

# MAKING THE LAW WORK FOR PEOPLE

A Handbook on Legal  
Empowerment and  
Inclusive Innovation

OPEN SOCIETY  
FOUNDATIONS



## Acknowledgments

The principal authors for this handbook are Matthew Burnett (Open Society Justice Initiative) and Pascal Soboll (Daylight Design). The case studies were written by Beth Dunlap (Open Society Foundations) and Connor Smith (Open Society Foundations), who also authored the chapter on Sustainability and Scale. Layout and illustrations are by Johanna Gieseler (Daylight Design).

Support for this publication was provided by the Open Society Justice Initiative and The Lab, an innovation and experimentation hub within the Open Society Foundations. It is based on insights from more than three years working with Open Society regional and national foundations and partners on legal empowerment and innovation in Africa, Asia, Latin America, Eastern Europe, and the United States.

We are grateful for comments from the following reviewers: Maurits Barendrecht, David Berry, Georges Clement, Emily Craven, Celeste Fernandez, Ariadna Michelle Godreau Aubert, Sumaiya Islam, Elizabeth Joynes Jordan, Liz Keith, Stacey-Leigh Manuel, Zaza Namoradze, Sven Newman, Vesna Shapkoski, Maggie Soladay, Coline Schupfer, and Julia Wang.

We are also grateful to the following organizations for providing us with background information for the case studies included in this handbook: Sex Workers Education & Advocacy Taskforce (SWEAT) in South Africa, the Asociación Civil por la Igualdad y la Justicia (ACIJ) in Argentina, JustFix.nyc in the United States, and LET Station in North Macedonia.

This publication is available as a PDF on the Open Society Foundations website under a Creative Commons license that allows copying and distributing the publication, only in its entirety, as long as it is attributed to the Open Society Foundations and used for noncommercial educational or public policy purposes. Photographs may not be used separately from the publication.

# CONTENTS

## LEGAL EMPOWERMENT

- 1. Introduction: Putting the power of law into people's hands 3
- 2. Legal empowerment principles and approaches 5
- Case study: Sex worker legal empowerment in South Africa 6
- 3. Legal empowerment and inclusive innovation 8
- 4. Setting up legal empowerment design challenges 9
  - Critical Reflexivity Checkpoint #1: Before the process starts 11

## PARTICIPATORY DESIGN AND SYSTEMS THINKING

### STAGE 1: CONTEXTUALIZE

- 5. Introduction to systems thinking 14
- 6. Systems thinking toolbox 19
- Case study: Co-designing an inclusive disability rights platform in Argentina 24

### STAGE 2: GROUND TRUTH

- 7. Introduction to design research and synthesis 27
- 8. Design research and synthesis toolbox 31
  - Critical Reflexivity Checkpoint #2: Research snapshot 36
  - Critical Reflexivity Checkpoint #3: Opportunity area prioritization 42

### STAGE 3: CO-CREATE

- 9. Introduction to ideation, prototyping, and testing 43
- 10. Ideation, prototyping, and testing toolbox 45
- Case study: Data and technology tools to empower low-income tenants in New York City 55

### STAGE 4: REFLECT

- 11. Introduction to impact tracking 54
- 12. Tracking impact toolbox 57
- 13. Sustainability and scale toolbox 59
- Case study: Iterating and testing sustainable revenue models in North Macedonia 61

### 14. NEXT STEPS

- 15. Glossary 64

## INTRODUCTION: PUTTING THE POWER OF LAW INTO PEOPLE'S HANDS

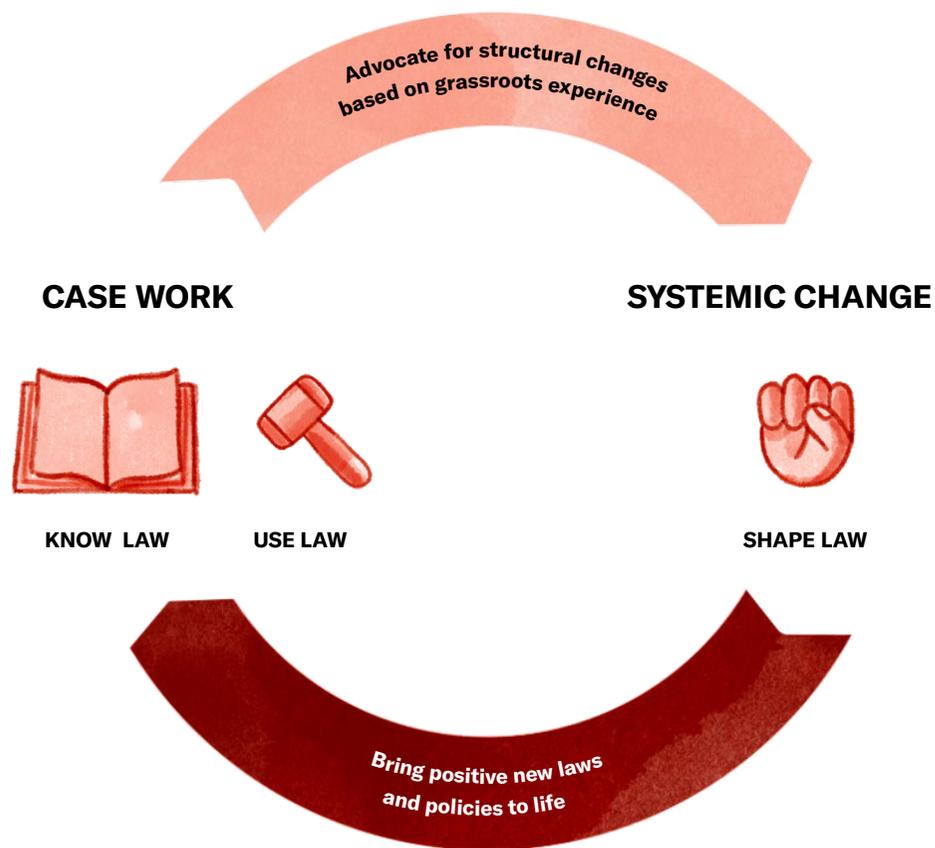
In nearly every part of the world, grassroots legal empowerment organizations work to address our collective, systemic, and sustained failure to protect and defend the rights of vulnerable and marginalized individuals and communities.

Core to this work is a fundamental critique of the law and systems of justice: that they are largely designed to protect those in power, and that any meaningful, equitable, and accessible system of justice must put the power of law into the hands of everyday people.

Our question is this: if access to the law and legal protections are largely designed to safeguard the interests of the privileged and powerful, how might they be re-designed and re-imagined to protect and promote the rights and interests of the most vulnerable?



*A paralegal who helps women get identity papers in Nepal.  
© Kishor Sharma for the Open Society Foundations*



The legal empowerment model consists of three pillars of individual and community action: know law, use law, and shape law. These pillars form the legal empowerment cycle. The legal empowerment approach is bottom-up, rather than top-down. When individuals and communities are empowered to know and use the law, this opens up new possibilities to shape and remake it. Effective legal empowerment interventions thus inform new ways of knowing and applying the law, as well as addressing systemic change. Dismantling systems of rationed justice and arbitrary power and creating systemic change are fundamental to the legal empowerment approach.

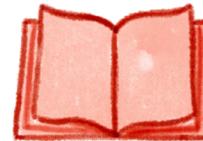
This gets to the heart of why we have created this handbook. Transforming systems requires innovation and experimentation, but most efforts to increase access to justice are focused only on designing solutions to address the first half of the equation—making existing laws more accessible and entrenched legal systems more usable—rather than designing solutions for systemic change. This handbook guides organizations on how to bridge both ends of this spectrum, giving teams that are pushing boundaries within the legal empowerment field access to innovative tools and approaches that will help them design solutions to increase access to existing laws and legal remedies as well as to share approaches for shaping innovations that are focused on systemic change. Along the way, we pay special attention to providing practical ways to co-design inclusive innovations that are designed with, not for, affected communities.

Finally, this handbook is intentionally designed to be conversational and visual; it is a practical, applied resource that includes real-world case studies and lessons from frontline organizations. Its audience is legal empowerment practitioners as well as designers, researchers, and policy makers working with legal empowerment organizations. We pay particular attention to how to apply these tools in ways that are aligned with core values and objectives of the legal empowerment field, including an overall approach that explicitly centers equity and inclusion throughout. The work of legal empowerment changes constantly, and grassroots advocates and civil society organizations around the world are driving the field ahead. This handbook represents a modest contribution, which would not be possible without the work and dedication of the thousands of legal empowerment practitioners and frontline groups that work tirelessly in the pursuit of justice for all.

# LEGAL EMPOWERMENT PRINCIPLES AND APPROACHES

Legal empowerment is both an approach and an outcome. As an approach, it seeks to increase knowledge of the law and design better pathways to justice. As an outcome, individuals and communities are better able to use the law themselves to advance their own interests and rights. The promise of the rule of law and access to justice remain far away concepts for communities that have only experienced the systemic deprivation of rights and entrenched barriers to accessing effective legal remedies. The goal of legal empowerment is to advance equality, fairness, rights, and justice by helping people to understand, use, and shape the laws that affect them and their communities. It seeks to enable poor and marginalized individuals and communities to challenge injustices and to hold power to account.

Unlike traditional legal aid, legal empowerment is not primarily nor exclusively focused on transactional legal assistance, although casework plays an important role. Rather, it uses popular education, organizing, participatory research and data collection, and storytelling and narrative strategies that amplify and uplift the experiences of rights-deprived people and communities. Legal empowerment centers paralegals and non-lawyer advocates with lived experience in communities as the primary agents of change. It focuses on people's everyday experience of the law and injustice, and on people-centered approaches to legal needs and designing effective and inclusive solutions. Legal empowerment is community-based and grounded in specific experiences and geographies. It meets people where they are and frames problems and success from the perspective of communities themselves.



## KNOW LAW

Understanding the law not only helps individuals and communities to know their rights, but also how both formal and informal justice systems operate, and the ways in which they can use the law to assert their rights and access remedies.



## USE LAW

The ability to use the law is often facilitated through paralegals, legal advocates, and others with lived experience of injustice that provide legal assistance and accompaniment to individuals and groups in their own communities, including dispute resolution, administrative claims, and mounting legal actions against government or corporate interests based on their deprivation of rights or illegal behavior.



## SHAPE LAW

Legal empowerment is focused on systemic change, including community monitoring, building evidence, organizing, challenging legislation and regulations, exposing bad actors, and securing rights through strategic litigation and advocacy.

## CASE STUDY: SEX WORKER LEGAL EMPOWERMENT IN SOUTH AFRICA

In 1994, as South Africa was transitioning from apartheid to democracy Shane Petzer, a sex worker, and Ilse Pauw, a clinical psychologist, founded Sex Workers Education and Advocacy Taskforce (SWEAT). The organization's goal was to provide safe sex education for sex workers. Since that time, SWEAT's work has expanded significantly: it has built a network and organization that has become a leading voice for services in the sex worker community—including crisis counseling, legal advice, and training. As they learned directly from sex workers about their needs and challenges, while also witnessing South Africa's constitutional and legislative changes, SWEAT leadership saw an opportunity to expand their work into centering the rights and livelihoods of sex workers and advocating for the decriminalization of sex work. The organization's overall vision also grew to include the legal empowerment of sex workers to fight discrimination, stigma, violence, and persecution.

Since SWEAT's inception, the organization worked with many legal centers, and in 2009, SWEAT launched a collaboration with the Women's Legal Centre (WLC) to begin bringing lawsuits focused on decriminalization. Underpinning SWEAT and WLC's efforts was their wider collaboration with Sisonke, a national sex worker movement in South Africa, and Sonke Gender Justice's team. SWEAT and WLC had two goals: offer sex workers legal support for their immediate needs and document their stories and purported legal violations, thus building a body of evidence towards decriminalization efforts. Initially, a lawyer was available at the community space for sex workers, ready to provide free legal advice. After a month, the legal team observed that very few people took up the lawyer's services, and they began to understand that sex workers' fear and distrust of the law extended even to those invited to what they might have considered a trusted location.

With the recognition that this first effort wasn't working, they searched for another way to meet their goals. The clinic lawyer suggested a new approach: asking that SWEAT's peer educators take on the role of legal education in addition to their existing community outreach work. With relationships of trust and candor more likely to develop, the peer educators were better positioned to provide legal advice and document the legal violations that sex workers were experiencing.

Based on this experience, lawyers trained peer educators as paralegals, and together they developed the documentation tools to collect stories and provide advice. At the outset, the paralegals were trained to collect a very small amount of information, and then hand the case over to the lawyer, who would follow up and collect more information. However, they soon realized they needed to collect the bulk of the information during that first conversation to prepare for a consultation. Due to the nature of sex workers' jobs and the precarity in which they are forced to live, finding them and building trust for follow-up conversations is very difficult. This challenge also led to another program iteration—equipping paralegals with more legal information to share at their first meeting to bring more immediate value to sex workers. They also expanded services to address the legal issues that sex workers faced daily—particularly since many sex workers were less interested in lengthy impact litigation when their rights were being violated daily. This new process focused on documenting and providing legal information to sex workers, and crucially, actively assisting them in exercising their rights.

With this approach, lawyers, paralegals, and peers from SWEAT became close collaborators. For example, if a sex worker needed assistance with a fine for loitering, the lawyer would give legal advice, the paralegal would assist the client with completing legal forms (which were meant to motivate the prosecutor to withdraw charges), and the peer educator would provide moral and emotional support. On the day that the client had to be in court, all three were present. As the project progressed and the prosecutors of the court became familiar with the paralegals, and the paralegals became familiar with the process, the client and the paralegal went alone, and eventually, some sex workers felt empowered to attend court on their own. This approach eventually became so successful that, in one court, the prosecutor began unilaterally withdrawing all sex work-related charges.

Using this model, paralegals were able to assist with creating a strong body of evidence and research about rights violations that SWEAT, Sisonke, and WLC used to advocate for decriminalization and contribute to litigating on sex work cases.

As this work moved forward, SWEAT made another key pivot and in 2016 they registered as a law centre and brought the legal advisors from the WLC directly into their organization. Though the intermediary arrangement made sense for the initial testing phase, SWEAT and WLC saw the potential for greater efficiencies and team integration by forming a new arrangement under SWEAT with the Sex Worker Legal Defense Centre. More recently, SWEAT has also launched a micro-planning model, where paralegals and peer educators are embedded within communities and in the geographic areas where sex workers are based, creating even stronger relationships and connections with sex workers. This model allows for a more seamless connection among localized data collection, services, advocacy, and media outreach specific to locations such as Cape Town, KwaZulu-Natal, Johannesburg, and Limpopo. This local level collaboration and action has been key to meeting sex workers' immediate needs while providing critical data for national litigation and advocacy efforts.

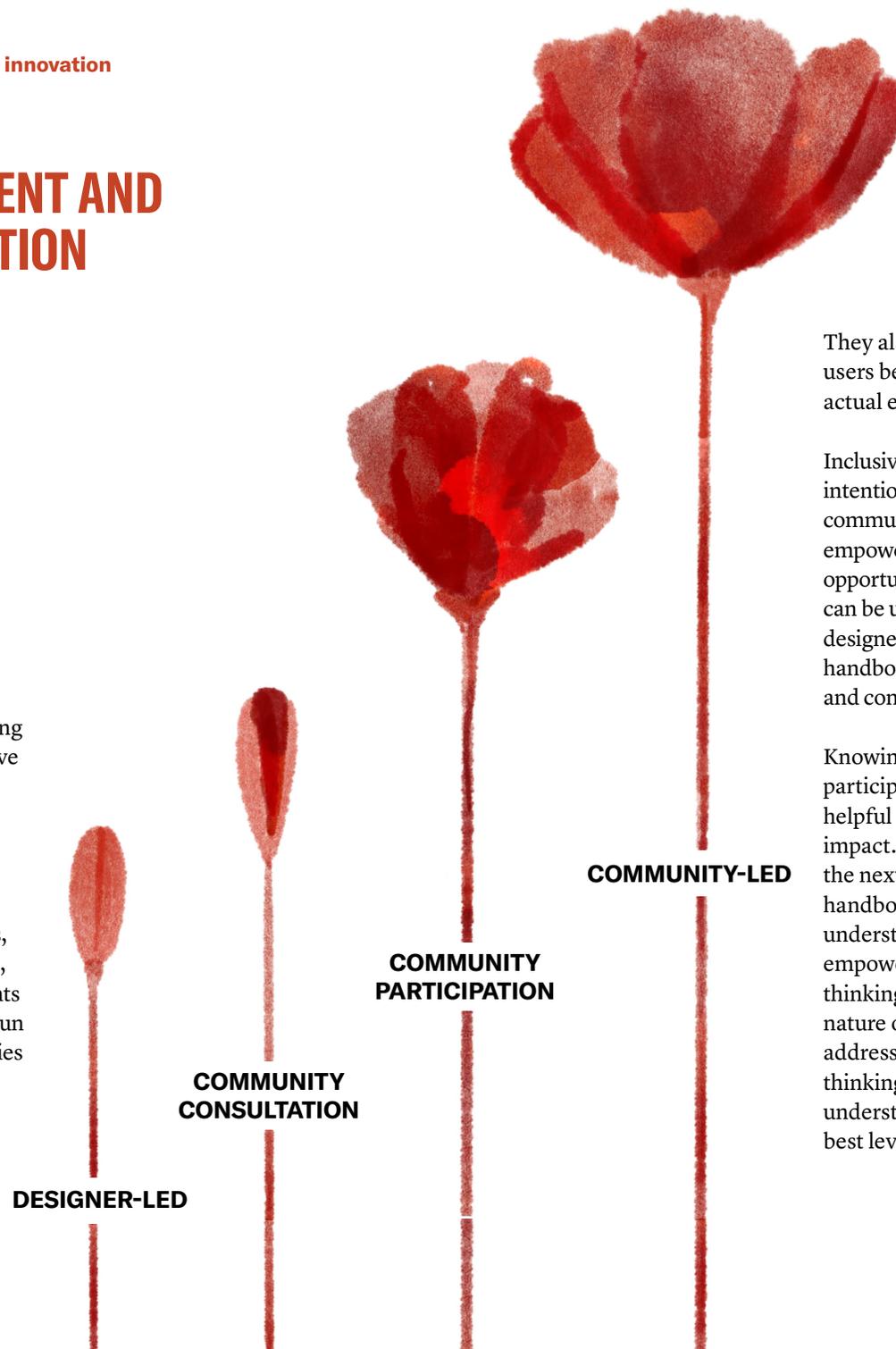
The SWEAT community—including staff, partners, and the sex workers they serve—continue to experiment with their legal empowerment model, serving the needs of the sex worker community and advocating for the decriminalization of sex work in South Africa. Testing new models, ensuring that sex workers are always centered in their approach, and iterating upon what the teams learned based on the real life implications for sex workers have been critical to SWEAT's learning and progress towards their goals and impact.



## LEGAL EMPOWERMENT AND INCLUSIVE INNOVATION

The legal empowerment field is ever-evolving, given shifts in social and political context, technological possibilities, legal needs, and the emergence of new legal and policy frameworks. As such, legal empowerment practitioners around the world frequently work with new challenges, for which no precedent exists and for which new answers have to be found. Knowingly or not, legal empowerment practitioners are intrinsically innovators and problem solvers. They have a deep understanding of community dynamics, and often have lived experience in communities.

