;
- in several cases, the number of Instagram followers exceeded the sample size. Since these Instagram accounts were open to the public, the platform allowed them to be followed by numerous university students who were not affiliated with CEU;
- interactions with the Instagram accounts were daily, as "likes" were; followers reached eight times the number of students enrolled in non-legal Degrees at the UCH Elche Centre; and
- the followers, first year students of some non-legal Degree, obtained, through Instagram, knowledge about the European Union, especially about how being citizens of the Union benefits them, that is, the advantages they enjoy by the fact that Spain is a Member State.

4.6. Conclusions

This paper is based on the consideration that strengthening the European feeling among young people is necessary to maintain their support for the values and objectives of the European Union, as well as to encourage their participation in the democratic life of Europe, which is currently essential and is the main general objective of the European Year of Youth. As a result, it analyses the techniques and tools that can be used to this end, in particular the *Human Centered Design* and the social network Instagram.

The teaching experiment developed has tested *Design Thinking* and *Legal Design* in the Instagram social network, as a means to help young Spanish university students to learn more about the European Union and to encourage their participation in it. The outcomes validate its success. Indeed, *Legal Design* has proven to be a very useful tool in the pursuit of greater transparency and that Instagram is a suitable means of communication to reach young university students.

All of this leads to the conclusion that, in order to make knowledge about the European Union and its policies accessible to young people, thereby encouraging their participation in Europe's democratic life, Law must be combined with design and technology.

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5

The Omnibus Directive for Algorithmic Price Customisation in E-Commerce: Using "Legal Design Thinking" Methodology for Contracting in the Digital Age

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Abstract
A pricing algorithm is a computational procedure by which, taking as a basis or input some value or set of values relating to a subject, a price is determined for the specific offer to be made to that specific consumer. These values or inputs are usually unique consumer characteristics or profiles based on such characteristics that inform the decision made by the pricing algorithm.

Given the lack of transparency of these practices, as well as suspicions of abuse, and as part of the new policies aimed at protecting consumers within the European Union,[1] the Directive (EU) 2019/2161, better known as the Omnibus Directive or "Implementation and Modernization Directive", came into force on 7 January 2020. This Directive, among other issues, enshrines in European law the duty of traders to inform consumers visiting their online shops if the prices offered to them have been customized or adapted based on their personal traits by a pricing algorithm.

EU Member States were obliged to transpose the Omnibus Directive into national law by 28 November 2021 and to bring it into force by 28 May 2022. On the latter date, and for this purpose, Royal Decree-Law 24/2021, of 2 Novem-

1. The "New Consumer Framework" initiative aimed to strengthen the enforcement of EU consumer law in the face of the growing risk of infringements across the EU and to modernize EU consumer protection rules in the light of market developments. https://ec.europa.eu/info/law/law-topic/consumer-protection-law/review-eu-consumer-law_es

ber, which amends the General Law for the Defence of Consumers and other complementary laws, entered into force in Spain.

The design of a tool to facilitate or control regulatory compliance with the Omnibus Directive is presented as an opportunity for Law Degree students to be able to devise *RegTech* formulas[2] in E-Commerce scenarios through the application of *Legal Design Thinking* techniques. This work is developed within the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visualization. Towards an Understandable EU Law (620987-EPP-1- 2020-1-ES-EPPJMO-PROJECT)".

5.1. Theoretical framework

Online price personalization (OPP) is defined as the ability to offer different prices to specific consumers for the same product. These prices are automatically calculated by pricing algorithms and presented to consumers, based on what is known as each consumer's maximum presumed willingness to pay (WTP) for the same product. In short, sellers offer goods and services at different prices to different consumers. (SEARS, 2020)

Technological changes make it possible to gather, integrate and analyze huge amounts of data in unprecedented ways. The phenomenon known as "Big Data" or the ability to process large sets of data, the development of new analytical tools and algorithms based on Artificial Intelligence (AI) have enabled the development of the technique of personalizing contracts in e-commerce. Thanks to profiling procedures and the processing of personal data, companies have the ability to target their customers, personalize their offers, prices and services for both individual consumers and consumer segments, with the aim of better satisfying their customers' preferences. Nevertheless, this is not only beneficial for buyers or users. Firms can also use this personalization to appropriate the contractual surplus that would accrue to consumers in a uniform scenario, and to manipulate their preferences as well. (RUBÍ PUIG, 2021)

Although some authors consider OPP and online price discrimination to be the same thing, (ZUIDERVEEN BORGESIUS &

2. Regulatory Technology is the use of information technology to improve regulatory and compliance processes.

POORT, 2017), these two concepts should not be confused. In the practice of price discrimination, although it also relies on data collection and analysis to define a price for those specific customers, customers or groups of customers are classified as target audiences based on observed or inferred characteristics of those customers, especially protected by EU anti-discrimination legislation. These characteristics refer for example to the customers' gender, race, nationality, age or place of residence. (BARROS VALE, 2020)

Nor should the PPO be confused with so-called dynamic pricing practices. This practice consists of changing the displayed price of a product according to market demand in a rapid and flexible manner. The Omnibus Directive specifically refers to online price customization, not to discrimination or dynamic pricing.

"Personalization is above all personalization of prices, and prices seek to identify the willingness to pay of each consumer and thus extract the economic surplus that the consumer would obtain from contracting in a world without personalization" (RUBÍ PUIG, 2021). However, European regulations, far from taking a paternalistic position and prohibiting price personalization, have adopted a vision in which both autonomy and the consumer's ability to make informed decisions take precedence. (FORBES, 2022). Moreover, PPOs are not harmful consumer behavior. As Esposito argues, the information provided as a consequence of the new obligations introduced by the European regulation can and should be used to make price customization procompetitive and pro-consumer. (ESPOSITO, 2020)

Article 4.4.ii of the Omnibus Directive obliges traders to inform consumers: "when the price has been personalized on the basis of automated decision-making". Recital (45) of the Directive adds that: "may personalize the price of their offers for specific consumers or specific categories of consumer based on automated decision-making and profiling of consumer behaviour allowing traders to assess the consumer's purchasing power. Consumers should therefore be clearly informed when the price presented to them is personalized on the basis of automated decision-making, so that they can take into account the potential risks in their purchasing decision."

The European Commission has clarified that, for the purposes of Article 4(4) (ii) of the Omnibus Directive, information on

customization must be provided whenever there is a customized price.[3]

The main price obligations could therefore be summarized as follows:

- Report the previous price together with the reduced price in the event of a price reduction. The previous price is understood to be the lowest price that would have been applied to identical products in the preceding thirty days.
- Report whether the price presented is personalized on the basis of automated decision making and profiling or not.

But the Omnibus Directive also imposes other obligations on e-commerce, marketplaces and platforms, including, in particular, the following:

- Check whether the reviews actually come from consumers of the product/service purchased/used.
- Apply GDPR and consumer protection rights to contracts for the provision of digital content or services without the consumer paying a specific monetary amount, but in exchange for their personal data.
- Inform whether the third party offering the goods, services or digital content through the online marketplace is a trader or not, based on the third party's declaration to the marketplace provider. If the third party is not a trader, there is an obligation to inform that consumer rights arising from consumer protection legislation do not apply to the contract.

In Spain, Royal Decree-Law 24/2021 of 2 November, also known as the Omnibus Law, amended the revised text of the General Law for the Defense of Consumers and Users and other complementary laws, as well as the Law on Unfair Competition and the Law on the Regulation of Retail Trade.[4]

3. EC, Recommendations for better presentation of information to consumers, available at https://ec.europa.eu/info/sites/info/files/sr_information_presentation.pdf, accessed on 19 October 2020.

4. Royal Decree-Law 24/2021, of 2 November, on the transposition of European Union directives on covered bonds, cross-border distribution of collective investment undertakings, open data and re-use of public sector information, exercise of copyright

The entry into force of the legal reforms resulting from the transposition of the Omnibus Directive and the widespread use of the PPO in e-commerce creates an opportunity for the design of tools for the verification and/or facilitation of compliance through the use of technologies.

5.2. Methodology

The World Economic Forum identifies the 10 skills needed for the jobs of the future as analytical thinking and innovation; active learning; complex problem solving; critical thinking and analysis; creativity, originality and initiative; use of technology, monitoring and control; technological design and programming; resilience, stress tolerance and flexibility; and reasoning, problem solving and ideation.[5] These are transversal competences, applicable to both classic and emerging professions. The training of future lawyers cannot remain oblivious to this reality.

Traditionally, lawyers have not been seen as proactive engineers who add value. On the contrary, we are seen as an obstacle in any creative or innovative process. (CORRALES COMPAGNUCCI *et al.*, 2022). It has been a challenge for law schools and law education to keep pace with the rapidly changing nature of law and the future of legal work. (RACHEL HEWS, JUDITH MCNAMARA, & ZOE NAY, 2022). Education, from a historical perspective, has tended to be retrospective and knowledge based. However, this model seems much less suited to a world of easy access to information, self-learning and accelerated, technology-driven economic and social change. (CORRALES COMPAGNUCCI *et al.*, 2022). The incorporation of *Legal Design Thinking* techniques into the training process of undergraduate Law students will bridge the gap between classical training and the new needs derived from this new context in which it is essential to

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and related rights applicable to certain online transmissions and to radio and television broadcasts, temporary exemptions for certain imports and supplies, for consumers and for the promotion of clean and energy-efficient road transport vehicles. BOE No. 263 of 3 November 2021, pages 133204 to 133364.

5. See *These are the top 10 job skills of tomorrow - and how long it takes to learn them*. Retrieved Oct 20, 2022, from https://www.weforum.org/agenda/2020/10/top-10-work-skills-of-tomorrow-how-long-it-takes-to-learn-them/

develop the aforementioned competences required by the proactive and creative jurists of tomorrow.

The experience conducted as part of the European Union Law course in the second year of the Law Degree program at the Elche Centre of the UCH illustrates that the utilization of Human-Centered Design techniques is highly effective in enhancing the teaching of European Union Law. This improvement is evident through the following results: This double reality makes us rethink how legal services are provided, and therefore, how the training of tomorrow's jurists is provided.

Legal Design Thinking also has two aspects: on the one hand, the use of techniques aimed at improving legal communication, through the use of visual tools such as illustrations, diagrams, tables, charts or graphs, and on the other hand, more broadly, the *Design Thinking* approach. *Legal Design Thinking* places the user at the centre of the solution because it focuses on how to better represent and communicate legal information to the user. (BAZZI, 2021) From the perspective of future graduates, *Legal Design Thinking* "provides graduates with a set of flexible mindsets and methodologies to respond to complex legal problems". (RACHEL HEWS *et al.*, 2022)

In *Legal Design Thinking* workshops, students practice interviewing techniques, creative problem understanding, collaborative design, visual mapping (visualizing aspects of the design process), prototyping their ideas and seeking feedback to further refine their ideas. Throughout the process, students also acquire the skill of assessing the appropriateness of technological solutions, which may range from simple to more complex, and even consider whether non-technological solutions might be preferable. They also develop their entrepreneurial skills by learning to evaluate their ideas through the process of error, trial and iteration. This innovative and creative approach is changing the way graduates think about law, legal services, access to justice, start-ups, technology, innovation and entrepreneurship. (RACHEL HEWS *et al.*, 2022)

Legal Design Thinking is a very flexible process, but in this case, we will follow this flow of stages:

- Stage 1: Discovery and understanding. Also known as the 'empathy' stage. This stage consists of identifying and understanding the problem in depth. To do this, students will work

on the legislative reform and regulatory environment for e-commerce, identifying the challenges and opportunities offered by regulation.
- Stage 2: Synthesis. With the information obtained in the previous stage, they will proceed to map it visually, as well as to identify the subjects that can benefit from the solution to be designed. This stage of defining the end user is decisive due to the 'centricity' that revolves around the concept of *Legal Design Thinking*. At this stage, it is fundamental to know how potential end users behave, feel and think in order to design and present the information.
- Stage 3: Brainstorming and construction: Tools are used to facilitate the flow/generation of ideas and identification of synergies. In addition, visual solutions are employed such as the use of diagrams to order and prioritize ideas or storyboards for the presentation of the idea.
- Stage 4: Test, iterate and scale: Solution prototype definition, testing (where possible), feedback and refinement of the solution.

5.3. Hypothesis

The use of the *Legal Design Thinking* methodology will allow students to work on the skills necessary for the jobs of the future:

- Improved analytical thinking, problem-solving and innovation/ideation skills, working on a newly created regulation for which there is no judicial history.
- Discovering active learning as a tool for self-training. This skill is critical when they leave the classroom in the future and have to deal with legislative reforms themselves.
- Improving their ability to solve complex problems.
- Improved critical thinking and analytical skills.
- Development of creativity, originality and initiative when having to design a tool that enables or verifies regulatory compliance in a digital environment.
- Discovery of the use of technology, monitoring and control in the legal field, as well as the process of technological design and programming and its usefulness for law.

- Improved resilience, stress tolerance and flexibility resulting from complex teamwork in which not all solutions are optimal at the first attempt.

The evaluation of the results will take into account creativity, the appropriateness of the proposal and the legal rigor of the proposed outcome.

5.4. Results and Discussion

Prior to the activity, students were provided with both the regulation on which they were going to work, Royal Decree-Law 24/2021, of 2 November, or the Omnibus Law, and a guide on the transposition of the Omnibus Directive for a better and easier understanding. Therefore, the students had to learn the regulations on their own, as it was not a subject previously introduced in class.

In addition, a couple of preparatory meetings were held between the professors participating in the LDT activity and the facilitator of the event. The aim of these meetings was twofold. On the one hand, to prepare the facilities and the materials necessary for the activity, and on the other hand, to introduce of the challenges to the facilitator in order to be able to coordinate in the best possible way the conduct of the three different challenges at the same time and in the same space.

The activity was carried out in a "sprint" mode since it was completed in a 6-hour day. The students that worked on the Omnibus regulation task were divided into 10 groups of 5 members each.

The day was structured in such a way that the students had a 20-minute break after the introduction and completion of the first 'discovery' phase. Due to the large number of participants, tasks related to the interviews, surveys and data search were divided into groups, as it was impossible, due to time constraints, for each group to carry out all the tasks. Thus, the tasks were spread among combinations of groups (one for each task and one group with two groups of interviewers), which made it more difficult to include all students in the process, with just one spokesperson per group speaking.

After the break, the groups worked on phases 2 and 3 of understanding and ideation, using the materials provided such as the actor map, the empathy map, the persona, and finally the storyboard. Having reached this point, in the last hour, they focused on making a proposal (prototyping phase) and the sharing or testing phase in which feedback was facilitated by using the four hats technique.

The students highlighted various e-commerce domains where algorithmic pricing adjustment can occur, including the sale of airline tickets, hotel bookings, and concert tickets, among others. Among the student solutions, those that included technical components such as applications and web sites offering warnings or information that was clearer, more detailed, and intelligible for users predominated.

Regarding the student feedback, it is worth emphasizing their enthusiasm for the activity, which allowed them to see and understand the regulations in accordance with their purpose and the user's capacity to know and understand them. The students appreciated an approach to the law that was very different from what is typically taught in law classes.

Some of the objectives proposed in our hypothesis, such as working on problem solving and innovation/ideation skills, active learning for self-training, the ability to solve complex problems or critical thinking and analysis, have been achieved.

The students' overwhelming initiative in designing a technology-based tool to solve the problem posed could also be highlighted. However, as the testing phase was not completed in its entirety due to time constraints, they were unable to delve deeper into it. Nonetheless, this has greatly aided in the discovery of the use of technology in the legal field, and in this regard, the hypothesis has been partially validated.

5.5. Conclusion

The legal ecosystem is itself a highly structured system, or series of systems, to facilitate various substantive and procedural aspects of the law. Nevertheless, the legal practitioner has to be aware that he or she has to use, change and create legal ideas. (RAJOO, 2019) Ultimately, the practice of law is not so far from

a design process: lawyers are in charge of solving legal problems and designing solutions for their clients. *Legal Design Thinking* leads us to know another way to carry out this process of designing legal solutions.

In a changing and highly competitive environment, undergraduate students need to be able to work with the legal system in a variety of ways. Although on this occasion *Legal Design Thinking* is used to develop a tool for regulatory compliance, the technique will allow them to develop collaborative and creative work skills that go beyond this.

The profile of law graduates is thus complemented by preparing them to work in multidisciplinary teams, thereby adapting to the new forms of legal service provision in the 4.0 society. We were able to validate the suitability of this type of work for developing other skills required in the legal field, such as active learning, critical thinking, and problem-solving skills, by carrying out the activity with the students. Furthermore, active work on empathy has enabled them to analyze and comprehend why a regulation is created and whether or not it achieves the goals it is intended to achieve.

For future reference, it would be more appropriate to spread the work over several days rather than to 'sprint'. In this way, the individual phases could be better established and even matured between days. In the last hour and a half of the activity, students got distracter after a long working day, even if they were active and worked in groups, which could be improved break up the activity into different sessions as mentioned above.

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PART III: PRACTICAL APPLICATIONS FROM LEGAL SCIENCES - PRIVATE AND PUBLIC LAW

6

Person-Centred *Legal Design*: A Technique for Making the Exercise of Testamentary Capacity an Accessible Right for Persons with Disabilities

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Abstract
Law 8/2021 of 2 June, which amends civil and procedural legislation to support individuals with disabilities in exercising their legal capacity, aligns our laws with the principles outlined in the 2006 International Convention on the Rights of Persons with Disabilities. These rules acknowledge the equal treatment that individuals with disabilities are entitled to in the exercise of their rights, including their right to create a will and not to die intestate. The difficulty of this legislative challenge lies in making the rules more comprehensible to persons with intellectual disabilities so that they can exercise this right with the due guarantees.

The aim is to apply *Legal Design Thinking* techniques for Law Degree students to devise formulas so that people with disabilities can learn about the rules, making them more accessible and so that they can make their testamentary will with the guarantee that their testament will not be challenged in the future. This work is developed in the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visualization. Towards an Understandable EU Law (620987-EPP-1-2020-1-ES-EPPJMO-PROJECT)".

6.1. Introduction and theoretical framework

The International Convention on the Rights of Persons with Disabilities, signed in New York on 13 December 2006 and ratified by Spain in 2007, has the objective, as stated in Article 1, to

"promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity." Furthermore, Article 12 emphasizes the equal treatment that individuals with disabilities should receive, both in the recognition of their legal capacity and in the exercise of their rights.

Spanish legislation aligns with the Convention through Law 8/21 of 2 June, which amends civil and procedural legislation to support individuals with disabilities in their legal capacity (hereinafter, Law 8/21). This law modifies specific provisions of the Civil Code related to the exercise of legal capacity, previously referred to as capacity to act, and also abolishes the legal concept of incapacitation.

The underlying purpose of Law 8/21, in line with the principles of the New York Convention, represents a shift in paradigm. It no longer regards disability as a negative limitation on a person's capacity to act. Instead, it adopts a new perspective, recognizing the full capacity of individuals and providing them with a support system to exercise their rights, including the right to create a will and avoid intestacy (DE VERDA & BEAMONTE, 2021).

Before the reform, Article 663 of the Civil Code in its second paragraph stated that those who were habitually or accidentally not of sound mind were incapacitated to make a will; this gave rise to the following situations regarding the possibility of making a will:

- In cases involving individuals with habitual incapacity, if a person was declared incapacitated, the incapacitation ruling could lead to a loss of their capacity to create a will. To address this situation and ensure they did not die intestate, the Civil Code formerly allowed for a mechanism known as exemplary substitution, as defined in Article 776 of the Civil Code. However, this provision was repealed after the enactment of Law 8/21. Under this mechanism, ascendants were permitted to designate a substitute for descendants over 14 years of age who had been declared incapacitated. The possibility for persons incapacitated by mental derangement to make a will in the lucid interval remained unaffected.
- In the case of incapacitated individuals for whom the incapacitation ruling confirms their capacity to create a will, they

are allowed to do so. However, this can only happen if a notary, who is supported by a court ruling authorizing the person to create a will, ensures the appropriate assessment of their capacity. This assessment must always be conducted by the notary. In these cases, the notary had the safeguard of article 665, i.e. the possibility of appointing two experts to examine the testator beforehand, so that the notary could not authorize the will until the experts were able to vouch for the testator's capacity at the time of executing the will.

- Persons with habitual incapacity, but not legally incapacitated, who could make a will provided they were over 14 years of age and the notary was satisfied that they were of sound mind at the time of making the will.

Since a will is a legally challengeable transaction, the situations that provided the highest legal certainty were those involving an incapacity ruling. In these cases, either the notary had medical practitioners' support to assess the capacity for creating a will, or it was supported by the findings outlined in the incapacity ruling.

After the reform, incapacitation has been abolished and, according to the current Article 663, in its second paragraph, "The following will not be allowed to make a will: (...) 2nd. A person who at the time of making a testament is unable to conform or express his will, even with the help of means or aids", furthermore, exemplary substitution is abolished and the possibility of the notary appointing two experts to certify that the testator's capacity is duly established is removed from Article 665. On the other hand, this article places special emphasis on the possibility of the existence of means of assistance or support for the testator to be able to establish his will. The International Convention on the Rights of Persons with Disabilities moves from a model of substitution to a model of support in decision-making, in this new perspective it is a question of analyzing the situation of the person and establishing the necessary support measures so that they can exercise their capacity, avoiding the substitution of their will (CUENCA GÓMEZ, 2014).

Despite the advantages of this new paradigm, it raises a dual issue. On one hand, there is the possibility of the notary inaccurately assessing the testator's mental capacity for creating a will,

which can jeopardize the validity of the will and the legal security of both the testator and the heirs. On the other hand, it raises questions about the extent to which individuals providing support measures (such as a curator or de facto guardian, primarily) may influence the will of a testator with diminished mental capacity.

As the will is a very personal act, it cannot be made with a capacity complement (BARRÓN, 2020) but it can be made with support measures, not only technical (for instance, of the use of the Braille system for a blind person or translation by sign language for a deaf-mute person) but also personal, for persons with intellectual disabilities who find it difficult to form their will due to a lack of understanding, therefore, in the formation of the will of the testator, a person with a disability, the assistance, guidance and help of a third party may play a role, but not to replace him in his will, but so that the person forms his will, expresses himself and communicates his wishes (PÉREZ GALLARDO, 2020); it is a matter of helping the person to make their decisions, not of substituting them (CUENCA GÓMEZ, 2014). Therefore, it is necessary to have a system that facilitates the testator with intellectual disabilities to know the scope of the testamentary rules, the testamentary dispositions that he indicates in his will, as well as the consequences of the same. At this point, it must be borne in mind that the safeguarding of the proper functioning of the support measures does not only fall to judges and public prosecutors, but also to other operators (CUENCA GÓMEZ, 2014) and specifically, in testamentary matters, to the notary.

As mentioned earlier, it is essential to establish a system that ensures the testator's will is not influenced by third parties who assist in the formation of their testamentary will. In this regard, it is important to note the new Article 753, which establishes a set of restrictions on the testator with a disability. Under these provisions, the testator is prohibited from making a will in favor of their legal guardian, curator, or, in the case of institutionalized individuals, the owners, administrators, or employees of the facility where they are residing. Additionally, they are not permitted to make dispositions in favour of other individuals who provide assistance or care services, unless this is done through an open notarial will. However, it is possible to testate in favour of a guardian, curator or carer who has the right to suc-

ceed *ab intestato* to the person with disabilities, the latter rule being the one that may cause the most problems in order to guarantee the absence of any influence in the testator's will.

Article 2 of the convention states that "Communication includes languages, display of text, Braille, tactile communication, large print, accessible multimedia, as well as written language, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology".

Accessibility" is understood not only from the point of view of mobility, but also from the point of view of communication and understanding (HERNÁNDEZ, DE LA FUENTE, & CAMPO, 2014).

Applying these principles to the topic at hand, which concerns the formation and expression of a testamentary will, we emphasize the potential provided by Article 2. This article allows for the use of text visualization and simplified language, with the appropriate support and the utilization of these or other tools. The goal is to make inheritance law accessible to individuals with disabilities, ensuring that the testator, who has a disability, can comprehend the nature of the act they are undertaking and the roles of each party involved in forming their testamentary will (i.e., the support person and the notary). This approach aims to enable the testator to create and express their will with the necessary safeguards to minimize potential challenges to the will due to capacity issues or misinterpretation of the testator's intentions.

This accessibility of the law to persons with disabilities can be achieved through the methodology of *Legal Design Thinking*.

6.2. Methodology

Legal Design Thinking is the terminology used to apply the *Design Thinking* technique to the legal sector (FAUQUEUR, 2019), as the author points out, it is a methodology that improves the comprehensibility of contracts and other legal texts by simplifying the language and improving the structure of the text.

This methodology emerged in 2013 at Stanford Law School and the Stanford Institute of Design (RAFFIN, BRULÉ, & DES-

MARES, 2022), which consists of applying design techniques to law, putting the person at the centre –"human-centred design"– to create legal systems and services centred on people (HAGAN, s.f.).

This methodology combines knowledge and comprehension of the context in which a problem arises, creativity in proposing solutions, and rationality in assessing these solutions within the constraints of reality (HERNÁNDEZ, DE LA FUENTE, & CAMPO, 2014). The objective is to utilize this methodology to create documents that are more comprehensible not only for the general population but also, in this instance, for individuals with disabilities.

The key to drafting valid legal transactions is the so-called "proactive and preventive law", which aims to prevent conflict and to provide the necessary means for the message of the legal transaction to be understood by the persons involved (HAAPIO & PASSERA, 2017). To this end, various techniques can be used when drafting legal documents such as colour schemes, highlights, icons, timelines, cycles, diagrams and tables, among others, which can also be used as a means of interpreting the legal business in question (VEGA SAINZ, 2020).

Although this methodology does not impose clear rules, but rather certain principles and recommendations to make the law more comprehensible (RAFFIN, BRULÉ, & DESMARES, 2022), traditionally and following HAGAN, the following phases are followed in its development:

- Discovering: Detecting the user's problem. n this phase, Law Bachelor's Degree students will be introduced to the challenges faced by individuals with intellectual disabilities when creating their testamentary wills, as well as the difficulties encountered by caregivers and support providers in assisting them. Additionally, they will explore the complexities faced by notaries in assessing the testamentary capacity of individuals with disabilities, particularly in cases where there is no official incapacitation ruling to reference. Students will be presented with the challenge posed by the question: how can we make inheritance law more accessible and comprehensible for people with disabilities so that they can exercise their right to testamentary capacity? Implicit in this question is the need for students to understand inheritance law in order to be able

to devise resources to make this law more accessible to its users, people with disabilities.
- Define: In this phase students will have to empathize with the user, the person with a disability, and consider all the information they have gathered about him in order to better understand his situation.
- Prototyping: In this phase, students will come up, in teams, with ideas to design mechanisms to solve the question posed, using brainstorming techniques until they reach a consensus on a main idea that can help solve the problem posed.
- Testing: This phase consists of testing the prototype created in the previous phase, obtaining feedback from people involved in the situation and redefining the prototype and the initial idea; it can also be used to discard ideas that do not solve the problem.

Throughout this process, it is important that students understand the problem, work on its theoretical content, in a team and are able to empathize with the subject for whom a solution to the problem is being sought.

6.3. Results and Discussion

The use of the *Legal Design Thinking* methodology will allow the student to work on competences such as:

- Improve their ability to work in a team, as this methodology necessarily involves working collaboratively.
- Improve their leadership skills by taking the initiative in the resolution of a real social and legal conflict.
- Improve their knowledge of inheritance law, since in order to make proposals for a solution to the problem they must have studied it beforehand and have a thorough knowledge of the issue.
- Integrate new methodologies of conflict resolution that they will be able to implement in their professional future.
- Work on social values such as empathy and concern for people with disabilities.
- Putting their creativity into practice by having to devise a solution to the conflict.

The evaluation of results will take into account the teamwork carried out and the seriousness and legal rigor of the proposed outcome.

The dynamic was developed in the following way: fifteen students of the Inheritance Law subject were put together and given the above-mentioned challenge: how to make Inheritance Law more accessible and understandable for people with intellectual disabilities so that they can exercise their right to testamentary rights?

The students were divided into three groups of five people each and, with the facilitation of an expert in *Legal Design Thinking*; they developed each of the phases described above until each group reached a different conclusion.