At the same time, most justice sector innovations are top-down and process-centered. They largely focus on transforming formal justice institutions, like courts and administrative tribunals, and automating existing legal documents and procedures. As such, these efforts run the risk of replicating existing inequalities and power imbalances.



They also often result in a poor experience for users because they are not grounded in people's actual experience of the law and justice systems.

Inclusive innovation, or innovation that intentionally and reflectively centers affected communities, is key to both fidelity to the legal empowerment model and unlocking new opportunities. Inclusive or participatory approaches can be understood as a spectrum, from purely designer-led to fully community-led. A goal for this handbook is to introduce and support participatory and community-led approaches to innovation.

Knowing a few tools from the broader fields of participatory design and systems thinking can be helpful to innovate with more focus and better impact. We'll introduce these approaches in the next chapter, and spend the majority of the handbook on them. For now, it's important to understand the complementarity between legal empowerment, participatory design, and systems thinking. Because of the inherently systemic nature of legal empowerment work, particularly in addressing more intractable challenges, a systems thinking approach can help to generate a better understanding of the forces at play and to find the best leverage points to apply participatory design.

## SETTING UP LEGAL EMPOWERMENT DESIGN CHALLENGES

Legal empowerment work ideally operates simultaneously on two levels: grassroots and systemic. Because of this, we propose an approach that merges elements from two different but complementary textbook approaches to problem solving and innovation: systems thinking and participatory design.

### SYSTEMS THINKING

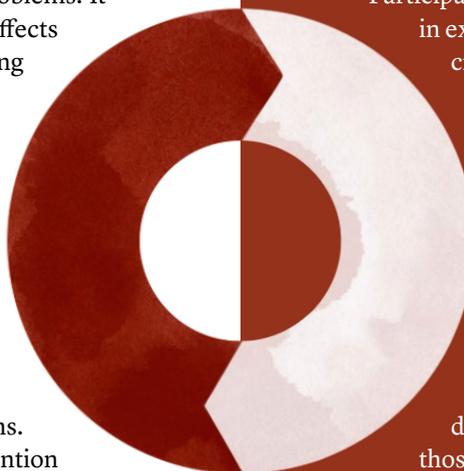
Systems thinking is an approach to solving thorny, intractable problems. It focuses on analyzing the interconnected and circular causes and effects that characterize a complex system. At the heart of systems thinking lies the realization that any complex system is governed by a large number of drivers and of inhibitors, which give rise to the effects we observe when studying the system. By modeling which drivers and inhibitors are at work in a given system and how they relate to each other, systems thinking tools can be used to map the system and to theorize around how it might be pushed into a more desirable state by targeted interventions. Systems thinking, as applied to the legal empowerment model, helps advocates and organizations understand the interconnectedness of the different social, economic, political, historical, and cultural contexts and experiences that add up to intractable social problems. It can also help to identify specific sites or opportunities of intervention to change how the law and legal systems result in exclusion, oppression, or other harms in people's lives.

Systems thinking deliberately models systems in the abstract, capturing the high-level factors at play and how they interconnect. It is a very useful analytical approach to deciphering complex systems. What it is explicitly not, is a way to design any interventions in detail. To do that, we will borrow tools from another approach: participatory design.

### PARTICIPATORY DESIGN

Participatory design is an approach to actively engaging communities in exploring and solving problems based on using participatory creative methods. These can be used to identify and contextualize community needs, frame opportunities to address those needs, and develop interventions through an iterative process, in context and with communities.

Participatory design, as applied to the legal empowerment model, helps organizations understand how communities experience specific problems produced by the laws that impact their everyday lives. It can help identify the full range of legal needs that communities have (whether they have previously identified them or not), develop possible ways to address these needs, prioritize those interventions based on potential costs and benefits, and implement them in a way that embeds feedback mechanisms so organizations can continually adapt and evolve them.



### MERGING PARTICIPATORY DESIGN AND SYSTEMS THINKING

By applying tools from both approaches, legal empowerment practitioners will develop the skills to analyze and understand both the individual and the systemic simultaneously. This will support organizations in serving individuals and communities in a way that changes what's occurring on the systemic level, as well as ensure that systems-level change serves the more immediate needs of individuals and communities.

### CENTERING LIVED EXPERIENCE

Many legal empowerment practitioners are from and work closely with the communities they serve, but this is not always the case. Poor and marginalized communities already experience exploitation in various ways, from their labor to their land and environment, and many research and design approaches are extractive in themselves. Because of this, it is critical to develop a practice of sharing and distributing power at every step of the process: from analyzing systems and determining the scope of the intervention to conducting research, framing conclusions and next steps, generating and prioritizing ideas, and testing and implementing solutions. We want to make sure that individuals with lived experience and affected communities are at the center of the process, as well as have agency and control over the process and its outcomes. We also want to make sure they can hold those who are creating and implementing new systems and approaches accountable for how they work with and represent them. After all, affected individuals and communities are the ones who will both experience, and hopefully benefit from, the outcomes.

Because it is easy to get carried away by your own observations, insights, and ideas, we encourage legal empowerment practitioners to embrace critical reflexivity in order to examine the ways in which their values, identities, and positionality affect their work and their relationships with communities. While this practice should be continuous and ever-evolving (including through methods like personal reflection and journaling) we will offer discrete check points during which designers and practitioners are invited to question and challenge the assumptions embedded in themselves, as well as reflect on our own power and privilege.



*A meeting between a paralegal and their client with Nubian elders to gain approval for an identity card in Kenya. © Namati/Noor Khamis*

# CRITICAL REFLEXIVITY CHECKPOINT # 1: BEFORE THE PROCESS STARTS

This is an exercise to make sure that legal empowerment actors are aware of how they will carry their own biases and preconceptions into a process over which they hold a lot of power as designers and facilitators. First, gather your team together and discuss the questions and notes on the next page. Write down your thoughts on sticky notes and keep them for reference later on.

Build in concrete ways to center community members throughout the process, and empower them to intervene and “pull the cord” at any point. Treat them like they are the clients—if you have any doubt, let them make the decision rather than overrule them. Remember: they will live with the process results.



### QUESTIONS TO DISCUSS WITH YOUR TEAM

**WHO** are the individuals and groups most impacted by this issue? Do they identify as part of a “community”? How do they refer to this community?

**HOW** does the community organize or represent itself? When expecting community members to represent other people’s experiences, who is included and who is excluded in those representations?

**WHAT** assumptions are we making about the community being impacted by this project?

**HOW** do systems and histories of oppression affect this community, and how does that relate to this process?

**WHAT** power and privilege comes with our role in this process?

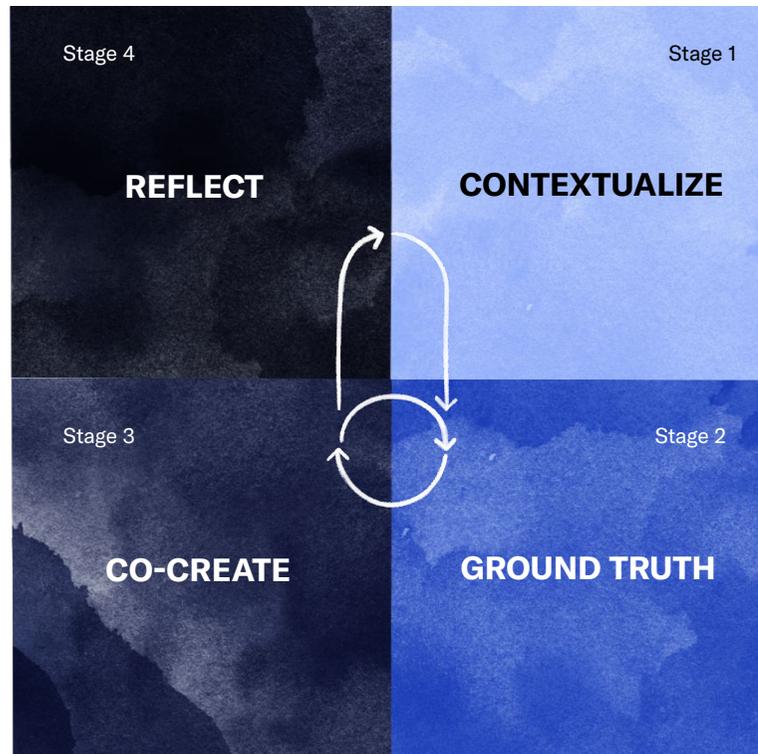
**HOW** can we cede power to community members, including through hiring, compensation, knowledge sharing, relationship building, ownership of outcomes, and other reciprocal ways of working and sharing outcomes?

**HOW** do we name and acknowledge our privilege, and use it in service of communities, including through direct action, solidarity, or other modes of participation and representation?

**HOW** are decisions made throughout the process? Who has input (including when and how)? What weight does it carry? Who has veto power? How is consensus built? How are disagreements resolved?



Now that you are ready to start the process, here is an overview of what to expect:



### Stage 1 **CONTEXTUALIZE**

When tackling a tough legal empowerment challenge, the first task is to understand the context. What are the influencing factors surrounding the challenge? Which stakeholders are involved, be it directly or indirectly? How will one change lead to another? What are the benefits of manipulating one part of the larger system and what might be the risks involved? The systems thinking approach provides valuable tools to answer these questions and to create a broad understanding of the interdependencies to consider when innovating within a legal empowerment system. In chapter 6, we will introduce a systems thinking tool kit that will enable you to map and 'predict' the system you work within.

### Stage 3 **CO-CREATE**

Based on a joint understanding of systemic context and individual needs, relevant ideas can be developed, tried out, and iterated upon, until the community feels like the intervention is mature enough to gradually be scaled up. This quick, iterative progression of prototyping and feedback is a hallmark of participatory design, which is why we will introduce you to the fundamentals of ideation and prototyping in chapter 9. The goal is to enable you to guide the community through this creative process, leading to tangible, implementable concepts that are tailored to meet your systemic and community goals.

### Stage 2 **GROUND TRUTH**

While understanding the context is necessary, it is not sufficient to innovate successfully. Any intervention needs to go beyond just a theoretical understanding of the abstract workings of the system. It will also need to be executed with a deep, granular understanding of personal needs, drivers, and hurdles of people on the ground, be they community members, paralegals, or other stakeholders. Participatory design provides excellent tools and guidelines on how to achieve this level of empathic understanding—we refer to it as 'ground truthing'—and to empower the communities ultimately benefitting from the intervention along the way. In chapter 7, we will introduce key methods of design thinking and design participation, which you can apply to ground truth your challenge. These activities will enable you to piece together a detailed picture of what will be required to make any solution work on the ground level.

### Stage 4 **REFLECT**

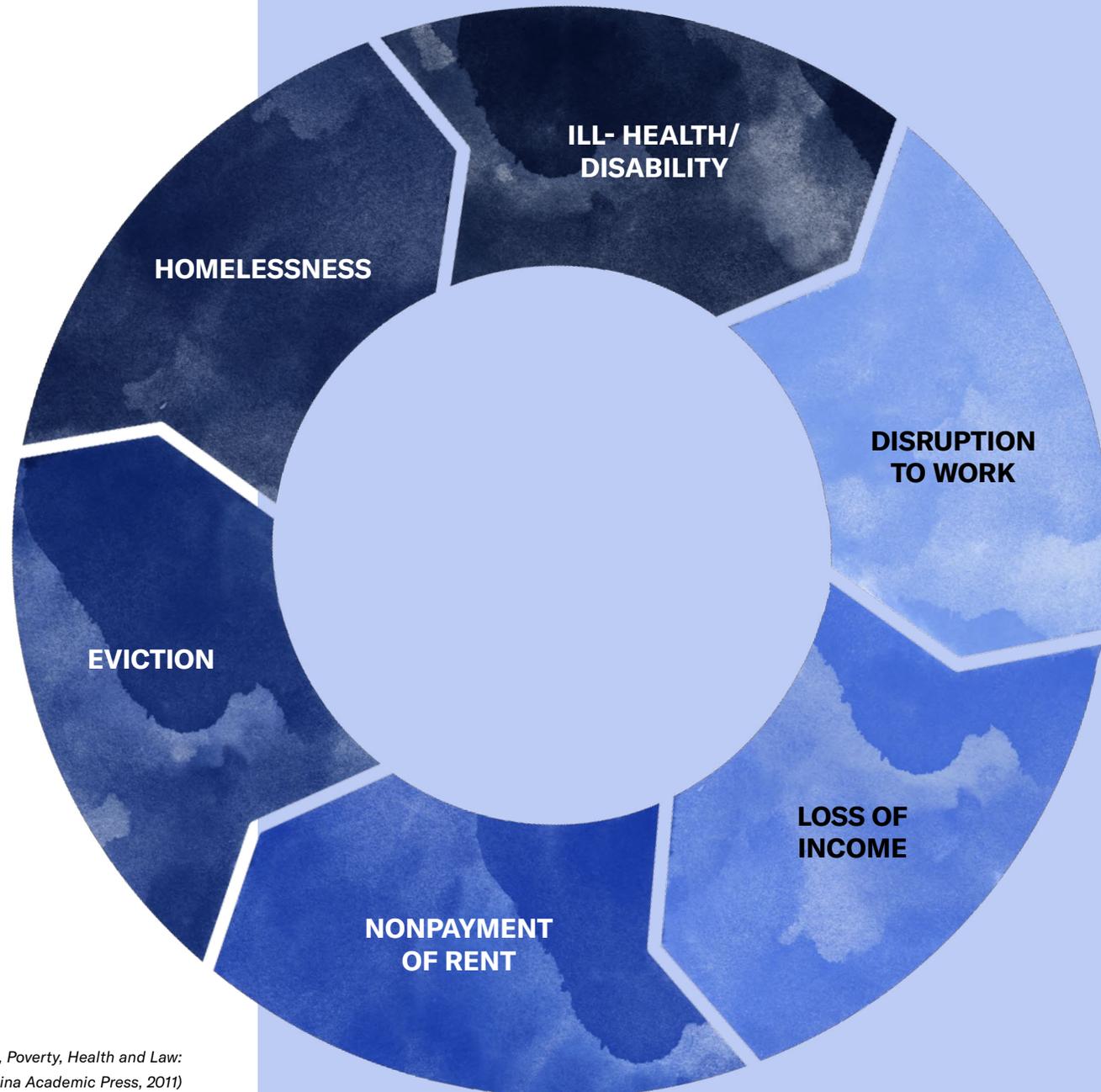
Whether the interventions created during co-creation really do lead to the change you are hoping to introduce into the system, is something you will need to carefully track. All too often, systems react in counter-intuitive ways, negating or reversing the intended results. In the worst case, opposite results might lead to a worsening of the situation. Tracking clearly defined points in the systemic map created at the outset will allow you to tell—ideally early in the process—whether you are succeeding or not. In chapter 11, we will therefore return to the realm of systems thinking and guide you on how to track impact.

## INTRODUCTION TO SYSTEMS THINKING

Legal empowerment advocates and organizations work with communities that are typically caught in a vicious cycle of poverty and inequality. This is the result of a complex web of legal, social, political, historical, and cultural factors that are often designed to work against them. To understand these systems in their entirety is no small feat, and even just to understand what effects and side effects any change to the system might have is not trivial at all. An excellent example of a vicious cycle in the medical-legal context is provided here.

More often than not, a well-intended intervention can fail or even backfire. Therefore, before we embark on designing interventions in legal empowerment, it is important to understand as much as we can about the causes and effects of the structural conditions that lead communities to have the legal needs that they do. These often include significant social and economic barriers to access and inclusion, which we can use tools from the field of systems thinking to understand.

On the following pages, you'll find a brief, high-level introduction of the most important concepts of systems thinking, including causality loops, points of leverage, early indicators of change, and power in the system. We will then explore these concepts in the more hands-on "Toolbox" section.



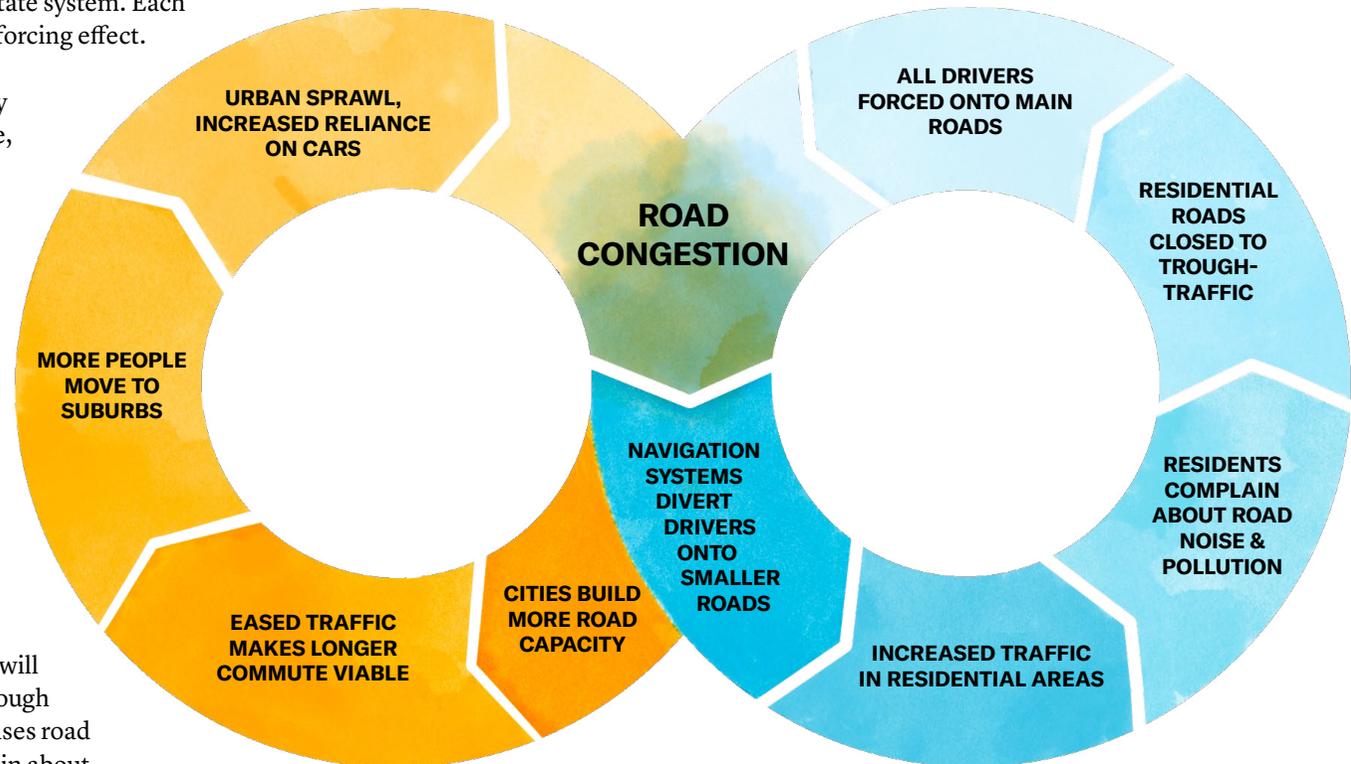
## CAUSALITY LOOPS

Systems thinking is an approach that starts by seeking to understand complex systems—not by analyzing their complex inner mechanics, but rather by mapping out all relevant drivers and inhibitors. It then leads us to synthesize a model of the system in the form of causal links that describe how the system produces current (and often undesirable) states. In other words, systems thinking generates knowledge by understanding the paths of cause and effect for a given system. If we follow these paths, we realize that they are circular for any steady state system. Each loop can either describe a balancing effect or a self-enforcing effect.

It helps to imagine traffic systems as an example. Many urban areas suffer from road congestion. As a response, many municipalities invest in building out their road infrastructure. And indeed, a higher road capacity eases traffic for a period of time. This fact makes longer commutes viable and inspires people to move into suburban areas far away from their urban workplaces. This, in turn, creates road congestion all over again, fueling the cycle of urban sprawl and rush hour traffic jams.

Often, to understand a system sufficiently, we will need to look at more than one loop. One factor often causes multiple effects, which can fuel several loops. In the above example, we might want to consider, for instance, the role that personal navigation systems play. In a traffic jam, they offer drivers a diversion to circumvent the congestion. This will lead them away from main roads and, often times, through small streets of residential neighborhoods. This increases road noise and pollution, which the residents might complain about.

A result might be that streets will be closed to through-traffic altogether, forcing everyone—not just the congestion-avoiders—back onto the main roads. This, in turn, leads to an increase in congestion yet again.



### POINTS OF LEVERAGE

Understanding and capturing causality loops helps us figure out the forces at play and how they relate to each other. It also lets us point to where we might potentially engage with the system in order to “nudge” it into a new, hopefully more desirable equilibrium. Systems thinkers speak of “points of leverage” within a causal loop. This is where we can hope to change the chain of cause and effect. Effecting the right kind of change at the point of leverage can therefore alter the trajectory of the entire loop, either by turning a vicious loop into a virtuous one or—in the case of a balancing loop—tweaking the balance towards better outcomes.

### EARLY INDICATORS OF CHANGE

Almost by definition, we will never be able to understand a complex system in its entirety. Despite our best efforts, we cannot rely on our understanding of the system to be an entirely sufficient representation of reality. There will always be blind spots or new influences, which can lead to undesirable or ineffectual outcomes. Therefore, it is critical to track whether our intended actions will have the desired effect. To that end, we identify “early indicators of change.” These are points on our loop that we can track relatively easily and that will give us an indication of whether an intervention actually works. What we are tracking at these points might not be the end goal we aim to achieve. They might even seem rather peripheral to the overall purpose of our project. What is important is that they are proxies, which serve to give us early feedback so that we don’t have to wait too long to find out whether our interventions have the desired effect, or whether we need to adjust our assumptions and iterate on our solution.

### POWER IN THE SYSTEM

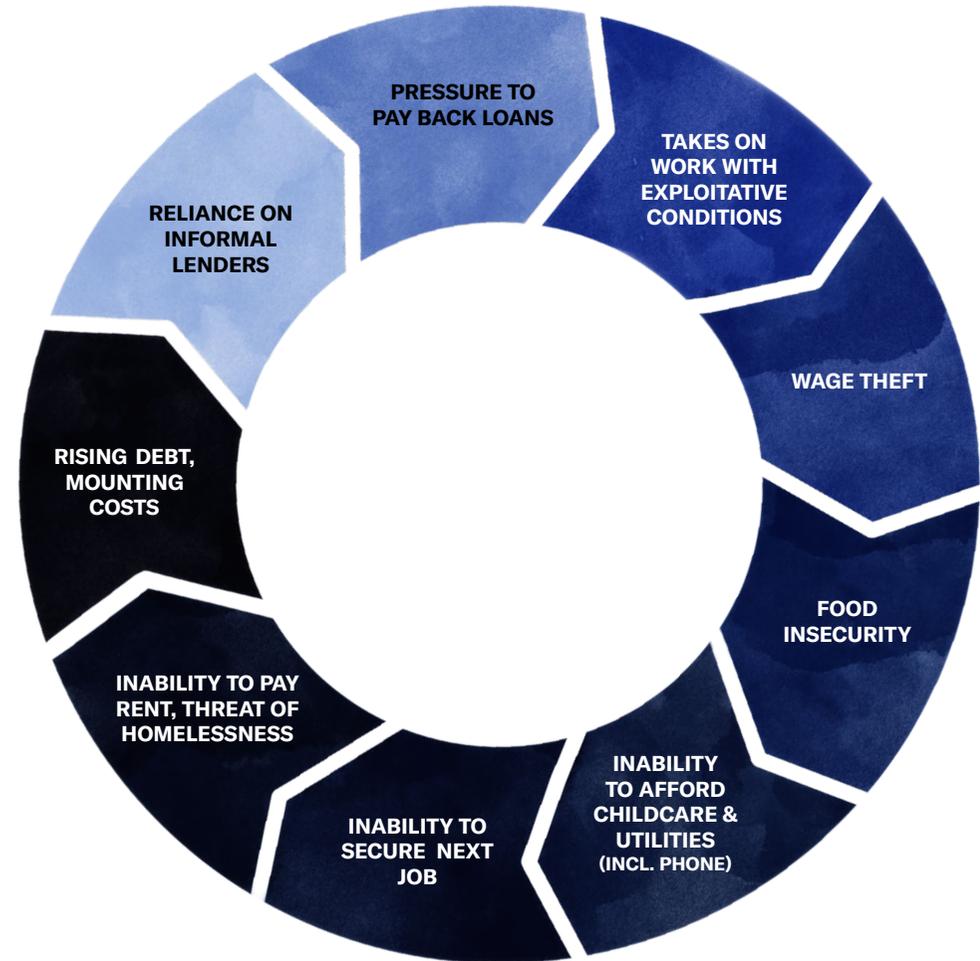
When creating a systems map and thus inevitably adopting a rather mechanistic approach, we should also remind ourselves of the power dynamics that underlie the system. Specifically, we should carefully consider who has power in the system, how the balance of power might shift as we change the system through our interventions, and who continues to retain power over systems even with these shifts.

## AN EXAMPLE

A migrant worker who has taken a job with an employer who then steals wages based on their legal status and other vulnerabilities will very likely end up in a situation of economic precarity. This leaves them even more desperate for a job, which will likely result in a repeat of the same actions, fueling an exploitative system of unscrupulous employers who feed off of a community of workers that they themselves have driven into poverty and precarity. In circumstances like this, the question that systems thinking can help us to answer is: Where can we plausibly intervene to break this vicious circle? What could a point or points of leverage be in this case?

We might help workers to not fall victim to fraudulent employers and wage theft by supporting them in the process of vetting employers that comply with basic standards. In this case, “takes on work with exploitative conditions” could be our point of leverage, which might be addressed for example by creating a smartphone app that allows workers to report wage and hour violations and other abusive workplace practices. Alternatively, we could devise a service that reaches victims of wage theft quickly and gives them immediate legal support to go after their employer or recover their wages. If not, and the legal process is slow, we might want to introduce a community food bank and/or temporary rent subsidy program so that migrant workers are not immediately driven back into a vicious cycle where they are forced to rely on unscrupulous employers.

Whichever point or points we choose to leverage, in order to understand both the immediate and long-term impacts of our intervention to break the cycle we will want to track the success of a prototype or pilot that we run. We can certainly measure engagement with our service, but that may not say much about its success. We could also wait to see whether eviction or homelessness rates within the community drop, but that may take a long time to play out and might be influenced by many other factors independent of our actions, like the state of the economy or seasonal shifts in employment. If, however, we can find a point or points along our causal loop that would be indicative of the impact our intervention will have on one hand, and would also allow us to



judge this impact more immediately on the other, we could use it to determine whether our theory of how to change the system is sound. For example, if we try a legal support intervention and if there is a way for us to track the rate at which migrant workers who engage with it also apply for food or rental assistance compared to a control group, we could get a sense of whether their life situation is indeed stabilizing.

What about power dynamics in this example? In the status quo, it is obvious that employers wield disproportionate power. The abuse of this power is at the very core of the problem. In an ideal scenario, migrant workers would be less likely to face wage theft, which would be a positive outcome from our perspective. How can we make sure that power would shift towards migrant workers? And how will employers react? It is important to anticipate and prepare for these outcomes so that we can be ready when the system shifts and some of the actors within the system resist the change in order to protect their position.

In the following “Toolbox” chapter, we will present a step-by-step guide to applying systems thinking tools.

# SYSTEMS THINKING

## 1. ASSESS WHETHER YOU HAVE A SYSTEMIC CHALLENGE

Many challenges legal empowerment teams are working to address are systemic in nature, in the sense that they emerge from an interconnected web of laws, regulations, dependencies, societal norms, and biases, etc.

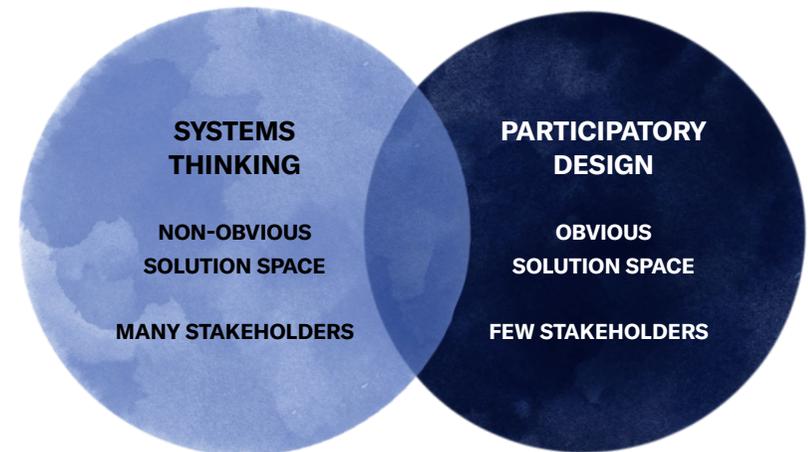
But not all challenges are systemic in nature. Occasionally, a challenge might be fairly contained and addressable with a localized solution that does not require you to analyze the broader system. An example might be a stand-alone effort to automate a form online that allows someone to change their name. This is important to recognize, because for those contained challenges, you can simplify your approach.

Systems thinking is a good approach for innovating on a systemic level, but it also takes time and effort to deploy its tools. In the above name change example, it might not be worth the effort, because it is likely that the problem is well-defined and straightforward to address. In this case, we can reach for the participatory design toolbox directly, without drafting causality loops or thinking about points of leverage.

Of course, the same example might live within a more complex context, for example, if the initiative was actually tied to a broader campaign to force courts or lawmakers to recognize transgender rights. In this case, spending some time to understand the larger systemic context might be worthwhile to understand the complex set of interdependencies that give rise to undesirable situations.

Whether or not a challenge is sufficiently complex and intractable to warrant starting with a systems thinking phase is a case-by-case decision. If the number of affected stakeholders is low, the links of cause and effect are direct, and the solutions space is obvious, it may be advisable to save yourself the time. In that case, you can choose to go directly to the next chapter and start by applying participatory design methods to the challenge.

### Systems thinking and participatory design



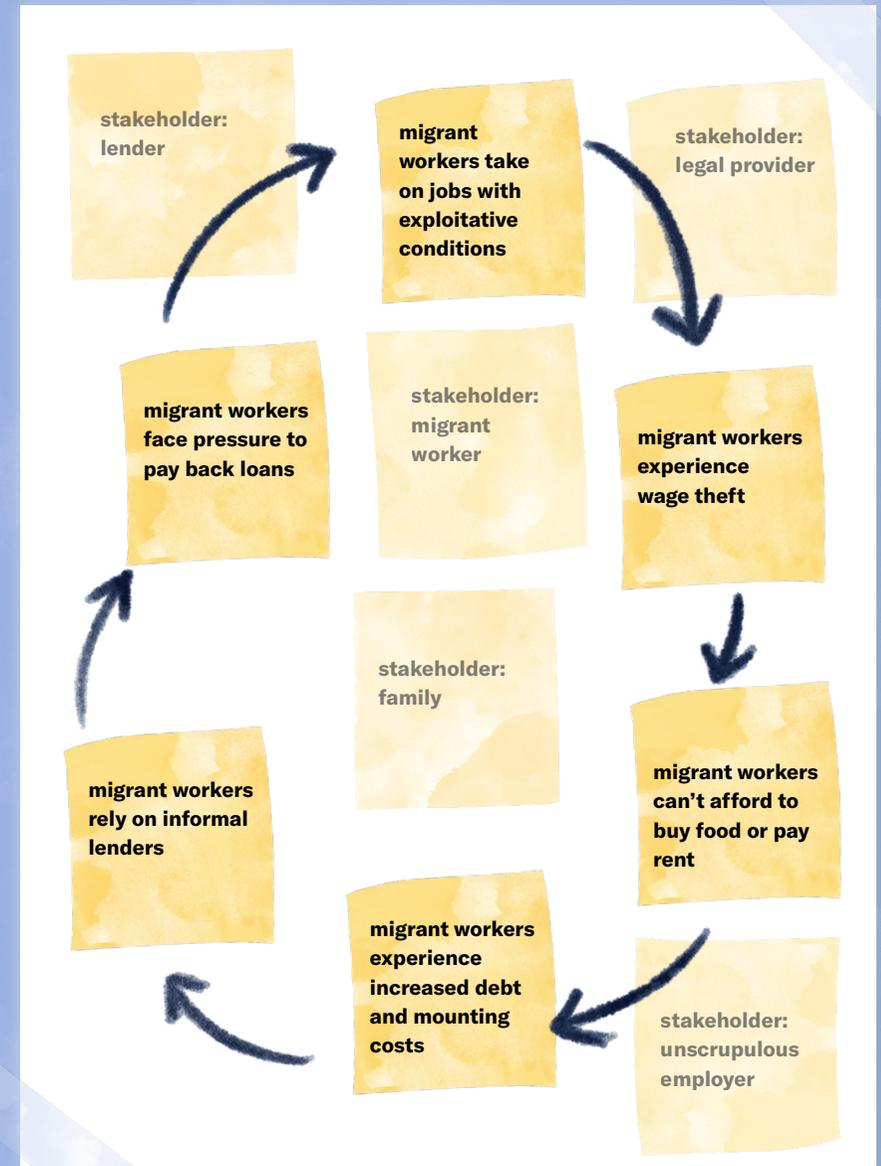
## 2. MAP THE SYSTEM

When starting to address systemic legal empowerment challenges, you will first need to analyze the forces that produce the current state of the system. This is best done collaboratively, with different perspectives and experiences represented around the table. Therefore, we recommend that you bring together community members, including impacted individuals and subject experts, for a series of mapping workshops. You will likely find that the broader perspective of a team of experts plus the lived experiences of community members will provide you with a much richer perspective than you could ever hope to have yourself. The goal of the mapping workshops is to jointly create one big map of causal interactions that surround the group that you want to help. We have had more success when we do a series of sessions, with a slightly different set of perspectives each time, rather than to try to get it all done at once.

For example, consider three or four sessions of 2-3 hours each over the course of a month or two.

- Start by writing down all the factors that the group observes relating to the challenge, both good and bad (What helps the system to move to a better state? What inhibits that from happening?).
- In the example on the right, these might be “migrant workers take on jobs with exploitative conditions,” “migrant workers rely on informal lenders,” etc.
- Then connect them by adding arrows, which indicate causal links between the factors, e.g. “migrant workers take on jobs with exploitative conditions” leads to “migrant workers experience wage theft.”
- Add new factors and links as your discussion unfolds.
- The goal of the exercise is to continue until you have linked factors to form one or more loops, i.e. circular chains of causality. These are what we call causality loops—and they are what keeps the system going in its current state.

### Mapping the system



### 3. MAP POWER IN THE SYSTEM

On each stage of your loop(s), identify the actors that have power or influence over others and list what kind of power they have. This is often referred to as power mapping. Try also to capture how they typically use their power and any relationships. Then think about how these players would be affected if you change the system according to your intentions. Speculate about how they might react to changes brought about by a systemic shift that might threaten their power. Which tools do they have at their disposal to protect their power? Who might rein them in and how?

- Who has power over others right now? What type of power and why?
- Who stands to lose power and who might gain some?
- How could you ensure that power is given to the right hands, ideally to community members themselves?

#### Mapping power in the system



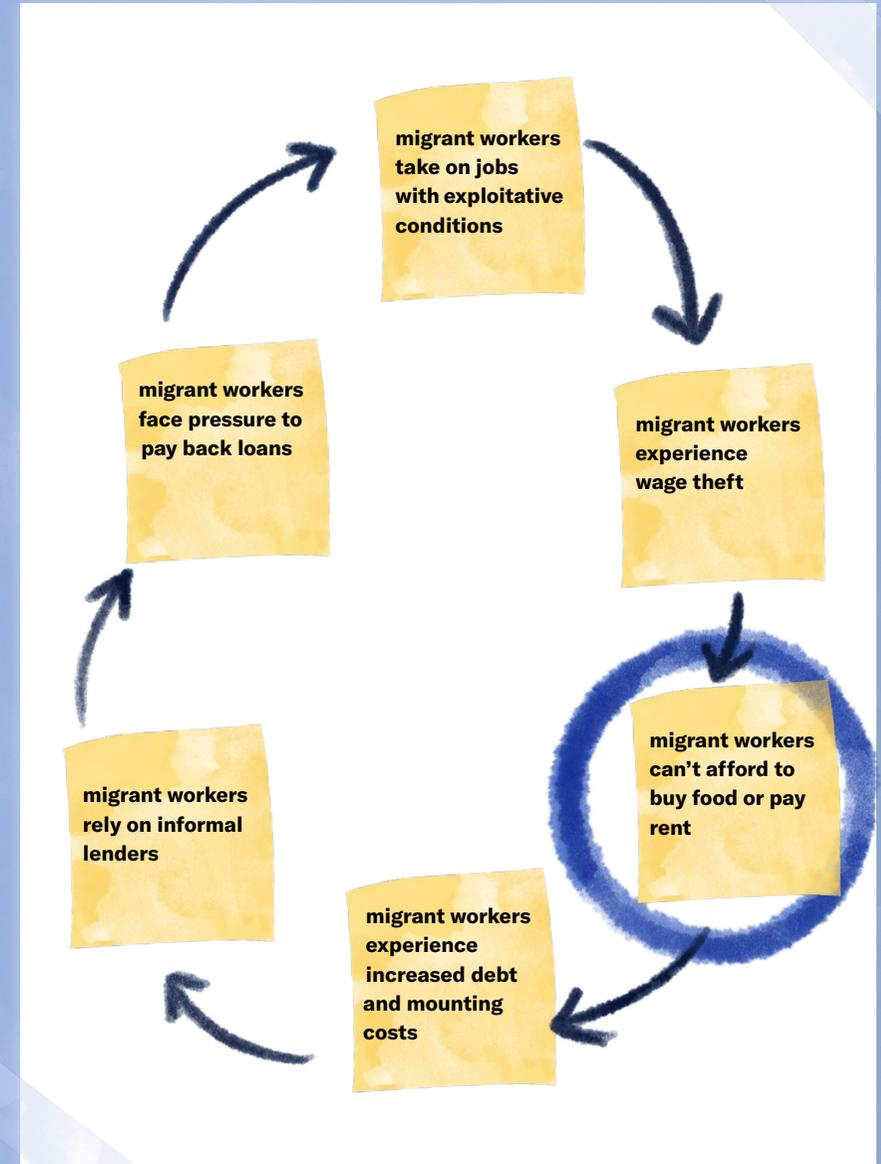


## 5. DEFINE EARLY INDICATORS OF CHANGE

Think about how you can potentially track changes without having to wait for the entire loop to play out. A suitable indicator should track something that is, at most, a few causality steps removed from your point of intervention so that you gain insight into how your intervention effects the system. This change should ideally be observable in a relatively short period of time—think weeks or months rather than years.