Before the session started, the students were advised and instructed not to judge, as there are no wrong answers. They were encouraged to trust the process, focus on one conversation at a time, ignore distractions, be open, honest, and innovative, and most importantly, to enjoy the process.

In order to empathize with the user, a person with intellectual disabilities, they were asked to elaborate a survey to obtain quantitative information, to elaborate a questionnaire as an interview with open questions addressed to this group and to collect objective data about people with intellectual disabilities.

In order to define and understand the user, in the next phase, they had to imagine situations of their personal and working life concerning their personality, aspirations, restrictions, habits, hobbies and emotional assessment. They also made an empathy map by imagining how this person feels, what he/she sees, hears, says and does.

As a result of this process, they were asked to reformulate the initial question posed to them in the challenge in order to specify their role as a *Legal Design Thinking* team. The students came up with these results:

- Group 1: How could our LDT team help "Mike", a young man with an intellectual disability, to resolve the conflicts of interest over the assets that exist in his family because he wants them to go to certain people?
- Group 2: How our LDT team could help Manolo, with intellectual difficulties and moderate-degree Down syndrome, to

solve his doubts about wills because he does not want to make mistakes that can be claimed in the future and he does not want anyone to take advantage of his good intentions?
- Group 3: How can our team help Manuel, who has an intellectual disability, create a will independently? We need to consider the methods we propose to ensure that he can take charge of distributing his estate, prevent any unauthorized alterations to his will, and fully understand the process he is undertaking.

Once the challenge was defined, we began the ideation phase in which different brainstorming techniques were used: inverted, inverted-reverted, expensive ideas to solve the challenge, cost-effective ideas to solve the challenge, among others.

Finally, ideas were voted on and each group prototyped the idea that received the most votes.

The results reached by each of the groups were as follows:

- Group 1 "LEGO PIECES": For a person with intellectual disabilities to understand what an inheritance is, how it works, what parts it consists of, what is the legitimate part, and many other issues related to inheritance law, it can be very useful to be explained by means of Lego figures, with an infinite number of possibilities. For example, by putting bricks together to explain the thirds, representing your assets, building people so that they understand who would succeed them, etc. In this way, the person with an intellectual disability could be able to understand and comprehend what they are doing and the notary would value them so that they will is not contestable. Thus, it would be possible for people with intellectual disabilities to make valid wills, like everyone else, simply by providing lawyers with Lego figures. With this simple and inexpensive measure, a further step would be taken towards equality for people with disabilities, who have the right to understand a will, like everyone else, simply by adapting the lawyer's explanation to their needs.
- Group 2 "TRAINING WORKSHOPS FOR NOTARIES": this team proposes to provide training for notaries who, in the end, have to ensure that persons with disabilities understand inheritance law. These workshops would be funded by the

Notarial Association and would be given by practitioners, educators and other groups helping people with disabilities to train notaries and provide them with skills to better understand, relate to and connect with people with disabilities. This will help them to better assess the testator's capacity and ensure that the will is not contested.

- Group 3 "INFORMATIVE VIDEOS": What this team proposes is the elaboration of explanatory videos of the whole process of making a will for persons with disabilities, with understandable language, very visual slideshows, infographics and other resources. These videos would be distributed among organisations supporting persons with disabilities so that they could be disseminated among them and thus make inheritance law more accessible to persons with disabilities.

6.4. Conclusions

This project allows Law Degree students to acquire legal knowledge in an agile and simple way using creativity, self-motivation and teamwork. Being a good lawyer is not incompatible with innovation and creativity. At the end of the process, students will be able to better interpret the rules related to the issue and also to explain them clearly after the necessary analysis prior to the process of *Design Thinking*. In addition, the work involves a commitment to training in values by trying to solve problems of vulnerable people who have the right to equal treatment.

However, it should be noted that the session was conducted jointly and simultaneously by three law degree lecturers and involved second and third-year students, which meant that, while only fifteen students worked on the inheritance law project, they were working synchronously with seventy-five other students. This occasionally hindered the dynamics of the process. We can conclude from this experience that working with small working groups is beneficial in this sort of process since it facilitates concentration and only one single conversation is carried out at a time not paying attention to other concerns throughout the process.

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7

Principles of Human-Centered Design in Law Studies: Legal Design and Legal Visualization Techniques to Facilitate the Understanding of Mortgage and Real Estate Purchase and Sale Clauses

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Abstract
While dealing with any legal matter often causes discomfort among citizens, the situation becomes even more challenging when it involves emotional aspects. Examples include inheritance matters, buying or selling a primary residence, or applying for a long-term mortgage loan, which typically entails a significant financial commitment and sacrifices a substantial portion of one's income. So far, citizens have had to face these issues without really understanding the obligations they are taking on. In view of this situation, which has even led the courts to highlight the injustice to which borrowers have often been subjected, it is necessary to seek strategies that enable citizens to easily understand these vital issues. This involves training future jurists in techniques such as *Legal Design Thinking* or *Visual Thinking* so that they are able to transmit to the client (buyer, borrower, heir, testator, etc.) what the legal acts they propose to develop imply. This work is carried out within the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visualization. Towards an Understandable EU Law (620987-EPP-1-2020-1-ES-EPPJMO-PROJECT)".

7.1. Introduction and Theoretical Framework

The legal world in general is on its way to becoming a much more comprehensible universe for citizens than it has ever been,

thanks to the efforts of lawyers (and non-lawyers) who seek to improve the user experience in their inevitable lifelong contact with the law.

It can no longer be denied that citizens' experience of different areas of justice is fundamental. But still very few services have developed and executed a strategic process that focuses solely on improving the overall customer experience and driving greater engagement. *Design Thinking* can be the key to creating excellent user experiences and moving towards a law that can be understood.

This being the case, there is one area of law in which citizens have been particularly "helpless", due to the difficulty of understanding the clauses that they have practically signed blindly, which is that of mortgage loans.

In general, property matters (loans, inheritances...), generate concern and anxiety in the citizens affected, because they are faced with an intricate set of texts whose terminology is difficult to understand. In addition, if there is one area where this feeling of insecurity and anxiety is multiplied, because of what it entails as a general rule of vital meaning for the person, it is when applying for a mortgage loan to be able to purchase a first property.

Applying for a mortgage loan can be one of the most important decisions a person or family makes in their lifetime, both because of the economic consequences it implies for the following years, and because -usually- this money is going to be invested in the family's habitual residence and, therefore, in a basic necessity.

The clauses in bank mortgage loans are so complex that even seasoned jurists may find them difficult to understand.

The examples of the floor and ceiling clauses, the update with the IRPH, etc., show that the courts have ended up giving right to the citizen who has been defenceless in the face of claims for matters that, indeed, they had signed, without knowing what he was exposed to.

It is true that article 1288 of the Civil Code, by establishing that the interpretation of "obscure clauses" should not favour the party who "would have caused the obscurity", generates problems of legal validity of contracts lacking transparency and clarity. Nevertheless, it is still insufficient for a world in which online contracting requires the client/user to know exactly what

he/she is contracting. Therefore, clarity goes from being a legal requirement to a business differentiation requirement (WALLER et al., 2017).

In addition to the above, there is the rise of online contracting, in which consumer confidence plays a decisive role. Therefore, those firms that manage to provide full certainty about what products or services are being purchased and, exactly, in exchange for what, will provide an added value that will position and differentiate them from competitors that do not do so.

This issue, which is now being raised in Spain, has been under study in the United States for many years. An article published in 2011 entitled "How Design Thinking Can Help Prevent Another Mortgage Bubble" (CONTINUUM, 2011) is particularly striking and clarifying.

In Spain, initiatives to clarify the language and contracting models are being introduced in the banking and insurance sectors, although the public sector is also starting to take this into account (DEL ROSAL, 2019).

At first, *Legal Design Thinking* can make us think about explaining the different steps of each contract in a legal language that is accessible to the citizen, a terminology that fits with the cultural and social level of the consumer. This would also entail a clear vocabulary, with simple information specifically aimed at that user (eliminating all terminology that affects the bank). This should be coupled with an attractive visual presentation to further enhance comprehension (POWERS, 2015).

However, in reality, *Design Thinking* goes far beyond this "make-up" of graphic simplification.

As demonstrated by scholars who have addressed this topic (HAGAN, 2020), this innovative methodology, to truly provide value, necessitates empathizing with the user. It involves understanding their motivations, feelings, concerns, and their unique financial circumstances. This understanding is crucial in helping them comprehend the significance of signing a mortgage loan, as it will shape their economic resources in the years to come.

As the article summarizes so well, people often start looking for a house instead of budgeting; they fall in love with a house and then talk to the bank; they compare loans, they budget. Sometimes they realize that they cannot afford their chosen house and start looking for a house again with a better idea of

what they can afford. And in all this process, a web of emotions, of anticipation of family obligations, of attitudes and values, both explicit and unconscious, are produced, which the bank manager rarely, if ever, deals with (because he/she has neither the training nor the obligation to do so). However, it is clear that, in a decision of this nature, it is not only a functional problem that has to be solved, but also an emotional problem, of anxiety in most cases, which has little to do with rationality.

In this way, what begins as a story of graphically capturing a legal process is transformed into a connection with the history of the future homebuyer, to help them make the decision that really suits them, given their family and economic ecosystem.

As can be seen, lawyers are far from considering all these variables when drafting a loan or mortgage contract.

As noted by the International Association for Contract & Commercial Management (now World Commerce & Contracts) in 2015, contracts are not drafted and do not function as their users would prefer. Most professionals working with commercial contracts say that they are difficult to understand and use" (IACCM, 2015).

Contracts are most often drafted with legal technicalities, seeking clarity, as is logical, but more with the intention of avoiding conflicts and minimizing risks and possible controversies, rather than taking into account the real needs and objectives of the parties,

This can generate, as VEGA SAINZ (2020) points out, that "the relationship between the parties suffers *ab initio* in the negotiation process and the opportunity to structure a collaborative relationship that truly generates value is lost".

The framework established by this author encourages us to consider certain assumptions that can help change the current situation:

- Contracts should be seen as serving the actual parties involved, not just lawyers and judges.
- The primary context for contracts is the commercial and business environment, not just the legal system.
- The true purpose of entering into a contract is for the parties to achieve their commercial goals and foster a genuine partnership between them.

- Consequently, contracts should be negotiated, designed, and drafted with these principles in mind, taking into consideration the actual users, their operating context, and the objectives to be achieved (VEGA SAINZ, 2020).

Is it possible to change this tradition-based model and start designing contracts in which the user, their needs and even their emotions are at the centre of the process? If so, we must not forget that a large number of legal professionals will resist because they will have to step out of their comfort zone, which will involve learning new tools, increasing - at least initially - complexity and their workload. In addition, it will even be common for people to downplay the value and importance of this change of paradigm by taking refuge in the usual "we do it this way because it has always been done this way and it has worked".

Nevertheless, as SUSSKIND (2013), lawyers, in order to meet the needs of clients, will need to dispense with much of their present cottage industry, reinventing the way legal services are delivered.

However, the fact is that all of this, far from being mere theory, is beginning to take shape in legal systems.

In January 2022, the Terms-of-Service Labelling, Design, and Readability (TLDR) Act was introduced in the United States. It was proposed by a Democratic congresswoman from Massachusetts and received support from members of Congress from both parties. The Act's purpose is to simplify the legal texts found on websites and apps, requiring them to provide concise summaries of their terms and conditions. The lawmakers cited a 2012 study by researchers at Carnegie Mellon University that found it would take the average American 76 business days to read the agreements of the tech companies they use (MIHALCIK, 2022).

Expanding this concept to our legal system and the numerous banking contracts filled with clauses that are unintelligible to most citizens, it's evident that future legal professionals must possess the skills to translate, summarize, and simplify these terms. This is essential to promote increased transparency in contractual agreements.

7.2. Methodology

The main focus is to apply *Legal Design and Legal Visualization* techniques in the courses on Civil Property Law of the Bachelor's Degree in Law. In this particular case, it was used in the Property Rights subject, in the third year of the Degree. First, we considered the phases in which *Design Thinking* is structured (SZABO, 2010):

- Empathizing: understanding and observing
- Defining
- Devising
- Prototyping/testing

These phases make it possible to clearly differentiate the search for the problem from the search for the solution. In this way, this process allows not only to innovate in the proposed solutions but also in the development of the process itself, generating synergies and learning in the configuration of the working team, integrating actors from different backgrounds. For the development in the classrooms, the following was necessary: To provide students with basic training in *Legal Design* methodology. The aim was for students to acquire skills in the new methodologies being applied in the legal sector, to identify and develop alternative solutions and proposals, which are more attractive and focused on the needs of their clients. The methodology was organized through different sessions that went through the above-mentioned phases (HAGAN, 2020):

- Empathise. In the first session, once the students had familiarized themselves with the concept of *Design Thinking*, the students, divided into teams, and they had to define whom and how the user of this condominium building case was, and how the lawyer should be in order to find new solutions. Subsequently, they had to characterize the problem and create empathy maps. The objectives were the following ones:
  - Being aware of the roles in the processes
  - Being aware of the power of their behaviour on the way they do things and the effectiveness of processes.
  - Looking at the context, the sequences, the whole, and the parts that make up the whole.

  - Gaining perspective, seeing what others see.
  - Empathizing with the user.
  - Synchronizing the different teams.
- Define. The following session sought, by looking at all perspectives:
  - Defining the real problem to be addressed (a series of problems raised by a neighbour in a condominium building).
  - Becoming aware of the dimensions and complexity of the problem.
  - Generating different points of view.
  - Recognizing the value of defining the problem through insights.
  - Refining the objectives and management of the process.
  - Coming to agreements.
- All of this so that they would assume that the way in which they defined the problem would not only dictate the process but also guide the final result and hence their key importance for the process. Once the problem was defined, they were able to narrow it down to a specific user (the one referred to in the case that was raised).
- Ideate. The ideation phase involved:
  - Generating ideas, different thoughts that change or improve the problem raised (even if at first sight it seemed impossible to create or manifest them).
  - Understanding and providing solutions to the real needs of the user or group of users.
  - Proposing multiple alternatives to choose from, as possible solutions, which implied stimulating creativity, teamwork and co-creation, losing the fear of making mistakes and seeing errors as opportunities.
- Testing. The students prepared two deliverables: one with the conclusions and proposals for solving the problems raised in an understandable language for the hypothetical client and another, with the legal foundation.

7.3. Results and Discussion

The use of *Legal Design Thinking* techniques facilitates the understanding and access to civil property and mortgage legislation

through the design of communication and visualization techniques. The results obtained were:

- A greater involvement of students in the subject to which the LDT is applied, as it is more connected to their preferences (more visual and creative than theoretical).
- Higher motivation given the realization that law can be approached from a completely different perspective from the traditional ones.
- An improvement in their attention and, therefore, in their academic results.
- Increased student motivation and interest in the three subjects involved.
- Increased student participation in the lecture classes
- The ability to design solutions to current complex problems.
- Students discover new professional opportunities.

7.4. Conclusions

The aim of this project was for Law students to learn about the new methodologies applied in the legal sector, in order to identify and develop alternative solutions and proposals that are more attractive and focused on the needs of their clients.

This will allow them to learn about these methodologies (*Legal Design Thinking* and *Visual Thinking*) in case the law firm or field of law in which they work applies them. Alternatively, they can innovate by introducing these methodologies in their workplaces, adding value to their legal expertise.

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8

Legal Design Thinking and *Legal Visualisation* in the Framework of Fundamental Rights: the Right of Parents to Choose their Children's Education and the Obligation of the State

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Abstract
This article delves into the legal aspects of the right of parents to choose their children's education, framed within fundamental rights. It incorporates *Legal Design Thinking* to develop infographics, enhancing public understanding of this constitutional right. The piece thoroughly examines the interplay between state neutrality and individual liberties. It underscores the significance of public comprehension in navigating the complexities of legal issues related to educational choices and ideological freedom, highlighting the vital role of accessible legal communication.

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8.1. Factual Situation and Starting Point

The mother of a pupil of a public nursery school in the municipality of Vall-Llobrega reported to the High State Inspectorate -belonging to the Ministry of Education and the Government Delegation -which the teacher explained to the children, according to her daughter's account, that "Spain steals from Catalonia and that is very bad". In addition, she fabricated paper ballot boxes in class and taught all the children to how to vote "yes". The children were eight and nine years of age. Another mother of a three-year-old girl in kindergarten reported that the children at the Escola Jacint Verdaguer, in Tàrrega (Lleida) were asked to wear a T-shirt with the Catalonia flag at the end-of-year party. Similarly, the parent of a 16-year-old minor reported that a teacher at the Can Vilumara Secondary School in Hospitalet de Llobregat (Barcelona) began to talk about independence, stating that "people who speak Spanish are rude and low-class". She highlighted in her statements that her daughter was receiving vocational training to care for dependent individuals, not for discussing politics. At the Reina Violant School in Barcelona, a mother joined a group of parents to report "indoctrination in Catalan schools". She attached the minutes of a Parents and Teachers Association meeting, where she had marked in yellow the section mentioning, "children punished for speaking Spanish in the classroom".[1]

The debate on the use of religious or ideological symbology in public spaces is not exactly new but continues to generate undeniable legal controversy. We aim to concentrate on this aspect because of its increased significance in recent times, stemming from the presence of both static and dynamic partisan political symbols in public schools. The particular political situation in Catalonia and the ongoing and serious social and legal conflicts that the situation is generating, has undoubtedly reopened this debate in a rather convulsive way, generating numerous complaints of indoctrination in Catalan public schools.

This paper seeks to address the situation by considering various rights and principals involved. These include, in my view, the state's neutrality, the right to education, and the student's

1. https://www.elmundo.es/espana/2017/10/27/59f2f923ca474159308b457b.html

freedom of conviction. In the case of minors, this directly impacts the parents' right to religious and moral education of their children in line with their own convictions.

In addition, it aims to respond to the situation in a form and manner that is comprehensible to the citizen, so that the holders of the right to education, especially parents, at our educational level, know exactly the prerogatives granted by the right, as well as the limitations of the public administration with respect to it. Otherwise, the State would violate the fundamental rights of citizens.

8.2. *Legal Design Thinking*, *Legal Visualisation* and the Right of Parents to Choose the Moral and Religious Education of their Children

*Design Think*ing is part of *Human Centered Design*, which focuses on placing the person/user at the core of the process. This approach is grounded in the belief that products, services, organizations, and systems should be developed with the users' needs, behaviors, and preferences in mind. This ensures that they are genuinely useful, usable, and engaging for their users (HAGAN, 2020).

Design Thinking is, therefore, an approach, a concrete strategy that allows us to systematically address problem solving within a frame of reference. A user-centred innovation methodology that serves to rethink processes, strategies, products and services.

As for the term *Legal Design*, it was initially coined in 2013 by the Legal Design Lab at Stanford University (HAGAn, 2017) According to the author, human centred design was a dominant innovation methodology in the field of the service industry, from medicine to insurance and finance, later landing in the legal system (HAGAN, 2020). In addition, it can be defined as a movement that aims to improve the legal system for citizens, developing from visual and human-centred design (HAGAN, 2020).

Initially, it focuses on the application of design thinking to the world of law, with the purpose of making legal services easy, intuitive and satisfying; a process that aims to make legal com-

munication simpler, friendlier and more effective, positively transforming the meaning and value of laws and legal documents. (BERGER *et al.*, 2017).

Legal design thinking can be seen, in short, as a process of innovation, the purpose of which is the discovery of needs and the creation of products or services, in this case legal ones, that fulfil them (BERGER et al., 2017).

At this point, our proposal focuses on the application of *Legal Design Thinking* techniques and Legal Visualisation techniques -usually used to materialise the results achieved through the design process-, within the framework of fundamental rights, and more specifically the right to education.

Indeed, based on the facts that we pointed out at the beginning of this work; questions have been asked from different sectors such as: Do parents have a priority right to choose their children's education? What does our Constitution say in this regard? What scope does it have and what powers are parents granted? Therefore, following the *Design Thinking* methodology, which typically involves five phases: empathize, define, ideate, prototype, and test (FRIIS, 2023), a decision was made to design an artifact. This artifact aims to be useful and usable for citizens potentially affected by events like those mentioned earlier. It facilitates an approach and a better understanding of their fundamental right to choose their children's education, as guaranteed by the Spanish Constitution.

The first step in the process is necessarily centred on the search for and understanding of the problem posed by the service user; on capturing the scenario in which we are going to act, from the perspective of the subject. To complete this task, we had to identify their needs, which required observing them in their natural environment, interacting with them and becoming involved in their lives (BERGER *et al.*, 2017). In this sense, one of the main tools was an interview, accompanied by observation of the specific situation in which the people involved found themselves (HAGAN, 2017).

Subsequently, we focused on reducing the information to clear and specific extremes that could be prioritised, dismissing any material that was not useful for the rest of the design. At this point, we started arranging the information obtained and, above all, developing our own hypotheses about the type of solution that might work (HAGAN, 2017).

We thus arrive at the search for and design of the solution. At this point, and more specifically in the creation of prototypes, language is something that cannot be disregarded, especially in the legal framework, but it is mandatory in the progress of *Legal Design* to use simple words to improve communication and the satisfaction of users' needs. In this way, an appropriate design that combines language with graphics, diagrams, timelines, etc., can facilitate access, understanding and implementation of legal texts (MURRAY, 2015). The digital revolution has sparked a growing and rapid interest in using images, photographs, icons, diagrams, or videos to enhance or even replace written language. While Law is still predominantly focused on words, the effectiveness of images for clarification and persuasion indicates that legal visualization will play a more prominent role in legal research and practice in the coming years (BERGER *et al.*, 2017).

In summary, the benefit of including icons, symbols, or images in legal documents, combined with simple language using brief sentences or even a single word, is undeniable. This approach helps bridge the gap between the legal norm and the user, enhancing comprehension of content that might not be easily understood by non-experts in Law. Ultimately, these tools aid in properly understanding normative provisions, addressing the user's needs, which are at the heart of *Legal Design Thinking* (TAFUR and MARTINS, 2022). This led, after the whole process, to develop a series of infographics that would provide a response to the problem posed.

8.3. Visualizing the Law: Innovative Infographics in *Legal Design* and *Legal Visualization* to Explain Parents' Right of Educational Choice

To provide a clearer explanation of the legal issues related to parents' right to choose their children's education, a series of infographics have been developed using *Legal Design* and *Legal Visualization* techniques. These infographics are designed with the aim of simplifying and making the understanding of complex legal concepts more accessible to the general public.

The design process of these infographics was based on a methodology that combines visual design principles with effective legal communication strategies. Initially, thorough research was conducted to identify the most relevant legal aspects of the topic. Subsequently, the data were selected and structured in a way that they could be visually represented in a clear and concise manner.

In designing the infographics, graphic elements such as icons, diagrams, and color schemes were used to highlight different aspects of the legislation and the rights involved. Simple and direct language was used to ensure that the texts were easily understandable. Additionally, special attention was given to creating a coherent visual narrative that would guide the viewer through the information logically and sequentially.

Development Process of the Infographics:

1. Detailed Research: The process began with thorough research of legal texts, jurisprudence, and doctrine related to the right to educational choice, ensuring a solid and updated foundation.
2. Identification of Key Elements: Key legal concepts and principles, such as state neutrality, freedom of teaching, and parents' rights, were identified to be highlighted in the infographics.
3. Structuring of Information: The information was organized logically and sequentially, ensuring that the infographics guided the viewer through a coherent visual narrative.
4. Visual Design: Employing Legal Design principles, visual designs that combine text, color, and iconography were created to present the information clearly and attractively. Legal Visualization was used to transform abstract data and concepts into understandable visual representations.
5. Review and Improvement: The infographics were reviewed by legal experts and designers to ensure their legal accuracy and visual effectiveness. Iterations based on feedback were carried out to continuously improve their quality.

8.4. Examples of Designed and Prototyped Infographics

Figure 8.1.

LA FUNCIÓN DEL ESTADO
Intervención obligada
para la consecución de un derecho a una
educación que responda al propio fin
NO
SÓLO
TRANSMISIÓN
CONOCIMIENTO
DEBE
DIRIGIRSE
Libre desarrollo de la personalidad
Formar ciudadanos respetuosos
Principios democráticos convivencia
Derechos fundamentales
ARTÍCULO 27.2
CONSTITUCIÓN
objeto de la educación
LA INTERVENCIÓN
DEL ESTADO ES
OBLIGADA
PERO LIMITADA
NO pudiendo
vulnerar espacio
privado educandos

Figure 8.2.

DERECHO DE LOS EDUCANDOS
Derecho a una formación integral según la propia conciencia
MENORES DE EDAD
TITULARES
PADRES
ARTÍCULO 27.3 CONSTITUCIÓN
Derecho de los padres a la formación religiosa y moral de los hijos
fuera y DENTRO DE LA ESCUELA
SCHOOL
DERECHO FRENTE AL ESTADO
obligación
NEUTRALIDAD
PROHIBICIÓN ADOCTRINAMIENTO

Figire 8.3.

¿Y qué significa?
Los centros docentes públicos y su profesorado tienen PROHIBIDO el adoctrinamiento moral en las aulas
La persona no tiene que ser neutral DE HECHO NO LO ES
LOS PADRES Y LOS ALUMNOS tienen sus propias convicciones ideológicas, religiosas y morales
NEUTRALIDAD DEL ESTADO
La función del Estado se limita exclusivamente a la transmisión de los principios y valores constitucionales
PROHIBIDO
Introducir en el marco educativo cualquier práctica que IGNORE o CONTRARÍE los principios y valores constitucionales
PROHIBIDO
Introducir OBLIGATORIAMENTE la enseñanza de una determinada ÉTICA PÚBLICA COMÚN que deriva de una DETERMINADA INTERPRETACIÓN de derechos y que va más allá de los principios universalmente aceptados

Figure 8.4.

8.5. Conclusions

The use of infographics in the context of *Legal Design* and *Legal Visualization* represents a significant advancement in legal communication. These tools not only increase accessibility and understanding of the law for those without legal training but also facilitate informed decision-making. By intuitively visualizing legal rights and responsibilities, they promote greater public participation and understanding in vital legal matters.

This approach is particularly valuable in contexts where fundamental rights, such as the right to educational choice, are at stake. It allows parents, educators, and policymakers to better understand the implications of their choices and the regulations governing them. Ultimately, these infographics serve as a bridge between the legal world and the public, democratizing legal knowledge and promoting a more informed and empowered society.

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9

The Application of *Legal Design* for a Better Understanding of the Special Civil Proceedings of the Civil Procedure Law

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Abstract
The Civil Procedure Act provides for a series of special proceedings in addition to the ordinary declaratory proceedings –Ordinary and Verbal Proceedings–. The latter are used to try certain claims, depending on the subject matter they deal with. Each of them is designed for a specific matter and each has its own regulations, with specific characteristics and procedures. The citizen, a layperson, is often faced with complex regulations that are difficult to interpret. Hence, the relevant role of legal professionals in the citizen understands of legal texts. For this reason, it is important to train students in the use of techniques that allow them to explain, in a clear and visual way, the different possible ways of defense, as well as the advantages and disadvantages of each one of them.

Among the possible techniques for this purpose, Legal Design Thinking and Legal Visualization are worth mentioning. This paper is developed in the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visualization. Towards an Understandable EU Law (620987-EPP-1-2020-1-ES-EPPJMO-PROJECT).

9.1. Introduction and Theoretical Framework

Book VI of the Civil Procedure Act, "Special proceedings", regulates a series of declaration proceedings that have specific characteristics and are governed, some of them, by principles different from those provided for in ordinary civil proceedings. Such spe-

cialty derives from the subject matter being prosecuted, from the claims being exercised. The special proceedings regulated in the Civil Procedure Act are as follows: Proceedings on the adoption of judicial measures for the support of persons with disabilities, filiation, matrimonial and minors; proceedings for the division of assets; the exchange trial and the payment order proceedings.

We will focus, by way of example, on the process of adopting judicial measures to support people with disabilities.

Law 8/2021, of 2 June, which reforms civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity, "aims to take a decisive step in bringing our legal system into line with the International Convention on the Rights of Persons with Disabilities" (Preamble). The latter, in its Art. 2:

- It enshrines that persons with disabilities have legal capacity on an equal basis with others in all aspects of life.
- It obliges States Parties to take appropriate measures to provide persons with disabilities with access to the support they may require in exercising their legal capacity.