How—and how quickly—should the parameter(s) you are thinking of tracking change if your intervention is successful? Write down what you would like to measure so that you can think about how you might achieve this later on.

### Defining early indicators of change



## CASE STUDY: CO-DESIGNING AN INCLUSIVE DISABILITY RIGHTS PLATFORM IN ARGENTINA

In Argentina, approximately 5 million people (or almost 13 percent of the total population) have disabilities. Despite this fact, studies show that a large number of people with disabilities do not have a disability certificate, which is a required document for access to disability services and benefits, including pensions, transportation, and other fundamental needs. Even those who do have a certificate face enormous challenges to exercise their rights on an equal basis with others. With these barriers in mind, the nonprofit organization Asociación Civil por la Igualdad y la Justicia (ACIJ) devised an approach to closing key access to health and justice gaps that centered persons with disabilities in designing solutions.

Using a participatory design methodology, ACIJ worked directly with people with disabilities to identify the main barriers they face when trying to access different kinds of services provided by the health system and make complaints before public entities. Together, they defined opportunity areas for overcoming these barriers. Then, they co-created proposals and actions to increase this community's ability to access health and justice services fully within their rights.

ACIJ initially mapped systems actors to understand the range of people to include in the design process. They ultimately included persons with disabilities and their families, disability advocates, and legal experts. They included both individuals and organizations they were familiar with, and they also identified new actors to welcome as many perspectives as possible. From the start, they ensured that their invitations were accessible to invitees across the disability spectrum. The organizers' aim for the workshops was part design research, part synthesis, and part ideation—all done in a participatory and collaborative way.



*Participants planning disability justice programming in Argentina.*

© Asociación Civil por la Igualdad y la Justicia

## DESIGN RESEARCH

During the workshops, participants shared stories of obstacles they have faced trying to access health services by visually mapping an instance or instances in their lives when they were denied disability accommodations or access to benefits. They then discussed these stories in groups, sharing their experiences to help identify systemic patterns.

## SYNTHESIS

Using participatory synthesis activities, participants and ACIJ were able to find patterns in the barriers to accessing benefits and support services, including:

- Excessive procedures required to access the disability certificate and related benefits;
- Cumbersome bureaucracy for claims and poor response time and flexibility for persons with disabilities and their needs;

- Problems accessing treatments, surgeries, medication, or emergency services;
- Limitations in support services (e.g., psychological, educational, and occupational therapists);
- Lack of knowledge about the rights of persons with disabilities among those who could claim them, their families, public and private workers, and society in general;
- Laws and policies that were not in accordance with the disability rights perspective.

Some participants also raised additional concerns around failure of state and health providers' websites to provide information in a clear way, difficulties with transportation, and geographical barriers, including the fact that offices and agencies for service providers are often far away from the most vulnerable communities.

Critically, participants also raised how, in experiencing these barriers to service access, they felt that state and healthcare providers did not trust them or treated them as if they were being excessive, unfair, or trying to trick the system. One participant noted that the services "are not designed to work."

## IDEATION

Following the synthesis, participants generated ideas to imagine how they might overcome these obstacles, then ranked ideas accounting for feasibility, impact, implementation timeline, and potential to solve them. This ideation process culminated with participants prioritizing certain ideas, such as an "accessible guide" with information on rights, highlighting the responsibilities of health insurance and social protection services, and explaining how to make claims to public or private providers.



*Assessing barriers to disability justice in Argentina.*

© Asociación Civil por la Igualdad y la Justicia

## PROTOTYPING AND TESTING

Following the participatory workshops, the ACIJ team then began to prototype an “accessible guide” in the form of a website, with the idea that this format could reach people in different provinces of Argentina. To ensure the prototype was responsive to their needs, ACIJ intentionally engaged persons with disabilities and their families to both test paper mockups and a basic version of the website, as well as to record their individual experiences while using the platform. ACIJ recorded audio scripts and guides for persons with visual impairment as well as for those with lower language and technology literacy. This prototype included basic components for the team to get feedback without investing too much time and resources before ensuring they were on the right path, but was substantive enough for participants to get a sense of the platform’s content and functionality. Participants reviewed the prototype positively and made many suggestions for improvement, including allowing users to easily share information with friends and family through WhatsApp and other social media platforms, which ACIJ used to iterate upon the initial prototype.

For the next phase of prototyping, ACIJ focused on three core directions:

- Defining and developing the legal content, including information about specific rights, guided templates to apply for specific benefits (striking a balance between immediate demands of persons with disabilities and more systemic demands connected to fulfilling the Convention on the Rights of Persons with Disabilities) and to challenge national legislation violating international human rights law, as well as information about how to access agencies that provide remote and in-person assistance.
- Designing the website in accessible ways for a wide cross-section of disabilities, including videos with sign language interpretation and audio content for users with visual impairments, which could also be downloaded and shared via WhatsApp and other messaging and social media platforms.
- Validation and continued testing of the site by persons with disabilities, disability advocates, and family members to improve the design, content, navigation, and overall responsiveness for the intended website users, including those using screen readers.

In July 2020, ACIJ launched [discapacidadyderechos.org.ar](https://discapacidadyderechos.org.ar), and the platform has helped thousands of users. ACIJ continues to receive feedback on its usability and accessibility, and they track the most viewed resources and sections to identify the most impactful ways to improve and refine the site’s content. ACIJ noted that the participatory workshops were key to hearing directly from persons with disabilities about the challenges in their lived experiences of disability, generating ideas collaboratively to tackle those challenges, and building a platform designed with—not for—persons with disabilities. Importantly, the participatory design process itself has also been instrumental in ACIJ’s continued work on disability rights policy and their organization’s strategic planning and prioritization, with participatory design being central to how they have designed new projects.



# INTRODUCTION TO DESIGN RESEARCH AND SYNTHESIS

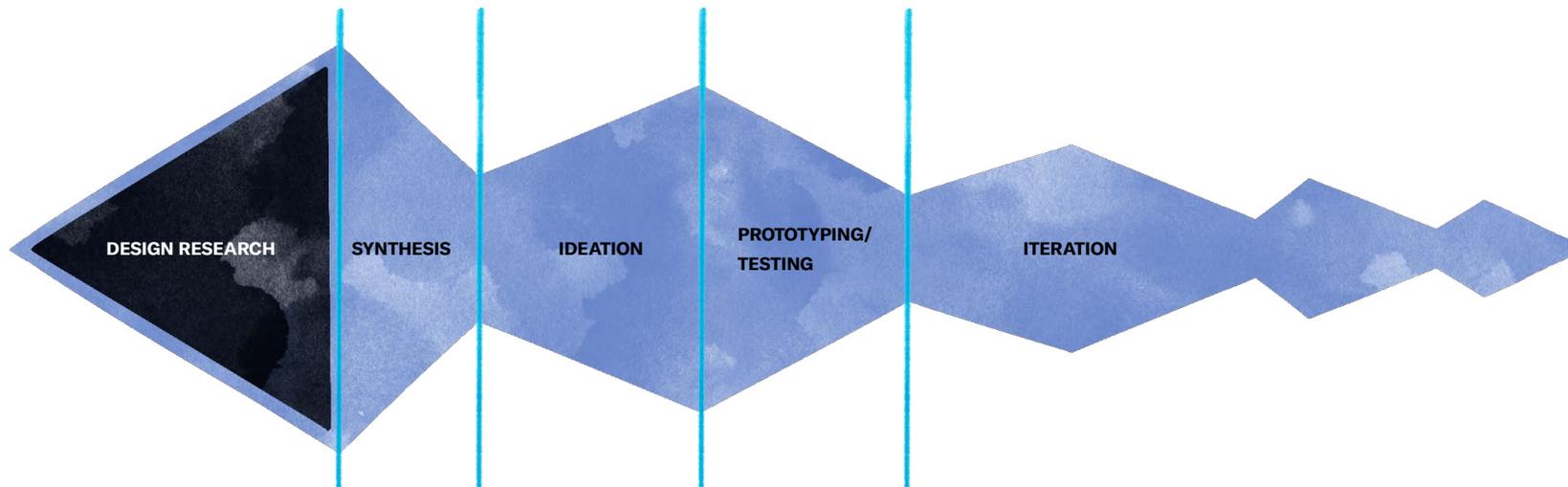
## A. DESIGN RESEARCH

Having established what the ultimate goal should be on a systemic level, it is now time to turn our attention to the practicalities of finding ways to achieve these goals. What will be required of a solution for it to work in real life? Where can we find inspiration for creating ideas that even lead to solutions? We can only answer these questions once we understand the real-world context in detail, within which the solution will have to thrive.

Participatory design (PD) proves valuable here. PD is an approach that emphasizes understanding of and collaboration with communities, so it allows us to compensate for—or even overcome—some of our own biases and preconceptions.

It is also an iterative approach of continuous prototyping, testing, and improving, which encourages us to make our ideas tangible early on by creating simple mock ups and drafts of the interventions we want to implement.

PD provides a path to develop ideas firmly rooted in the needs of the community. It emphasizes the role of the “lived expert” from within the community over the often outside knowledge of the “legal expert,” although an individual could of course be both. Also, it will allow us to truly involve community members and thus create a sense of ownership of—and trust in—the project. How do we do this? Let’s start at the beginning: design research.



**WHAT DO WE MEAN BY DESIGN RESEARCH?**

The aim of doing design research is to deeply understand the lives and challenges of the people we are designing with, their mental models and behaviors, fears and desires, as well as expressed and latent (non-obvious) needs.

It is important to note that what we do not need to produce at this stage is quantitative, representative data. What we seek instead is enough information to inform our decisions around what issues to focus on, what interventions to develop, and how to design them in a way that fits the needs of the communities they serve. This type of research favors longer, deeper and more open conversations and participatory research activities with a fewer number of people over asking larger numbers to provide brief answers to scripted questions.

**WHY CONDUCT DESIGN RESEARCH?**

It may not be obvious why someone like you, who is already a subject matter expert in their area, should go out to conduct research. Why should legal practitioners interview communities and other stakeholders, the same communities that they work with day in and day out? There are several important reasons to do so:

- **Centering lived experts:** The first and foremost reason is that we need to learn how communities experience the law and systems of justice. At the same time, lived experts likely have backgrounds and experiences that are different from our own and we need to understand what exactly constitutes value for them and how we can best deliver it.
- **Living our values:** Another reason is that we need to ensure that we are designing with, not for, our community members and stakeholders.

- **When designing new legal empowerment interventions,** we will make a number of implicit assumptions based on our own background and experiences. As someone who is aiming to influence the outcomes of a complex system, we are also exerting or reinforcing power over communities by deciding how the intervention is going to be executed. Research, and particularly participatory research, is the most basic way to include others in the design process.
- **Adopting new perspectives:** We might not even be aware how set in our ways and locked in our assumptions we are when thinking about how things “ought to be.” When designing or redesigning a program, however, it is invaluable to look at familiar topics with fresh eyes and challenge our own preconceptions. Be prepared to be surprised! Design research is an important opportunity to learn new things.

While we might intuitively think that we really know the communities and individuals we work with and can tell what type of services are best for them, we often do not have the full picture. Design research can help us gain new insights and challenge our assumptions.

## USER-CENTERED DESIGN VS. PARTICIPATORY DESIGN

You might have heard of user-centered design, also often referred to as design thinking. If you have, you might wonder what the relation is between it and participatory design. A quick note on similarities and differences:

Human-centered design is a way to design commercial products or services based on a thorough understanding of real-world needs gained from interviewing users and analyzing their behaviors and preferences. While that works well in commercial industry, it has its drawbacks in the social innovation space. There is an implicit assumption at the heart of human-centered design: once the result of the design process is implemented, a user will have free choice about whether they interact with the product or service or not. If they do, they do so because they see it as beneficial. If they don't, they won't be any worse off than before. When designing a new toy robot or a dishwasher or navigation app, this holds true enough. The designer has the power to make design decisions and the customer has the power to buy into it or to walk away. This assumption, however, breaks down in a situation where the potential outcome of the design process will not be another gadget, but amounts to a significant change in people's everyday lives. This is especially true if entire communities will be affected.

In legal empowerment, the person driving the design process still holds the power to make good or bad design decisions that will result in a more or less successful outcome. All too often, the designer is someone external to the community who will not experience the outcome of their actions firsthand. The community members, on the other hand, will not have a choice of whether they want to benefit from those outcomes. They will all be affected. This creates a power imbalance that must be addressed, as ignoring it could lead to situations that cause harm. A way to address this power imbalance is participatory design. It applies similar tools and processes, but does so with a fundamentally different understanding of who is ultimately in charge: community representatives themselves become the main actors, making the crucial decisions along the way, while the 'designer' steps into the role of facilitating the process. Participatory designers thus create agency and empowerment in the communities they serve, the effects of which will ideally continue to benefit the community long beyond the end of any single project.



*A paralegal with Farwest Media Development Center visiting clients in Kailali District, Nepal.  
© Kishor Sharma for the Open Society Foundations*

## B. SYNTHESIS

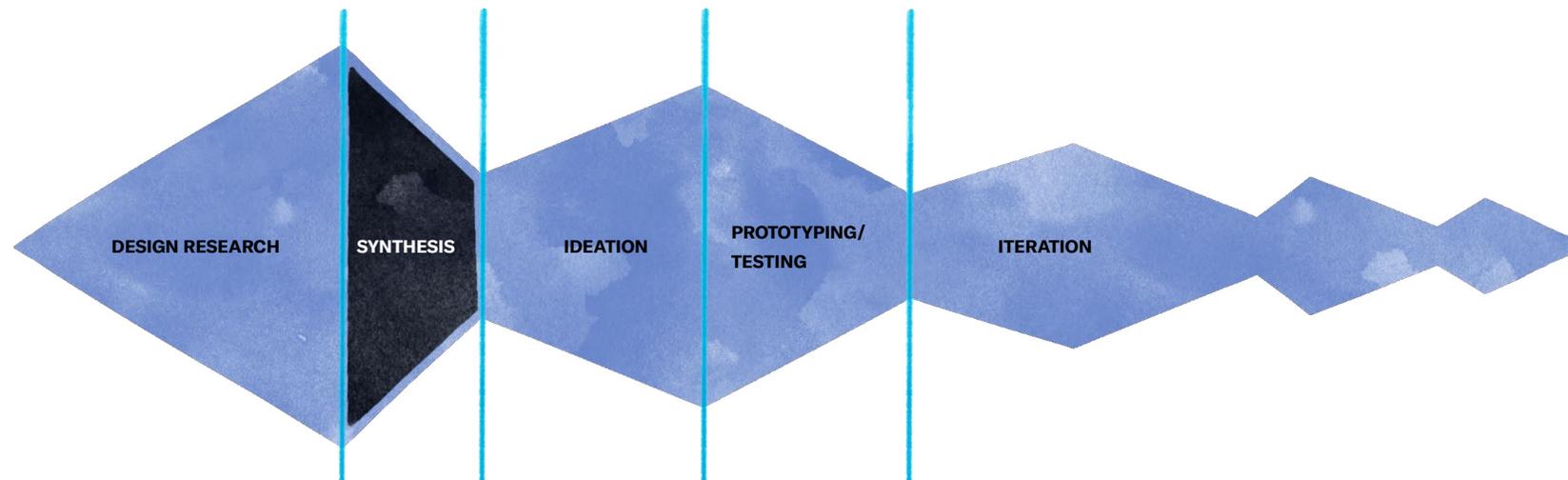
The goal of synthesis is sense making, prioritizing, and direction setting. The synthesis phase is a period of reflection and an opportunity to go through the multitude of inputs gathered during research and to decide which are truly important and why. Towards the end of the synthesis phase, you and your team should be able to point to the opportunities that are emerging from your insights. This will allow you to discuss the potential directions your initiative should take with the larger community and will help you focus your efforts going forward.

### Why do synthesis?

Conducting research on how communities experience legal problems and resolve (or fail to resolve) them is usually very inspiring—and can also feel thoroughly confusing. The multitude of opinions we hear and the sheer quantity of data that we collect can make the task of drawing conclusions daunting.

Synthesis is a process of carefully considered generalization. During the synthesis phase, we transition from “looking back” to “looking forward.” In other words: from observing the real world to defining the realms of future possibilities. The synthesis phase is arguably the most important when it comes to determining the success of your legal empowerment intervention. Do synthesis diligently and you will set up your program for success. We’ll guide you through a step-by-step approach to synthesis in the next chapter.

One last thing to consider about synthesis: While capturing the opportunities that we see on the horizon and discussing them with the broader community, it is important to remember to manage expectations. Ideally our positivity and optimism are contagious, and can give the impression that all will be easy. The truth is that not all the opportunities and ideas we discuss at this early stage will be realistic to achieve. Therefore, it is always a good idea to caveat your messages to the community during meetings, presentations, or workshops.



# DESIGN RESEARCH AND SYNTHESIS

## DESIGN RESEARCH

When considering conducting design research, begin by planning who the research participants might be. Once you have listed the answers to the questions on the right, you can then apply the tools outlined below.



### LIVED EXPERTS

**Who are the individuals or groups of people most impacted by the legal problems or rights violations that you are working to address?**

**How might you understand their perspectives in more detail? For example, do they understand their problems as legal problems or just as life problems? How do they resolve their legal problems, if at all?**



### SUBJECT MATTER EXPERTS

**Are there other experienced researchers, advocates, and activists within your network who have been deeply involved in similar issues?**

**Can you reach beyond your immediate network, for example to other country teams, government actors, or donors who know the subject matter well?**



### OTHER STAKEHOLDERS

**Which other stakeholders are going to be crucial for the process to become a success? For example, do you need to consult the courts or administrative tribunals?**

**Can you contact a few of them and ask whether you can speak to them about their point of view?**

**Which stakeholders might be adversely affected by your process? Can you speak to them in order to understand what they stand to lose?**

## 1. QUALITATIVE INTERVIEWS

Qualitative interviews involve speaking with selected people individually for a set amount of time. Interviewees often include lived experts and/or subject matter experts, as well as other stakeholders who are familiar with the problem space. As an interviewer, your goal is to understand your interviewees' needs, behaviors, opinions, and other perspectives as determined by your research plan. You want to remain open, curious, and attentive.

Typically, qualitative interviews are open conversations that follow the interviewees' trains of thought. Before you begin, you may want to consider some broad questions, but generally you want to ask open-ended questions that center on the experiences and perspectives of the interviewee.

For legal empowerment projects, we specifically recommend that you don't frame your questions in terms of legal concepts and remedies. The goal is not to approach your questions with a particular legal framework or solution in mind, but rather to understand the problem from the perspective of those who experience it and how they have addressed it (or how they have been hindered in addressing it).