The purpose of the convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all people with disabilities, and to promote respect for their inherent dignity.

In the procedural sphere, the Preamble of the Law summarizes the meaning of the reform: "The regulatory adaptation to the Convention must also be extended to the procedural sphere, so that the traditional processes of modification of capacity are replaced by those aimed at providing support to persons with disabilities". The process's goal is no longer to declare someone incapable but rather to establish the necessary support measures for exercising their legal capacity.

Under the new regulation, two processes are foreseen for the adoption of these measures:

- A voluntary jurisdiction file. A new Chapter III bis is incorporated into Title II of the Law on Voluntary Jurisdiction (arts. 42bis a) - 42bis c)), relating to the file for the provision of judicial support measures for persons.

- The process regulated in the Civil Procedure Act, on the adoption of judicial measures of support for persons with disabilities (arts. 756-763), which replaces the previous process on capacity.

Law 8/2021 gives preference to the voluntary jurisdiction proceedings, and the process regulated in the Civil Procedure Law can only be used when there is opposition. The aim is to overcome the traditional idea of a confrontational or litigious process, in which the person with disabilities is considered as a plaintiff, to a process in which this person is the real protagonist, in an attempt to de-judicialize (UREÑA 2022). As the Supreme Court elaborated in Ruling 654/2020, dated 3 December 2020, the incapacity trial is not merely a conflict between two opposing parties, as is common in civil proceedings. Instead, it is a mechanism for the genuine and effective protection of individuals with disabilities. This approach emphasizes supporting these individuals in exercising their legal capacity, rather than simply declaring them incapable.

Therefore, an ambitious reform opts for the channel of voluntary jurisdiction in a preferential manner, considering the participation of the person him/herself to be essential, making it easier for him/her to express his/her preferences and actively intervene (Preamble to Law 8/2021).

The voluntary jurisdiction proceedings shall apply when, in accordance with the provisions of the Civil Code, the appointment of a guardian is appropriate as a judicial support measure.

The case may be initiated by the Public Prosecutor's Office, the individual concerned, their legally or de facto separated spouse, or a partner in a similar relationship, as well as by their descendants, ascendants, or siblings.

The person with a disability may act in his/her own defense and representation. If it is not foreseeable that he/she will be able to make such an appointment himself/herself, the application shall include a request for the appointment of a legal representative, who shall act through a lawyer and solicitor.

After the lawyer for the Administration of Justice admits the application for processing, they will summon the Public Prosecutor's Office, the person with disabilities, and if applicable, their non-separated spouse or similar partner, along with their descendants, ascendants, or siblings for a hearing.

During the hearing, the judicial authority will conduct an interview with the person with a disability. This interview will focus on informing the person about various support options available, either through their social or community environment or through voluntary support measures, based on their specific needs and situation.

Also, any admitted evidence that has been proposed will be examined. Moreover, individuals who have appeared and wish to be heard will be given the opportunity to speak.

If, following the information provided by the judicial authority, the person with a disability opts for an alternative support measure, the file shall be closed.

If the person with disabilities, the Public Prosecutor's Office, or any interested parties oppose the requested support measures, the case will be closed. However, the judicial authority may still provisionally adopt suitable support measures for the person with disabilities or their assets.

These measures may be maintained for a maximum period of thirty days, provided that the corresponding application for the adoption of support measures has not been filed beforehand in a contentious lawsuit.

The process regulated in the LEC proceeds in those cases in which, in accordance with the applicable civil legislation, the appointment of a guardian is pertinent and in the voluntary jurisdiction proceedings directed to that effect, opposition has been formulated, or when the proceedings have not been able to be resolved.

As Law 8/2021 establishes in its Preamble, from a procedural point of view, this process can only lead to a judicial decision that determines the acts for which the person with disabilities requires support, but in no case to the declaration of incapacitation or, much less, to the deprivation of rights, whether they are personal, patrimonial or political.

The process for judicially adopting support measures for a person with a disability can be initiated by the individual themselves, their spouse (if not legally or de facto separated), a partner in a similar relationship, or by their descendant, ascendant, or sibling. The Public Prosecutor's Office will initiate the process for adopting support measures for a person with a disability if the relevant individuals (like a spouse, descendant, ascendant,

or sibling) do not exist or have not filed the application. This action is taken unless it is determined that there are alternative means through which the individual can obtain the required support.

The measures taken by the judicial authority in the judgment shall be in accordance with the relevant provisions of the applicable rules of civil law.

The measures contained in the judgement issued shall be reviewed in accordance with the provisions of civil legislation, and the procedures laid down for this purpose in the Voluntary Jurisdiction Act shall be followed.

In adopting these measures, the autonomy of will of persons with disabilities, their wishes and preferences must be respected to the maximum extent possible.

In both processes, disability is taken into account in order to guarantee their participation in the process on an equal footing with other persons. In this sense, art. 7 bis 1 of the Civil Procedure Act provides:

> 1. In the processes in which persons with disabilities participate, the necessary adaptations and adjustments shall be made to ensure their equal participation.
>
> Either such adaptations and adjustments shall be made, at the request of any of the parties or the Public Prosecutor's Office, or ex officio by the Court itself and in all phases and procedural actions in which it is necessary, including acts of communication. The adaptations may relate to communication, comprehension and interaction with the environment". To this end, the same precept establishes, among other measures, "the participation of a professional expert who, as a facilitator, carries out the necessary adaptation and adjustment tasks so that the person with disabilities can understand and be understood.

It is necessary for those who have to resort to these processes to understand and be clear from the outset, among other things, which are the channels for obtaining support measures, what is the purpose of each of the processes, their purpose, what are the procedures involved and what questions arise when applying the regulations that govern them.

It is up to legal practitioners to explain all these issues, which they can do by applying the *Legal Design* technique.

"There are many definitions of *Design Thinking*, which incorporate different nuances but always revolve around the same keys. As PAPKE points out, it is an open, shared and co-developed concept. As defined by the Institute for Legal Innovation, it is a methodology that helps lawyers find solutions to problems through creativity" (POSE, 2019).

The name Legal Design "refers to the application of the Design Thinking methodology to the legal sector, where it has arrived after having been used in many other environments. It allows problem solving in a creative and always user-oriented way, and all this through the implementation, in phases, of different exercises focused on a specific result" (FAUQUEUR, 2019).

This methodology places the individual at the center, encourages collaboration and teamwork and seeks solutions through creativity. "Design and visualization are in its DNA, but let's not get confused, it is not about drawing, but designing, making ideas, desires, thoughts, frustrations, potential conflicts, fears visible" (GONZALEZ, 2020).

The aim is to explain the legal aspects "in an innovative way, making it easier to understand, more accessible to users through the visual representation of a clear and simple language and an appropriate use of technology" (BIURRUN, 2022).

It has been stated that "an important and urgent societal challenge is to find new ways of providing legal aid, in particular to citizens and small businesses" (SUSSKIND, 2020).

9.2. Methodology

The aim of the project is for students to apply *Legal Design* techniques in the subject of Jurisdictional Law II of the Bachelor's Degree in Law, specifically in the subject related to special civil proceedings. The aim is for them to convert the regulations set out in the Civil Procedure Act into an understandable and accessible text. To clearly explain the procedure foreseen in the Law.

In order to learn the design process, it is considered that the formulation of a set of stages can be useful. The stages defined by HAGAN are: discover, synthesize, build, test and evolve.

In our design process, the following phases can be distinguished:

1. Training in *Legal Design* methodology. Workshops will be organized to train students in the application of this methodology.
2. Organization of groups and assignment of proceedings. Each group will work on the elaboration of the presentation of a special civil procedure.
3. Empathies and understand. The first thing students need to do is to understand the procedure, its purpose and put themselves in the situation of the user to whom the rule is addressed.
4. Synthesizing. Once the legal text is understood, it is represented through graphs, maps, tables (...) the aim is to focus on what the user is interested in and needs to know. All the information is transferred to a "design summary" more focused on the essentials.
5. Brainstorming. Each member of the team will have to pool the problems that arise and make their proposals. After this brainstorming, a final presentation will be agreed upon.
6. Implement. Each group will explain the process to the rest of the classmates. In this way, the students will be able to give feedback on the work done by each one of them and to evolve.

It is important to convey to students that, in order to carry out a good legal design, they should take into account six fundamental principles referred to in HAGAN:

1. Make users of legal services more empowered and intelligent. Good legal design will empower the user "to understand what is going on and be strategic to overcome it". It is about introducing them to tools so they can better understand the regulation, "develop scenarios on how it can play out and work with their lawyers".
2. Provide process-based views of legal work. The explanation should detail the procedure step by step, outlining the different channels or routes and their starting and ending points. They should visually and systematically indicate the steps to be taken by putting themselves in the user's position.

3. Foster a collaborative relationship between the person and the advocate. They should provide tools, strategies and models so that the relationship with their client or the person to whom they have to pass on information can be "more two-way than one-way", and that they "give people a sense of transparency and dignity when interacting with the professionals who represent them".
4. Always give the bird's eye view that swoops in.The bird's eye view will allow the addressee to "understand the context and why he is doing what he is doing". It will give them an overview of the defense mechanisms at their disposal, of the different possibilities for action, and the procedure will be made transparent.
5. Be simple on the front and smart at the back. "Any tool or interface should give a guided, limited path for a person to follow". It is not enough to convey the different possibilities, it is necessary to convey which option is considered the most appropriate, the most recommendable.
6. Provide multiple modes that let people to customize the experience. If you design well, you can target different types of users. "That means investing in pushing your core content across multiple platforms: documents, posters, brochures, reports, mobile-friendly websites, SMS, Facebook, WhatsApp and more. Wherever your target users are, go there and present your content in that format."

9.3. Results and Discussion

The students were assigned a special civil process for each group. Each group had to create the profile of the person who came to their office to present their problem and raise any doubts they might have. From there, they had to respond in a graphic, clear, and understandable manner to all the questions raised. Finally, they had to explain it to their classmates in the classroom.

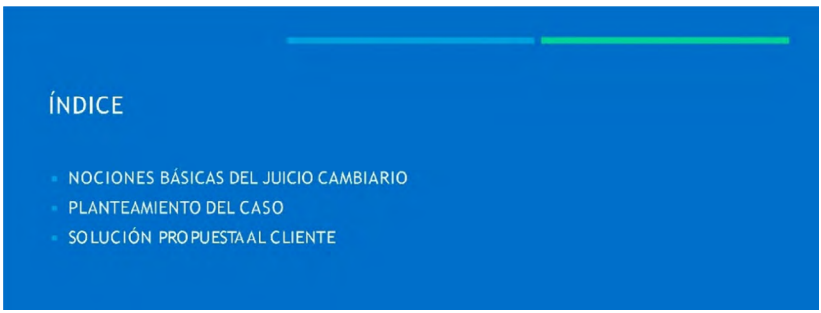
The activity allows our students to:

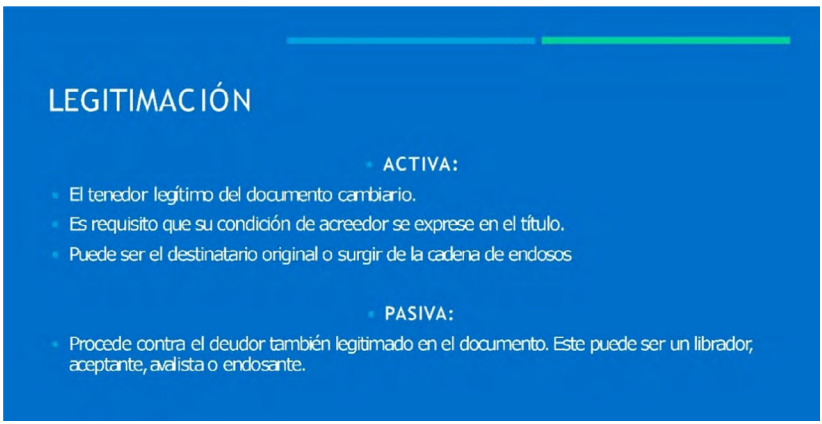
- To complement their theoretical training with the acquisition of transversal competences and skills.
- To promote teamwork, the presentation is the result of the

ideas and proposals, shared and finally agreed upon by the members of the group.
- Improve their ability to interpret and understand legal texts. The students had to apply the law to the specific case that they themselves created.
- Learning to reflect on problems in the implementation of regulations. They had to raise the questions that could arise themselves and explain how they would address them.
- Improve their speaking and public speaking skills.

The resulting works are included in Annex I, which features the students' work on the "Exchange Trial/Procedure", and Annex II, which showcases their work on the "Annulment of Marriage Process".

9.4. Examples of Obtained Results





¿QUÉ ES EL JUICIO CAMBIARIO?

- Es un procedimiento especial para reclamar la deuda derivada de una letra de cambio, pagaré o cheque.
- Solo procederá si se presenta el título valor exigido.
- Regulación: *Art 819 - 827 LEC*

1- PLANTEAMIENTO DEL CASO

CLIENTE
D. Manolo

SITUACIÓN JURÍDICA CONTROVERTIDA

- D. Manolo es agricultor de profesión.
- El pasado enero, como es habitual, pactó con D. Francisco la compraventa de una tanda de naranjas, de cerca de 3 toneladas. Llevan a cabo esta transacción, todos los meses de enero, desde hace más de cuarenta años.
- Esta vez, la particularidad radica en que D. Francisco, solicitó a D. Manolo, aplazar el pago de la cosecha, empleando para ello, un pagaré. Dada la confianza entre ambos, el agricultor decidió aceptar ese medio de satisfacción de deuda, sin ser plenamente consenciente de lo que supondría.
- No obstante, diez meses más tarde, pese a los reiterados intentos de D. Manolo, D. Francisco aún no ha efectuado el pago de los 7000 euros. El agricultor, desesperado, ha acudido a nosotros para obtener una orientación de sus posibilidades.

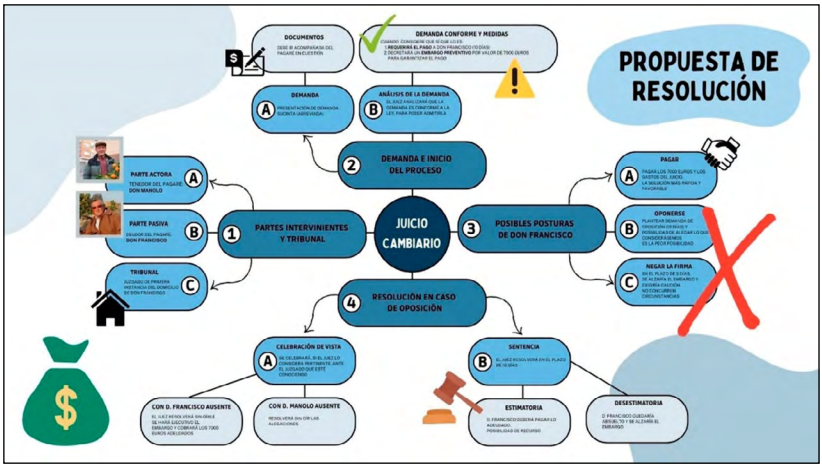
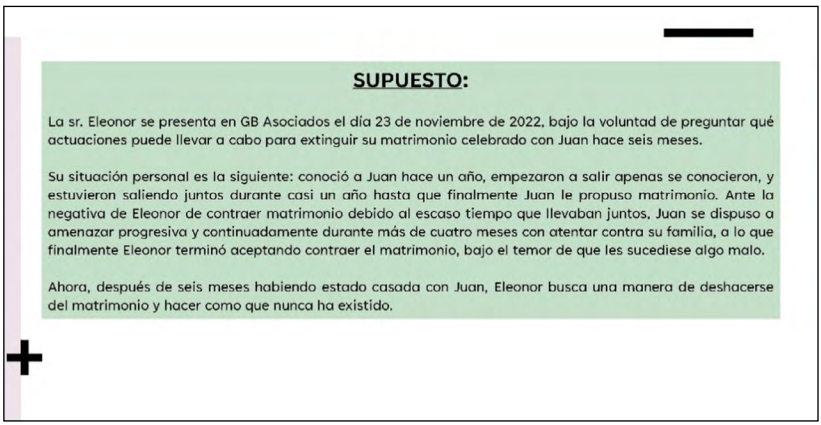


Figure 9.1. Example 1: Exchange Trial/Procedure



SUPUESTO:

La sr. Eleonor se presenta en GB Asociados el día 23 de noviembre de 2022, bajo la voluntad de preguntar qué actuaciones puede llevar a cabo para extinguir su matrimonio celebrado con Juan hace seis meses.

Su situación personal es la siguiente: conoció a Juan hace un año, empezaron a salir apenas se conocieron, y estuvieron saliendo juntos durante casi un año hasta que finalmente Juan le propuso matrimonio. Ante la negativa de Eleonor de contraer matrimonio debido al escaso tiempo que llevaban juntos, Juan se dispuso a amenazar progresiva y continuadamente durante más de cuatro meses con atentar contra su familia, a lo que finalmente Eleonor terminó aceptando contraer el matrimonio, bajo el temor de que les sucediese algo malo.

Ahora, después de seis meses habiendo estado casada con Juan, Eleonor busca una manera de deshacerse del matrimonio y hacer como que nunca ha existido.

Respuesta:
NULIDAD MATRIMONIAL

¿Qué es la nulidad matrimonial?

- Regulación: arts. 769 y ss LEC.
- Concepto: Sentencia que declara que un matrimonio nunca ha sido válido y determina el estado civil de la persona.
- Tramitación: Juicio Verbal con especificaciones.

Causas de la nulidad matrimonial (art.73 CC)

- El celebrado sin consentimiento matrimonial
- 18 Los celebrados entre las personas comprendidas en los arts. 46 y 47 CC.
- Los contraídos sin Juez de Paz, Alcalde o Concejal, Secretario judicial, Notario o funcionario ante quien deba celebrarse o testigos.
- Error en la persona del otro contrayente o de sus cualidades esenciales
- El contraído por coacción o miedo grave

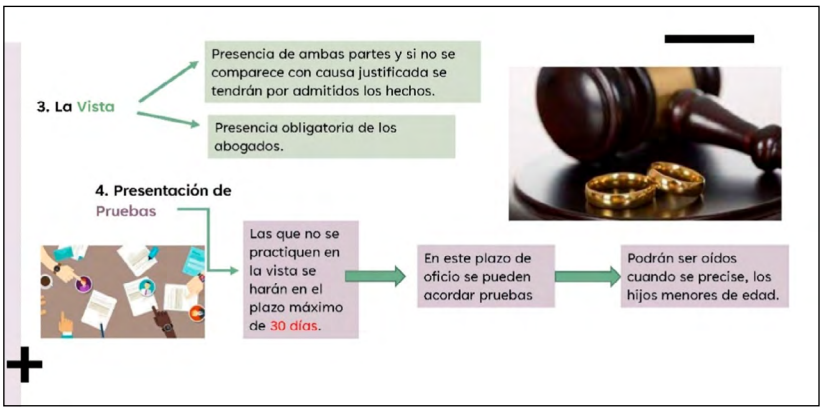
¿Quién se encarga de declarar la nulidad matrimonial?

Tribunales civiles

Son los encargados de invalidar un matrimonio cuando existen elementos fundamentales que no se han cumplido en el momento de la celebración y, por ello, el matrimonio no ha podido surtir efectos.

Un abogado de familia y un procurador interpondrán una demanda ante el Juzgado del domicilio de uno de los cónyuges para que declare esa nulidad.

Ejercicio de la acción de nulidad a través del procedimiento contencioso(art. 770 LEC)
1. Presentación de la demanda conjuntamente con:
Certificación de la inscripción del matrimonio
Inscripción nacimiento de los hijos (si los hay)
Inscripción nacimiento de los hijos (si los hay)
Documentos relativos a la situación económica
2. Reconvención en la contestación a la demanda (plazo de 10 días)
LA RECONVENCIÓN
Solo es admisible la reconvención:
Cuando se funde en alguna causa de nulidad matrimonial.
Cuando el cónyuge demandado de nulidad pretenda el divorcio.
Cuando el cónyuge demandado de nulidad pretenda la separación.


3. La Vista
Presencia de ambas partes y si no se comparece con causa justificada se tendrán por admitidos los hechos.
Presencia obligatoria de los abogados.
4. Presentación de Pruebas
Las que no se practiquen en la vista se harán en el plazo máximo de 30 días.
En este plazo de oficio se pueden acordar pruebas
Podrán ser oídos cuando se precise, los hijos menores de edad.

5. Cuando concurran los requisitos del 777 podrá seguirse el procedimiento de mutuo acuerdo (no admisible en este caso)
6. Supuestos de guardia y custodia y alimentos de los hijos:
ADOPCIÓN MEDIDAS CAUTELARES
Medidas previas
Medidas simultáneas
Medidas definitivas

Figure 9.2. Example 2. Annulment of Marriage Process

9.5. Conclusions

The *Legal Design* technique is still unknown to legal professionals, but over time, it will become more widespread in the legal field. Hence the importance of training our students in the application of new techniques that allow them to transfer legal knowledge in a clearer way. Methodology that they will be able to apply whatever the field of law in which they practice their profession.

As HAGAN says, "we need a revolution in the way legal professionals work and how they present and deliver legal services to the public. Visualizing concepts can be very difficult. Lawyers tend to prefer to use words and text to communicate. However, the more visual we are, the more we show rather than tell, the more we do rather than describe, the more powerfully we can construct and communicate our ideas. Design helps us to present information in clearer outlines and also in more engaging stories".

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10

Application of the *Legal Design Thinking* and *Legal Visualization* Methodology to Facilitate the Understanding of Child Abduction Regulations

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Abstract
When there is a relationship crisis, the parental-filial relations must be maintained and guaranteed, regardless of the type of custody that has been established. However, there are quite a few cases of parents abducting their own minor child, acquiring an international character when they move to another country other than that of their habitual residence. As a result, these relationships with the other parent cannot be maintained. This conduct creates a scenario fraught with a significant emotional burden, which causes great suffering and is very complex from a legal standpoint, with numerous interests at stake, although the best interests of the minor must always prevail in the decision-making process. The time factor is critical in the resolution of this type of conflicts since, when dealing with minors, it is quite simple to weaken the paternal-filial relations owing to lack of contact and even the manipulation exerted on the child by the parent who carried out the abduction. For all of these reasons, we consider it essential that laypersons understand how to act in this situation as quickly as possible, and that they are aware of the legal consequences that their actions may entail, as well as the preventive measures that can be taken to prevent child abduction. The application of techniques such as *Legal Design Thinking* and *Legal Visualization*, which make it possible to bring legal matters closer to citizens by facilitating their understanding, can contribute to achieving these objectives. This work is developed within the framework of the Project Jean Monnet "Legal Design Thinking and Legal Visualiza-

tion. Towards an Understandable EU Law" (620987-EPP-1-2020-1-ES-EPPJ-MO-PROJECT).[1]

10.1. Introduction and Theoretical Framework

As a consequence of the paternal-filial relationship, a set of rights and duties arise that must always be exercised in the interest of the children, one of them being the right to relate to each other. When the parents' cohabitation breaks down, the problem arises. However, the rupture of relations between the parents should not imply the rupture of relations with children, who should remain as far away from this situation as possible. In these cases, it must be determined how the relationship regime between the children and the non-custodial parent will be configured but even in cases where joint custody has been agreed upon, it must also be determined how the relationship regime will be managed when custody of the children is not in place (ACUÑA, 2015). In many cases, a parent abducts their minor child, which becomes an international issue if they move to a state different from their usual residence. This prevents the child from maintaining relationships with the other parent. With this action, a situation is created that is imbued with a great emotional burden, causes great suffering, and is very complex from a legal standpoint, with many interests at stake, despite the fact that the best interests of the minor must always prevail in decision-making (RAVETLLLAT, 2016). It should also be noted that the time factor is critical in the resolution of this type of conflict, because when dealing with minors, it is very easy to weaken parental-filial relations due to lack of contact and even manipulation by the parent who carried out the abduction.

In this sense, article 154 CC has undergone very important amendment by means of Organic Law 8/2021 of June 4, 2021, on the comprehensive protection of children and adolescents against violence (BOE-A-2021-9347), putting an end to a highly problematic issue in practice.

1. The paper is also part of the Research Project "Christian Humanism and Society: A Permanent Dialogue» [reference VIDEN001], funded by CEU-Santander (Funding), CEU Cardenal Herrera University (Source entity).

The debate centered on whether changing a minor's address falls under the joint exercise of parental authority, given that decisions of this nature must be jointly agreed upon by both parents. In addition to ensuring that the minor is heard when sufficiently mature and under suitable conditions in all decisions that affect them, the Reform has adopted the position recently maintained by case law and the majority of legal doctrine (CANO, 2019). This position points out that the decision to determine the habitual place of residence of the minor falls within the scope of parental authority and can only be changed with the consent of both parents or, in the absence of such consent, through a court order. Therefore, not even the custodial parent can unilaterally change the residence of the minor since it is a decision that falls within parental authority and not of who has custody (NEVADO, 2017).

The best protection against child abduction is undoubtedly to prevent it from happeningIn Spanish Law, it was introduced for the first time in the Civil Code (CC) by Organic Law 9/2002, dated December 10, 2002. This law amended Organic Law 10/1995, dated November 23, 1995, the Criminal Code, and the Civil Code regarding child abduction (BOE-A-2002-24044). It included a *numerus apertus* of preventive measures to avoid unlawful abduction. These measures can be adopted by the judge ex officio, or at the request of the child, a relative, or the Public Prosecutor's Office. These precautionary measures are established in Articles 103 and 158 of the CC and can be adopted in separation, divorce and annulment proceedings, or at any time when there are grounds justifying them (GONZÁLEZ TASCÓN, 2019).

The measures regulated by the Civil Code are:

- Prohibition of departure from national territory, except with prior judicial authorization.
- Prohibition of the issuance of a passport to a minor or withdrawal thereof, if already issued.
- Any change of domicile of the minor subject to court approval.

Organic Law 9/2002 of December 10, 2002, amending Organic Law 10/1995, of November 23, 1995, of the Criminal Code and the Civil Code on child abduction, typified the crime

of child abduction in the CrC independently, specifically in Article 225 bis CrC and introduced preventive measures into the Civil Code, as analysed above. Article 225 bis CrC underwent an important amendment through Organic Law 8/2021 of June 4, 2021 on the comprehensive protection of children and adolescents against violence (CALLEJÓN, 2021). This amendment is similar to that of article 154 CC, also by the same Organic Law, as we have seen. Until this reform, the crime could only be committed by the non-custodial parent. The problem arose because a decision on the change of address cannot be adopted unilaterally. This is because it is not a power inherent to custody and guardianship, but rather derives from parental authority. This is now expressly stated in Article 154 of the Civil Code (CC). We often witnessed cases in which the custodial parent unilaterally changed the child's residence by performing the acts referred to in Article 225 bis of the Criminal Code (CrC). However, he/she did not commit the crime of abduction, since it was not a crime if committed by the custodial parent, as he/she was not the perpetrator.

Art. 225 bis CrC states that the crime of child abduction takes place when the parents abduct the child without just cause. However, what should we understand by abduction? Paragraph 2 of Art. 225 bis CrC, amended by Organic Law 8/2021 of June 4, 2021 on the integral protection of children and adolescents against violence, states as follows:

> For the purposes of this article, the following shall be considered as abduction:
> 1.º The removal of a minor from his or her habitual place of residence without the consent of the other parent or of the persons or institutions entrusted with his or her care or custody.
> 2.º The detaining of a minor in serious breach of the duty established by a judicial or administrative decision"

Article 225 bis CrC is structured as follows:

1. Firstly a basic type for the perpetrator that commits the described conduct (transfer or detention), that is punishable by a prison sentence of two to four years and special disqualification of parental authority for a period of four to ten years.

2. Secondly, a more serious form for cases in which the minor is transferred out of the country (international abduction), or something is demanded for his/her return (kidnapping). This implies two alternative elements, meaning that the existence of either of them (or even both) will determine the penalties indicated for the basic type in the upper half.
3. Thirdly, it includes grounds for full exemption from the penalty in the event the minor is returned within twenty-four hours, or the place where the minor is located is notified to the appropriate person within the same period of time, with a commitment to return the minor that is actually carried out. Finally, it also includes a privileged form that involves a reduction of the penalty when the return occurs without such notification within fifteen days after the abduction. This reduction results in a prison sentence of six months to two years; however, in this case, the penalty of special disqualification from exercising parental authority is eliminated.

When a parent wrongfully removes a child, it is considered abduction, and it becomes an international case when it crosses the border of the country where the child habitually resides. International child abduction is a very complex situation in family relations, but also from a legal point of view, as it produces a conflict with a difficult and sometimes even impossible solution. The complex problem of international child abduction can only be solved through the cooperation of the States involved. This is why there are numerous international legal instruments designed to regulate and address this situation. Among them all, the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980 (hereinafter referred to as CH80) is undoubtedly the most effective. The CH80 currently has more than one hundred Contracting States –Spain since 1987 (BOE-A-1987-19691)– and when international abduction takes place in such States, the Convention applies, thus requiring their cooperation, since it requires positive action by the judicial and administrative authorities (CORDERO, 2021)

As stated in art. 1, its purpose is:

- To secure the prompt return of children wrongfully removed to or retained in any Contracting State; and;

- Ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

There is no doubt that the most serious conflict and the most difficult to solve arises when the child is abducted to a non-contracting State of the CH80 –mainly African and Asian countries– with which there are no bilateral instruments. In these cases, mediation is considered as the best and perhaps only mechanism to solve the conflict (ZEMANS, 2015).

The legal response in the European Union was mainly by Regulation (EC) 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (Brussels II bis Regulation). The European Union legislators, aware of the complexity and problems involved in child abduction, has attempted to improve the regulation of the matter with the new Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility and international child abduction (Brussels II ter Regulation). This Regulation entered into force on August 1, 2022, repealing the previous Brussels II bis Regulation and applies when child abduction takes place between countries belonging to the European Union.

We face, in short, a very complex matter from a legal point of view, especially when it takes on an international dimension. Furthermore, there is the great emotional burden and uncertainty that the situation creates for the parent who is deprived of maintaining a fluid relationship with his or her minor son or daughter, sometimes not even knowing where he or she is. In addition, in these cases involving a minor, the passage of time is critical, so it will be very important to adopt measures as soon as possible. We believe that it is critical that ordinary people understand how to respond in these situations, including how to take preventative measures to avoid abduction, as well as the implications of their actions.

Along these lines, on March 11, 2021, the General Protocol of Collaboration for the promotion of a modern and accessible legal language for citizens was signed. This collaboration involved

various entities, including the Ministry of Justice, the Supreme Court, and the General Council of the Judiciary, as well as the State Attorney General's Office, the Spanish Royal Academy, the Royal Academy of Jurisprudence and Legislation of Spain, the General Council of the Spanish Bar, the General Council of Solicitors of Spain, the General Council of the Official Associations of Social Graduates of Spain, and the Conference of Deans and Deans of Law of Spain.[2] On the basis of Article 9.2 of the Spanish Constitution, it can be stated that there is a constitutional basis to demand an accessible and understandable legal language for citizens, only in this way will it be feasible to attain meaningful and effective access to justice. In order to achieve this, this Protocol called for the formation of a Commission, which was established by Order JUS/912/2022 on September 12, creating the Commission for the Clarification and Modernization of Legal Language, with the aim of ensuring the quality and accessibility of legal language in the field of Administration of Justice. Furthermore, within the framework of the Justice 2030 Project and normative creation, this Commission may provide advice to the Ministry of Justice on improving the clarity and modernity of legal language.

One way to achieve these objectives can certainly be through the application of *Design Thinking* concepts and tools. This technique can also be used in the field of law, thus giving rise to *Legal Design Thinking*. It has three main objectives (HAGAN, n.d.):

- To help laypeople understand their obligations and rights, and to assist legal professionals in developing a more efficient way of serving their clients.
- To create a more user-friendly front-end (interface) for people to navigate the legal system, as well as a back-end (access) for developing more intuitive systems and rules.
- To focus on making small improvements in the short term and significant changes in the long run."

In addition, *Legal Visualization* techniques help to achieve these goals by materializing proposed solutions in a visual format that the lay user can understand. Concisely, *Legal Design*

2. file:///C:/Users/Admin/Downloads/18_2021%20(1).pdf

Thinking is a disruptive methodology that connects legal knowledge with design, simple language, and even technology, always with the user in mind (TAFUR, 2022).

10.2. Methodology

Regardless of the type of custody that has been established, parental-filial interactions must be maintained and safeguarded during a relationship crisis. However, there are quite a few cases in which a parent abducts a minor child, thereby preventing the preservation of these bonds. When the abduction is of an international nature, the matter becomes more complicated and the assistance of the states concerned becomes essential. Since minors are involved, time is of the essence in this type of circumstance, and immediate action must be taken. Sometimes decisions are made in favour of the child's relocation because the application of the principle of the child's best interests means that the child is already rooted in the new place where he or she was transferred, causing harm to the child if forced to return. It would be necessary for laypeople to understand how to act in these situations in order to take action as soon as possible. It is the legal operators' responsibility to inform, but it will not always be an easy task, and when they are called upon, it may be too late. Techniques like *Legal Design Thinking* and *Legal Visualization*, which bring legal issues closer to citizens and make them easier to understand, can be extremely beneficial. In this scenario, these techniques can be used to teach individuals how to act quickly when confronted with the abduction of a child, as well as to understand the legal ramifications of such an action and what steps can be taken to prevent it.

The Spanish Ministry of Justice has developed a protocol of action for the abduction of minors, which contains six pages of information on how to act in the event of child abduction.[3] However, we believe that using *Legal Design Thinking* techniques to put the user at the centre of the process would allow for the implementation of better solutions; similarly, using Legal Visu-

3. https://www.mjusticia.gob.es/estatico/cs/portal/pdf/PROTOCOLO_SUSTRACCION_MENORES_DEFINITIVO.pdf

alization techniques as a tool to materialize the results would help to facilitate understanding of this complex matter.

In the *Legal Design Thinking* methodology, we can distinguish the following phases (FRIIS, 2023): empathize, define, ideate, prototype and test.

- Empathize: in this first phase we will put the user at the centre of the process. We will consider a middle-aged subject, with basic studies and a layman in law. From the perspective of this person, we will try to empathize with him or her by raising all the relevant questions that he or she should know about this matter.
- Define: in this phase and with the information gathered in the previous one, we would be able to determine which problematic aspects of this matter concern and interest the users. This is a very important phase, since only by focusing on the problem will it be possible to find a solution.
- Ideate and prototype: once the problems have been determined, in this phase the solutions will be devised by creating prototypes, giving shape to the ideas (DE LA PEÑA, 2021).
- Testing: the process ends by checking whether the prototype designed really meets the objectives, i.e., whether the users are able to understand the subject matter.

10.3. Results and Discussion

Applying the techniques of *Legal Design Thinking* and *Legal Visualization* as an instrument to materialize the results, we propose the creation of infographics that gather all relevant information on this subject in a simple and graphic manner. As a result, instead of focusing solely on cases where abduction has already occurred, we inform the subjects about preventive precautionary measures and the legal requirements for a valid transfer of a minor. All of this is done with the goal of preventing and discouraging illicit transfers.

For instance, we propose the following infographic on preventive measures in the face of a real and genuine risk of minor transfer and non-return:

Figure 10.1. Example of an infographic created by the author.

10.4. Conclusion

Due to its complexity, legal knowledge has traditionally been exclusively held by jurists. However, this situation cannot be sustained in the modern era, and it is necessary to bring the Law closer to the subjects, making it accessible and simple to understand. The work presented here falls into this category. Child abduction is one of the conflicts that can have the greatest impact due to the wide range of interests at stake, and its complex resolution requires quick action. It is equally or even more important to be aware of the preventive measures that can be taken to avoid the occurrence of this abduction, as well as the legal consequences that this action may entail. For all of these reasons, we believe that lay people should have access to clear and simple information about the regulation of this matter. There is no doubt that the use of techniques such as *Legal Design Thinking* and *Legal Visualization* can help achieve these goals.

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11

Legal Design Focused on Legal Persons: How to Make Stakeholders Distinguish between a Foundation and an Association, between a Civil and a Canonical Foundation (Autonomous or Non-autonomous) and between a Civil and a Canonical Association?

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Abstract
In practice, foundations are set up when they are actually intended to be associations. Foundations are referred to as trustees, confusing the legal person with its governing body. The boards of directors of an association are confused with the general assembly of the same entity. It is intended that the Confraternities or Brotherhoods, which are public associations of the faithful, canonical, are civil associations. Canonical associations adapt their statutes to state or autonomous civil laws. Non-autonomous pious foundations are confused with autonomous pious foundations, causing unavoidable problems. Canonical foundations are registered in the state or autonomous civil registers instead of in the Register of Religious Entities. Finally, the lack of knowledge of Canon Law, together with the difficulty of understanding and distinguishing between legal persons, causes many legal conflicts. It is very important to facilitate the understanding of canonical and civil legal personality for lawyers and lay citizens.

The application of *Legal Design Thinking* and *Legal Visualization* techniques will allow students to understand this world, discover strategies and techniques through teamwork in the third year of the Law degree and propose tools to make it easy and simple to identify these legal entities, being able to apply the corresponding legal regime.

This work is carried out in the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visualization, Towards an Understandable EU Law (620987.EPP.1.2020-1-ES-EPPJMO-PROJECT).

11.1. Introduction and Theoretical Framework

Article 35 of the Civil Code[1] establishes: "*The following are legal persons: 1. Corporations, associations and foundations of public interest recognized by law*". Leaving aside corporations, whose civil capacity is governed by the provisions that created or recognized them (Article 37 of the Civil Code), it is appropriate to focus on the other legal persons: Association and Foundation.

Canon Law is not studied in Law Faculties. It is understood that in a non-confessional State,[2] this subject should not be studied. t is worth noting that the Constitutional Court, in Order 359/1985, dated 29 May, Legal Ground 3, stated the following: 'Canon Law, as a subject based on the explanation and interpretation of a Corpus Juris, such as the Code of Canon Law, is not inherently a discipline with ideological content. This is true regardless of the fact that it is based on a dogmatic or confessional foundation, which is the doctrine of the Catholic Church. In fact, many legal disciplines focus on the study of legal texts and legal theories with identifiable ideological foundations.

In Canon Law canon 115 states: 1. In the Church juridical persons are either corporations or foundations. A corporation, for the constitution of which at least three persons are required, is collegial if its activity is determined by the members, who with or without equal rights participate in the decisions according to law and statutes; otherwise it is non-collegial. 3. The legal person or autonomous foundation consists of goods or things, spiritual or material, and is managed, according to the law and the statutes, by one or more natural persons or by a college.

In canon law, the equivalent of a civil foundation is an autonomous pious foundation[3] and the equivalent of a civil asso-

1. Royal Decree of 24 July 1889 by which the Civil Code is published.
2. Article 16.3 of the Spanish Constitution of 1978 (hereinafter EC).
3. Canon 1303.1.1º: "Autonomous pious foundations, i.e., groups of things destined for the purposes mentioned in canon 114.2, and established as juridical persons by the competent ecclesiastical authority».

ciation is a collegial corporation. This collegial corporation is regulated in Canon Law in canons 298 and following, under the title *On the Associations of the Christian Faithful.*

With this short introduction alone, one can understand the enormous complexity of distinguishing between a civil and a canonical foundation and between a civil and a canonical association, especially when canon law is not studied in universities.

However, there are thousands and thousands of canonical associations (Brotherhoods and Sisterhoods) and a multitude of canonical foundations, both autonomous and non-autonomous. It is therefore urgent to create a mechanism that allows the application of *Legal Design* techniques to make it easier for any interested party, including legal professionals, to easily distinguish between these legal persons existing in our society. If we do not know how to diagnose the type of legal person, we cannot know or apply the legal regime that should prevail.

The Spanish Constitution of 1978 regulates the right of foundation in Article 34[4]. Law 50/2002, of 26 December, develops Article 34 of the Constitution and regulates foundations of state competence. In most of the Autonomous Communities, there are also laws that regulate foundations of autonomous competence. In the case of the Valencian Community, Law 8/1998 of 9 December 1998, modified by Law 9/2008 of 3 July 2008, is in force.

There are civil foundations at state level and at regional level.

In canon law, excluding non-autonomous pious foundations (canon 1303.1.2º) because they do not have autonomous legal personality, autonomous pious foundations are governed by canons 113-123 (juridical persons) and 1299-1310. However, it is necessary to know how to distinguish between them given the dire consequences of a wrong classification.

The Spanish Constitution of 1978 regulates the right of association in Article 22 of the Constitution. As it is a fundamental right, this right is regulated by Organic Law 1/2002 of 22 March 2002. In addition, in several Autonomous Communities there are autonomous laws regulating associations. In the Valencian Community, there is Law 14/2008, of 18 November.

4. The right of foundation for purposes of general interest is recognized in accordance with the law.

There is regulation of associations at state level and at regional level.

In canon law, associations are governed by canons 113-123 (juridical persons) and 298-329.

From the vantage point of civil and ecclesiastical advice, it is possible to observe the existing confusion regarding the canonical and/or civil legal personality of these entities, with the consequences in the applicable legal regime. There are constant problems caused by the lack of knowledge of current jurists about the legal nature of a confraternity, a brotherhood, a foundation; about the register in which they have to be registered in order to have civil legal personality. Doubts about which collegiate governing body (whether it's the General Assembly of the Brothers or Brethren or the Board of Trustees of the emerging foundation) is to govern the entity, or doubts about the role of the Administration (whether state or autonomous) or the ecclesiastical authority over these legal entities, can be challenging for professionals who have to deal with them. This is especially true for jurists, as the capacity and legitimacy to act depend on the competent bodies and authorities. These assumptions are affecting all professionals, whether jurists or not, who are confronted daily with these legal entities, without knowing whether they are civil or canonical associations and/or civil or canonical foundations.

The challenge is therefore to understand the differences and similarities, and then to identify and apply the corresponding legal regime.

The emergence of New Technologies, Digitalization, *Legal Design Thinking* and *Legal Visualization* allows us to capture and visualize legal content, making simple and schematic what can be arduous and complex.

A tool that would allow the client to present what type of legal entity he/she wants for the project he/she wants to undertake would be very useful. To do this, it is necessary for both the lawyer and the client to quickly visualize the different elements of each legal entity, in order to be able to compare them with those of the others.

These tools could be used by legal practitioners who deal with these legal figures on a daily basis

11.2. Methodology

The strategy to solve this problem consists of applying *Legal Design* techniques in Civil Law acquired in previous years and State Ecclesiastical Law subjects. In turn, *Legal Visualization* techniques will be used to materialize the results achieved through the design process.

Design Thinking is structured in clearly differentiated phases (SZABO, 2010):

- Phase 1: Training in *Legal Design* methodology. In order to bring students closer to this methodology, training seminars and mentoring actions will be designed.
- Phase 2: Empathising and observing. In this phase, students will be exposed to the problems that any person, including lawyers, have in distinguishing what type of legal person they are dealing with. Students must become aware of the problem and empathies with it. To this end, they will encounter various situations requiring their action. It is essential to know the applicable legal regime, which means distinguishing whether it involves a civil or canonical foundation. Within the canonical ones, it is important to determine if it is autonomous or not autonomous. Conversely, it is crucial to differentiate between a civil or canonical association.
- Phase 3: Define. In this Phase, it is essential that, following the techniques of *Legal Design* and *Legal Visualization*, the students are able to present in a clear, simple, understandable and even quick way the guidelines of each of these legal entities, as well as their similarities and differences.
- Phase 4: Prototype. In this phase, the students, in teams will carry out a workshop using the *Legal Design* methodology to design mechanisms that allow them to know the documentation and statutes of these legal entities, understand them and know how to classify whether they are a civil or canonical association, or a civil foundation, or an autonomous or non-autonomous canonical foundation. Within each team, the roles to be developed should be distributed in the following way:
  - Information provider: their role is to explain in depth to the team the distinctive elements of each of these legal entities.

  - Team notaries: their function is to summaries in a few short sentences the differentiating elements of each legal person.
  - Information designers: their function is to visualize the ideas generated by the team. Make the complex information provided by the information providers and the phrases provided by the team's notaries visible and simple.
- Phase 5: Testing. Proposals for easy distinction of these legal persons should be established so that the corresponding legal regime can be applied. A tool will be developed, which may consist of a computer application on which, by ticking the corresponding boxes in a drop-down menu, the solution to the problem at hand is finally achieved: the identification of the legal person we are dealing with.

The difficulty therefore lies in designing such an application as it involves translating complex and ambiguous ideas into easily understandable schemes or parameters, but which result in the quick and easy identification of the legal person in question.

Finally, it should make the tool available to a number of both legal professionals and lay citizens to test its effectiveness, so that we receive feedback on the tool, drawing conclusions and opportunities for improvement.

11.3. Results and Discussion

The use of *Legal Design Thinking* techniques allows the student to:

- Improve their knowledge of canonical and civil legal persons and their legal regime.
- Advance in the interpretation and reflection of legal texts in order to achieve an analysis, synthesis and systematization of the same.
- Integrate visualization strategies that make the complex simple.
- Increase students' motivation and interest in participating in the strategy, design and proposal of solutions to real problems.
- Improve their ability to work as a team, discovering how the different roles contribute their effort and dedication to the achievement of common objectives.

- Put creativity into practice in order to propose solutions to the problem posed.
- Grasp the difficulty involved in the concrete application of the proposals designed in reality.

The *Legal Design* experience in the classroom was as follows.

11.3.1. Materials provided in advance of the experience

As it is a complicated subject that, to a certain extent, has not been studied in the different subjects, it was considered appropriate to provide the students with the main legislation on the subject a week in advance so that they could successfully carry out the *Legal Design* experience.

The materials provided were the following:

- Civil associations: Spanish Constitution of 1978, article 22. Organic Law 1/2022, of 22 March, regulating the Right of Association.[5] Royal Decree 1740/2003, of 19 December, on Procedures relating to Associations of Public Utility.[6] Law 14/2008, of 14 November, on Associations of the Valencian Community.[7]
- Canonical associations:Associations of the Faithful. Canons 298-329 of the 1983 Code of Canon Law.[8]
- Civil foundations: Law 50/2002 of 26 December 2002 on Foundations.[9] Law 8/1998, of 9 December 1998, on Foundations of the Valencian Community.[10]
- Canonical foundations: Canons 1299-1310 of the Code of Canon Law.[11]

5. https://www.boe.es/buscar/act.php?id=BOE-A-2002-5852
6. https://www.boe.es/buscar/act.php?id=BOE-A-2004-615#:~:text=Las%20entidades%20declaradas%20de%20utilidad,las%20actividades%20realizadas%20durante%20aqu%C3%A9l.
7. https://www.boe.es/buscar/act.php?id=BOE-A-2008-19735
8. https://www.vatican.va/archive/cod-iuris-canonici/cic_index_sp.html
9. https://www.boe.es/buscar/act.php?id=BOE-A-2002-25180
10. https://www.boe.es/buscar/doc.php?id=BOE-A-1999-1367
11. https://www.vatican.va/archive/cod-iuris-canonici/cic_index_sp.html

11.3.2. Presentation of the assigned challenge

Fifteen students from the subject *Ecclesiatical Law of the State* in the third year of the Law Degree were put together. They were divided into three groups of five people.

Each group received the following document, which included the *Legal Design Challenge*:

> Proposed cases:
> First case: https://www.cofradiadelahumildad.com/reglas/
> Second case: https://www.architoledo.org/wp-content/uploads/2017/05/Fundaci%C3%B3n-Nuestra-Se%C3%B1ora-de-la-Paz.pdf
> Third case: http://fundaciotea.org/web/wp-content/uploads/2019/01/Estatutos-Fundaci%C3%B3-TEA-modificados-junio-2017.pdf
> Fourth case: http://catas.org/estatutos/
> Fifth case: Mr. Juan Martínez López, in his will, orders that with all his assets, valued at 2,000,000 euros, a foundation be constituted, whose objective is the Catholic apostolate in the town of Náquera (Valencia), for religious purposes. The foundation will be managed by the religious members of an Institute of Consecrated Life, who will serve as administrators of these assets. The Board of Trustees of this Foundation will be composed of the Archbishop as President, and three members appointed by the founder at the time of its constitution. The Protectorate of this foundation is the Archbishop of Valencia, as pious executor of all the pious wills.

Problem: There is confusion in the identification of the legal persons. Canon Law is not known. There is confusion between canonical and civil juridical persons, and confusion between what is an association and what is a foundation. If we do not know which legal person we are dealing with, we do not know the applicable legal regime either.

It is of great importance to facilitate the understanding of canonical and civil legal personality for lawyers and lay citizens.

Objective: That students contribute their intelligence, creativity, skills and abilities to make easy, simple and visual what is currently difficult, complex and abstract; clear identification of canonical and civil legal persons.

The application of *Legal Design Thinking* and *Legal Visualization* techniques will allow students to understand this complex

world, to discover strategies and techniques through teamwork, and to advance in the prototyping and design of tools for the simplification of the differentiating elements of the different legal entities.

This requires innovation, which is only possible through knowledge, creativity and the proposal of solutions applicable to the problem.

Challenge: Each team must develop a tool (computer application) that allows us to identify the legal person we are dealing with as rapidly as possible, visualising the differences and similarities of each legal person, and understanding what their legal regime is.

Simultaneously, using this tool, determine which legal person belongs to each of the five scenarios listed above, as well as the applicable legal regime.

Remarks: The challenge is very difficult, and somewhat ambiguous because if it implies a certain difficulty for jurists, much more so for the layman. However, it has been considered appropriate to pose it in such a way that they have a wide range of perspectives and nuances in order to be able to contribute their ideas. Often, those with no knowledge or experience hit the nail on the head, as they are not constrained and approach the problem from points of view that may even be far-fetched.

11.3.3. Technical assistance by *Legal Design Thinking* expert

The assistance involved face-to-face technical assistance and interactive training with the aim of getting students and professors to learn how to use *Legal Design* in one day.

As an introduction, they were given an explanation of the process to be followed to achieve the assigned challenge, considering the different phases: discovery, definition, ideation, prototyping, testing and conclusions.

The values of *Design Thinking* were explained: empathy, creativity and interaction. They were given the rules of the game for this process: 1) Do not judge (neither oneself nor others). 2) There are no wrong answers. 3) Trust the process. 4) Have only one conversation at a time. 5) Do not pay attention to other matters while in the process. 6) Be generous and sincere. 7) Do not innovate by doing the same old things. 8) Move from words to facts. 9) Enjoy the process."

11.3.4. Development of the process

Phase 1: Discovering and empathising, they first had to draw up a map of actors: main user, essential actor, secondary/contrary actor and peripheral actor.

It was difficult at the beginning to distinguish between the different actors, as they did not quite know what each of them were. They finally managed to distinguish between person's not involved/legal lay clients/notaries, registrars, judges but not specialised in canon law/lawyers specialised in canon law/legislators/canonical legal persons/civil legal persons.

Then, of the three groups, one group carried out a survey to obtain quantitative information of approximately 10 questions; another group carried out interviews with open questions addressed to these groups; and a third group collected objective data, such as users, number of legal persons concerned, accessibility, comprehensibility, etc.

The survey and interview groups gathered evidence from the survey and interview questions. The group was forced to work in a hurry, which boosted their attention as they could not waste time, but also made them feel a little overwhelmed.

The data-gathering group investigated the number of existing civil and canonical organisations and foundations, as well as the legislation governing each category.

Phase 2: Define/Understand, with the aim of understanding the user's experience, feelings and sensations, they had to design a user profile imagining their personal life (family, character, aspirations, hobbies, emotional evaluation) and professional life (work, aspirations, frustrations, work habits, integration at work).

They also made an empathy map, imagining that user: What does he/she think and feel? What does he/she see? What does he/she hear? What does he/she say and do? What are the advantages and disadvantages?

Interestingly, it was easy for the groups to establish this subject profile and empathy map. Each of the groups showed their originality and creativity in defining the user.

Once the user was understood and the challenge was grasped, each group had to express the problem to be solved in a sentence.

The first group proposed the following sentence: "How can our *Legal Design Thinking* team assist Pepelu (lawyer) in distinguishing the formalities, similarities and differences in each Association and foundation, civil or canonical?"

Another group, the second group, formulated the following sentence: "How can our *Legal Design Thinking* team assist Marie Antoinette in determining which is the best choice between a foundation and a civil or canonical association to help children with disabilities?"

The last group, the third, came up with the sentence: How can our *Legal Design Thinking* team assist them in legally distinguishing between the many forms of legal persons? How can you supply them with comprehensible legal guidance while establishing a civil or canonical foundation or association? How can you include the customer in the process of forming such a legal entity?

Phase 3: Ideate. The aim was to generate as many ideas as possible to create a novel, relevant and original solution.

This included putting the groups through a dizzying spiral of thought, which led them to exhaustion. They had to perform a series of rapid thinking techniques in a few minutes, including: Reverse Brainstorming (find the opposite, the positive to each of the negative ideas), expensive ideas to solve the challenge (costing more than 10 million euros), and cheap ideas to solve the challenge (costing less than 10 euros). They were then required to select one of several prominent industries and identify ten qualities; using these traits, discover at least one proposal to address the assigned task that is inspired by each of the listed characteristics, and rate them in an effort impact matrix. Finally, each group had to vote on the ideas and prototype the idea with the most votes.

Phase 4: Prototyping, the objective was to quickly transform the ideas into actions, concretising and visualising the idea, either through a storyboard, legal texts with clear and simple language, reformulating what already exists, or using, if necessary, supports such as infographics, process maps, Lego, mock-ups, videos, etc.

The results achieved by each group were as follows:

- Group 1: after considering various ideas such as creating a foundation to organize courses abroad, seeking sponsorships,

developing crowdfunding, organizing mass events with the presence of jurists to explain the differences, publishing exhibitions in legal magazines with advertising inserts, and promoting themselves through social networks, brochures, talks in schools and faculties, and information stands, decided to create a storyboard. This storyboard aims to provide a quick overview of the functions, the unipersonal and collegiate governing bodies, as well as the similarities and differences between an association and a civil and canonical foundation. The group did this on a single page, in six sections. This allows both a jurist and a nonprofessional to differentiate legal persons at a glance, thus meeting the challenge assigned to them: "to help Pepelu to distinguish the formalities and similarities and differences in each association and foundation, civil or canonical".

- Group 2 focuses more on the lay audience, not knowing the similarities and differences between legal persons. Therefore, the language used is simpler, and the group creates a *Storyboard*. This *Storyboard* explains in a graphic, visual way, step by step, in different vignettes, the problem that affects Marie Antoinette. She does not feel comfortable in her current job and decides to pursue something new and more motivating: dedicating her life to working with children with intellectual disabilities. To that purpose, she consults with an expert who will explain the advantages and disadvantages of each legal entity in a straightforward and comprehensible manner. In the end, she opts for a civil association of public utility. We can observe the entire procedure that Marie Antoinette went through in two pages. The group's task has been met: "to assist Marie Antoinette in determining which is the best option between a foundation and an association, whether civil or canonical, to help children with disabilities."
- Group 3 tries to respond to the challenge posed: "How can our *Legal Design Thinking* team legally help to differentiate the different types of legal entities? How can it provide legal assistance, in an understandable way, when setting up a foundation or an association, civil or canonical? How can it involve the client in the process of setting up this legal entity? By writing a *Graphic Novel*. The novel's storyline revolves around Alfonso, who wants to set up a legal entity to support

a group of people interested in oenology, but is does not know where to start. In this novel, he meets three women with distinct personalities: Mrs. Association, Mrs. Foundation and Mrs. Corporation. The group brings these women to life, as they introduce themselves, and finally Alfonso finds the legal way to make his dream come true.

Due to time constraints, neither the *Storyboard* nor the *Graphic Novel* could be fully completed, but they did pave the way for the students' production of *Legal Design*.

Phase 5: Testing, the aim of which was to empathetically verify the desirability, feasibility and viability of the solution, but it could not be carried out due to lack of time. In addition, the students were already tired after several hours of intense work.

In spite of this, each group presented the prototype to the challenge set, but the necessary feedback was not obtained to be able to appreciate the positive and negative aspects of the prototype.