### PREPARE A CONVERSATION GUIDE

**Before the interview, you should write a brief discussion guide. This will help you to ask the right questions during the interview and help you to ask them roughly in the right sequence from general to specific. But don't stick to it slavishly—it should serve as a rough framework and as a tool to steer a conversation back to the relevant topics if necessary.**



### ASK OPEN QUESTIONS

**As a rule of thumb, don't start with any questions that can be answered with "yes" or "no." If you do, you will probably influence the answer. Your interviewee might try to give you the answer they think you want to hear, but you should encourage them to express their own thoughts.**



### DON'T JUDGE

**You might end up interviewing individuals you don't agree with. In fact, this might be a goal in order to understand the perspective of those who contribute to inequality and oppression. An interview is not the time to argue or express your views. The goal of the interview is taking perspective (understanding the rationale and opinion of another person), not debate! You don't need to like them, but you do need to listen. Make sure that you stay neutral in the conversation.**



## LISTEN LOTS, SPEAK LITTLE

Keep the time you spend talking to a minimum. Especially refrain from educating the interviewee during an interview or correcting them. This can be particularly difficult for legal advocates. Instead, prioritize listening. Don't be tempted to fill every pause in the conversation. When they happen, endure these breaks for a while longer than you would normally. It's likely that your interviewee is just reflecting on your question and will come up with a more thoughtful and interesting answer at the end of the pause. Give them time to think.



## GO FROM GENERAL TO SPECIFIC

While you might have done your best to check your own preconceptions at the door, the questions you bring to an interview will still be based on your assumptions of where participant needs might lie. You may not be aware of blind spots you have (e.g. areas of need that you don't even know exist). Therefore, start your conversation very generally, leaving room for the interviewee to steer the conversations into areas that you might not have thought of. Later in the interview, feel free to ask increasingly specific questions.



## ASK FOR SPECIFIC ANECDOTES

Often participants find it hard to answer very general questions. If they struggle, try asking them about specific stories and experiences they've had. Instead of asking "How do you feel about ...?", maybe ask: "When was the last time you did/talked to/experienced....?", "What was good about it?," "What was bad?," "How did you feel afterwards?"



Legal empowerment design workshop in Albania. © Daylight Design

## 2. OBSERVATIONS

When observing, we are a silent onlooker, rather than an active participant. This is useful in situations where a high level of concentration is required from the participant, or where we might not want to interrupt a certain interaction or experience by asking questions.

For example, you might ask a member of the community you are working with whether you can attend a community meeting with them to get a sense of the topics being discussed, or you might want to ask a government official if you can shadow them for a few hours.

When conducting an observation, watch closely what happens but try not to influence the participant's actions. If appropriate, you can take a few pictures to remind yourself and others of certain things, but make sure not to make participants and other people present self-conscious in the process. Take notes about things that you notice so that you can follow up at a later time.

For legal empowerment projects, there are many opportunities for observation that will produce insights, including community legal education or “know your rights” trainings, meetings between lawyers and clients, and at court and administrative proceedings. The world is rich with opportunities to observe both formal and informal ways in which people interact (or do not interact) with the law and legal systems when they face legal problems. We've included a few tips on the right.



### BE INVISIBLE

**Try to be as inconspicuous as possible. While people might be aware of your presence initially, they usually tend to not notice you much anymore after five or ten minutes, if you blend into the background.**



### DON'T INTERFERE

**While you may feel tempted to interject, to contribute, or to take part in the action, remember that your role is purely as an observer.**



### PREPARE IN ADVANCE

**Clarify in advance where you are allowed to stay, if you are allowed to take pictures, and whether (and with whom) you have permission to ask questions.**



### ASK FOR A FOLLOW-UP

**Arrange a subsequent discussion so that you can then ask questions that might have come up during the observation.**

### 3. SELF-IMMERSION

Self-immersion, when you slip into the role of the user yourself in order to understand the benefits and limitations of an experience first-hand, is an eye-opening experience for you as a researcher. However, this can also be tricky if it is used as a proxy for lived experience, which should already be centered in your approach. If you choose to use self-immersion, understand why and consider the approaches on the right.



#### SET YOURSELF AN EXPLICIT TASK

**and work on it as realistically as possible.**



#### CREATE RELEVANT BOUNDARY CONDITIONS,

**such as creating time pressure, limiting your physical or sensory abilities, forcing yourself to do more than one thing at a time, or creating language barriers by conducting the experience in an unfamiliar language.**



#### TAKE NOTE OF ALL HURDLES

**that complicate the experience and all aids that make it easier. If a team member accompanies you, ask the second person to document the process with photos and notes.**



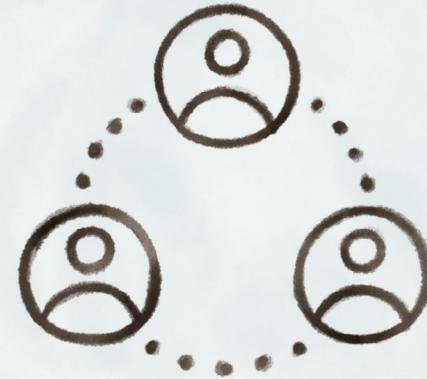
#### TAKE TIME TO DEBRIEF

**with a colleague or team as soon as possible after the interview. Tell each other what you found interesting, what surprised you and speculate about the reasons behind what you observed. Write down your observations and refer back to them as you proceed.**

# CRITICAL REFLEXIVITY CHECKPOINT # 2: RESEARCH SNAPSHOT

Once you have conducted some of your design research (no need to be done with all of it at this point), make sure to discuss your preliminary impressions with your team of lived experts. Meet with them, update them on your progress, and tell them what you have discovered so far. Double check whether your findings resonate with them. If you find discrepancies—or if one of your insights really hits a nerve—make sure to discuss with them in detail, including interviewing them individually if necessary.

Note all of their reactions to what you have proposed. It will help them—and you—to feel good about the progress of your research. Knowing how closely you are involving them will give them confidence in what you are doing.



## SYNTHESIS

### 1. DOWNLOAD THE RESEARCH DATA

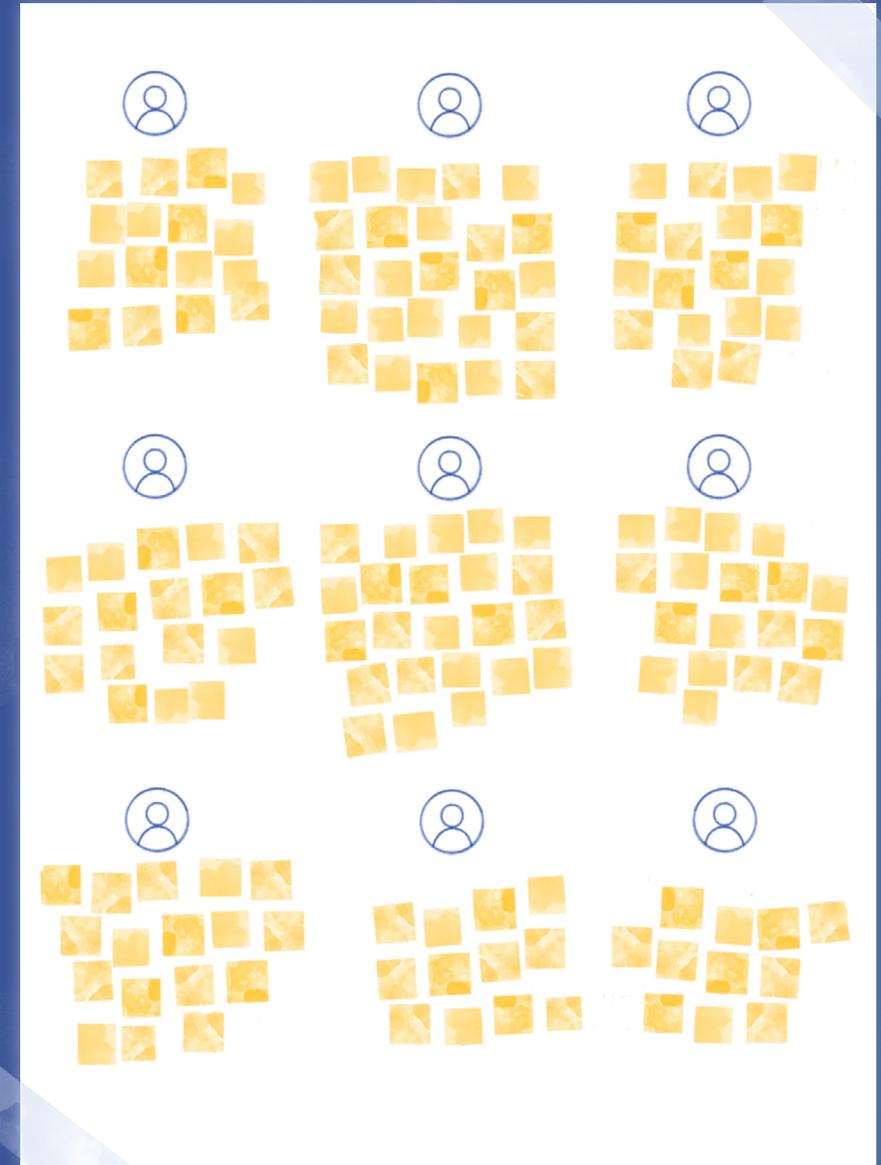
“Downloading” means writing down all of the observations, impressions, relevant quotes, and notes that you brought back from your research activities. Writing them down onto sticky notes is helpful, as it allows you to put down thoughts in any order for now and structure them later, by placing them in clusters or a particular sequence. If you prefer to work digitally, there are also digital tools that serve the same purpose and are reasonably easy to use. There are many types of visual collaboration software that you can use for this purpose; one of them is an application called “Miro.”

You can go through the download process by yourself, but if you had others join you in the research activity, it will be more effective if all of them join in. This will allow you to talk each other through your respective impressions. In any case, it should be done immediately after the research activities, while the memories are fresh in your minds.

Ask yourselves:

- Have you noticed any workarounds or creative solutions to problems the interviewee(s) faced?
- When observing, did you notice any “mistakes,” meaning anything that did not go as your observee expected beforehand? If so, speculate about why they happened.
- Which stories or observations were particularly insightful or unexpected, even if you don’t yet know why?
- What was said? Was anything not said that you expected to come up? Why do you think that is the case?
- Did you notice anything interesting about your interviewees’ emotional state? Did their voices change at a certain point? Did you observe interesting body language?

Use sticky notes to download and cluster



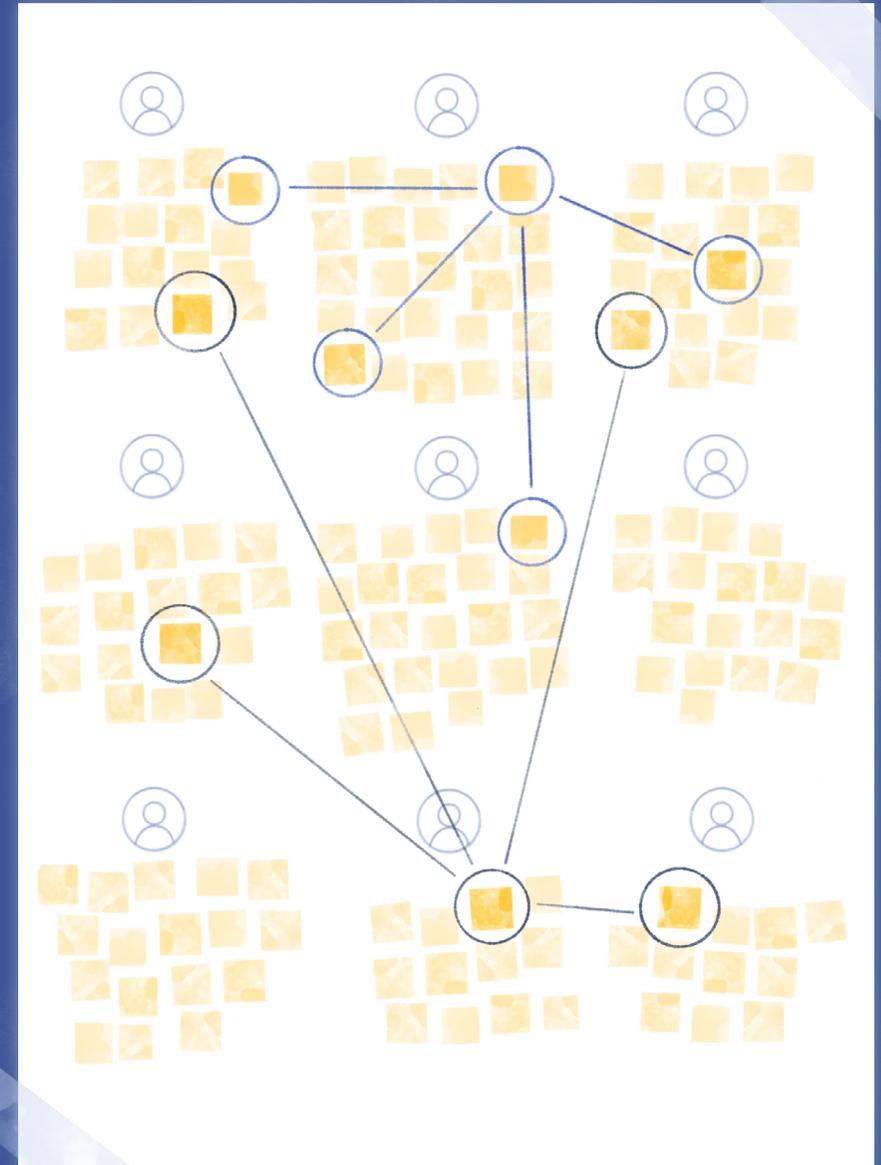
## 2. IDENTIFYING PATTERNS

Looking for patterns is a way to try to bring order and structure into the findings you have collected. This is often an iterative process where there is no 'right' or 'wrong' approach. Rely on your intuition. You are not necessarily looking for reliable facts, but rather for interesting starting points in your search for legal empowerment opportunities.

The following steps should help you to do this:

- Take time to read through all research sticky notes again.
- Consider the commonalities and differences.
- Cluster your sticky notes based on these patterns and label the groupings.
- Think about how the clusters relate to each other: Which topics are consistent? Are there any contradictions or tensions? Which topics are related, and how? Which topics emerge as the most interesting when they are discussed? Which are less important?

### Identifying patterns



### 3. ESTABLISHING A FRAMEWORK

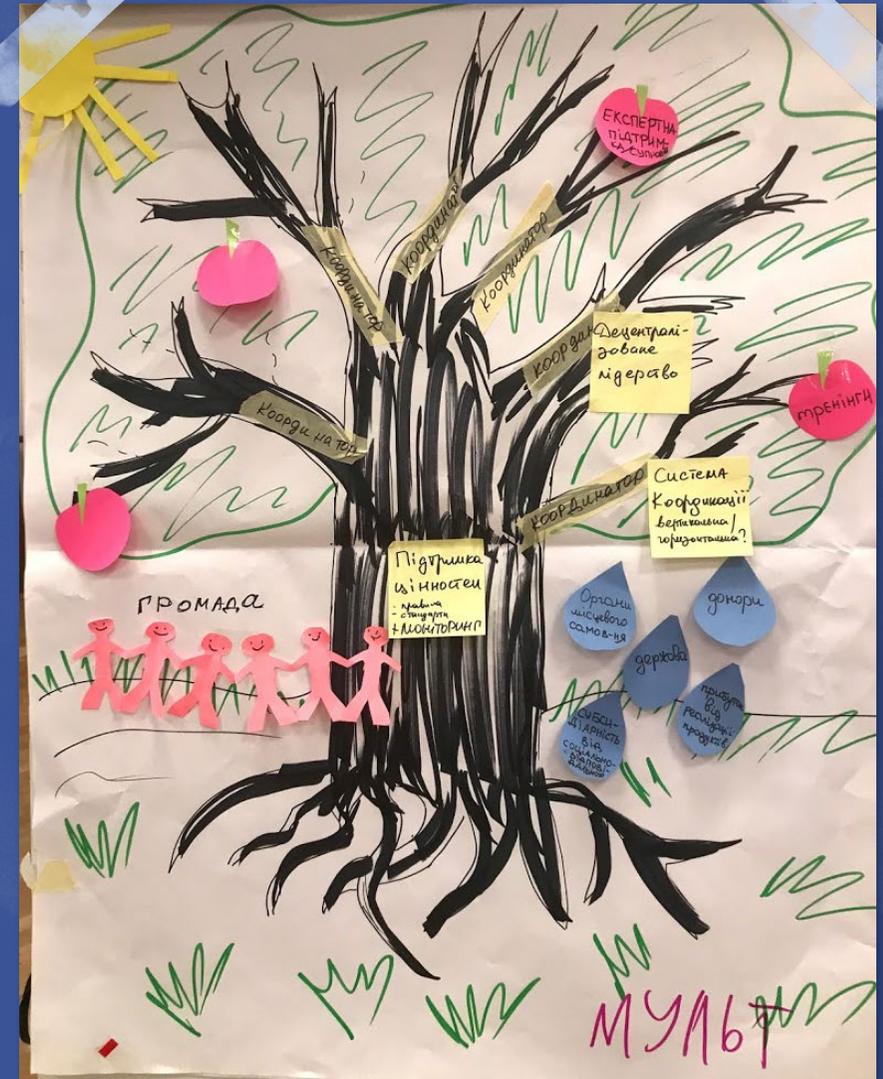
The following is an optional step. Try it, but don't get too hung up on it if you find it hard to do. (You can always come back to it later.) It can make sense to further condense and abstract your insights into a "framework" in order to create greater clarity for a broader audience when telling them about what you've learned.

You can do this by asking:

- What if I generalize my insights and observations and assume they are true for the entire community at hand?
- What opportunities would that open up?

Thinking about your insights in these terms will help you to see the bigger picture opportunities more clearly and discuss them with others. At this point you will not know whether this generalization is valid, and you shouldn't pretend that it represents the truth. However, because design thinking is an iterative process of trial and error, you will soon find out whether your thoughts held up to reality or not, so don't be shy to have an opinion. Do be open, however, to change it later if necessary. We sometimes speak of this mindset as "strong convictions, loosely held."

There is a great variety of schematic frameworks you can use to highlight your insights—and there is definitely no "right" or "wrong" in choosing one. A few popular approaches are a two-by-two matrix, a Venn-Diagram, and defining personas. All of them are great ways to express a certain kind of insight, and it would be going too far to describe them all here. One framework we would like to highlight is journey mapping, which has proven particularly helpful to illustrate challenges along a complex experience that legal empowerment practitioners often face.



A creative framework for a paralegal network in Ukraine. © Daylight Design

### Journey Mapping

Journey mapping is ideal for breaking down a specific process or experience into different steps, actions, and decisions. In addition, it can help to capture how different stakeholders interact with each other and the world.

In the legal empowerment context, the disability rights case study (page 24) provides an excellent example of journey mapping. As part of the participatory design process, persons with disabilities and disability advocates were asked to use a sheet of relevant icons that they could cut out to visually map their experience of disability (whether disabled or not), including important life experiences such as work, relationships, family, and social life. These journey maps formed a critical opportunity to both share experiences as well as define potential solutions.

Journey maps represent individual journeys and experiences across a horizontal timeline. Once you have established them, you can map your insights along that skeleton, highlighting where in the journey certain insights are relevant. In a further step, you can add more detail to your map (e.g. note what usually triggers a user to enter into the journey and specific constraints or barriers that they face). Map which other individuals they interact with at each step of the journey and what the motivations and needs of those individuals are. Also, for each step, highlight any relevant tangibles, like forms, documents, tools, etc. they use or encounter. If you'd like to bring your journey to life when presenting it to others, it often helps to assign pertinent quotes that you've heard to the most crucial steps.



*A workshop participant creates a journey map for a disability rights platform in Argentina.*  
© Asociación Civil por la Igualdad y la Justicia



*A workshop leader discusses journey maps for a disability rights platform in Argentina.*  
© Asociación Civil por la Igualdad y la Justicia

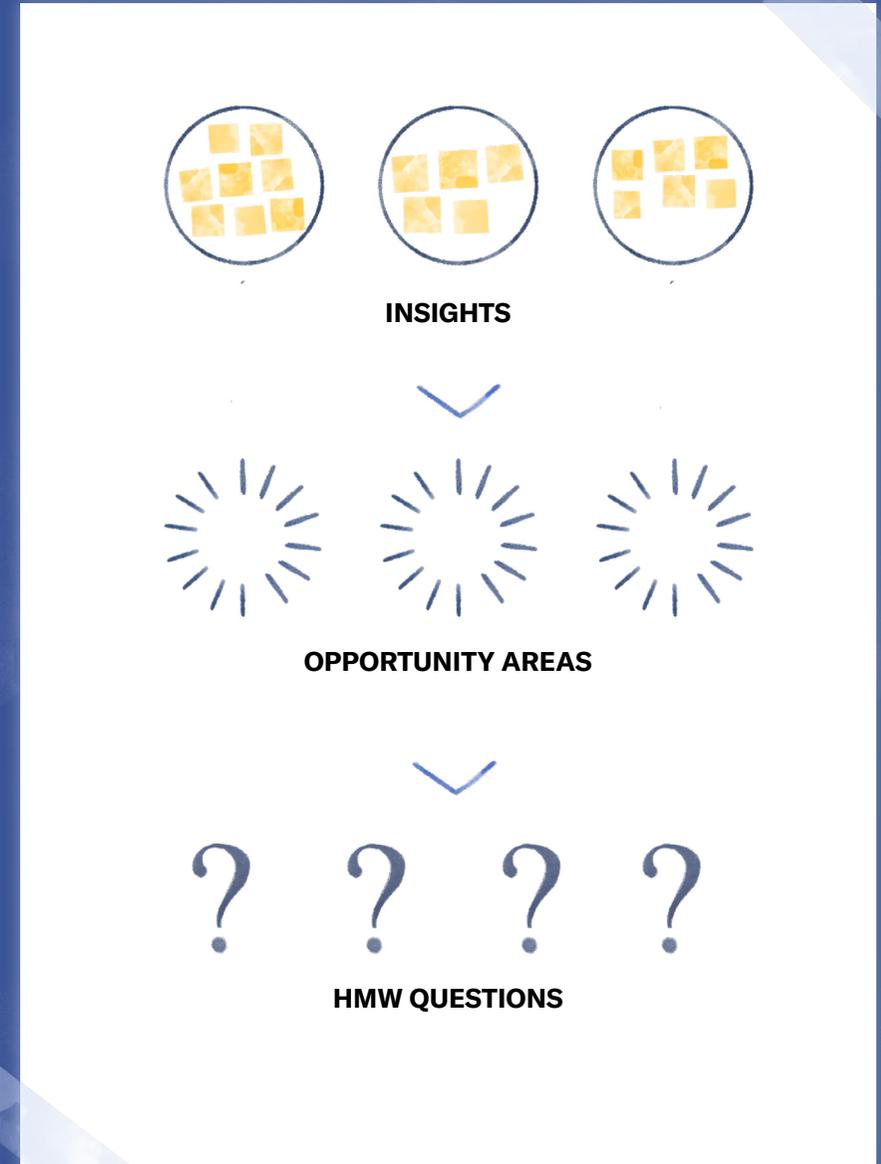
#### 4. OPPORTUNITY AREAS AND “HOW MIGHT WE...?” QUESTIONS

Once you feel you have captured the status quo or “current state” with all its challenges, complications, and shortcomings, and once you feel you have a good—and community validated—understanding of community needs, it is time for you to capture your hypotheses regarding how positive change might come about.

What would need to happen to make the system better and more just? How could members of marginalized communities be supported more effectively to know their rights and have more meaningful access to remedies? What are the common barriers they face? How might they be addressed? Many possibilities will likely come to your mind, including those too big to handle and too small to matter, and everything in between.

- Write them all down (we’d suggest sticky notes or a digital counterpart, like Miro) and see which ones belong together in one group.
- Label each of these groups; they are your opportunity areas.
- Try to phrase a brief opportunity statement for each so you can communicate them to others.
- For each opportunity area, think about how you might make them come true by stating three to five “How might we ...?” (HMW) questions. These are questions about how you might start to act on an opportunity area, framed in a format starting with “How might we....?” to make them targeted and actionable.

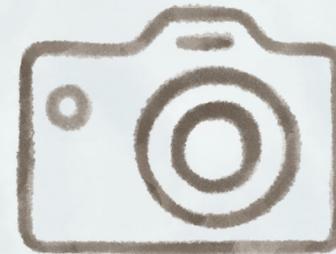
From insights to “How Might We...?” questions



# CRITICAL REFLEXIVITY CHECKPOINT # 3: OPPORTUNITY AREA PRIORITISATION

Not all opportunity areas identified by participants will be equally rich and you won't be able to act on all of them anyway. So the question is, which opportunity area should you focus on? It is time to prioritize. This is a crucial decision in the course of the project. You are now at the inflection point, where you are shifting from a learning and synthesis mode into a mode of driving towards creating new opportunities. Therefore, you shouldn't make this decision on your own. You and your team may be too close to see the forest for the trees. You would benefit if you called on some of your experts (lived and/or subject matter experts) and have them help make the decision with you.

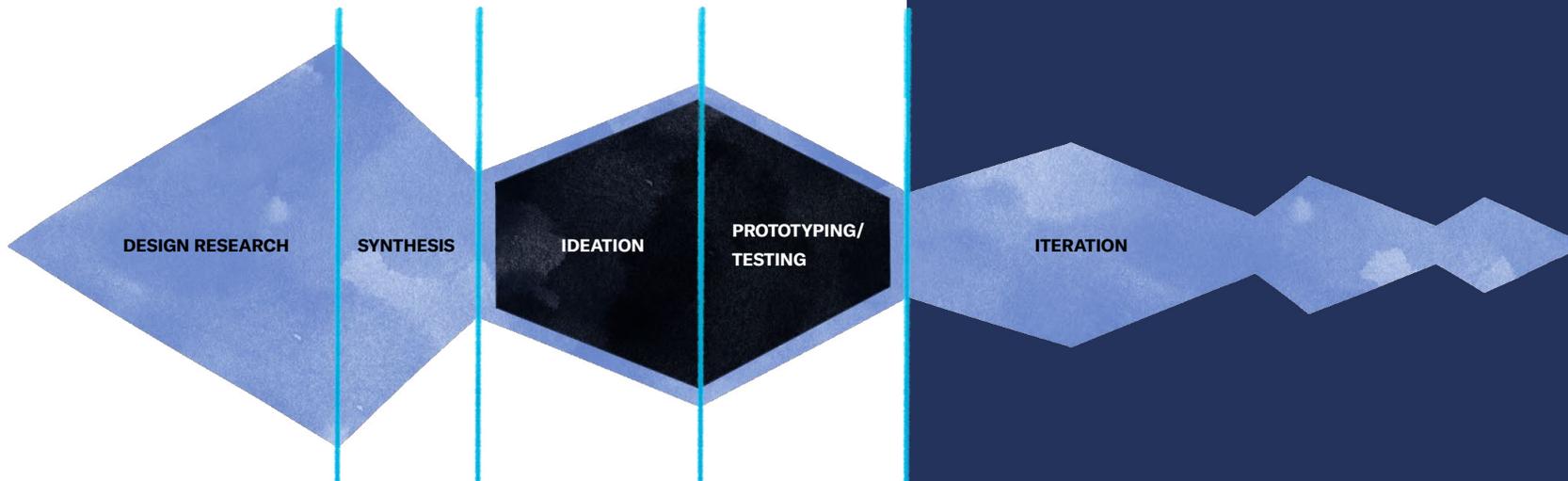
- Bring them together for a synthesis workshop. Describe to them what you have learned, which opportunity areas you have defined, and which actions this might suggest (in the form of your HMW questions). Remember this is a process to focus on opportunities, not discuss solutions (that comes next).
- Then let them discuss and jointly prioritize which areas seem like the best balance between effective and manageable with the team, timeframe, and mandate you have for the project.
- Once you have jointly made the decision, park all the other opportunity areas. Dare to focus! Diving into just one or two areas will likely keep you plenty busy.



## INTRODUCTION TO IDEATION, PROTOTYPING, AND TESTING

Besides being based on empathy and human needs, there is actually one more crucial factor of Human Centered Design that has contributed to its success in recent years: it is clearly structured into phases of analytical or “convergent” thinking, and creative or “divergent” thinking. The requirements to do each successfully are contradictory: convergent thinking is all about making decisions, prioritizing, evaluating, and judging. Divergent thinking needs openness, feeling safe to explore, playfulness, and fun.

While a lot of what we have described in the previous stage (the synthesis step in particular) was concerned with convergent thinking, the ideation phase we are about to embark on now is definitely one to approach with our best divergent mindset. It entails creating lots of ideas (no matter how inventive or creative), not judging any of them quite yet, and encouraging everyone to be creative and have fun.



Being playful, feeling creative, and having fun is much easier in a group than alone, so it is a good idea to organize a few sessions with a larger group. Besides having more brains to think about the problem, this is a critical step in which to involve community members. There are many methods for idea generation and we suggest a few in the toolbox below. But don't rely on them too heavily. An open mind and quality time spent thinking about the challenge at hand is more important than which ideation technique you choose. When a team is inspired by insights from the research and approaches the idea generation phase with the right mindset, plenty of great ideas will spring up while discussing the opportunities with colleagues and community members.

Since this creative, unfiltered process produces a lot of ideas which might be exciting but far from feasible, the subsequent step is selecting the best ideas to take forward. We need to consider not just how desirable, but also how realistic an idea might be. This requires a switch back to convergent thinking again.

To find out which ideas have legs, we transition to the next phase, called “prototyping” (the section following “ideation” in the chart above). To make the ideas we have prioritized tangible, we will use simple prototyping techniques. This allows us to identify potential issues with the idea early in the process. We want to use prototypes to gather feedback on our ideas and decide which ones resonate most with our lived experts and communities. As a general rule, for this purpose, we don’t need sophisticated or expensive models. We just want to illustrate the core elements of an idea in a way that allows us to easily communicate and test them with community members. When the term ‘prototype’ is used, many people think of a physical model. But that’s not what we’re limiting ourselves to.

Both idea generation and prototyping are activities that provide ample opportunity to collaborate closely with communities and lived experts, for example by running co-creation sessions in which a larger group generates ideas based on the “How might we...” questions and then brings them to life in short prototyping sessions.

From a prototyping session, we will emerge with one or several prototypes, which communicate aspects of our current proposition clearly. It represents our best thinking to date. However, we need to be aware that it is still going to be full of untested ideas, preconceptions, and lack of understanding, despite our best efforts.

So we will need to put it to the test: we will ask others—lived experts, subject matter experts, and other stakeholders—what they think of it. The same principles as in the “Design Research” stage covered earlier apply—we need to stay open! It is crucial not to be afraid of hearing bad news, as it is still early in the game and any changes we make now are much easier and cheaper to include now rather than later.

In order to gather feedback effectively, we should reach out to a few of our target beneficiaries and ask for some of their time to discuss our prototypes. This will allow us to collect a rich and diverse range of honest feedback. We need to do so in a spirit of genuinely wanting to learn about, not sell, our prototypes. Thus, we need to present them neutrally.

Final selection of which ideas and prototypes to evolve further after testing is also something that is best done together with those who are most affected. Because they will be most impacted by the solution, they should absolutely help decide what we are aiming for.

# IDEATION, PROTOTYPING, & TESTING

## IDEA GENERATION AND PRIORITIZATION

### 1. CREATIVE IDEA GENERATION

The best way to have a good idea is to have lots of ideas from multiple perspectives. To achieve that, there are many creative methods that can be used. What they have in common is giving team members the freedom to think about solutions freely and without fear of external judgement or self-censorship.

Brainstorming is a popular method. For this to be effective, however, some rules must be strictly observed (see below). Take one HMW question after the other and brainstorm ideas for solutions. Depending on the “How Might We” questions, this could take 20-60 minutes per question.

Brainstorming Rules:

- Defer judgement
- Go for quantity, not quality
- Encourage wild ideas
- Build on the ideas of others
- Stay focused on topic
- One conversation at a time
- Be visual



*A participant generates ideas for a disability rights platform in Argentina.*  
© Asociación Civil por la Igualdad y la Justicia



*A participant shares ideas generated for a disability rights platform in Argentina.*  
© Asociación Civil por la Igualdad y la Justicia

## 2. IDEA SELECTION

During the subsequent selection process, we select a few ideas that promise the greatest development potential. To really identify the best ideas to take forward, it will be useful to first think about which selection criteria you'd like to apply. Is there a certain time frame the ideas need to work within to be viable? Will they need to be implemented by a group with a particular skill set? Do they need to meet any conditions (e.g. their likely cost or impact)? You don't need to be too prescriptive about what makes a truly good idea quite yet, but you should at least have some agreement in the group on how to evaluate ideas.

Once your group is aligned on what they should be looking for in an idea, give everyone some time to think about the ideas in front of them and then ask each of them to pick the ones they believe in most (e.g. through voting on them). One practical way to do this is to assign a fixed number of votes to each team member by giving them a defined number of sticky dots (say 3 or 4) each to attach to the ideas. If none of the ideas seem quite perfect or not quite yet implementable in their current form, don't worry too much. You can refine them step by step to make them more feasible or more affordable or more plausible. What you should come away with is at least a few ideas that show promise in creating the systemic impacts you are aiming for.

Try these activities for idea generation:

- Write down a few questions about the biggest opportunities
- Phrase them starting with “How might we...?”
- Agree on strictly separating idea generation from idea evaluation (e.g. brainstorm rules)
- Hold a 45- or 60-min brainstorm (or apply other idea generation techniques) on your top 3 HMW questions
- Gather as many diverse ideas as possible in that time without judging them
- Afterwards, select the most promising ones by voting within the group
- Take a suitable combination of ideas and shape them into a concept, clearly describing the who will use it, how they will benefit from it, etc,



Idea generation. © Daylight Design



Idea selection. © Daylight Design

## PROTOTYPING

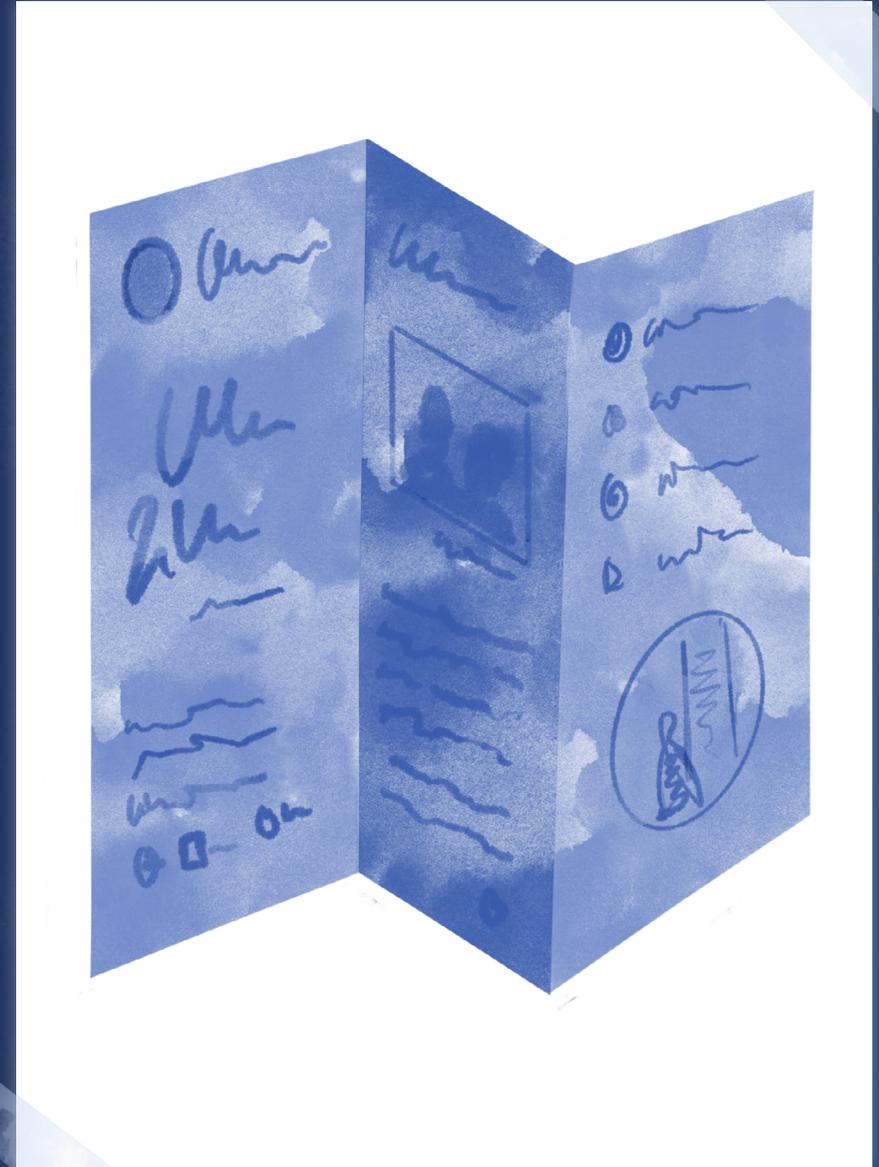
### 1. COMMUNICATION MATERIAL

When prototyping communication materials, you can tell the story of how your intervention is supposed to work, as if it has already succeeded. Through this storytelling (or testimonial) approach, you can breathe life into your idea and make others understand your product or service easily. Tell it from the user's point of view to make your idea credible. Pay attention to the following:

- Talk about the benefits and the value your solution affords, not too much about its features, services, or technology.
- Address both emotional and rational aspects.

Consider different possible formats: a lecture, fake marketing materials like flyers and posters, or an imaginal article describing the success of the initiative.