All groups were able to immediately determine which legal entity they were dealing with in each of the five situations they were given at the start of the task, and which legal regime was relevant to each of these legal entities, which was a clear test of the procedure.

11.4. Conclusions

The aim of this work is for students to contribute their intelligence, creativity, skills and abilities to a common project, for teachers and students, which is to make easy, simple and visual what in reality is difficult, complex and abstract: the different legal persons in the civil legal system and in canon law. Few jurists have mastered this field.

By means of appropriate strategies and techniques, the student is made aware of the problem and is motivated and interested in finding a solution.

Once the problem has been identified, and through teamwork between students with different profiles, progress will be made in the prototype and design of tools to simplify the differentiating elements of these legal entities. This requires innova-

tion, which is only possible through knowledge, creativity and the proposal of solutions applicable to the problem.

Finally, the process must have the application of these proposed tools so that it can be successfully applied, both by legal practitioners and by any lay citizen.

The session was carried out jointly and simultaneously by three Law Degree lecturers involving students from the second and third years of the Law Degree participating. The 15 students working on the Civil and Ecclesiastical Law project were collaborating with 75 other students. Although the process dynamics were challenging at times, it was possible to introduce the students to the experience. Despite the potential of being distracted by the large number of students, the students were able to form groups and work according to the specified standards. It was critical to have three professors, the Director of the Department of Legal Sciences, and, most importantly, the guidance of the *Legal Design* expert, since, at all times, the required technical assistance was provided to the groups.

It is true that it would be ideal to carry out this experience in smaller groups and with more time available.

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12

Application of *Legal Design* and *Legal Visualisation* Techniques to Facilitate the Understanding of Basic Criminal Law Concepts

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Abstract
The aim is to incorporate new methodologies in Law studies and specifically in subjects in the area of criminal law and criminal procedure, which are more attractive and facilitate the design of presentations and communications in the field of criminal law and criminal procedure. In order to do so, *Legal Design Thinking* and *Legal Visualization* techniques will be applied so that students are able to understand the basic concepts of criminal law in a clear and comprehensible way and to present them in an attractive and intelligible way, even for non-lawyers.

12.1. Theoretical Framework of *Legal Design* and *Legal Visualisation* in the Field of Criminal Law Studies

The already anachronistic university model, oriented exclusively towards teaching, must be abandoned (if it has not already been abandoned). This includes moving away from theoretical classes that are limited to a mere delivery of content, which students simply translate into notes. Instead, we should establish a learning model that, as GONZÁLEZ RUS (2003) suggests, requires universities to shift from being "teaching centers" to becoming "learning centers".

The use of *Legaltech* and *Legal Design* tools can greatly assist us in this regard. This innovative tool arises from the needs of natural or legal persons, whom it conceptualizes as users, in order to provide them with customized solutions tailored to their needs and interests (MÉNDEZ & MEYTHALER, 2019). These techniques have a dual advantage. First, they employ more visual and engaging methods, moving away from outdated teaching tools, to enhance students' understanding of criminal law concepts. Second, they transform classes into a training ground for future legal professionals who must bridge the gap between the parameters and nuances of criminal law and individuals outside the field, including clients, defendants, and society at large. The use of these new technologies can undoubtedly facilitate this transition.

Therefore, the advantages of *Legal Design* techniques are, among others, the following (ASTIGARRAGA *et al.*, 2009):

a) It offers new possibilities in communication, collaboration and knowledge sharing and enables fast and up-to-date access to information.
b) It encourages initiative, originality and creativity.
c) It provides an attractive presentation of criminal law concepts and an attractive explanation of the mechanisms of criminal procedure to users of justice (BARRIO ANDRES, 2020).
d) It enhances the skills of searching for, selecting, evaluating and organizing information.
e) It encourages autonomous learning and develops self-learning strategies while allowing for direct communication and exchange of ideas, thus producing shared knowledge and fostering teamwork.
f) It prepares the student for the effective use of these new technologies and their good use in the future.

The introduction of Information and Communication Technologies (ICT) in the field of university teaching has provided an opportunity to adapt it to the social reality, so that ICT can play, fundamentally, a support role for teaching, introducing greater flexibility in terms of time, space and work rhythms (SIGALES, 2004).

Therefore, we believe that, in addition to the traditional teaching method, at least in Spanish universities, the introduc-

tion of new aspects that allow us to teach how to solve interpretative problems can be taken into account. It is well known that in the teaching of Law, the study of legislation and judicial decisions is particularly relevant, and the supposed clarity of the law is far from being real (MARTÍNEZ PUJALTE, 2000). In addition, in order to solve problems, we must first pose them properly; we must subsequently select the sources, interpret them and determine the applicable rule, combine them and devise a solution, which must sometimes be creative or innovative. This is where the techniques we are considering might fit in, as they can help us both to solve problems and to explain these solutions and proposals in a more intuitive and didactic way (BARTON, 2008).

12.2. Proposal of a Constellation of Cases that Can Be Solved Using *Legal Visualization* Techniques

This methodology arises from the approach of teaching based on problem solving where the student starts from a concrete situation, from which he/she acquires the basic knowledge to solve and understand it, and then we add the use of *Legal Design Thinking*. Our main objective is that students learn procedures and working methods that enable them to identify the problems they face and know how to solve them, and technological tools will help them in this process (ABEL SOUTO, 2012).

There are many basic concepts that can be explained in a clear and understandable way using the techniques of *Legal Design Thinking*. Among all those that could be addressed, the following main topics seem interesting to us:

- The calculation of penalties for each individual case taking into account the proven facts and personal circumstances.
- The analysis of the different mitigating and aggravating factors set out in Articles 21 and 22 of the Criminal Code.
- The legal-criminal treatment of minors between 14 and 18 years of age.
- The jurisprudential treatment of crimes against sexual freedom and sexual indemnity: the problem of consent.

- The analysis of traffic safety offences in order to differentiate between administrative and criminal offences.

Within each of these major themes, a specific challenge is proposed to the students so that it can be developed using Legal Visualization techniques for its presentation.

- First challenge: Create a penalty calculator that allows you to individualize the penalty taking into account the rules of the penal code. This would be a challenge to be proposed to students in the second year of the Fundamentals of Criminal Law course. The aim of this first four-month period devoted to the so-called General Part of Criminal Law is for students to familiarize themselves with the main legal categories of this branch of the legal system. One of the subjects studied in this introductory course is the determination of the individualized penalty for each person involved in a crime, based on the different rules for determining the penalty set out in the Criminal Code. To do this, students start with specific cases in the form of practical cases in which, depending on the abstract penalty for the specific crime, they must answer what penalty would be imposed in a hypothetical penalty depending on the specific characteristics of a specific subject. The challenge consisted of using *Legal Design* and *Legal Visualization* techniques to create a prototype of a computer program that would allow a legal operator (lawyer, prosecutor, judge...) to carry out the individualization of the penalty in a specific case.
- Second challenge: The aggravating factor of recidivism: practical application. This would be a challenge to be proposed to students in the second year of the Fundamentals of Criminal Law course. The aim is to familiarize students with the main legal-criminal categories, including the whole catalogue of aggravating and mitigating circumstances. Recidivism in criminal law is configured as a circumstance that aggravates the criminal liability of the perpetrator of the crime (CASTIÑEIRA and RAGUÉS, 2004; MOLINÉ, 2007). In addition, it is a circumstance that requires the presence of a series of requirements that could be very well summarized and differentiated by applying *Legal Design Thinking* techniques.

- Third challenge: Sexual assault and sexual abuse: only yes is yes. This would be a challenge to be proposed to the students of the second year of the Advanced Criminal Law course. The objective in this second term dedicated to the so-called Special Part of Criminal Law is for students to become familiar with the main offences and learn to analyze them using doctrine and jurisprudence. Specifically, the goal would be to create a tool that simplifies the presentation of the difference between sexual assault and sexual abuse. This would be achieved by providing examples from basic jurisprudence, illustrating various cases such as gang rape, sexual abuse involving the use of drugs that impair a person's free will, the effectiveness of consent from minors under 18 years of age, and other related issues (FARALDO CABANA, 2018).
- Fourth challenge: Juvenile criminal law: application of the law for non-legal operators. It would be a challenge to propose to students in the second year of the Advanced Criminal Law course or even to those in the fourth year of Criminal Jurisdictional Law. It is especially valuable to be able to use *Legal Design* techniques in the explanation of a judicial model that is totally different from the traditional one for adult offenders. The aim would be to design future justice systems to serve citizens and deploy the most appropriate technologies to support modern and easy access to justice. Legal Tech techniques can help to achieve a more transparent and better justice system that encourages active citizen participation in policymaking, putting citizens at the center of the legal system and the administration of justice.
- Fifth challenge: Fine or offence? the offender at the wheel. This last challenge can also be proposed to students in the second year of the Advanced Criminal Law course. These are very common but often complex offences that represent a real test case for differentiating between conduct that falls under administrative sanctioning law and genuine criminal offences (FEIJOO SÁNCHEZ, 2006). In this case, the idea would be to create a kind of presentation or brochure or even a website in which a nonprofessional or even a driving school pupil or high school student could understand the difference between a breach of the Road Safety Code and a Crime against Road Safety.

12.3. Methodology to Use the Techniques of *Legal Design* and *Legal Visualization* Exemplifying One of the Cases and Establishing a Possible Model of Presentation Based on the Proposed Techniques

12.3.1. Didactic justification of the proposed model

The reason for establishing what seems to be a calculation tool to illustrate the use of new technologies in the legal field is justified by the fact that something as seemingly simple as a software for calculating penalties based on a few steps actually involves numerous preceding steps. These steps encompass both theoretical aspects and the application of the law, which must be undertaken by the student (SALINERO, 2000).

The system of individualization of the penalty requires, firstly, knowing how to classify the facts in one of the offences set out in the Criminal Code. Secondly, it is necessary to know all the conditions relating to consummation and both completed and unfinished attempts, since the degree of execution of the offence will imply applying the penalty to its full extent or, on the contrary, reducing it by one or two degrees. Thirdly, the degree of participation of the individual whose penalty is to be calculated must be determined, with the basic penalty corresponding to the perpetrator and a reduction in the penalty when he is a necessary or non-necessary participant. Finally, the catalogue of mitigating, aggravating and exempting circumstances set out in Articles 20, 21 and 22 of the Code, which also play a fundamental role in determining the penalty to be imposed, must be understood and correctly applied (GÓMEZ, 1980).

It is evident that in order to determine how to impose a specific penalty for a particular case, it is necessary to have at least an introductory understanding of all the concepts related to the commission of the crime, including aspects of authorship and modifying circumstances. This is a compelling reason for presenting this challenge to students who are just beginning their studies in the field of criminal science.

It is very instructive for a student in an initial training context to deal with concrete cases and to be able to determine exactly

the criminal consequence for the commission of a criminal offence, which is always drawn from a real case (LAVILLA RUBIRA, 1988).[1]

12.3.2. Exemplification of the proposed *Legal Design Thinking* technique: how to set up the "penalty calculator"

Step one: First of all, a name should be chosen for this "app" or web page, a title serves as a letter of introduction and therefore the student should make an effort to find a name for his/her software application that defines the product well (MIRANDA, 2003).

- Penalty calculator
- Calculate your penalty
- Computation of judicial penalties
- Or any other denomination

Step two: The student must determine the target audience for his or her spreadsheet, software application or website in order to determine the penalty to be imposed for the commission of a specific offence.

In other words, they must identify who is part of the group of people they should target with their communication strategy. This audience segmentation will help them design a *Legal Design* communication strategy with a more attractive and effective message (PICÓN PRADO *et al.*, 2004).

There are several possibilities when choosing your target audience:

- Product specifically aimed at legal operators
- Product specifically aimed at undergraduate or postgraduate students in legal studies (Law, Criminology, Master's degrees in access to the legal profession...).
- Product aimed at other groups outside the world of law (people who are going to be subjected to a trial, psychologists, legal experts, social workers...).

1. On the so-called inductive method or case method, which is based on access to knowledge of the contents of an academic subject following the itinerary that goes from cases or problems to institutions or categories, i.e. from topical and concrete thought to concepts and the system.(LAVILLA RUBIRA, 1988).

Step three: Determining which utilities the tool should have. In order to do this, we must remember what we have learned theoretically and apply all the theoretical criminal categories that have been studied beforehand:

- The calculator is able to indicate the penalty for the offence according to the applicable criminal law. When considering a practical case for a criminal offence, it is important to identify the type of offence and the applicable law, as well as the time of the offence's commission. Additionally, the principle of retroactivity of the most favorable criminal law must be considered (REDONDO HERMIDA, 2008).
- Calculate the maximum and minimum penalty. We must remember that the determination is always accompanied by its previous step, which is the interpretation of the norm (JESCHECK, 1993)[2].
- It allows the calculation of the upper and lower half of the penalty. To this end, the provisions of Article 66 of the current Criminal Code must be taken into account, which allows the penalty to be modulated in each case and always establishes a minimum and a maximum limit for the prison sentence or fine to be imposed.
- It allows knowing "with a single click" the upper and lower degrees of penalties.

Any analysis of the calculation of the penalty has to start from the provisions of Article 66 of the Criminal Code.

This precept establishes the guidelines for general application, taking into account the concurrence or not of mitigating or aggravating circumstances. Article 70, on the other hand, explains how the lower and higher penalties are calculated.

Rule 6 of this Article states that when there are no circumstances modifying criminal liability (mitigating or aggravating circumstances), the penalty may be imposed to the "extent

2. The individualization of the penalty involves more than just determining the penalty itself. It also encompasses various aspects, including the conditional suspension of the penalty, the establishment of rules of conduct, issuing warnings with the possibility of imposing penalties, waiving penalties, granting exemptions from penalties, imposing corrective and security measures, declaring the loss of profit and confiscation, and imposing accessory consequences (JESCHECK, 1993) .

deemed appropriate" by the judges or courts "taking into account the personal circumstances of the offender and the greater or lesser seriousness of the act".

The penalty should be increased or increased by a higher half. This is the case in at least five basic cases:

1. Where the offence is committed in the degree of attempt.
2. Where there is continuity of offence.
3. There is a concurrence of offences.
4. When the involvement of the convicted person differs from that of the perpetrator or instigator of the offense, the penalty's scope must be determined for each offense. For instance, Article 269 of the Criminal Code specifies that 'provocation, conspiracy, and solicitation to commit offenses such as robbery, extortion, fraud, or misappropriation shall be punished with a penalty one or two degrees lower than that of the corresponding offense.
5. Error of fact or law.

In the case of an attempt (the crime is not completed for reasons beyond the perpetrator's control, art. 16.1 CC), the penalty imposed will be one or two degrees lower than that established by law for the completed crime, depending on the danger inherent in the attempt and the degree of execution achieved (art. 62 PC).

In cases of criminal continuity (Article 74.1 CC: plurality of actions infringing the same criminal precept or of the same nature), the penalty to be imposed would be the upper half of the most serious offence committed.

In cases of ideal concurrence of offences (art. 77.1 CC: when a single act constitutes more than one offence), the applicable rule would be the same as for continuity of offences, unless the sum of the penalties to be applied separately for each of the offences is lower, in which case this would be the maximum limit.

The starting point for the calculation of the penalty in its lower half is the minimum penalty (summed over one day) while the maximum point is just half of the possible penalty.

For the calculation of the penalty in the upper half of the penalty, one-half of the penalty plus one day must be taken as a starting point until the maximum permitted penalty is reached.

The higher penalty shall be calculated by reference to the maximum penalty to which one day shall be added and shall be up to half of this value.

The lower degree of penalty is calculated by reference to the minimum penalty, from which one day is subtracted. Thus, the lower penalty in degree will be that which results from half of this minimum value and the reference minimum penalty.

It automatically displays the amount in euros of the maximum and minimum penalties for fines.

Article 50 of the Criminal Code establishes two types of fines: the day-fine system and the proportional fine penalty. The former are the most commonly used, while the latter are only applied for specific offences. The penalty of fine is one of the sanctions established in the Criminal Code for the commission of offences. The judge within the legal limits determines both the duration and the amount of the fine and taking into account the economic capacity of the offender, depending on the economic situation of the convicted person, the court has the power to allow payment within 2 years or in instalments.

According to the Criminal Code, two variables are basic to the establishment of the fine. These are the ones that allow the court or judge to quantify the corresponding monetary sanction.

When applying the day-fine system, the length of time is a key factor in the calculation, this being determined by the number of instalments imposed. The length of the fine in criminal law depends on the offence being tried. The Spanish Criminal Code establishes the fines that correspond to each case.

The judge determines the amount to be paid as a fine for a criminal offence in his penalty. One of the factors that are evaluated for this designation is the economic capacity of the person judged (CARDENAL, 2020).

It applies the "one-third reduction" in cases of conformity in fast-track trials, in the Duty Court.

The conformity of the accused in speedy trials, with the indictment presented by the Public Prosecutor's Office, entails the reduction of the penalty requested by one third. The offences that can be prosecuted as speedy trials are set out in article 795 LECrim. This reduction in penalty must also be reflected in the computer application designed by the students, as it involves a

different calculation of the penalty, which in many cases will mean that an accused person will renounce exercising their right to a defense (MARTÍN-RÍOS, 2004).

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13

Principles of *Human-centered Design* in Civil Family Law: Application of the *Legal Design* and *Legal Visualisation* Methodologies to Facilitate Understanding of Separation, Divorce and Marital Nullity

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Abstract
The so-called matrimonial crises include separation, divorce and annulment. Undoubtedly, these issues play an important role within Family Civil Law for many reasons, one of them being its great practical importance. Because of all the interests at stake, it is a very complex matter from different points of view. The problem is exacerbated when the subjects are laypersons, as in most cases, and their ignorance can lead to greater uncertainty and unease, leading to bad decisions that result in greater conflict. It will be the responsibility of legal professionals to inform the user correctly, which is not always an easy task. Therefore, techniques that enhance this comprehension and bring legal issues closer to citizens are required. One of these techniques is *Legal Design Thinking* and *Legal Visualization*, and to this end, we have carried out a project with the students of this subject so that they are trained in it and are able to make the Law accessible to users. This project is developed within the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visualization. Towards an Understandable EU Law" (620987-EPP-1-2020-1-ES-EPPJMO-PROJECT).[1]

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13.1. Introduction and Theoretical Framework

The marital relationship may experience during its existence a suspension of its effects, or a definitive cessation of its effects. Article 32 of the Spanish Constitution (SC) refers to a *Law*, *which*, with full legal equality, regulates the rights and duties of the spouses, as well as the causes for separation and dissolution of the marriage. This *law* is the Civil Code (CC), which underwent an important reform in the domain of family law following the Constitution to adapt its precepts to the Magna Carta. In compliance with the constitutional mandate, Law 30/1981, of 7 July, modified the regulation of marriage in the Civil Code, as well as separation and annulment, and introduced divorce, which is why it is commonly known as the *Divorce Law*.[2] Thus, Civil Family Law offers a legal response when a marital crisis occurs, regulating separation (Articles 81 to 84 CC) and divorce (Articles 85 to 89 CC). Together with these two figures, the Civil Code also includes marriage annulment, which comes into play when some of the causes that give rise to this situation occur (Articles 73 to 80 CC). The common effects of separation, divorce and annulment are regulated in Articles 90 to 101 CC; the provisional measures for annulment, separation and divorce, in Articles 102 to 106 CC, and finally the determination of the law applicable to annulment, separation and divorce, in Article 107 CC (PEITEADO MARISCAL, 2019).

Separation, divorce and annulment are concepts, which, although they have similar outcomes, are nevertheless substantially different.

Separation is defined as the effective cessation of marital cohabitation. It ends the possibility of involving the other spouse's assets in the exercise of economic domestic power, while the marital bond still continues to exist. Divorce, on the other hand, along with death and the declaration of death, is one of the causes of dissolution of the conjugal bond, which allows a new marriage to be entered into. In both cases, separation and divorce, the marriage will have been valid and will have been fully effective up to that point. Therefore, separation and divorce do not

2. Law 30/1981, of 7 July 1981, which modifies the regulation of marriage in the Civil Code and determines the procedure to be followed in the causes of annulment, separation and divorce ("BOE" no. 172, of 20 July 1981, pages 16457 to 16462).

have retroactive effects. Indeed, the consequences of separation or divorce will be caused by the finality of the judgement or decree that states them, or from the manifestation of the consent of both spouses granted in a public deed, when notary does this. Additionally, when a marriage is null and void, for the causes specified in the Civil Code (Art. 73 CC), it is as if it had never been celebrated with retroactive effects, with the sole exception of a putative marriage (Art. 79 CC). The nullity of a marriage results from causes coeval to the celebration of the marriage, never by supervening causes (NORIEGA RODRÍGUEZ, 2020). The regulation of separation and divorce underwent an important reform by Law 15/2005, which amends the Civil Code and the Civil Procedure Law in matters of separation and divorce.[3] In particular, we can highlight two significant changes:

- Separation is no longer a prerequisite for divorce; spouses can therefore divorce directly. Since 2005, separation has been relegated to a very secondary position (e.g. religious reasons, couples who want to give themselves a chance before divorcing, etc.), as it is no longer a *conditio sine qua non* for divorce, since in most cases spouses divorce directly, without going through a prior legal separation, as the statistics show.

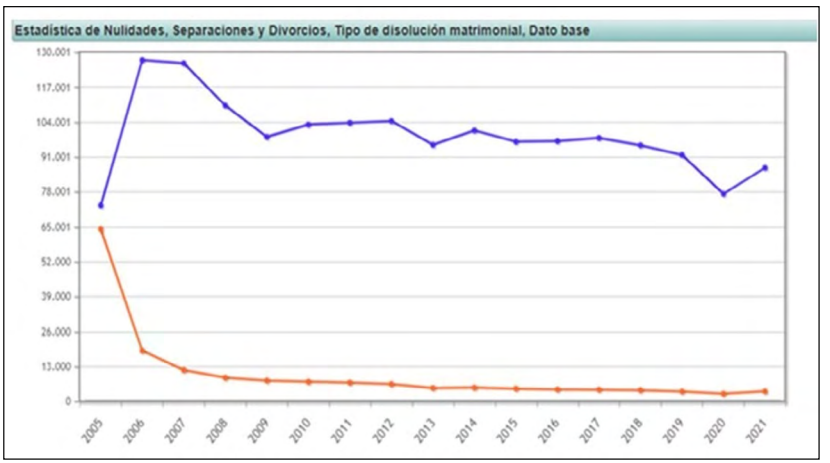

Figure 13.1. The blue line shows divorces and the red line shows separations from 2005 to 2021. Source: National Institute of Statistics (INE)

3. BOE No. 163 of 9 July 2005, pages 24458 to 24461.

- This amendment eliminates the legal grounds for separation and divorce. This suppression was a very important change in these procedures, as the spouses could apply directly for separation (or divorce) without any legal grounds for separation (or divorce). A time restriction was introduced for spouses to separate (or divorce): 3 months from the celebration of the marriage. However, this period for the filing of the lawsuit does not apply when the existence of a risk to the life, physical integrity, freedom, moral integrity or sexual freedom and indemnity of the plaintiff spouse or of the children of both or of any of the partners in the marriage is proven (Articles 81 and 86 CC).

The regulation of separation and divorce was again modified by Law 15/2015, of 2 July, on voluntary jurisdiction.[4] The most significant reform introduced by this Law was the possibility that Notaries, subject to specific requirements, can determine separation (or divorce) by means of a public deed, without the need for a judicial procedure. In addition, under the same circumstances, the Lawyers of the Administration of Justice may decree the separation (or divorce). To utilize notarial proceedings or the Legal Adviser of the Administration of Justice, as stated in Articles 82 and 87 of the Civil Code (CC), spouses must agree on their separation or divorce by mutual consent. They need to draft a regulatory agreement, which should include measures to regulate its effects, as specified in Article 90 CC. Despite the fact that they must be advised by a practicing lawyer, the spouses must intervene in the execution of the agreement in person, giving their permission before the Legal Adviser of the Administration of Justice or Notary Public. Similarly, children of full age or emancipated minors must give consent in respect of measures affecting them before the Legal Adviser of the Administration of Justice or the Notary since they have no income of their own and reside in the family home. Additionally, there should be no unemancipated minor children or adult children for whom judicially established parental support measures are in place. If not all of these requirements are met, the separation or divorce must be pronounced judicially. Nevertheless, court processes will always

4. BOE No. 158, of 03/07/2015.

be used to determine marriage nullity (VILAR GONZÁLEZ, 2021).

Articles 81, 82, 94 and 96 CC have been modified by Law 8/2021, of 2 June, on support for persons with disabilities,[5] to adapt them to the new regulation on this matter. Organic Law 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence,[6] reformed Article 92. This article has also been amended by Law 16/2022, of 5 September, reforming the revised text of the Insolvency Act.[7] Law 17/2021, of 15 December, amending the Civil Code, the Mortgage Law and the Civil Procedure Law, on the legal regime of animals,[8] has also amended some articles of the CC related to this matter, specifically articles 90, 91, 92 and 103, and has introduced article 94 bis.

According to the latest data by the Spanish National Institute of Statistics, in 2021 there were 3,674 separations, 86,851 divorces and 57 annulments, in total, therefore, 90,582 marital breakdowns.[9] We see, therefore, that this is a matter of great practical importance. Because of the complex interests at stake, particularly when children are involved, and given the painful situation that the parties involved are going through, an extremely delicate subject transcends even purely legal problems due to its high emotional intensity. Given the situations they deal with, lawyers who work in this area of civil law must have a special sensitivity, and it can be said that not only must they be good legal professionals, but they must also know how to listen, console, be empathetic, and accompany their clients through this unfortunate, and at times, arduous process. Failure, or guilt, creates unease and a deep sense of loss in the persons concerned, which is difficult to handle (PEREZ TESTOR *et al.*, 2009).

5. Law 8/2021, of 2 June, which reforms civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity (BOE No. 132, of 03/06/2021).

6. BOE No. 134, of 05/06/2021.

7. Bankruptcy Law, approved by Royal Legislative Decree 1/2020 of 5 May, transposing Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on frameworks for preventive restructuring, debt waivers and disqualifications, and on measures to improve the efficiency of restructuring, insolvency and debt waiver proceedings, and amending Directive (EU) 2017/1132 of the European Parliament and of the Council on certain aspects of company law (Restructuring and Insolvency Directive) (BOE No. 214, of 06/09/2022).

8. BOE No. 300 of 16 December 2021, pages 154134 to 154143.

9. https://www.ine.es/jaxiT3/Datos.htm?t=20170#!tabs-table.

For all these reasons, family lawyers should steer the process in the most favorable way, making decisions that lessen tensions and suffering while seeking to reach consensus as much as possible. The problem, however, can be aggravated because the delicate moment that the subjects are going through, which causes situations of bewilderment, suffering and emotional stress, is often compounded by the fact that, being laypeople in law, they do not know what they are facing, what the best option will be, how the process will develop... causing greater uncertainty and unease. It is not surprising that, as a result of this ignorance, wrong decisions are taken that result in greater conflict, since ignorance makes us distrustful and suspicious.

The onus will be on legal professionals to inform the user correctly, which is not always an easy task. Traditionally, the true protagonists of the process, being those affected, have been left behind and in the hands of lawyers, faced with totally incomprehensible legal jargon. However, there has been an attempt to turn things around in the last decade, with new challenges and trends suggested with the purpose of a new transformation process, converting this complex language into one that is simpler and easier to understand. On 11 March 2021, a significant collaboration was initiated to promote modern and accessible legal language for citizens. The General Protocol of Collaboration was signed by various institutions, including the Ministry of Justice, the Supreme Court, and the General Council of the Judiciary; the State Attorney General's Office; the Spanish Royal Academy; the Royal Academy of Jurisprudence and Legislation of Spain; the General Council of the Spanish Bar; the General Council of Solicitors of Spain; the General Council of the Official Associations of Social Graduates of Spain; and the Conference of Law Deans of Spain.[10] According to Article 9.2 SC, there is a constitutional foundation for demanding an accessible and understandable legal language for citizens; only in this way will it be possible to establish meaningful and effective access to justice. In order to achieve this objective, the Protocol called for the establishment of a Commission, which was carried out by Order JUS/912/2022, dated September 12, creating the Commission for the Clarification and Modernisation of Legal Language, with the goal of en-

10. file:///C:/Users/Admin/Downloads/18_2021%20(1).pdf (accessed April 2023)

suring the quality and accessibility of legal language in the Administration of Justice. Furthermore, within the scope of the Justice 2030 Project and regulatory production, this Commission may provide advice to the Ministry of Justice on improving the clarity and modernity of legal language.

One way to achieve these objectives can undoubtedly be through the application of concepts and tools from *Legal Design Thinking*. *Design Thinking* was originally a technique used by designers to solve complex problems through understanding and empathising with the user, who was placed at the centre in order to find out their concerns and needs, and from there to provide solutions (MORELL RAMOS, 2020). *Design Thinking* starts by focusing on the individuals it is designed for and concludes with creating new, tailor-made solutions to meet their needs (GOVERNMENT OF MANITOBA, 2019). This technique can also be applied in the field of law, giving rise to *Legal Design Thinking*, which has been used for years in the United States, both in the university environment, as a training tool, and in the business environment (MARTHA, 2020). *Legal Design Thinking* has three primary goals (HAGAN, n.d.): First, it aims to help laypeople understand their obligations and rights and to enable lawyers to serve their clients more efficiently. Second, it focuses on developing a better front-end interface for navigating the legal system and a more intuitive back-end for system and regulation access. Third, it works on making small improvements in the short term and significant changes in the long term. Furthermore, *Legal Visualization* techniques contribute to achieving these objectives by materialising the proposed solutions in a visual format that the lay user can understand. In short, *Legal Design Thinking* is a disruptive methodology that links legal knowledge with design, simple language, and even technology, always focused on the user (TAFUR, 2022).

With this new approach, and focusing on the issue at hand, users, who are laypeople in law and are going through a matrimonial conflict, would know what they are going to face and what would be the best options applicable to their case. In short, individuals would become actual protagonists of the process, taking charge of it without third-party interference, preventing misunderstandings and unneeded disputes. Furthermore, attorneys and jurists in general would have instruments to help them

with their work since they would no longer have to interpret legal jargon for their clients, as they would be able to understand the complex legal terms.

For all of the above reasons, *Legal Design Thinking* is an essential technique nowadays to be implemented in the legal field and, therefore, we have deemed it essential to train our students in Law –specifically in Civil Family Law– in this methodology, as we will explain below. The aim is to design solutions with and for the people affected by divorce, separation or marriage annulment.

13.2. Methodology

Any process of implementing innovative methodologies in higher education, as well as adapting to new realities, is a challenge for educators, but it is also exhilarating to face these new challenges. The 21st-century educator must be in continuous (re) elaboration of pedagogical practices, situations and experiences and, for this reason, needs to be open to novelties, attentive to recognise and accompany the necessary changes in favour of the full development of their students (ABREU VALADARES, 2020). The application of *Design Thinking* techniques in Law will allow us to explore new ways of thinking, creating and implementing solutions that put the user at the centre (URSEL, 2017). In addition, *Legal Visualisation* techniques will be used as a tool to materialise the results.

Our work focuses on the analysis of the active application of this methodology in a 2nd year Law Degree class, specifically in the subject of Family Civil Law, and in particular, in the area of separation, divorce and marriage annulment, due to its practical importance, as well as for the reasons previously stated. Students will first be trained in this methodology through seminars led by *Legal Design Thinking* experts, and then they will implement it in groups of four or five. In order to adjust to this dynamic, they had to first learn the legal knowledge on which this technique will be based. The objective of simplifying complex legal matters for lay users and offering solutions to arising problems means that students must exert more effort in their learning process. Undoubtedly, grasping these concepts and applying these techniques will lead to optimal quality in their training as jurists.

We can distinguish the following phases in the development of the *Legal Design Thinking* methodology (FRIIS, 2023): empathise, define, ideate, prototype and test.

1. **Empathise**: in this first phase, the teams identify the user, who will be at the core of the project. A middle-aged nonprofessional in law with a basic education is proposed. The aim is to empathise with the user, consider the questions that he or she might ask about separation, divorce or marriage annulment, and determine what he or she should know about these processes.
2. **In the 'Define' phase**, using the information collected previously, we can identify the problematic questions users have on this matter. For example, they might struggle to differentiate between separation, divorce, and marriage annulment, be unsure if they need to justify the reason for their separation or divorce, or not understand what a regulatory agreement entails. This is a critical phase, as only by focusing on the problem can a solution be found. For this reason, once the problems have been identified, and before proceeding, the teams will test them by means of a survey of users who respond to the chosen profile to check whether any modifications or adjustments need to be made.
3. **Ideation and prototyping**: once the problems have been determined, in this phase they will devise the solutions. Therefore, it is a moment of great creativity and innovation where students will use techniques such as brainstorming to reach a consensus on the solutions that are considered most appropriate to achieve the objective. It will be then when the teams will create prototypes giving shape to the ideas (e.g. infographics, videos, podcasts...) (DE LA PEÑA, 2021).
4. **Testing**: the process will end by checking whether the prototype designed really meets the objectives, i.e. whether the users are able to understand the matter that regulates separation, divorce and marriage annulment, thus dispelling their doubts.

In our case, the project concludes with the drafting by the different teams of a final report that details the work carried out in each and every one of the phases of development of the *Legal*

Design Thinking methodology, as well as some conclusions and a final assessment.

13.3. results and Discussion

The implementation of this methodology initially caused perplexity among the students, as it was the first time they had heard of *Design Thinking*, and they were surprised that it could be applied to the legal field. The training seminars on this subject, however, helped to dispel these doubts.

Gradually, as the project developed, the initial scepticism was transformed into a growing motivation and enthusiasm, not only for this methodology but also for the legal subject matter they were going to work on –separation, divorce and annulment– as they realised the need to have fully understood it in order to be able to apply the *Legal Design Thinking* techniques.

We allocated five classroom sessions for the project, corresponding to the five phases of the development of this methodology (empathising, defining, devising, prototyping and testing), so that the professor could supervise the work and clarify any doubts that might arise in the different work teams. Outside the classroom, in addition to face-to-face meetings, students employed new technologies that allow online connections and document sharing, taking minutes of all of this. These minutes were sent to the professor so that he/she could follow up and be aware of progress.

In the empathising phase, once the user had been identified, the students put themselves in the user's shoes and asked themselves what the needs of this middle-aged, middle-educated non-professional in law would be. At first, it was not easy for them, because they took many concepts for granted as law students. A reflection was necessary in order to assume this role and from that moment on, many questions arose. In the next phase, defining, they delimited the problems that each team would focus on in order to find a solution.

Here is a small sample of the problems that were defined by the different teams:

- Is separation and divorce the same thing?
- Is civil marriage annulment the same as canonical marriage annulment?
- When can I file for separation or divorce?
- Can I get divorced even if the other spouse doesn't want me to? Do I have to separate first?
- Do I always have to go to court?
- When can I get divorced or separated by a notary?
- How much does it cost, do I need a lawyer?
- What is the best option to make the process less time-consuming and less painful?
- What documents are needed?
- What happens if there is gender-based violence?
- What about minor children, what about adult children, should they be supported?
- If a spouse does not work, what will happen?
- Do I have to justify my grounds for divorce?
- What will happen to assets and debts?
- What is a settlement agreement?

The students' reflection on generating these questions enhanced their learning of the legal subject matter of our project. They had to provide answers to all of them, and, applying the *Legal Design Thinking* methodology, these answers had to be simple and understandable for the user. This required a deep mastery of the subject.

Before moving on to the third phase, the teams conducted a survey of users of the chosen profile to check whether the problems were well defined, or whether, on the contrary, any adjustments or modifications were necessary. It is important to remember that this is an iterative process, which is fed back with the aim of perfecting the solution, so it is necessary to go back as many times as necessary in order to advance correctly. At the end of the workshops, the teams drew up a report compiling the surveys and analysing them. Some of the reflections made by the teams were the following:

> Regarding the difficulties we have had, we have to point out, first of all, that it is not an easy job, putting yourself in the shoes of a person without legal knowledge is more than complex, and even

more so if we are learning more and more law in our day-to-day work. We assumed that users knew a lot of things, but we were wrong. Therefore, before conducting the surveys, we thought that the questions would be in line with our intentions, but this was not the case. For example, most of the respondents do not know the role that the Notary can play in these procedures, so maybe we can focus on that as well. In addition, we were surprised by the confusion generated by the fact that there is gender violence, as some said that the procedure is longer, others shorter... Some said that there is a need for grounds for divorce or separation. Most of them did not know that civil annulment existed, they had only heard about canonical annulment. As well as the lack of knowledge of some respondents to look for the cheapest or best procedure for the children. Therefore, we are going to adjust the problems identified.

Regarding the interviews conducted, we can observe that most of our interviewees understand general concepts about divorce, but they often confuse it with separation, even so, they still require more information to know about the topics covered. We have thought of adding some more problems.

When asked about annulment, there was a greater lack of knowledge on the part of the respondents as it is a more difficult topic for people who have no prior knowledge about divorce, separation and especially annulment. In general, we are happy with the problems we have identified.

As we have seen in the previous surveys, the subjects knew a little about this topic. Some knew very little and others knew a little more, but they lacked data and content, so they would not know how to deal with certain situations that would arise when asking for a separation or divorce. We think that we got pretty close to the questions that people who don't know about Law might have when facing situations related to divorce and separation.

Once the problems posed had been redefined, we moved on to the phase of devising and prototyping. Firstly, using the post-it technique, which includes brainstorming (RUIZ CAMPO, ZUNIGA JARA, & CRUZ CHUST, 2022), the teams reached a consensus on solutions to the problems posed. Thus, in the first phase, each team member individually contributed their ideas by writing each of them on a different post-it notes, which was

then stuck on a large sheet of paper placed on the wall. In a second phase, they grouped the ideas that coincided and proceeded to make a consensus selection of the ideas they considered to be the best.

The teams then created the prototypes they considered appropriate, giving shape to their ideas. Prototypes proposed by the teams:

- Some teams chose to develop a website, which, by collecting the most common questions, would provide answers to them in a simple way by navigating through the proposed routes.
- Other teams produced infographics that facilitate understanding of the subject by using drawings, diagrams and simple language.

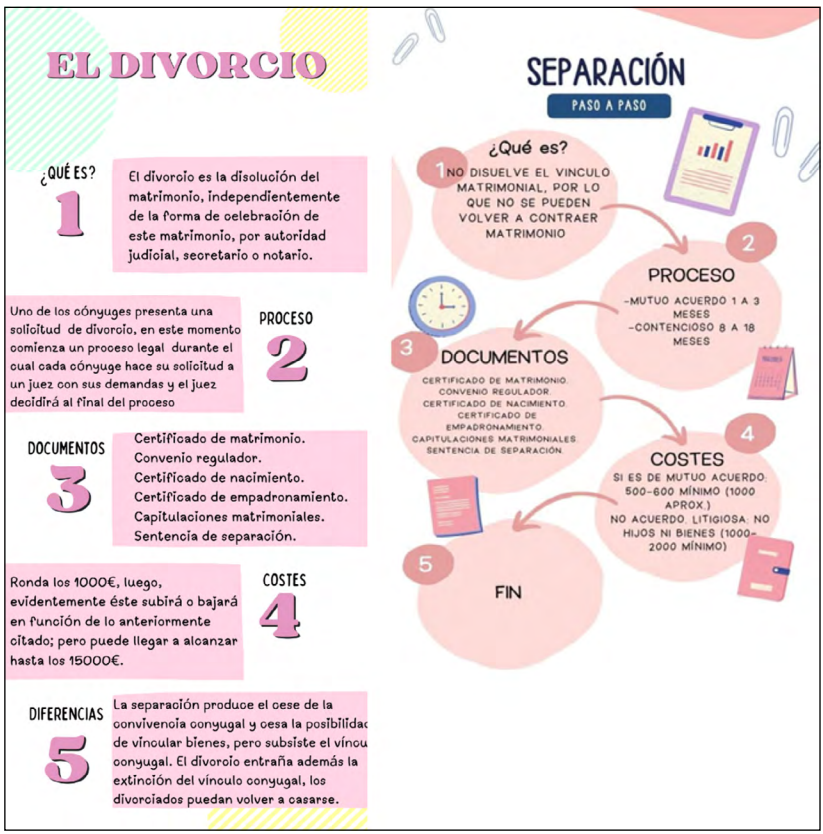

Figure 13.2. Examples of infographics produced by a team of students.

- Some teams used the QR code tool, as it is considered to be quite widespread nowadays and easily accessible to most users. By downloading this QR code, in simple language, the most frequently asked questions about separation, divorce and annulment are answered.

Figure 13.3. Example of a QR code developed by a team of students.

- Other teams proposed the creation of a mobile app. The application answers all the questions by touch selecting the different icons (e.g. divorce, separation or annulment). Depending on the icon selected, the application gives different options for further navigation (e.g. divorce by mutual agreement or contentious divorce...), thus suggesting different informative routes.

Finally, the last phase was completed and the same users who had completed the initial survey tested the products proposed by the different teams, in most cases. The results were very positive, since in general terms 93% of the respondents stated that they had understood this legal matter and admitted it had dispelled many of their initial doubts. When asked whether they would use these tools to obtain information before a marital conflict arose, 98% of respondents replied emphatically "yes".

The project concluded with the drafting by the different teams of a written report on the development of the whole process, with evidence in the form of annexes, and a final reflection. Some of the final conclusions of the report are listed below:

> We believe that this website reflects the information we wanted to explain to our hypothetical client, as we have used a tool that is up

to date with the world we live in, so that we can get closer to people who do not have legal knowledge, and thus make the law more accessible to people, because, after all, we are surrounded by situations regulated by the law. We believe that this tool could be useful because many law firms do not even have a website, and if they do, it is so full of such technical concepts that clients reject them when it comes to these processes. The way our application is structured, we make it apparent from the outset that we are individuals who are connected to the customer, who want to make people's life simpler by using more normal language and avoiding technical terms.

Legal Design Thinking is, among other things, an extraordinary tool for the design of processes and what is certain is that in the field of Law nobody should be able to do it better than us jurists. Bringing the law closer to the people is essential. We found it very interesting.

The work has been very beneficial to us since we have learned more about the key terms of the topic as a result of this project, which may also benefit us in our day-to-day job, both at work and personally if we wish to devote ourselves to this. Furthermore, we believe that by developing this tool, we will be able to assist users who lack this knowledge, as well as those who find it difficult to grasp the legal jargon or discern between the many phrases used while dissolving a marriage. Personally, we found it engaging and entertaining, however it takes a lot of thought to turn something sophisticated into a tool that "everyone" can use".

We have become aware that law is not only for those who understand it but that with this tool we can bring it closer to all people. We believe that Legal Design Thinking is a fundamental methodology since nowadays more and more individuals have to resort to a lawyer at least once in their lives and it is unfair that there are people who do not fully understand it and see it as something inaccessible.

At the end of the *Legal Design Thinking* project a survey was given to the students to rate the project as a whole from 0 to 10. Of the 22 respondents, 18 gave it a score of 10, 3 gave it a score of 9 and 1 gave it a score of 8.

Figure 13.4. Graph showing the results obtained in the overall assessment survey of the *Legal Design Thinking* project. Source: own elaboration.

Therefore, the experience has been very positively received by the students, who have realised the usefulness of the *Legal Design Thinking* methodology in facilitating the understanding of law for users. In addition, this methodology has helped students to improve the development and acquisition of soft skills, such as creativity, critical thinking, commitment, leadership, empathy, communication, teamwork, etc., which are essential as they are increasingly in demand in the workplace.

13.4. Conclusions

The education of our Bachelor's Degree in Law students must include not only the study of laws and legal concepts but it must also be adapted to what is expected from 21st-century jurists, only then will they be equipped to successfully tackle the new challenges of the profession. In our increasingly demanding society, where the user and the client want to be at the heart of every process, the knowledge of Law can no longer be in the hands of a few but must be understood by all those to whom it is addressed. It is not a matter of jurists giving up rights, but rather the opposite, of granting the layperson the right to comprehend (GOZÁLEZ ESPEJO, 2022). In order to respond to these new demands, the *Legal*

Design Thinking methodology stands out among the techniques that jurists can use in their professional life, and where better to learn how to use them than in the University itself, which must be open, attentive and prepared to accept the latest trends and convey them to its students. All of this justifies this project, in which students learned how to apply *Legal Design Thinking* to a particular case: to make a legal matter of great practical importance, such as separation, divorce and marriage annulment, comprehensible and accessible to a lay user. Furthermore, since the implementation of the process requires a deep and prior knowledge of the legal concepts on which this methodology is going to be applied, the *Legal Design Thinking* project has undoubtedly contributed to an optimal training of students in the legal field.

Finally, I would like to underscore that this project on *Legal Design Thinking* methodology has helped students of the Degree in Law, future Lawyers, Judges and Notaries, to empathise with lay citizens in legal matters, understanding what it means to be ignorant in Law when one is affected, in our case, by a matrimonial crisis. This is one of the best lessons the students have taken away from this experience, which they will never forget. As one team pointed out in their report:

> After studying this subject –separation, divorce and annulment–, we have internalised it so much that we are not aware of the users' lack of legal knowledge [but] now we realise how important it is for a person going through one of these painful processes to understand and comprehend the rules that regulate it, after all, they are the protagonist...

I am sure that this experience will make them better professionals in the future.

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14

Legal Design Thinking and *Legal Visualisation* in the Context of Teaching Canonical Marriage Law and its Application in Ecclesiastical Courts

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Abstract
The digital transformation we are experiencing is causing significant changes in our daily lives, such as changes in market demands for skills as well as the very nature of employment and professions, making training in various skills absolutely necessary for a solvent access to the labour market. The pace, breadth, and depth of this technological transformation are compelling us to reconsider how we live, work, and interact with one another, even in the legal domain.

The law is ever present and affects human activity in all areas of their life, despite the fact that the legal world is tough for individuals, causing them to feel insecure on most occasions. It is therefore necessary to improve people's perceptions of the legal system, ensuring that it is perceived as a positive experience; that they truly understand how the law applies to their specific situation, thus enabling them to make a truly informed and satisfactory decision.

Given the importance of this topic, we believe it is vital to include this approach in undergraduate law courses, especially in the context of canonical marriage annulment. Future professionals will study the rules of canonical marital law while also using other methodologies and auxiliary sciences to develop and elaborate artefacts that allow users to properly comprehend their position and the alternative solutions provided by the law. To do this, we will use *Legal Design Thinking* and *Legal Visualization* approaches, in which students will attempt to portray the legal principles involved in a clear and intelligible manner for the ordinary citizen. This project is developed within the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visu-

alization. Towards an Understandable EU Law" (620987-EPP-1-2020-1-ES-EPPJMO-PROJECT)"[1]

14.1. Starting Point: the Legal Advisor

Canonical marriage is particularly important in Spain, where it is one of the most common types of marriage. However, this does not directly lead to an understanding of what marital nullity is and how it differs from separation and dissolution, or when it is feasible to commence a procedure to discover whether or not my marriage is null. Furthermore, on many occasions, we are confronted with an area that is not only unfamiliar to the individual but one in which there are also many preconceived errors and misconceptions.

The Instruction *Dignitas Connubii*, issued in Rome on 25 January 2005, prepared by the Pontifical Council by mandate of the Roman Pontiff John Paul II, and approved by him, is primarily intended to facilitate the application of the rules of the Code by those working in the field of justice, which are dispersed in this area. This norm is subordinate to the Code's provisions governing this area, which continue to be fully effective. All diocesan and interdiocesan tribunals of the Latin Church must observe it (DANEELS, 2006).

According to Art. 113.1 of the above-mentioned Instruction: "At every tribunal there is to be an office or a person available so that anyone can freely and quickly obtain advice about the possibility of, and procedure for, the introduction of their cause of nullity of marriage, if such should be the case".

These words outline and introduce the role of the legal advisor in the organization of the Ecclesiastical Courts. This role can be described as a qualified service for consultation and assistance, available to the Courts and accessible to interested individuals. In general terms, it is the task of the counsellor to assess whether there is a cause of nullity behind a marital crisis and, if so, to provide the spouses with an initial orientation (BIANCHI, 2007).

1. Likewise, this work is part of the research project "Christian Humanism and Society: a permanent dialogue» (Code ID. FUSP-PDI-21-021). Funding Entity CEU-Santander (Funding), Universidad CEU Cardenal Herrera (Source entity) VIDEN001.

The task is to check for significant indications of potential grounds for marriage nullity. Therefore, it has two main objectives: first, to determine if the case presented aligns with one of the grounds specified in canon law; and second, to assess the feasibility of proving the identified grounds for nullity (BIANCHI, 2007).

In this regard, the Advisor should remind and explain to users that the verification of these points should always be done from the standpoint of the marriage celebration, and it is also useful to offer an outline of the main causes of nullity. And, at this point, it is not enough to provide a large amount of information; the real goal is the content's comprehensibility, so that the user can achieve an efficient and sufficient understanding of the complex legal information required, being able to truly grasp how the law applies to their specific situation and make an informed decision.

For this reason, and owing to the rapid advancement of technical advances, many professionals appreciate the tremendous possibility provided by these aspects and technologies to bring legal content closer to citizens. This circumstance, in my opinion, is particularly applicable within the scope of counsel to Ecclesiastical Courts, and therefore in the training of future jurists in the field in question.

14.2. *Legal Design Thinking*: a New Framework

Klaus Schwab, founder and executive chairman of the World Economic Forum, described, in his book *The Fourth Industrial Revolution*, the paradigm shift that our society is currently undergoing, given the numerous challenges facing the world today. Understanding the current technological revolution, which obviously involves the change of mankind, with the appearance of concerns such as nanotechnology, drones, 3D printing, virtual reality, and artificial intelligence, is one of the most significant challenges (SCHWAB, 2016). However, only three years later, other authors began to talk about Industry 5.0, publishing at the end of 2019, in a period of less than a month, two books on this subject: *The Age of Humanity: Towards the Fifth Industrial Revolution* (VIDAL, 2019); and *The Fifth Industrial Revolution*, (MARTÍNEZ, 2019).

The speed, breadth and depth of this technological revolution is clear, and it is constantly forcing us to rethink the way we live, work and relate to each other. According to the aforementioned authors, the scope of the fifth industrial revolution will be much broader, and will be defined, above all, by the expansion of automated intelligence, which will cause much greater disruption to social models and completely change the way companies interact with consumers (VIDAL, 2019).

In short, the transformation we are experiencing is causing substantial changes in our daily lives, such as the alteration of the demands for skills in the market, as well as the very nature of employment and professions, making training in different skills absolutely necessary for solvent access to the labour market. However, and from my perspective, far from a pessimistic interpretation that emphasises the dominance of artificial intelligence, this revolution is depicted as a resurgence of a personalist system, in which the individual must be at the core of all things.

Design Thinking falls under the umbrella of *Human Centered Design*, which focuses on placing the person/user at the heart of the process. This approach is based on the idea that products, services, organizations, and systems should be created and designed considering the users' needs, behaviors, and preferences. This ensures they are genuinely useful, usable, and appealing to their users (HAGAN, 2020).

Design Thinking is, therefore, an approach, a concrete strategy that allows us to systematically approach problem solving within the frame of reference. A user-centred innovation methodology that serves to rethink processes, strategies, products and services.

For its part, the *Legal Design Lab* at Stanford University initially coined the term *Legal Design* in 2013, at the initiative of Margaret Hagan. According to the author, human-centred design was a dominant innovation methodology in the field of the service industry, from medicine to insurance and finance, later landing in the legal system (HAGAN, 2020). In addition, it can be defined as a movement that aims to make the legal system work better for citizens by building on visual and human-centred design, civic technology and participatory policymaking (HAGAN, 2020).

Initially, it focuses on the application of *design thinking* to the world of law, with the purpose of making legal services easy, intuitive and satisfying; a process that aims to make legal commu-

nication simpler, friendlier and more effective, positively transforming the meaning and value of laws and legal documents (BERGER *et al.*, 2017). However, *Design Thinking* has quickly evolved from being just a methodology for creating artifacts to a discipline that delves into several areas. These include the design of tangible legal prototypes like contracts or legal documents, outlining services and action policies for both private and public sectors, conducting legal research through design, and, finally, legal education (TORRES 2020).

Legal Design Thinking can be seen, in short, as a process of innovation, the purpose of which is the discovery of needs and the creation of products or services, in this case legal, that satisfy them. A process that is comprised primarily of Design, Law and Technology, with the former serving as the nerve centre of *Legal Design*, since it is through this that the techniques, tools, and attitudes that feed Law and Technology are generated. In this sense, design is not restricted to things and consumer products, nor is it limited to the appearance of a product; rather, as we have shown, *Legal Design Thinking* is a cognitive process that allows for the development of new ideas. In this approach, design is concerned with how things should be rather than how they are (BERGER *et al.*, 2017).

To do this goal, the *Design Thinking* practitioner must establish empathy with the user while being objective; recognising their requirements necessitates seeing people in their natural surroundings, connecting with them, and getting involved in their life (BERGER *et al.*, 2017).

14.3. Methodology

Our proposal centers on applying *Legal Design Thinking* and *Legal Visualization* techniques, typically used to manifest design process results, within the context of canonical marriage annulment processes. The goal is to enhance student learning and achieve greater comprehensibility of the subject. Simultaneously, we aim to develop useful and usable mechanisms and artifacts. This approach facilitates a closer understanding of canonical marriage annulment in society, a topic often mired in significant and widespread confusion.

Our classroom proposal is structured into four phases: think, design, do, and deliver. We use and apply *Design Thinking* techniques in these phases, which I will detail shortly. The approach involves two key roles: the *Product Owner*, taken by the teacher, who defines the 'what'; and the *Team*, composed of students, who decide the 'how'.

The conflict posed by the Product Owner, under the common denominator "IS MY MARRIAGE VOID?", is specified in the following question: How could we explain to a lay couple, through technology or any other means, assuming the role of legal advisor, if their marriage is void and why?

From this perspective, these two actors work collaboratively in the classroom, following the Design Thinking methodology, which is usually divided into five phases: empathise, define, devise, prototype and test (FRIIS, 2023).

These stages will be utilized to progress in two main areas: firstly, identifying and understanding the problem presented by the service user; and secondly, in the search and design of the solution. I will elaborate on these below, drawing on HAGAN's study and adapting these phases to the framework of *Legal Design*, thus proposing a unique methodology (HAGAN, 2017).

Phase 1: Empathise. The first step in the process necessarily focuses on understanding the scenario in which action is to be taken, from the user's perspective. In this respect, it is vital to begin broadly without attempting to thoroughly describe the problem; this will be accomplished as the subsequent stages progress. It should be noted that the person is the main goal of the solution to be developed, that it is a problem in and of itself that will be addressed, therefore it is first and foremost a matter of knowing who the subject is and what the framework in which he or she develops and interacts is like.

One of the key techniques in this initial phase is the interview, which can be accompanied by others such as observation, self-testing of the product or service features, or through personal mapping to truly get to know the subject (HAGAN, 2017).

Phase 2: Define. This is the point at which all of the data acquired on the users, the parties involved, and the framework within which they operate is compiled. The objective is to establish all of the information acquired in order to define the line on which each team will focus for the rest of the process. While the

goal of the first stage is to collect a large amount of information, the aim of this stage is to reduce it to clear and precise extremes that may be prioritised, rejecting all material that is not beneficial for the rest of the design.

This exercise will help the designer to sort through the information obtained and, above all, to begin to develop his or her own hypotheses about the type of solution that might work (HAGAN, 2017).

Phase 3: Devising. Once the potential design directions have been determined, the third stage consists of the creation of ideas, which will serve as a precursor to the final prototype. At this stage, it is critical to take note of all the ideas generated and then strive to reach an agreement on the most valuable one.

All ideas are legitimate and must be given to the group's overall assessment in order to identify the one that will be deemed the most suitable for the solution of the problem (HAGAN, 2017).

Phase 4: Prototyping. One of the most exciting and appealing aspects of the project is prototyping. In this context, it is important to remember that these stages follow the brainstorming from the previous phase. Initially, low-fidelity or simple prototypes are typically designed.

These prototypes share some features with the final one but are essential for validating ideas. They eventually evolve into the final design that addresses the identified problem (HAGAN, 2017). Continuing with the considerations of the aforementioned author, we may state that the two primary pillars on which *Legal Design* is founded are the centrality of the user and ongoing innovation (HAGAN, 2020).