Prototyping communication material



## 2. USER SCENARIOS

A user scenario can illustrate an idea by describing how the experience of a person using the program or service or engaging in a campaign or advocacy effort unfolds step by step. If you have created a journey framework earlier, you can build on it. Think about how the journey would be transformed if your intervention was already in effect. Describe how that new, transformed experience unfolds along the journey, sketch it out, or take photos of people role playing the individual scenes of the scenario. Highlight important features to convey the key points of your idea. Throughout this process, pay attention to the following:

- Tell the story using a fictional user. Present this user as a human being, not as a target group.
- Start with the description of the user's basic motivation to engage with a new offer that may be different from the status quo. For example, work along the following adoption cycle: awareness, interest, trial, commitment, usage, recommending to another.

Consider different possible formats: a comic strip, photos, video, or role-playing game.

## 3. PAPER PROTOTYPING

You will often find a need for visual aids to better explain your concepts. "Paper prototype" refers to any representation of an idea created on paper; be it a sketch, a collage, or a piece of written information. Paper prototyping is inexpensive, fast, and allows for collaboration since others in the group can contribute by quickly adding to the prototype. You can prototype a wide variety of touchpoints on paper, and think about which one would be most helpful to convey your concept and gather feedback. It could be a form or brochure, a website, an app, a schematic for how a service is going to work, a script for a service interaction, etc. Possible formats might include hand-sketches of scenes, screens, advertising, flows, stories, role playing, or any combination of the above.

### User scenarios



#### 4. DIGITAL PROTOTYPING

If your prototype involves a digital solution, it can be made tangible by simulating an on-screen user interaction. The easiest way to do this is to create a few PowerPoint slides that each represent a different state of a screen interaction. When presenting, you can then click through the presentation, making it look like an interactive process. You can also digitize your paper prototype by taking pictures of your sketches and placing them onto the slides.

Should you feel comfortable with more specialized digital prototyping tools, you might explore options like Marvel, Figma, or Flinto, most of which have free trial versions and video tutorials available. Having said that, you'll need to invest a bit of time early on to get up to speed, so we'd suggest you to dive into them only if you are curious and can budget some time to spend going through the learning curve.

Whichever technique or software you choose, pay attention to the following:

- Decide in advance what exactly you want to test. Are you interested in testing the general value proposition, or comprehensibility, or the usability of the solution? Testing for different scenarios may require different prototypes.
- Focus on the core aspects to be tested and keep the design simple.
- Break down complex interactions into small steps rather than presenting them all at once.

#### Digital prototyping

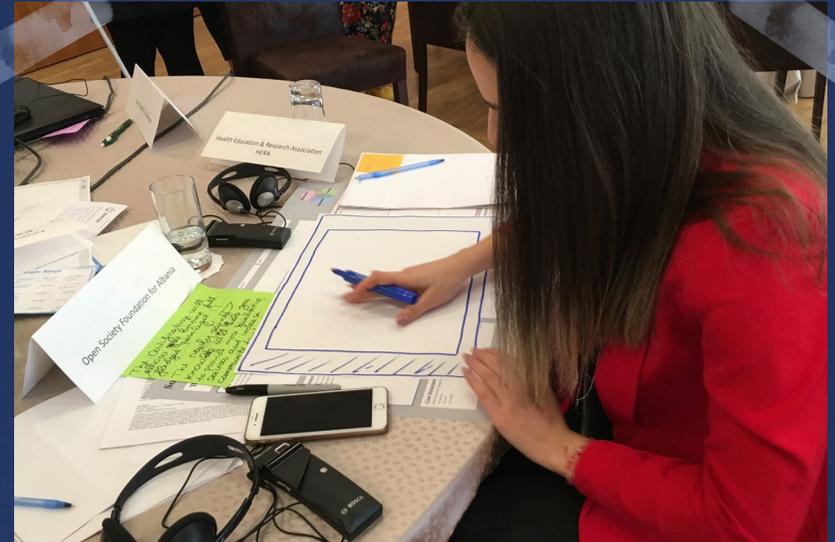


## 5. PHYSICAL PROTOTYPING

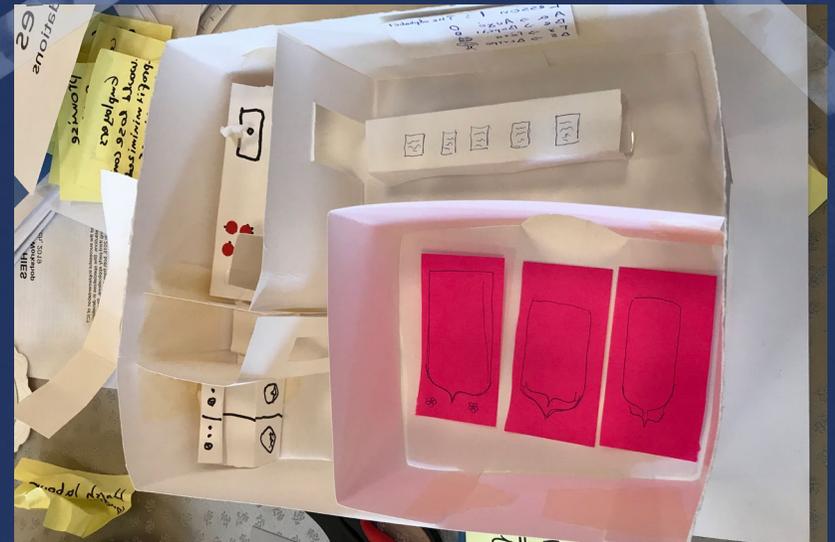
It can sometimes be helpful to present a physical representation of your concept. This can be the case for any props or environments you might want to use to act out a service interaction. For example, it might be helpful to prototype the set-up of a community service point in a court or other setting. Physical prototyping methods range from cardboard models to using ready-made objects like false walls, entry points, and furniture.

Consider the following:

- Keep the prototype as simple as possible. You want to be spending just as much time and effort as is needed to find the answers to your questions. Also be aware that the prototype is a disposable, temporary representation of the concept, comparable with a snapshot of your thinking as it evolves. What's most important is likely the interaction with the program or service, not the physical space. Try not to get emotionally attached to it and accept critical feedback graciously.
- Keep it appropriately rough while the concept is still fresh—if a prototype looks more finished than the concept it represents, people might not dare to question the fundamentals. This means you could miss out on crucial feedback. Once you know your concept is fundamentally sound, you can get more and more detailed with your prototypes.
- Frame the questions to be answered by each prototype explicitly in advance. This will help you to be efficient when creating the prototype. If you want several questions answered, err on the side of building several simple prototypes, one to answer each question, rather than trying to answer all of them with a more complex (and potentially confusing) prototype.



Physical prototyping. © Daylight Design



Physical prototyping. © Daylight Design

## TESTING

### 1. FEEDBACK INTERVIEW

Conduct feedback interviews with a handful of members of your community or lived experts. Ideally, they should represent a mix of diverse backgrounds, age groups, genders, social roles, etc. Feedback sessions are more targeted than your initial design research sessions, so they can be shorter: 30 to 45 minutes might be enough. Create a conversation guide to ensure you will cover all necessary aspects of the concept: Is the value proposition clear? Do they understand when and how to engage with it? Is the level of complexity adequate to capture the experience? Have you made the right assumptions on how their experience unfolds while they interact with it?

Briefly explain what the context and intended benefit of your idea is and then present your prototype as neutrally as possible. Carefully watch and listen. Don't defend your idea or try to change a participant's mind unless you think they have thoroughly misunderstood your prototype. Your concept will benefit much more from someone's constructive criticism than from their praise.



*Feedback interview*

## 2. COMPARE AND CONTRAST

As a general rule, people are not very good at describing their ideal future, but they can be surprisingly accurate and insightful when it comes to choosing between two possible futures. Therefore, it can be tremendously helpful to show participants more than one prototype. Ask them to talk you through the perceived differences and what they see as pros and cons of each solution. Pay close attention to which aspects are the most important to them in comparing the prototypes. Are they the ones you would have guessed at?

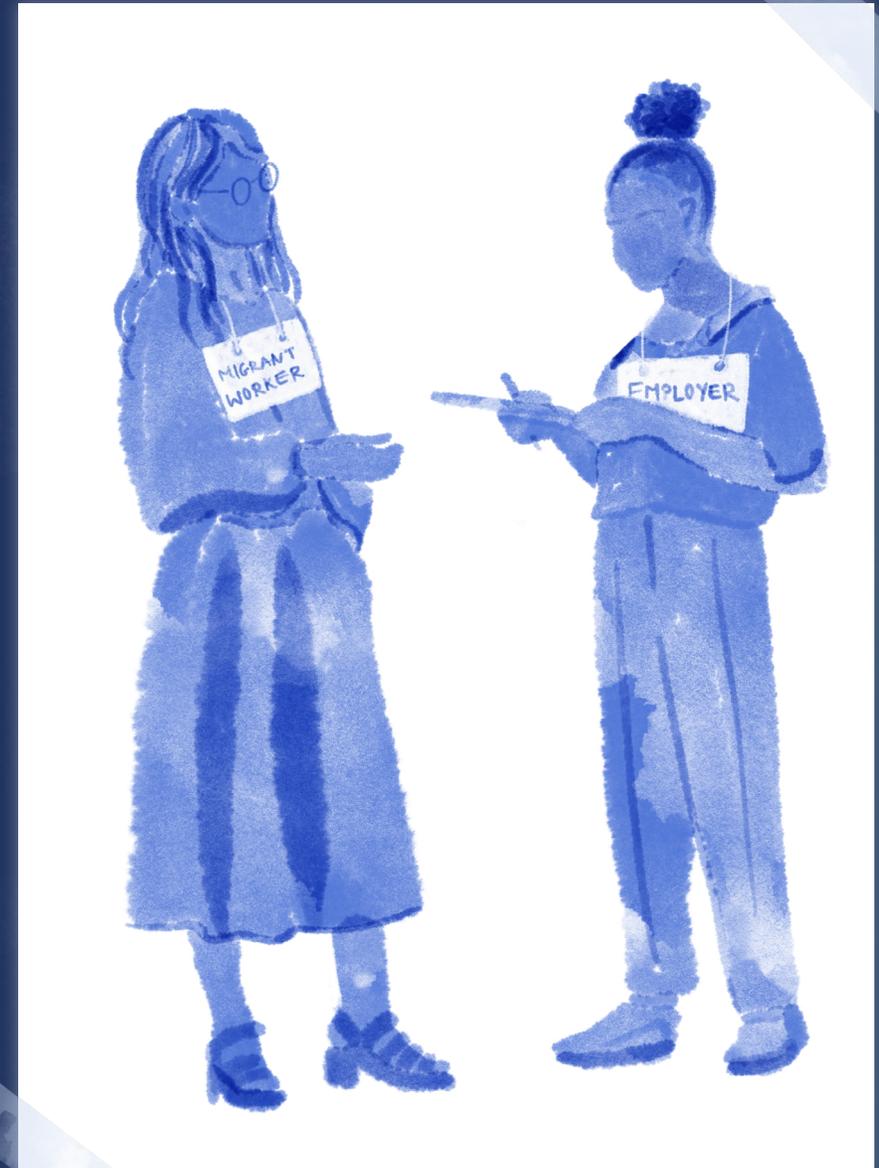
## 3. ROLE PLAY

After explaining to participants what the intended use and benefit of a prototype is, it can be helpful to let a group of them act out a scenario using your prototype, highlighting how they would use it. Chances are that they will point you to a few important questions that you might have missed before. Which context will it be used in? Which features might be missing? Who are they likely with when they use it?

Try this for testing:

- Figure out who you want to get feedback from (make a list of 5-10 diverse participants to speak to)
- Reach out to them and meet with them for 30-45 mins
- Present your concept neutrally (don't sell it!)
- Listen and watch carefully as they react to it
- Don't try to change their opinion by further elaborating on your concept
- Do question more deeply to make sure you understand their reactions
- Take notes
- Analyze which of your previous assumptions have been confirmed and which ones disproven
- Figure out how to improve on your concept based on the feedback

### Role play



## PILOTING

Once you are confident that a solution has the potential to succeed in the real world, you'll know that the time and effort necessary to implement it will be time well spent. Having said that, starting small is still a good idea! Even after all the testing and iterating up to this point, there will still be unexpected hurdles that come up, and it will be much easier to address them in a contained trial, rather than after the intervention has been scaled up.

An appropriate format for this small, focused trial can be a pilot, meaning a limited roll-out to a few people who are representative of the users you expect to benefit. A pilot might actually not feel too different from a sophisticated prototype, in that you might still be improvising quite a bit while it's up and running. The crucial difference between the two is that a pilot should deliver real benefits to community members, as opposed to a prototype, which is solely created for you to learn from it.

One critical element to make a pilot successful is to keep the scope focused to the essence of the offer, leaving any bells and whistles aside. In the commercial world, such a first, distilled-down offering is often referred to as a Minimal Viable Product (MVP). Approaching your pilot with an MVP spirit is the right mindset. Ask yourself "What are the aspects of the value proposition that absolutely need to be delivered for our offer to be beneficial?" and then go with the essential, leaving out everything else. Also, in a pilot, not everything has to work the way that it eventually is supposed to. Because you are dealing with few stakeholders and users, you might be able to manually track data or distribute information, even though that will happen in an automated fashion later on. In short: start simple, start early, and start minimal.

Once you have defined the minimal scope for your pilot, think about a small group of pilot users that you can approach to test the offer for you. These should be few enough users to stay in touch with personally, so you can learn and tweak things quickly. Pay particular attention to mitigating any risks and avoiding the possibility that your intervention (or its failure) would harm those who are testing it.

Once you have approached them and they have agreed to take part in your pilot program, you are ready to actually implement your pilot intervention. Once you have generated any necessary assets for it (e.g. created printed materials, developed minimally functional software or apps, lined up service staff, etc.), you are ready to roll out your pilot. Introduce your pilot users to your service and let them get used to it. Remember that there is always a learning curve with any new way of doing things, which seems to make it hard at first, so initial feedback might not be as enthusiastic as you are hoping for. More important than their immediate reaction is whether they think it is valuable once they have used it for a few days or a few weeks.

## INTRODUCTION TO IMPACT TRACKING

Once a pilot is up and running, we can turn our attention back to the system level and start tracking the early indicators of change defined at the beginning. If our solution works, we should see a measurable improvement in the outcomes for the beneficiaries who engage with our pilot intervention compared to those who don't.

Ideally, we will have identified a metric that we can follow, which clearly indicates any change. This metric could be found in an official statistic, which could be tracking the occurrence of certain incidence, or certain sociodemographic parameters in specific communities.

Having said that, while tracking statistics is precise, it can be slow. By the time a change is logged in the data of a municipality or local government, analyzed, and reported back, months or even years can pass.

Therefore, we should not rely on official numbers alone. Following up with the beneficiaries and conducting our own tracking activities is a crucial layer to finding out about the impact we are having. This will typically produce more anecdotal evidence, rather than quantitative proof. However, there are advantages to this anecdotal evidence: it can be produced quickly and with manageable effort, and it lets us understand not only whether our intervention is working as intended, but also why or why not.

Independently of how we track impact, we should never consider our solution “perfect” or “complete,” especially not in the early days. To understand what we are achieving and whether the system reacts to the change, it is critical to stay in regular communication with the community we have been designing with. Many influences could interfere with our success, or opportunities might present themselves that we didn't have on our radar before.

Will a powerful actor within the system try to undo the change we have been working to bring about? Can we perhaps spot unlikely allies that we hadn't thought about before, who we can team up with to achieve our goals? Has the pilot surfaced new dimensions of the system that we didn't understand previously?

We should also carefully monitor any unintended consequences, not only for the beneficiaries themselves, but also for other stakeholders in their support networks, such as their families or peer groups. Has our solution taken power from some stakeholders who used to solve the problems our solution now addresses? Have we perhaps put in place a technological solution that circumvents human-to-human interactions that took place before? If so, can we tweak our solution to maximize the positive impact and minimize (or offset) the negative?

# DATA AND TECHNOLOGY TOOLS TO EMPOWER LOW-INCOME TENANTS IN NEW YORK CITY

In 2016, Daniel Kass, Georges Clement, and Ashley Treni launched JustFix, a nonprofit that uses data and technology to help low-income New Yorkers fight evictions and other forms of displacement. Through a fellowship at Blue Ridge Labs, they were able to bring together their backgrounds in engineering, product management, and design to launch this work. They began by working to understand the specific problems that communities faced in asserting their rights as tenants, and looked for ways that technology, data, and design could support them in doing so. Through their research alongside organizers, legal advocates, and low-income tenants, JustFix identified a gap in legal support to tenants who face harassment and neglect by their landlords. Their first effort was to build a technology platform that provides efficient, accessible support for tenants to take action on these issues, such as collecting evidence of the need for repairs or sending a letter to their landlord. These seemingly straightforward interventions are helping thousands of New Yorkers to represent themselves more successfully. JustFix also expanded its data collection and analysis work to build a tool called Who Owns What, an aggregator that brings together publicly available data to give tenants a clearer picture of which management companies and landlords own which properties across the city. This tool allows JustFix, housing justice advocates, and city officials to demonstrate and take collective action against companies or landlords with a pattern of harassment and abuse, rather than working only case by case.

With both individual legal support for tenants and systemic housing justice reforms in mind, JustFix began to think about how they could build better infrastructure for tenant organizers in all of their efforts, rather than just on a one-off basis. JustFix decided to bring together a group of people who could carry out ongoing design research to deepen and sustain this community involvement.

It was critical for this group, which they named the Design Advisory Council (DAC), to reflect the diversity of New York City's neighborhoods, as well as their partner organizations across the city.

In February 2020, JustFix started convening regular meetings of tenant organizers and tenant leaders from five partner organizations to begin this effort, ensuring that everyone had sufficient technical access, training, and language support to participate fully in the design research sessions. Every other week, the DAC gathers online to build community, identify the key problems, and develop their design challenges together. JustFix provides the forum and facilitation, while the DAC members, who are the lived experts on these issues, drive the discussions, identify patterns, and synthesize information.

At the beginning, JustFix and the DAC thought that this work may lead to a single new service or product, but they quickly realized that their ideas could work across a suite of products and services to make housing justice services more accessible for individuals, as well as enable more effective collective action. Some of the ideas the DAC has brainstormed include:



*Members of JustFix's first Design Advisory Council (DAC) meet to launch their work in New York City. © JustFix*

- A database that tracks building violations, along with an alert system that, when violations reach a certain threshold, sends alerts to media outlets, housing justice advocates, and elected officials.
- A flyer customized with key data and information about their building that tenants can download and distribute to encourage others to attend the next organizing meeting.
- A referral directory that, when a single address is entered, provides relevant information and resources available in that neighborhood, including legal aid and local organizer contacts.
- A number to which tenants can text a picture of their rent history and that aggregates rent histories for each building so it can be analyzed by housing advocates, thus creating a clearer picture of rent stabilization status (this is not public data, but is held by the state government).

With the DAC's ideas on the table, the next phase is to prioritize and prototype solutions, which they will test and collect feedback on from other organizers and tenants across the city. The DAC will continue to be central to the implementation and operationalization of the ideas that move forward, including understanding how the implementation is going and what tweaks need to be made.

Through this experience, the DAC has created a unique community and a rare space for open ideation, with organizers, tenant leaders, and the JustFix team learning from one another. Beyond these specific ideas, JustFix plans to continue engaging the DAC and potentially evolving their role into an advisory board capacity, reflecting the importance of shifting community participation to community power.