Moreover, to be more specific, we may divide the concepts upon which it is founded into three categories: visualisation, simplification and empathy (YANKOVSKIY, 2019). Indeed, language is something that cannot be avoided, and even more so in the legal framework, but in the advancement of *Legal Design* it is necessary to use simple words to improve communication and the satisfaction of users' needs. In this way, a suitable design that combines language with graphics, diagrams, timelines, etc., can facilitate access, understanding and implementation of legal texts (MURRAY, 2015).

The digital revolution has significantly and rapidly increased the interest in using images, photographs, icons, diagrams, or videos to enhance or substitute written language. While law still

primarily relies on text, the effectiveness of visuals in clarification and persuasion indicates that legal visualization will become increasingly important in legal research and practice in the upcoming years (BERGER *et al.*, 2017).

At this point, it is undeniable the usefulness of incorporating icons, symbols or images in legal documents, accompanied by simple language, through short sentences and even a single word, to interconnect the regulation with the user, improving the understanding of those contents that are not so perceptible to people who are not experts in law. In summary, these resources help in effectively understanding regulatory provisions, addressing the user's needs, which is a central aspect of *Legal Design Thinking* (TAFUR and MARTINS, 2022).

Phase 5: Testing. Once the process has been completed and the design has been proposed, the intermediate and final results must be assessed and tested. It is necessary to carry out early and continuous testing throughout the evolution of the design, as it will lead to proposals for improvement together with a permanent contact with the user's needs, thus seeking to achieve a better final result (HAGAN, 2017).

14.4. The Experience of *Legal Design* in the Classroom

Nowadays, talent and excellence are not only evidenced by a good academic record, but must be accompanied by other qualities and skills, which often go beyond the strictly academic, but are equally important and increasingly required by employers. Specifically, I am referring, among others, to:

1. Instilling in students from the very beginning a concern for the rigour and quality of their work, at all times.
2. Promoting oral and written expression skills, the ability to negotiate and argue in order to reasonably defend their opinions and position, and for this to be truly understood by the receiver, as well as empathy.
3. Learning to work in a team and to interact with different people, each with their own individuality.

4. Highlighting the interdisciplinary nature of the different branches of Law, as this vision is essential for the subsequent exercise, and, in the same way, between what we could call the auxiliary sciences of Law.
5. Consolidating the fundamental contents of Law throughout the course of study, so that they can be truly and permanently grasped.
6. Promoting research and the use of jurisprudence and legal databases.
7. Bringing creativity –something that can be difficult in the legal framework–, to the resolution of legal problems and conflicts.
8. Promoting politeness, good manners and punctuality, all of which are essential aspects in their professional future. In addition, most importantly, instilling the need for honest and upright behaviour at a time when the absence and loss of values in today's society is evident.
9. Together with this, and starting from this last premise, it is necessary to make the student, the future professional, see that his or her role as such is that of "servant of society". In fact, the professional is expected to provide a service to society. Every profession is defined by its intrinsic good, by its social function, and this is unique and irreplaceable, thus the profession will only be legitimised in the eyes of society if it is delivered in accordance with strict ethical principles. In this regard and considering everything that has been stated in the previous section, in my opinion, the value of the interaction and learning of this new discipline –*Legal Design Thinking*– whose defining element is the search for the solution from, by and for the user, is unquestionable. In essence, it is a discipline centered on the true essence of "being a professional": serving others.

The main objective of this project is to incorporate all these components into the academic training from the very beginning, pursuing an active integration on the part of the student, based on the design of a complete methodology in this respect.

As mentioned above, the proposal is based on two core functions. On the one hand, the *Product Owner*, assumed by the teacher, who is responsible for defining ***what*** he/she needs; and, on the other hand, the Team, who are responsible for finding the

solution and designing the deliverable according to the needs and demands of the *Product Owner*, i.e., the ***how.***

The teacher into groups of four or five divides the students, forming the Team. They work independently, designing the most suitable mechanism or artifact they deem fit to meet the user's needs. In this case, the challenge is: How can we explain to a legal couple, possibly using technology or other methods, and assuming the role of a legal advisor, whether and why their marriage is null and void?

The process of capturing the problem, as well as the design of the solution, is developed during the class sessions. To this end, the professor previously draws up a timetable with the distribution of the sessions and their content, which will mark the course of the four-month period and the different phases proposed above: think, design, do and deliver. And, during all of them, as *Product Owner*, the teacher plays a fundamental role in structuring the training phases, as well as helping to define the problem, the methods to be used, the evaluation of possible solutions and the first prototypes, etc.; in short, accompanying the team throughout the process to ensure its proprer development.

Within the framework of the subject of Canon Marriage Law, 8 groups were set up and 5 sessions were organised, in which each of the different stages of *Design Thinking* would be ad-

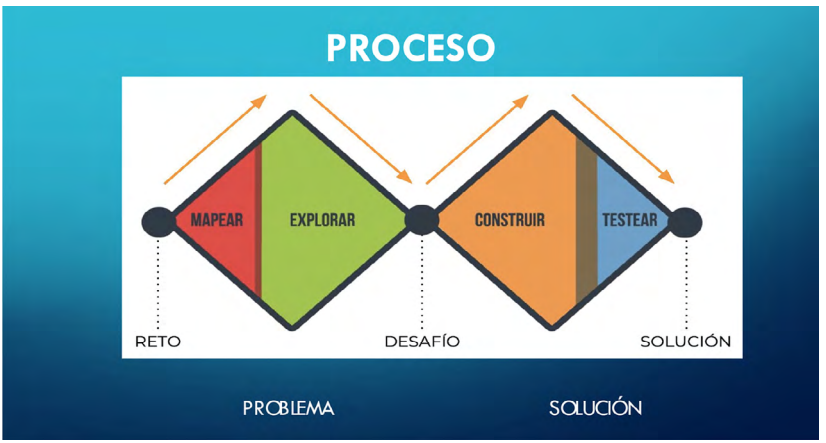

Figure 14.1. Copyright 2021 © Thinkers Co. and/or its affiliates. All rights reserved.

dressed through the use of divergent and convergent thinking, using a series of tools to facilitate the development of the design process, with the aim of encouraging creativity and brainstorming among the students.

Using this method, the first rhombus, as can be seen, refers to the analysis and delimitation of the user's real problem, which corresponds to the stages of empathising and defining. In this first part, the objective pursued by the different teams is to delimit and understand the work context, empathise with the user and share all the information gathered. The first step, Mapping, leads us to work in a divergent manner, where quantity and creativity are sought, using as much imagination as possible, so that each member of the team, individually, answers a series of questions regarding the issue raised with all that comes to mind. During the Explore phase, a convergent thinking process takes place. Each team member consolidates his or her perspectives from the mapping stage, focusing on quality over quantity. They discard irrelevant information, set priorities, and organize material that answers each question. This requires the team's critical, analytical, and disciplined thinking.

At this point, the best tools –as I pointed out above– for gathering as much information as possible about the project in question are interviews, observation and testing the characteristics of the service for oneself. The different teams explored various questions about canonical marriage annulment, including its distinction from divorce, potential causes for annulment, and society's understanding of it. Each team conducted research in their immediate environment to gather extensive information. After reviewing and agreeing on this material within their teams, they started to develop their own hypotheses about potential solutions.

The second rhombus, which refers to the solution, also has two sections, and work will be done at two successive moments –the first, divergent, and the second, convergent. With the Build phase, we begin the stages of ideation and prototyping of new solutions, which will then be assessed by the entire team in order to discover the most appropriate option.

In this regard, the different teams were required to focus on a single, simplified concept of the artefact to be built, starting from a specific situation of matrimonial nullity in which its user

would find himself, and which could be used to explain the issue and the possible legal remedy, if any. The students were responsible for conceiving and developing everything from the factual situation to the final product. This process required them to apply their substantive and technical knowledge of the subject. They followed specific tools for each phase, employing both divergent and convergent thinking methods as previously explained.

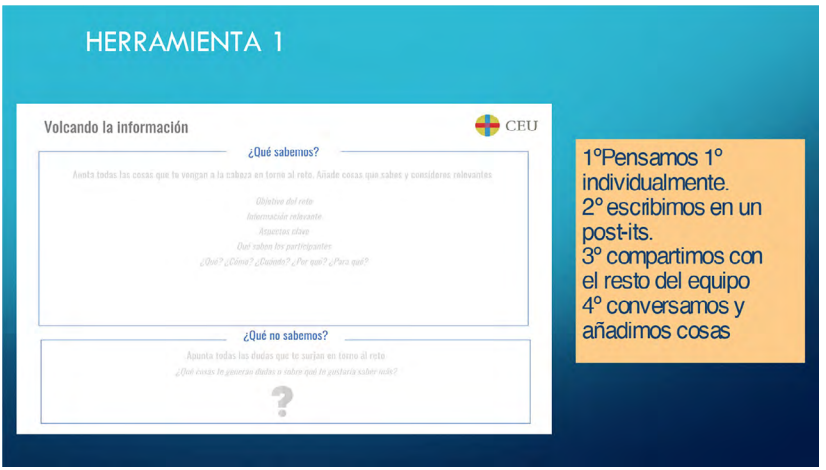

Figure 14.2.

Figure 14.3.

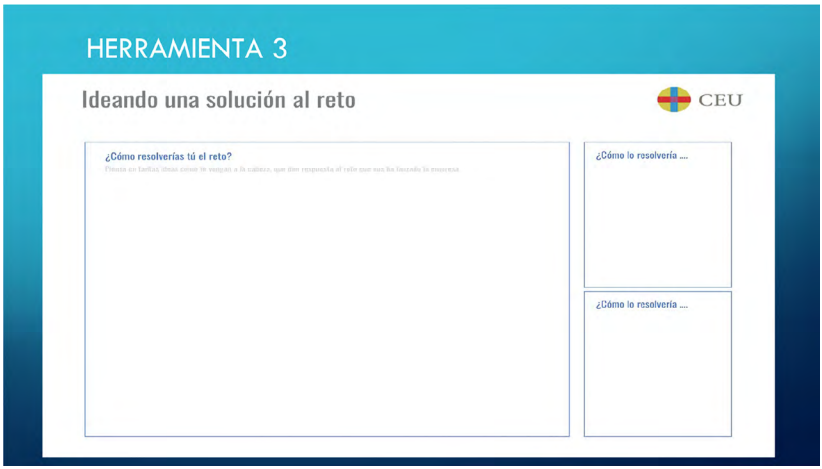

Figure 14.4.

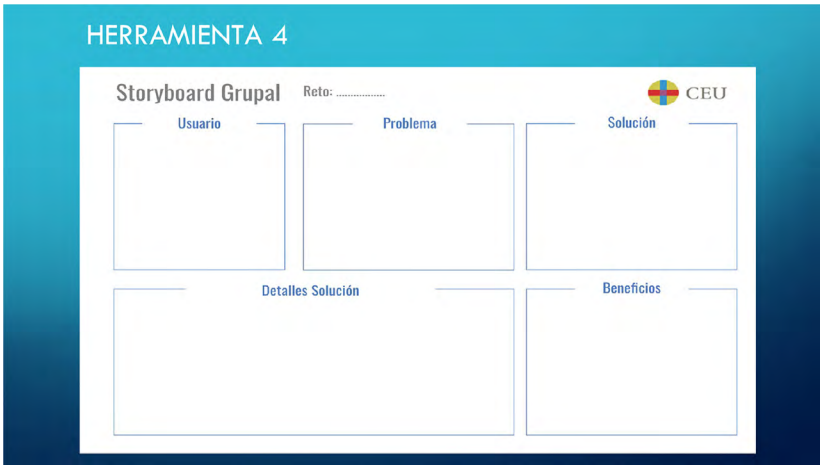

Figure 14.5.

The objective pursued with the artefacts to be developed was, of course, to increase the understanding of the legal text applicable to the case. From this perspective, the various student teams were tasked with presenting legal documents in a more comprehensible manner. This required an effective and educational organization of information and the use of simple legal language and writing, broadly interpreted. This meant including relevant graphic elements and blending text with images to clarify the content of these documents.

14.5. Results and Discussion

The application of *Legal Design Thinking* techniques intends, first and foremost, to deepen the students' understanding of legal concepts and, in particular, of canonical matrimonial law, as well as to improve the analysis and interpretation of legal texts through other more disruptive techniques. There is no better way to check whether a concept is perfectly understood by someone than for that same person to be able to explain that concept in a simple and accessible way to a layperson.

In addition, as mentioned at the beginning of the description of the experience in the classroom, the application of this technique, in my opinion, strengthens a whole series of skills that are now considered vital in the professional sphere:

- Reinforcement of research skills, particularly the introduction of different tools for the search for solutions to legal conflicts, emphasising on the correct use of oral and written language, on the improvement of argumentative skills, as well as creativity and empathy, involving the student in design or visualisation techniques, completely new in the field of Law, but nevertheless increasingly necessary.
- To encourage teamwork and interaction with different people. Specifically, using the aforementioned technique:
  - The students, as the authors of the ***how***, realise that their opinion is taken into consideration, with all that this implies to motivate their total involvement and their predisposition to work in a team.
  - They take control of the learning process.
  - They develop leadership skills.
  - They learn communication and collaboration.
  - They learn critical professional skills.
- Recovering the true meaning of being a true professional. With *Legal Design Thinking*, the person is once again at the centre; the analysis of the problem and the search for the solution are done alongside the user, taking into account his or her reality and circumstances, thus highlighting the true meaning of the profession: to serve society.

Results that we have been able to confirm through the positive assessment of the actions implemented, both by the students and by future employers.

The students were first concerned about the dynamic since it was something entirely new to them, and they did not fully understand what they were expected to accomplish or what their individual function was. However, once the dynamic began, under the teacher's direction, the response was completely positive. They were fully committed to their team and the research, so that as the sessions progressed and their knowledge expanded, they discovered and consolidated their abilities and competences to interpret and apply the law to a specific situation, as well as to resolve legal conflicts by making informed decisions and taking into account the very diverse realities of the users.

The deliverables obtained far exceeded the expectations originally set by the professor. In most cases, the teams opted for the creation of infographics how it differs from separation and dissolution, as well as the possible causes of annulment existing in the specific situation of the user they were working on. Diagrams and systems of frequently asked questions were also created and even the design of an app on canonical marriage annulment was proposed.

We had the opportunity to display the two most outstanding works at the "*VII Conference on Marriage Annulment Today: Issues surrounding the Spanish marriage system*", held on 15 March at the Campus of Elche, CEU Cardenal Herrera University. In them, the two teams of students presented themselves the characteristics of the project carried out, and showed all the deliverables to the members of the Ecclesiastical Tribunal of the Orihuela-Alicante Diocese. Undoubtedly, the assessment of their work by real experts in the field –lawyers, defenders of the bond, legal advisors (a role they played) and judges– was the greatest challenge and responsibility and, precisely for this reason, the best validation of the project if their considerations were satisfactory, as they were.

14.6. Conclusions

Our proposal, as discussed, centers on applying *Legal Design Thinking* and *Legal Visualisation* techniques. These are typically

employed to materialize outcomes from the design process, specifically in the context of canonical marriage annulment proceedings. The goals are to enhance student learning, achieve a deeper understanding of the subject, and develop mechanisms and artifacts that are both useful and usable. This approach aims to bring the concept of canonical marriage annulment closer to society.

Nowadays, talent and excellence are not only evidenced by a good academic record, but must be accompanied by other qualities and skills, which often go beyond the strictly academic, but are equally important and increasingly required by employers. Regarding this, I believe that applying *Legal Design Thinking* techniques helps us achieve two goals. Firstly, it deepens students' understanding of legal concepts, especially in canonical matrimonial law. Secondly, it enhances their skills in analyzing and interpreting legal texts and in communicating effectively using more innovative techniques. These skills align with the true social purpose of the legal profession, which they can apply in their future practice.

There is no question, in my opinion, about the key role played by the interaction and learning of this new discipline –*Legal Design Thinking*– whose defining element is the search for the solution from, by and for the user, based on continuous innovation. In a nutshell, it is a discipline based on the actual meaning of "being a professional": service to others. It is also a proposal that can be easily extrapolated to any degree.

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PART IV: MULTIDISCIPLINARY EXPERIENCE: THE FINAL PART OF THE BOOK EXPLORES THE APPLICATION OF DESIGN AND VISUAL THINKING TECHNIQUES IN MULTIDISCIPLINARY CONTEXTS

15

The Relationship between Constitutional Law and Political Science. The Use of the Techniques of *Legal Design* and *Legal Visualisation* to Understand the Functioning of the Electoral System and its Regulation

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Abstract
Electoral law is defined as the set of rules governing the electoral process. Within this process, which ranges from the calling of elections to the announcement of the election results, the rules that regulate the electoral system occupy a prominent position alongside the rules that develop the right to vote and to stand for election. Broadly speaking, we consider the electoral system to be the collection of elements that interact to convert votes into representation. In this sense, and without delving into the political science debate on the elements that make up the system, we understand as fundamental the type of candidature and vote, the size of the representative body, the constituency, the formula and the electoral barrier.

For the legislative body of the Valencian Community, Les Corts, its electoral system extends beyond the general provisions found in Organic Law 5/1985 of 19 June 1985 on the General Electoral System. It is grounded in articles 23 and 24 of the Statute of Autonomy, as well as in Law 1/1987 of 1 March 1987 on the Valencian Electoral System.

The goal is to utilize *Legal Design Thinking* and *Legal Visualization* techniques. This way, first-year Law students can grasp the functioning of the electoral system in the elections to the Corts Valencianes, as well as the impact of its various elements on proportionality. Furthermore, they aim to develop informative methods that enable all citizens, regardless of their educational level, to

understand this system. The objective is to apply *Legal Design Thinking* and *Legal Visualization* techniques, enabling first-year Law students to not only comprehend the workings of the electoral system in the Corts Valencianes elections and its elements' impact on proportionality but also to create informative approaches. These approaches should allow every citizen, irrespective of their educational background, to understand the system. This project is carried out within the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visualization, Towards an understandable EU Law (620987-EPP-1-2020-1-ES-EPP JMO-PROJECT).

15.1. Introduction and Theoretical Framework

According to TORRENS (1996), the objectives of elections are to provide representation, government and legitimacy, but also to generate participation. Electoral participation is viewed by many scholars, including NOHLEN (2004), as a crucial form of citizens' political participation, though not the only one. This view is based on sociological grounds (being the most democratic and egalitarian method), political reasons (acting as the primary link between representatives and the represented), and systemic factors (where elected officials are responsible for creating norms or public policies that address the inputs, or needs and problems, of society). In a democratic world, it is consequently critical to comprehend how citizens' votes are converted into representation, providing legitimacy and governability to the political system.

The electoral system is the collection of mechanisms by which we transform the political will of citizens into representation. Active suffrage, i.e. the introduction of the ballot paper by each citizen on the day of the election or voting day, will make the will at a particular moment count. In this way, the citizen is part of a complex political process that is legally regulated, the purpose of which is to determine who will occupy the representative positions, in accordance with the ideal of "similarity" between representatives and the represented, which is typical of contemporary democracies.

It is thus important to use the voting mechanism provided for in the electoral regime in order to make this ideal of similarity present. Although there is some disagreement in political science about which elements comprise the electoral system, we will

study the following elements and their effects on the translation of votes into representation: a) the type of candidature and vote; b) the size of the representative body and the type of constituency; c) the formula; and d) the electoral barrier.

The configuration of the Valencian electoral system is based on Article 23 of the Statute of Autonomy of the Valencian Community, which determines that:

> 1. Les Corts shall be made up of no fewer than ninety-nine Deputies, elected by universal, free, equal, direct and secret suffrage, in the manner determined by the Valencian Electoral Law, in accordance with criteria of proportionality and, where appropriate, regionalisation.
> 2. In order to be proclaimed elected and to obtain a seat, candidates in any constituency must enjoy the political status of Valencian citizens and must have been presented by parties, federations, coalitions or groups of electors that obtain the number of votes required by the Valencian Electoral Law.
>
> [...]
>
> 4. Les Corts are elected for four years. The term of office of its Deputies ends four years after the elections, or on the day of the dissolution of the Chamber by the President of the Generalitat in the manner established by the Law of the Consell. For certain purposes, the term of office of the Deputies shall end the day before the elections.

And article 24 of the Statute of Autonomy of the Valencian Community:

> The Valencian Electoral Law, provided for in paragraph 1 of the previous article, shall be approved in an overall vote by two thirds of Les Corts and shall guarantee a minimum of 20 Deputies for each provincial constituency, distributing the rest of the total number of Deputies among these constituencies, according to criteria of proportionality with respect to the population, so that the disproportion established by the resulting system is less than the ratio of one to three.

The latter is linked to the Valencian Electoral Law 1/1987 of 1 March 1987, which predates the current Statute of Autonomy,

and must be supplemented by certain general provisions of Organic Law 5/1985 of 19 June 1985 on the General Electoral System. The elements of the Valencian electoral system that can be deduced from this are as follows:

- Type of candidacy and vote. In regional elections, as in elections to the Congress of Deputies, the European Parliament and local elections, universal, free, equal, direct and secret suffrage applies, and closed and blocked lists are used, in which candidacies (parties, federations, coalitions or groups of voters) must respect parity in sections of five seats (there cannot be more than 60% of either sex).
- Size of the chamber and constituency. Although the Statute of Autonomy calls for a parliament of no fewer than 99 deputies, the usual practice since the approval of the current basic institutional rule of the Valencian Community has been to set the size of the chamber at that minimum threshold. This reality does not come without controversy in the political and legal debate, since the Valencian Electoral Law mentions 89 deputies, which corresponds exactly with the literal wording of the original Statute of Autonomy of 1982, establishing a range of between 75 and 100 deputies. This failure to reform the Electoral Law is what has led to the fact that, in the 2007, 2011, 2015 and 2019 elections, as well as in those to be held in May 2023, it is the decree of convocation that determines the number of deputies. This has been done on the basis of the highest-ranking regulation in the Valencian legal system, which is the Statute of Autonomy, thus bypassing the provisions of the Valencian Electoral Law.
- Multiple, plurinominal and large constituencies are used. That is, there are three constituencies determined by the provincial scope (Castellón, Valencia, Alicante). A minimum of 20 deputies are elected in each of them, so that the remaining 39 deputies are distributed among the three constituencies according to population weight.
- Electoral barrier. This barrier, which appeared in the original wording of the Statute of Autonomy, but was eliminated in the 2006 statutory wording, is regulated exclusively in the Valencian Electoral Law. The legal electoral barrier, which is the minimum threshold of votes that a candidacy must obtain in

order to be eligible for the distribution of seats through the electoral formula, is set at 5% of the valid votes cast in the Valencian Community.
- Electoral formula. To transform the votes cast in each of the provinces into representation, the D'Hondt formula is used, which is a formula that is included in the group of divisor formulas, which are proportional in nature.

Various political groups and associations have questioned the current electoral system's regulation due to the exclusionary effect of the 5% electoral barrier or the over-representation of Castellón as a result of the initial 20 seats assigned to each of the three constituencies. This has resulted in reform proposals being put forward in Parliament without success (for example, the one presented in the IX Legislature by the PSPV-PSOE, Unides Podem, and Compromis to decrease the electoral barrier to 3%, or the initiative Another Electoral Law of the Valencian civil society).

This reality is complex for any citizen, mainly due to three factors: a) the widespread lack of understanding of the electoral system, which is inherently complex, despite media efforts to educate the public as elections approach; b) the common perception among many citizens that they are "voting for the President", in this case of the Generalitat, despite the parliamentary system in place at both the state and autonomous community levels; and c) while Constitutional Law often uses ordinary language to make legal norms more accessible to its audience, this approach is primarily limited to the Constitution itself and is less prevalent in other norms that constitute this legal field.

Given the relevance of the topic to most first-year Law students, who will be voting for the first time in the elections scheduled for 28 May 2023, it was deemed fitting for them to explore this issue in the context of their Political Science and Constitutionalism course. All the more so if we consider that higher education not only provides solid skills for the world of today and tomorrow, but also contributes to the formation of citizens endowed with ethical principles, committed to the construction of peace, the defence of human rights and the values of democracy (UNESCO, 2009).

However, the work in the classroom will go beyond the methodologies commonly used in Law. Thus, our aim is for stu-

dents to face the challenge of understanding the content of the Valencian electoral system and, through the methodology of *Legal Design Thinking*, to be able to propose formulas that facilitate the explanation aimed at understanding by a specific group of citizens who are, in turn, the least involved in political issues: young people. From this perspective, the *human-centred design* approach is adopted as a frame of reference, as it is understood that in this way a different approach to the legal phenomenon is sought.

15.2. Methodology

Today, *Design Thinking* is a methodology that "permeates the entire spectrum of innovation activities with a human-centred design spirit" (CASTILLO VERGARA *et al*., 2014). Although it was originally considered to be exclusively linked to the field of design, *Design Thinking* is nowadays considered to refer to a series of techniques aimed at boosting the spirit or capacity for innovation.

Thus, this approach, contrary to what it may seem, does not only focus on the creation of products and services, but goes beyond that to include other types of economic, social and political experiences or processes. The particularity is that not only the outcome must have the person at the centre, but the process itself must be deeply rooted in this approach (BROWN & WYATT, 2010). This is based on the reality that the user of this methodology must employ the sensibility and methodologies of designers to match people's wants with what is technologically viable (BROWN, 2008). As a result, this viewpoint places the individual at the core of all phases of the process, from inspiration to ideation to implementation.

This method has had an influence on other disciplines that may appear foreign at first, such as the health or finance sectors, as well as the legal sector. *Legal Design Thinking* comes into play here, focusing on the needs and preferences of those who will be users or affected by the regulation. It emphasizes that citizens should be able to understand their rights, duties, and obligations, as well as the consequences of their actions in the private, economic, social, and/or political spheres, as applicable.

This viewpoint entails using design approaches to the legal domain that put the individual at the centre, in order to construct legal systems and services from a *human-centered design* perspective. It is regarded in this sense to be an innovative method of increasing the comprehensibility of legal writings by the reduction of their structure and terminology or language. In this way, attorneys training in this field will leverage their human qualities to deliver value to users (MARTHA, 2020; HAGAN, 2021); that is, among others, imagination, empathy, creativity, intuition, the ability to work in teams and communication skills, as well as their experience.[1]

As part of *Legal Design Thinking*, there are Legal Visualisation techniques that involve the use of tools other than text to communicate the content of a regulation in a clearer, simpler and more understandable way for the affected user. This entails the use of graphics, infographics, images, timelines or diagrams that, in a more visual way, help to convey the information to the citizen (ANTÓN, 2021; VEGA SAINZ, 2020).

In the project, we will follow the phases set out in the *Design Thinking* methodology: empathise; understand and observe, define, devise, prototype and test (FRISS & YU, 2021). However, given that the *Legal Design Thinking* methodology sets out certain principles and recommendations to make the law more accessible and understandable (RAFFIN *et al*., 2022), we are going to adapt the phases to the needs of the students in order to define the object of the project and provide training in these methodologies to ensure the project's success. Thus, broadly speaking, during the academic period of the four-month term in which the course is taken, we will carry out the following phases:

1. However, as PERRY-KESSARIS (2018) rightly points out, it is also worth dispelling some myths among jurists about what design entails or entails. Thus he states: "If lawyerly engagements with design are to be productive, some common myths about design must be dispelled: it does not originate in 'divine sparks', it is neither 'irrational' nor 'mysterious', it is not just about 'creating beauty', it is certainly not all 'good', and it is neither entirely unique nor entirely discrete. The current fizz and pop around design thinking is not only vain but also in vain–damaging even–when design-based skills, knowledge and attitudes are not supplemented with expertise in the field to be 'designed'; and vice-versa. As designers and lawyers are drawn ever more into each other's' zones of competence, the need for cross-disciplinary training and collaboration becomes ever more pressing. Most importantly, neither design, nor law, nor *Legal Design* is neutral, so approach them critically".

1. **Discovering and defining**. In this first phase, two seminars will be held. In the first, from a political science perspective, students will study the electoral system, its elements and its effects on the production of representation. In the second, from the perspective of Valencian Electoral Law, students will learn about the current configuration of the electoral system of Les Corts Valencianes, as well as the reform proposals that have been put forward throughout the 10th Legislature (2019-2023). After these seminars, and considering that most students will be voting for the first time in the local and regional elections in May 2023, they will be presented with this challenge: how can you make the Valencian electoral system more understandable to first-time voters? They should consider how they would launch an institutional campaign to promote their participation in these elections from the perspective of citizens who are fully aware of how their votes translate into parliamentary representation. Since the campaign would be aimed at their peers, students should be able to empathise with the target audience, define their profile and design an explanatory model in accordance with their needs.
2. **Training**. Once the challenge has been posed to the students, a workshop will be held so that they can learn about *Legal Design Thinking* techniques in general and, within these, *Legal Visualisation* techniques. This workshop should be eminently practical in order to be able to apply these techniques in the approach of the institutional campaign, as they should be able to explain the functioning of the system in a clear and understandable manner for a person of their age, regardless of their education.
3. **Empathising and prototyping**. Once the students have completed the training and know the challenge, the class will be divided into working groups of between 4 and 6 people. In this phase, and using the techniques previously learned, each group will conduct a brainstorming session aimed at putting various options on the table to propose a solution to the challenge, so that the group can analyse the pros and cons of each of them, and choose an agreed prototype. In this way, each team will formalise how to communicate the complex information derived from Valencian Electoral Law to those who

will be eligible to vote in the elections to the Corts Valencianes for the first time.

4. **Testing**. Once the prototype has been prototyped, the idea is to test the validity of the prototype with undergraduate students from other degrees at the University who will be able to vote for the first time in the Valencian elections in May 2023. To this end, through the Vice-rectorate for Students and University Life, a call will be issued so that each group can test its pilot with a group of between 10 and 20 volunteer students who meet the above-mentioned requirements.

Following the completion of the process, a session will be held to devise mechanisms for coherent explanations of the different proposals for restructuring the Valencian electoral system, using the model outlined above, excluding the testing phase.

15.3. Results and Discussion

The development of this project, in which *Legal Design Thinking* techniques will be used, will allow the following results to be achieved:

- The aim is to strengthen the students' capacity to work as a team, as collaborative work is at the heart of the project. Only a collaborative effort will be correctly developed and presented by the whole team.
- The aim is to encourage the development of leadership skills among the members of the different groups. Although some students have this innate ability, it is considered essential that everyone can take the initiative throughout the project so that the process is gradual and consistent throughout the time from the first seminar to the exhibition of the prototypes before groups of students from the University.
- The aim is to improve their public speaking skills, as the students will have to present their prototypes to groups of students from other degree programmes in the testing phase.
- The aim is to encourage their creativity when planning and designing communication and visualisation strategies for a specific target group, such as those who will be able to vote

for the first time in the elections of May 2023 and, therefore, live their first experience in this sense.
- It is considered that it will allow us to understand the relationship between Political Science and Constitutional Law (specifically, the relationship with Autonomous Electoral Law, since it is the latter that regulates the elements of the specific electoral system that allows votes to be translated into representation).
- The aim is to show students a better practical understanding of a basic training subject in the first year of the Bachelor's Degree in Law, such as Political Science and Constitutionalism. In this way, it will be feasible to achieve greater student involvement in the subject.
- The aim is to improve and facilitate learning in the subject of the course, as it is essential to have an in-depth knowledge of the subject of electoral systems, in which students learn about what electoral systems are and what their elements are, the different types of electoral systems, and their effects.
- The aim is to improve students' ability to understand and interpret legal texts.
- The aim is to provide students with the knowledge and application of tools for developing solutions to complex problems, thus opening up a new channel of work for them right from the start of the degree.

The assessment of the work carried out by each team will basically consist of three sections. Firstly, it will be the result of observing the implementation of the project throughout the process, as well as the participation of each team member in it. In addition, an assessment form will be used to evaluate the group and individual work. Secondly, the product or result itself will be assessed, i.e. the prototype presented by the team. Lastly, the presentation of the prototype to other students of the university will be assessed.

15.4. Conclusions

The aim of this project is to work with new techniques that allow students of Political Science and Constitutionalism to have a

first approach to legal knowledge in a more comprehensive, practical and straightforward manner.

In this way, first-year law students will have to understand in a practical way the interrelation between electoral systems, as part of Political Science, and Electoral Law, as part of Constitutional Law. This is a *sine qua non* condition for being able to interpret electoral rules and to be able to develop an explanatory model that meets the needs of the user who is the subject of the prototype. Therefore, in order to reach this point, the students had to carry out a previous in-depth task of understanding and interpreting the electoral regulations, in order to be able to simplify their explanation for the end user of the prototype that they must design as a team.

As a result, through the communication and visualisation techniques of *Legal Design Thinking*, students will work in a creative way on the development of skills aimed at finding innovative solutions to complex legal realities, so that these are fully applicable in their future professional development as lawyers.

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16

Design Thinking and *Visual Thinking* Techniques to Move towards a Circular Economy. Multidisciplinary Application in University Students

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Abstract
Growing concerns about the scarcity of raw materials and environmental degradation have led to questioning the current economic growth model, which is considered a linear, throwaway model. The transition towards a circular economy has become an issue of great interest for governmental, business and social actors. For example, in 2015, the European Commission adopted its first Circular Economy Action Plan. The aim of this plan is to move from a linear economy to a circular economy, recycling and reusing products for both environmental and economic benefits. However, this transition can have the greatest impact on the micro business environment. In spite of this, given the different casuistry in the productive sectors, it is difficult to homogenize the actions to be carried out to achieve this transition. Training students to acquire skills that enable them to act in changing and diverse environments is essential to be able to provide solutions to this type of problem. For this reason, we have used the tools of Design Thinking and Visual Thinking in the specific case of a company in the industrial sector so that Business Management and Law students acquire these skills. This work is carried out within the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visualization. Towards an Understandable EU Law (620987-EPP-1-2020-1-ES-EPPJMO-PROJECT)".

16.1. Introduction and Theoretical Framework

The exponential economic growth of recent decades has been described by various authors as unsustainable (GHISELLINI *et al.*, 2016). This type of growth is considered to be based on a linear model, which uses resources and raw materials that are discarded at the end of the production process, generating a great negative impact on the environment. In contrast to this model, the Circular Economy emerges, which seeks to displace the linear economy in production and consumption models, moving from "use and throw away" to try to reduce waste as much as possible in every respect (CHRISTI *et al.*, 2019; TURCU & GUILLIE, 2020). This concept of circular economy is very much in line with some of the Sustainable Development Goals signed in 2015 by the member countries of the United Nations, such as, number 12 "responsible production and consumption", or 13 "climate action", which both producers and consumers can influence. In fact, the Circular Economy is seen as a vehicle to achieve these goals. In order to achieve a Circular Economy, a series of changes in production processes must be implemented, either by increasing energy efficiency or by reusing materials. Moving from a linear economy to a circular economy has become a matter of international and local policy interest, giving way to successive regulations on the subject. However, given the complexity of the issue and the diverse business casuistry, both due to differences between production sectors and socio-cultural differences in certain territorial areas, there is a gap between the general concept of circular economy and its practical application.

Growing concern for the environment has led not only to the creation of legislation, but also to an increase in public and business awareness. Although it is true that the circular economy goes beyond companies, its application is generally aimed at what LEWANDODOWSKI (2016) calls the micro-scale, i.e. not so much generic legislation as individual business behaviour. In addition to this, the overexploitation of raw materials, with the consequent increase in their price, leads to a business interest in

seeking viable solutions for the reuse of resources, thus providing an incentive for the circular economy. Although legislation already exists in this area, much remains pending, particularly regarding the circular economy. This is due to the previously mentioned difficulties. For now, these issues are addressed through the good practices of companies, their environmental awareness, energy-saving efforts, and the need to secure raw materials during periods of high demand.

To all this, we must add, within the educational environment, that this rapid economic growth and continuous changes suffered in recent decades make us realize that we are facing a rapidly changing environment and we cannot train our students with a linear mentality. For this reason, many authors, such as Linton and KLINTON (2019), argue that, when training students in entrepreneurship, it is necessary to use innovative strategies that allow them to acquire the right skills to survive in a continuously evolving environment, such as *Design Thinking*.

Authors such as SCHEER *et al.* (2012) consider that in an ever-changing society there is a need to equip students with "mega competencies" that go beyond cognitive knowledge, understanding that education needs a transition from the transmission of knowledge to the development of the individual's potential. At this point, *Design Thinking* offers teachers support for project-based learning through a practical and holistic orientation.

In *Design Thinking*, problems can be seen as evolutionary, so that different strategies can be taken as they evolve. As NIELSEN & CHRISTENSEN (2014) point out, the problem, its possible solutions and the effect they may have, are seen as a continuum that evolves over time. It is a useful technique for problems that BUCHANAN (1992) defined as "wicked problems", as they are open, complex, dynamic and transversal, as in this case, the transition from a linear to a circular economy. Thus, for PANKE (2019) *Design Thinking* is both a process and mindset that evolved from research on "designerly thinking" into a problem-solving approach primarily adopted in business, to a widespread way of addressing wicked problems that plays a growing role in education. For AUERNHAMMER & ROTH (2020) this humanistic and creative design practice transcends into a holistic ap-

proach to innovation management that facilitates entrepreneurship and innovation.

Moreover, authors such as ÇEVIKER-ÇINAR & DEMIRBAĞ-KAPLAN (2017) and MATTHEWS & WRIGLEY (2017) note that *Design Thinking* is increasingly being adopted in higher education to support interdisciplinary and team-based learning and to assist students with attributes suited to the challenges of this century.

In this project we want to involve Business Management and Law students in the search for creative and viable solutions to achieve a more sustainable economy.

In a study by PARK & LEE (2021), the authors point out that incorporating strategic thinking and *Design Thinking* helps students perform tasks successfully across complementary groups. It was also confirmed that students could develop creative strategic thinking and *Design Thinking* skills with systematic training.

We are going to place the project in the case study of a wine producer and marketer located in the Valencian Community. In addition, it is one of the sectors that has been most affected by the increase in energy prices and the scarcity of certain raw materials. The third-year students of these degrees visit the company and, subsequently, they have to get involved in the search for strategies that are useful to the company, through Design Thinking.

One of the important stages within this process is to stimulate *Visual Thinking* which will serve both to generate ideas and to help make decisions (COSTA, 2015). According to the study by TELLO *et al*. (2022) *Visual Thinking* allows students to engage in activities that make their creative thinking processes visible by displaying their ideas graphically, rather than simply showing the conclusions of their thinking.

Infographics and data visualization are receiving increasing attention in different areas, being used more and more in publications and magazines and also as a business intelligence tool or as an aid for company managers in decision-making. These tools help different types of audiences to understand an issue more clearly (COSTA, 2015).

In essence, the goal is to tackle complex issues like transitioning from a linear to a circular economic model, creating innova-

tive ideas, and ultimately translating them into straightforward steps that can be easily grasped by the company's employees and visiting customers, without the need for lengthy reports on their suitability and implementation. According to ROAM (2012), thinking visually involves discovering ideas that would otherwise remain invisible, developing those ideas quickly and intuitively, and sharing them with others in a way that is quickly understood.

In order to achieve the final objective, students will need to carry out various business communication actions, both internal (aimed at employees) and external (facing the company's target public), because, as KOTLER & KELLER (2012) state, "companies must also communicate with their present and potential stakeholders and the general public." Marketing communications, as defined by these writers, are the ways through which businesses attempt to inform, convince, and remind (direct or indirect) customers about the items and brands they advertise.

"Corporate communication refers to an organization's total communication resources available to make itself known and effectively reach its public, both internally and externally" (SIERRA AMOEDO, 2016).

External communication is defined by ESTEBAN *et al.* (2008) as the transmission of information outside the company, aimed at the organisation's external audiences (consumers, distributors, prescribers, press, interest groups, etc.). Sanz and González (2005) relate this type of communication to that which originates in the corporation and is aimed at people outside the corporation.

As for internal communication, VERCIC *et al.* (2012) consider that this type of communication refers to the term used to describe an organisation's managed communication system, where employees are regarded as an internal public or stakeholder group. This type of communication is also known as 'employee communication', 'organisational communication' or even 'internal marketing' (YEOMANS & FITZPATRICK, 2017). Internal communication as an area is often perceived as a synonym for intra-organisational communication (TKALAC & POLOSKI, 2017). For ANDRADE (1991), internal communication is the set of activities carried out by any organisation for the creation and

maintenance of good relations with and among its members, through the use of different means of communication, which keep them informed, integrated and motivated to contribute with their work to the achievement of organisational objectives.

FRIEDL & VERCIC (2011) highlight the importance of the two main roles of internal communication: the provision of information and the creation of a sense of community within organisations. Developing a sense of community through internal communication efforts involves establishing and maintaining relationships between an organisation, supervisors, and employees (Karanges *et al.*, 2015). Furthermore, the importance of communication within companies is linked to higher levels of performance and service, as noted by Tourish and Hargie (2009).

16.2. Methodology

The methodology consists of two parts. In the first, we will apply *Design Thinking*, in the second *Visual Thinking*. Students will work in multidisciplinary teams. The working groups will consist of three people: one law student and two business management students. The methodology will be applied to the specific case of an industrial company. A company dedicated to the production and marketing of organic wines from a production standpoint focused on the sustainability of the winery and the vineyard and respect for the environment has been chosen. All of the winery's cultivable plots are certified organic. In 2014, the company created a research centre aimed at mitigating the effect of climate change by establishing organic farming techniques that enhance biological pest control, reduce the carbon footprint and reduce water consumption, among other aspects. Thus, is a winery that considers organic cultivation to be a defining feature of its brand.

Students will be required to tackle two Business Communication challenges within the context of the Circular Economy. Each group of students will be required to create two presentations based on the Visual Thinking approach with the following content as a final project:

- First Presentation: some of the actions related to the Circular Economy that the company is carrying out should be collected and reflected. It would be a cardboard panel on which visitors to the winery would be informed about these actions. This would therefore be an external communication tool (from the company to its target public).
- Second Presentation: an additional action related to the Circular Economy proposed by the group to be carried out by the company's employees should be collected and reflected. In this case, it would be a cardboard / information panel where the proposed actions (as good practices) for the workers of a specific department of the company would be collected. It would therefore be an internal communication tool (from the company to its workers) for the improvement of these aspects.

Thinking visually involves discovering ideas that would otherwise remain invisible, developing those ideas quickly and intuitively, and sharing them with others an easily understandable manner. Phases:

- Challenge. The students will have to come up with viable solutions so that the chosen company can save energy and reuse resources in all departments.
- Field study. In order to empathize with the people for whom it is designed, a visit will be made to the company and its functioning will be studied in each of the departments. Before starting work, students have the opportunity to visit the company and study how it works in situ.
- Understanding. Overview of the subject. Define, construct a point of view based on perceptions only. Start with a general idea of what is to be achieved and which departments the company consists of.
- Ideate. Imagining creative solutions. Through brainstorming the whole team will work together, even if each team member is more focused on his or her assigned role.
- Creating a prototype. To build a representation of one or more ideas. To do this, the Visual Thinking technique will be used, the different working groups will have to make a very simple representation so that the workers can apply, each one

from their own department, solutions to a changing problem. Visual Thinking encompasses some stages that include the search and selection of data on the subject and a subsequent graphic expression of the selected data (Costa, 2015).

- Test. Evaluate. Return to the initial group for feedback. The best work will be presented to the company.
- Work teams: Groups of 3 people, role-playing: 1 lawyer, 2 workers. The role-playing technique will be used to help students empathize with the members of the company. The aim is for each working group to have at least one law student who will play the role of the lawyer and two business management students who will represent a worker who is closest to the problem and another worker who controls the costs. The multidisciplinary team will allow the solutions to be more creative and efficient. Thus, the lawyer will be in charge of looking for the recycling and environmental control regulations that the company has to comply with, one of the workers will be in charge of looking for the needs or gaps and the other one will be in charge of controlling the cost of the possible actions to be carried out. Ultimately, the whole group will have to pool their creative and feasible ideas on how to make the transition to a circular economy within the company. These ideas will have to be captured in an infographic, using *Visual Thinking* so that, at a glance, the employees can see the actions to be carried out.

16.3. Results and Discussion

The *Design Thinking* technique allows students to acquire skills to survive in a changing environment. In this case, we have taken a real company as a starting point so that students can face a specific problem. The expected results are:

- Students learn to empathize with real situations, where a creative effort will be required on their part to identify problems and seek real solutions.
- A greater willingness of students to work with multidisciplinary groups. Each student will need to contribute with his or

her work, but also interact with peers from different disciplines.

- To ensure that students can start from a complex problem and simplify it, through *Visual Design*, to make it understandable to anyone regardless of their background.

In short, students are expected to be prepared to work in changing environments in the future, to understand the need to approach problems from different points of view, to identify problems, to look for creative solutions and to translate them, in a simplified way, so that anyone in the environment can carry them out.

A rubric system will be used to evaluate the students' results, and the following parameters will be taken into account: 1. Group problem-solving capacity. 2. Solutions proposed. 3. Feasibility of the solutions. 4. Ability to express these solutions as an infogram.

Some examples of the results presented by the students are shown in figures 13.1 and 13.2.

Figure 16.1. Example of solutions (external communication)

Figure 16.2. Example of solutions (internal communication)

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17

Design Thinking in the Service of Children in Hospital. Ensuring the Right to Education within the European Legislative Framework

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Abstract
Background: Education underpins the development of individuals and is a fundamental right that those who suffer from illness should not be deprived of. This is why, since 1924, children's rights have been safeguarded through numerous declarations and treaties. The right to education within the European normative framework explicitly contemplates educational care in contexts of vulnerability, one of which is the hospital context. For all these reasons, the defence of the right to education of sick and/or hospitalised children is a subject of growing interest for many education professionals who see Hospital Pedagogy as a tool for optimising the quality of life of hospitalised children.

Method: To alleviate the numerous changes that hospital admission and stay cause in children, we propose using the *Design Thinking* method in hospital classrooms with three goals in mind: to create flexible and adaptive learning spaces, to use design techniques that improve the atmosphere and aesthetics of hospital classrooms, and to help children understand illness and its treatment.

Results: The implementation of *Design Thinking* in hospital classrooms is intended to alleviate the syndrome of hospitalism and the modifications caused by hospital admission.

Conclusions: *Design Thinking,* as a user-centered methodology, provides a strategy for working in Hospital Pedagogy Units. It offers students the chance to actively engage in understanding their illness and treatment, as well as in enhancing the environment. By collaborating as a team with other users and their teachers, *Design Thinking* can transform hospital classrooms into flexible learning spaces that can adapt to the ever-changing reality of the hospital context.

17.1. Introduction

The Geneva Declaration of the Rights of the Child, adopted in 1924, was the first historic text to set out the specific rights of children, as well as the obligations and duties that adults have towards them and their welfare. It was not until 1959 that the United Nations General Assembly, recognising the shortcomings of the first Geneva Declaration of the Rights of the Child of 1924, approved a second declaration. In this case, the Universal Declaration of the Rights of the Child was drafted, a treaty that for the first time contemplates the right to education and special treatment for children with mental or physical disabilities. According to PEIRATS and GRANADOS (2015, p.188) "the education of the child must be guaranteed in any context in which the child's life takes place, being necessary to provide him/her with a global and systemic education" and the hospital context is not exempt from this. As GONZÁLEZ, MACÍAS and GARCÍA (2002, p.346) state, "school and life cannot be separated and even less so if life is going through a state of limitation".

By way of summary, Table 17.1 shows the documents, which have dealt with the rights of, hospitalised children in Europe in recent history.

Table 17.1. Documents that have regulated children's rights in Europe

Agency	Year	Document
Save the Children	1924	Geneva Declaration of the Rights of the Child.
UN General Assembly	1948	Declaration of Human Rights.
UN General Assembly	1959	Universal Declaration of the Rights of the Child.
National Association for the Welfare of Children in Hospital - NAWCH	1986	European Charter for Children in Hospital.
European Association for Children in Hospital	1988	EACH Charter.
International Convention on the Rights of the Child	1989	Treatise on the right to the protection of children.
Hospital Organization of Pedagogues in Europe	2000	European Charter on the Right to Educational Care for Sick Children and Adolescents.

Source: own elaboration.

Along the same lines as PEIRATS & GRANADOS (2015), SERRADAS (2008) states that it is of no use for children's rights to be included in declarations, legislative documents or treaties if there are no people to defend them. In the words of the author:

> It is insufficient for eloquent declarations to be made and documents to be drafted containing social reforms if people do not read them and if society members do not actively engage in a struggle driven by their own conviction about the benefits achievable through implementing the contents of such declarations and documents (p. 60).

Today, the rights of hospitalized children, as well as the promotion and defense of these rights within hospital institutions, is an area of growing interest for those involved in the care of young hospitalized patients and the author argues that:

Children's rights apply in all areas where children's lives are lived, and even more so within the institutions that are intended for their well-being, such as hospitals, where life is at the centre of daily life. However, it is a matter of concern that children who are admitted to hospital because of a particular health problem overcome this problem, but some of them are left with fears, anxieties, developmental delays and other negative repercussions. Hence the question arises as to what is happening within them, with a view not only to qualify the past or evaluate the present, but to project a future where children's rights are a permanent frame of reference for those who work for their health, and the institutions are leaders and models for the community in general, in the application and fulfilment of these rights (pp. 59-60).

Ensuring the right to education of hospitalized children requires a thorough understanding of the consequences of hospitalization and the alterations that can result from it, while also recognizing the benefits that proper care (including educational care) can bring to them and their families. This is why we believe that the incorporation of *Design Thinking* in hospital classrooms can be useful to address the challenges and needs of children undergoing medical treatment in hospital institutions. Some of the ways in which *Design Thinking* may be implemented in hospital classrooms and on which our approach is based are as follows:

- Create flexible and adaptive learning environments that can meet the educational needs of hospitalised children.
- Apply design techniques to improve the ambience and aesthetics of hospital classrooms.
- Use design techniques to understand the disease's symptoms and treatment.

It is therefore a human-centred approach that aims to understand the needs, desires and motivations of hospitalized children in order to design innovative and effective solutions to their circumstances.

17.2. Methodology

The methodology behind the innovation proposal aimed at ensuring the right to education of hospitalised children within the European legal framework is *Design Thinking*. The method can be defined as a user-centred approach to understanding the needs and perspectives of hospitalised children in order to find solutions that are effective and relevant for them.

Although it is important to remember that there are different versions and approaches to *Design Thinking*, and that the phases may differ based on the source consulted, we will use the following reference authors in this proposal:

According to BROWN (2009), the first phase of the method is **empathizing:** In this phase, the aim is to understand the users and their needs. When an illness requiring hospitalization arises, the balance that was the norm in the child's life up to then is disrupted. The onset of the illness is more than just a health problem. Furthermore, we are not aware of the vulnerability of the human being until illness breaks into our lives (WEINSTEIN, cited in AMIGO, FERNÁNDEZ, & PÉREZ, 2009). It should not be forgotten that hospitalization entails the uprooting of children from their reference contexts: school and home (Ruiz, 2016). This is why educational care in the hospital environment restores one of the child's domains of reference, and *Design Thinking* is an excellent tool for compensating for the restrictions that the new scenario imposes.

Authors such as BROWN (2009) and KIMBELL (2012) state that the second phase should focus on **defining the problem**. In

this phase, the aim is to identify the specific problem to be solved and to clearly define the objectives. Hospitalized children experience a series of alterations derived from illness and/or hospitalization. Among the most frequent are behavioral alterations: aggressiveness, sleep and appetite disorders; cognitive alterations: attention deficit, difficulty concentrating and emotional alterations: anxiety, fears, depression, apathy, lack of interest (Ruiz, 2016).

According to KELLEY & KELLEY (2013), the third phase of the method focuses on **devising solutions**. This phase seeks to produce a wide range of ideas to address the identified problem. In our proposal, students using hospital classrooms will be invited to use *Design Thinking* as a tool to create mobile learning spaces, e.g. working online from different spaces, incorporating playful and creative elements into the learning space to foster emotional well-being and creativity, as well as using the design technique to understand and cope with the disease.

According to SCHAFFNER & WIGGINS (2017), the application of *Design Thinking*, the fourth phase focuses on **prototyping**, so after a short training for education professionals working in hospital classrooms, focusing on the use of the tool, users in hospital classrooms can create prototypes or early models of the proposed solutions to test and refine.

Finally, according to BROWN (2009), we will consider **testing** the prototypes designed, with the aim of obtaining feedback and improving the proposed solutions.

17.3. Results and Discussion

By using *Design Thinking* in hospital classrooms, educators can create a more inclusive and personalised environment for hospitalised students, allowing them to participate in their education in a meaningful and effective way. This can help improve the patient's recovery and experience in the hospital.

User-centred approach: *Design Thinking* focuses on the needs and experiences of the users, in this case, hospitalized children and their families. By focusing on their needs, an educational space can be designed to suit their needs and expectations.

Creative solutions: *Design Thinking* encourages creativity and the development of innovative solutions to solve complex prob-

lems. This can be especially important in the design of hospital classrooms, where the unique constraints and challenges of the hospital environment must be taken into account.

Flexibility and adaptability: *Design Thinking* focuses on creating flexible and adaptable solutions that can adjust to the needs of users. In hospital classrooms, this can be essential to ensure that children can continue to learn and progress despite changes in their health and circumstances.

Collaboration and feedback: *Design Thinking* fosters collaboration and continuous feedback from users, including children, their families and health professionals. This can help ensure that the educational environment responds to their needs and expectations.

Continuous improvement: *Design Thinking* is an iterative approach that encourages continuous improvement and adaptation as more is learned about user needs. In the context of hospital classrooms, this can be especially crucial to ensure that the educational needs of children and their families continue to be met as their circumstances change.

17.4. Conclusions

The development of educational activity in the hospital context entails a series of particularities that require education professionals who develop their professional careers in this sector to have up-to-date training that enables them to respond to the needs of HPU users. User-centred active methodologies are very useful tools, even more so in complex contexts that require personalised, comprehensive and highly professional attention, such as the educational context within hospital institutions. *Design Thinking*, as a user-centered methodology, can be a tool to enhance the quality of life for hospitalized minors. As stated in the abstract of this paper, it enables us to work within Hospital Pedagogy Units, where students can actively engage in understanding their illness and treatment, as well as improving the environment. By working collaboratively as a team with other users and their teachers, *Design Thinking* can transform hospital classrooms into flexible learning spaces that can adapt to the changing reality of the hospital environment.

This project is developed within the framework of the Jean Monnet Project "Legal Design Thinking and Legal Visualization, Towards an Understandable EU Law (620987.EPP.1.2020-1-ES-EPPJMO-PROJECT).

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Design Thinking, Visualization, and Law: A New Paradigm in Legal Studies

In an era where the law becomes increasingly complex, *Design Thinking, Visualization, and Law: A New Paradigm in Legal Studies* emerges as a groundbreaking work that revolutionizes our approach to legal education and practice. Edited by Álvaro Antón Antón and Sara Barquero Pérez, and coordinated by Beatriz Hermida Bellot and María Dolores Cano Hurtado, this collection of essays and studies paves the way for a more accessible and understandable legal system through the innovative application of design thinking and visualization techniques.

The book is divided into four parts, each meticulously addressing the multifaceted relationship between legal studies, EU law and policies, and the transformative power of design thinking: Part I: The Theoretical Framework introduces the revolutionary concept of Legal Design Thinking, offering insights into its methodology and its potential. Part II: Practical Applications from Legal Sciences - EU Law and Policies showcases concrete examples of how design thinking and visualization can simplify and elucidate complex legal concepts, making EU law more accessible. Part III: Practical Applications from Legal Sciences - Private and Public Law explores the application of person-centered legal design in various legal fields, demonstrating its efficacy in enhancing understanding and accessibility. Part IV: Multidisciplinary Experience delves into the interdisciplinary nature of legal design, illustrating its impact beyond legal studies to encompass areas such as education science, political science, and the circular economy.

Design Thinking, Visualization, and Law: A New Paradigm in Legal Studies is a book calling for a shift in how we teach, learn, and practice law. It is an essential read for legal professionals, educators, students, and anyone interested in the future of legal education and practice. This volume invites us to envision a legal system that is not only intellectually rigorous but also profoundly human-centered, accessible, and engaging.