Participants listen to ideas during JustFix's first Design Advisory Council (DAC) in New York City.

## TRACKING IMPACT

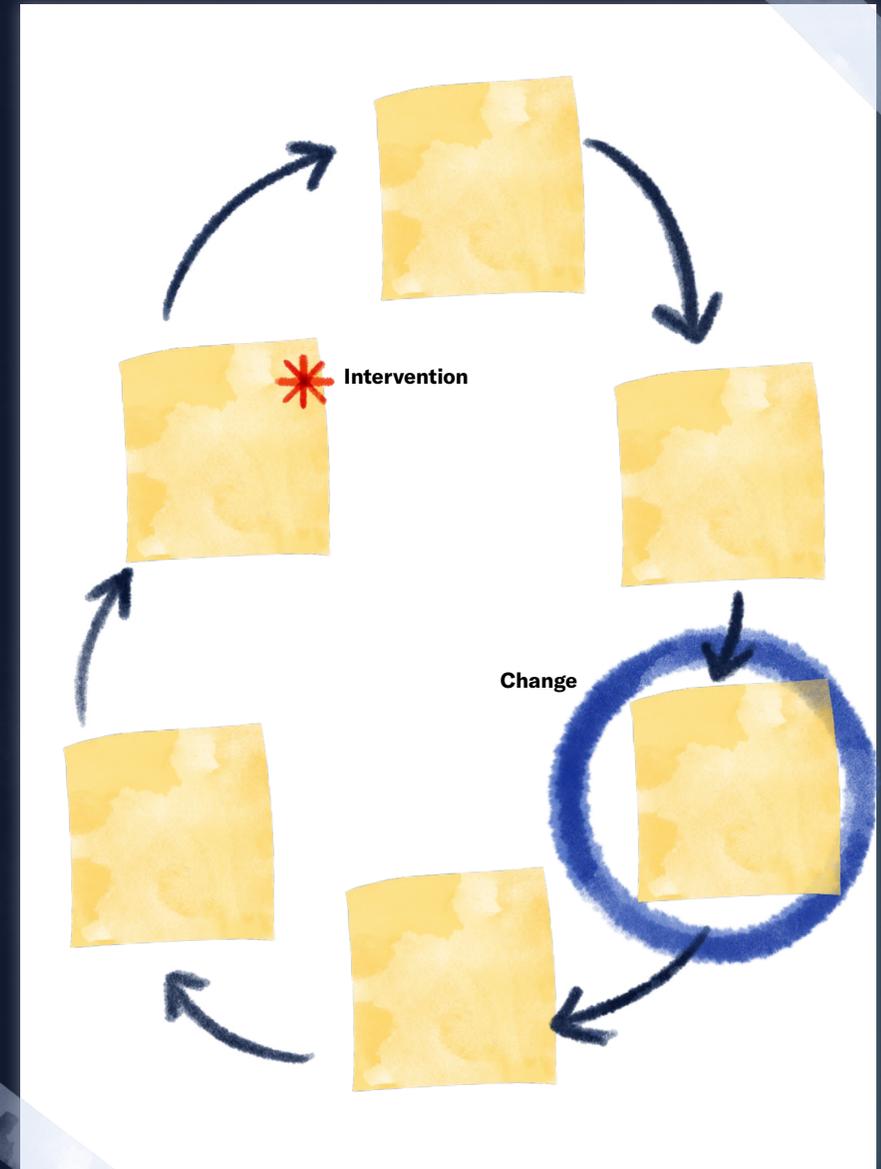
As described in the previous chapter, after your legal empowerment intervention has launched, you will want to track how many and which community members engage with it, and why they do so. You will also want to determine if the pilot achieves the desired impact for its intended beneficiaries.

Earlier in your journey (Chapter 6 of this handbook), you co-defined indicators of change with lived and subject matter experts. Going back to those notes will allow you to begin answering this question.

Ideally, you will be able to prove that the lives of your intended beneficiaries are improving because of your successful intervention. Assessing progress against your indicators can help you do that. How you choose to measure this depends on several factors: the context of the intervention, the timeframe in which you expect to see initial impact, whether you are trying to gather a specific type of data to make decisions or attract funding, or what type of dependencies exist, to name a few.

You may be able to design quantitative measures to assess your indicators of change. For example, certain legal outcomes may be clear-cut, or certain types of interventions may lend themselves to statistical analysis such as regressions or randomized control trials (RCTs). But in most cases, you will need to rely on qualitative or anecdotal evidence to assess whether your intervention is having the desired effect on the community. This is true especially in the early days, when your intervention has not yet had time to make a mark in statistical data. Developing multiple types of impact measurement methods usually enables a richer understanding of whether your intervention is working, what might be improved, and how to deliver convincing numbers and compelling stories for potential funders or partners.

Marking intervention and change



## 12. Tracking impact

You should also consider whether—rather than you tracking and telling the story of your success—a member (or members) of the community can do it with you. After all, the most important thing is not that you think it works, but that beneficiaries are convinced it does. This may also lead to greater community ownership of what you are implementing and make it easier to spot potential iterations to improve its impact.

In summary, you should ask:

- What will you need to measure in order to track the indicators of change you co-defined with subject matter experts and community members?
- Might you be able to compare these indicators with a ‘control group’ (e.g. a group that hasn’t engaged with your work)?
- Are there any quantitative data points that will help you monitor and track developments around your ‘early indicator of change’ point?
- Can you back up any quantitative data with qualitative, anecdotal evidence? Who would you need to be in touch with in order to gather this evidence?
- Can you collaborate with a community team to measure impact, identify suggested iterations, and communicate success?

## SUSTAINABILITY AND SCALE

After you have undertaken a pilot (or pilots), you will likely have a strong body of evidence to indicate whether your legal empowerment intervention is improving the lives of your intended beneficiaries, how to overcome barriers to implementation, and how to generate buy-in and communicate impact.

At this stage, it is crucial to stop, reflect, and ask your team of lived and subject matter experts: “should this work continue? If so, how do we grow and sustain it?”

All too often, pilots grow and evolve into full-blown projects (or even organizations) without this crucial reflection point. After all, actually doing the work is probably taking up most of your time and headspace, and it probably feels imperative to help as many community members as possible, rather than waste time navel-gazing! Yet, simply assuming a project or intervention should continue and scale can leave your work vulnerable to growing away from community needs or becoming co-opted by the priorities of funders or partners who have not developed the same type of community ownership that you have.

Stay vigilant about possible bias—both your own and others’. You may have understandably grown connected to the work, and the community members who are most accessible for feedback may be those who have most benefitted from your work. Before making the decision to continue or grow, you should return to some of the tactics we explored in Chapter 9—is it possible to train community members to undertake an additional round of design research to understand if and how expanding this intervention could benefit the community?

## SCALING

After assessing impact and conducting additional research, you may reach a point with your team and the community where you decide that your pilot(s) should evolve into an ongoing project. Along the way, you may also discover new ways to shift or disrupt the system, identify potential iterations that would improve the lives of your intended beneficiaries, or spot opportunities that require a greater magnitude of work. If so, this means that you have probably discovered a sound case for scaling your intervention.

At this stage, you might lack the resources to do this effectively—after all, scaling requires greater staff capacity and funding than a pilot does. But don’t worry! All of the information you have gathered and the process by which you designed your initial solution have equipped you with a strong basis on which you can begin to establish a goal and define ways to reach it. If your decision to scale is rooted in a deep understanding of the system and community needs, you will have an easier time determining how to reach crucial allies and networks to resource the work, even if it comes from beneficiaries.

Many of the tactics you employed earlier in the process (interviewing, system mapping, prototyping, and testing, to name a few) can thus help you with the process of establishing a goal and ways to achieve it. As you do so, make a conscious effort to engage (and, if possible, compensate) members of the community to co-define a future vision for your work. When a clear picture emerges of your goals and aspirations, you can seek out additional funding, staff, and expertise to transform this vision into a sustainable future.

**SUSTAINABILITY**

Growing and sustaining legal empowerment innovations is no simple feat. The systemic inequities and cycles you mapped are, quite likely, also some of the key reasons why it is difficult to attract public or private resources to the community you serve. While building the power of these communities to demand their rights and exert greater agency, you will likely need to resource and sustain your work with donor funding. Yet donor funding comes with its own set of drawbacks. Often, you might be balancing among contradictory expectations, unrealistic timelines, or service delivery mindsets that under-emphasize the systemic impacts you are hoping to achieve. Even if you are able to demonstrate community ownership and impact, sudden changes in donors' strategy or theories of change can also jeopardize the long-term funding of your work and make it difficult to sustain work between grant cycles. It is also important to find flexible funding that can allow you to invest resources in your staff and build infrastructure beyond individual projects that will make them more effective.

For these reasons, you may wish to explore cost-saving technology, earned-income models, or social enterprise strategies to augment and sustain your core work. Deploying technology tools can help you reach more beneficiaries and drive the cost of your work down (for example, by helping beneficiaries answer simple legal questions with a chat bot or by aligning your work and resources more efficiently with a case management system). Likewise, establishing an earned-income model or social enterprise may help you sustain your work by providing a flexible stream of earned revenue. Depending on the context, you may be able to, for example, charge for services on a sliding scale or employ members of the community to create another product or service you sell.

Much like your plan for scaling your service or offering, there is no silver bullet for sustaining your work with cost savings or earned revenue. This will depend on factors like the context of the community you serve, the legal environment you operate in, the staff and resources you already have, and the priorities of other stakeholders, such as your board and donors. Yet one thing is certain: any ideas for sustainability that you develop, test, and deploy should support (and not detract from) your core legal empowerment work, and you should co-develop them with the community you serve.

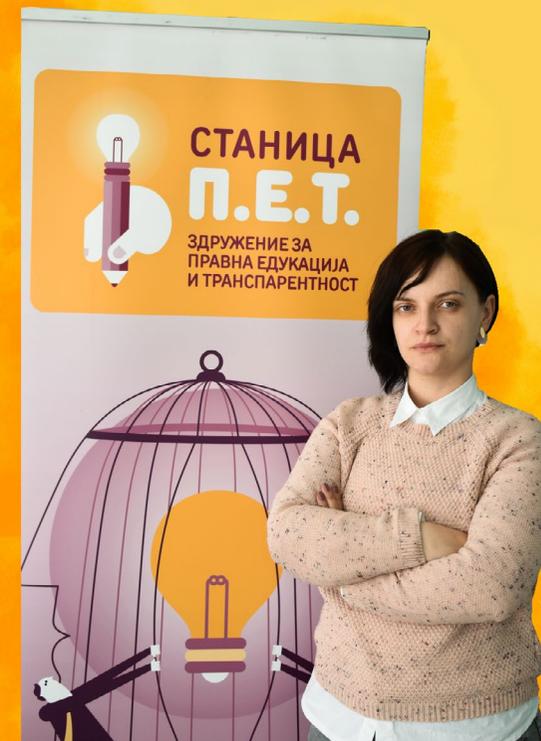
The good news? You can use all of the same tactics and tools we covered throughout this handbook to do just that!

## CASE STUDY: ITERATING AND TESTING SUSTAINABLE REVENUE MODELS IN NORTH MACEDONIA

To build on their mission of increasing access to justice for Roma and other marginalized communities in Prilep, North Macedonia, Vesna Shapkoski and her staff at the Association for Legal Education and Transparency (LET Station) began exploring the idea of creating a social enterprise. Initially, they saw this as a way to employ and empower members of the communities they serve. As they learned more about social enterprise concepts, they also recognized the potential to generate flexible revenue to support their organization. In the process of sketching out new ideas, creating prototypes, and iterating, they tested several different concepts before identifying an idea ready for launch.

In 2019, LET Station staff conducted an analysis of the systems that disempower the communities they serve and began brainstorming social enterprise ideas that would increase social inclusion. With this approach, they defined their initial concept: a cleaning and maintenance company that would employ members of the marginalized communities that the organization serves. In North Macedonia, owners of residential and business buildings are legally required to contract with a registered firm for maintenance and cleaning. However, enforcement had been inconsistent, and many had hired informal workers to provide these services instead. By the time LET Station was developing their social enterprise idea, enforcement of the law was increasing, and the team saw an opportunity to reach many new customers. They also hoped to employ members of marginalized communities in a formal capacity, providing them with benefits and a stable source of income to increase social inclusion and empower those individuals within their own communities. Many community members were already experienced with cleaning and/or maintenance tasks from informal work, but faced long-term formal unemployment and had never had access to insurance, bank loans, stable salaries, or other economic privileges of full-time work.

Vesna joined a cohort of legal empowerment organizations in a social enterprise accelerator program hosted by Acumen Academy, where she built out this idea and plans for testing it. She and her staff conducted market research, assembled a financial plan, and refined the concept with different customer segments—activities that all indicated that LET Station had identified a strong unmet market need and viable distribution channels. At the end of 2019, they joined a cohort of legal empowerment organizations receiving social enterprise mentorship from CEED Macedonia, and were ready to launch a prototype enterprise with a small number of employees and test clients. However, as it rolled out and work began, the employees were unhappy with this plan, indicating that they would not be interested in continuing the job when it cost them time, flexibility, and access to unemployment benefits. Though LET Station had found that customers wanted these cleaning and maintenance services and there was alignment with their organizational mission, when they tested the enterprise with the community members they had hoped to benefit, they realized they needed to make a fundamental change to the idea.



*Executive Director Vesna Shapkoski stands in front of a LET Station banner. © LET Station*

Stepping back, LET Station realized that they had missed an opportunity to include the communities they served in defining their own challenges and brainstorming possible opportunities. With this in mind, they revisited their goals and began searching for another way to generate flexible revenue for the organization. They considered employing staff from outside the communities they served with their original idea, but decided that continuing without the original inclusion component was too big of a change from the organization's mission, which risked drawing them away from their core work.

Instead, Vesna and her team focused on identifying an idea that was operationally simple, drew from LET Station's existing strengths, and could reach customers with a willingness to pay. With this in mind, they realized that their spacious, centrally located office space—already an important enabler of their legal empowerment work—could also be a source of earned income. Prilep had only one event space available to rent (located in a hotel that charged rates that were often too high for local civil society or public associations to afford), and LET Station started to develop the idea of renting portions of their office for events of 25-30 attendees at reasonable and flexible rates.

After receiving positive feedback from their cohort, LET Station conducted market research with potential customers, developed a financial plan, and began prototyping space configurations and fee structures. They recognized that their core budget already covered fixed costs (such as electricity and rent) and that they could viably offset the cost of new equipment and space configurations in a reasonable timeframe of operations. With the help of their CEED mentors, they completed a sales strategy and a pricing model that would also allow clients flexibility with whether to self-cater or add external catering packages, which their higher-priced competitor always bundled as a required component of space rental.

As they prepared to launch a pilot in 2020, the COVID-19 pandemic erupted, quickly making it impossible to host in-person events. By the end of 2020, they were brainstorming new social enterprise ideas that would rely on fewer in-person components. First, they discussed opening a coffee bar for the Roma community, members of whom are barred from entering cafes and restaurants in Prilep because of widespread discrimination.

However, aware that a separate business might divide Roma further from other communities, they decided that they could better address this problem by continuing to empower members of the community to bring legal challenges against businesses that discriminate. Additionally, they considered opening a store for secondhand clothes, but in their competitive analysis, they identified too many low-priced competitors to justify the start-up costs and risks.

Still, they saw the long-run viability of the space rental idea and also began to spot new opportunities as the conditions of work changed. Inspired by the CEED Hub in Skopje, they realized that an increasing number of freelancers might soon be looking for workspaces in Prilep, and as the pandemic situation slowly improved, they added a co-working component to their event space idea.

Vesna and her staff are now preparing to launch their enterprise, LET Club, which is ready to begin offering event and co-working space rentals to enthusiastic potential clients. They underscore the importance of embracing iteration and failure as part of the process of experimenting with social enterprises, as well as how crucial it is to involve everyone potentially affected by a social enterprise idea throughout the process, especially the community served by the legal empowerment organization. Co-developing, testing, and iterating upon many different concepts has been a long journey, but they are excited by the possibilities it has unlocked for generating flexible revenue to support their core legal empowerment work.

## NEXT STEPS

While we've worked hard to make the concepts and approaches in this handbook accessible, it will take some time to become comfortable with how they are applied and to achieve results. We don't suggest trying them all at once or taking on a complex project in the first instance, and you may need to adapt these ideas and approaches to your context. While intended as a system, it's perfectly fine for you to identify specific concepts and suggestions that you can experiment with immediately. Below are some suggestions for next steps.

### Innovation in legal empowerment:

- Try to better understand your organization's culture of innovation. Does your organization value innovation? If so, why? If not, how can you introduce innovation and experimentation in ways that will allow your colleagues and beneficiaries to see the value of these approaches?
- If your organization is already supporting legal empowerment innovations, are they inclusive of the communities they are designed to support? The critical reflexivity checkpoints and participatory design approach are starting points to offer new insights and more inclusive ways of working.

### Systems thinking:

- Run a few thought experiments: Think about the community and legal empowerment work you know best and map it as described in Chapter 6 of this handbook. What drivers and hurdles do you observe? Can you identify the causality loop describing the current state? If you were to change it for the better, at which point could you effect change? How would you monitor if your actions have the desired impact?
- If you're ready to take on a challenge, start small. For example, the next time you are developing a "Know Your Rights" flyer or workshop, how might you approach it differently using the tools and approaches described in this handbook? Similarly, you might take time to map a causality loop that is common in your work and engage community members and other stakeholders to refine and validate it. Start small and learn from your experience and community insights.

### Participatory design:

- Take a step back and think about the different phases of your work, from strategy to implementation to evaluation. Is there a specific point at which you can better integrate lived expertise into your work and approach?
- When creating a new offer of any kind (e.g. a new flyer, campaign, or even service), involve community members throughout the process. Listen to their feedback and suggestions and, once they understand clearly what you are trying to achieve, let them drive the decision making.
- It is critical that you prototype and test new ideas before they are implemented. Learning how to design simple experiments and collect feedback will save time and resources, as well as increase your overall impact.
- If you would like to start experimenting with earned income or other sustainability models, seek out potential customers, other stakeholders, and communities that would be affected to find out how their needs might be met by a new offering. Be prepared to adapt your idea as you test your models and discover new information.
- Finally, consider keeping a journal to document your ideas, progress, learning, and personal reflections. Not only will it help you to capture your journey, it will also provide a future opportunity to look back on your work and see how far you've come.

# GLOSSARY

## CO-CREATION

Co-creation is a form of creation that actively involves lived experts, subject matter experts, and other stakeholders. The co-creation process solicits their intelligence, expertise, and creativity to come up with and prioritize ideas for interventions, as well as prototype and test those interventions. Co-creation is one part of the participatory design process and occurs after design research.

Co-creation, as applied to the legal empowerment model, helps organizations generate ideas with communities around the interventions that would best fit their needs, then find ways to experiment with and test those ideas with the same communities before launching them at scale.

## COMMUNITY

A community is a group of people who are located in the same context, such as neighbors in a particular location of a city, or who have a particular experience in common, such as people who are in detention facilities. Depending on the legal empowerment issue at hand, organizations work with different communities, and center those who are most affected by that issue.

## CRITICAL REFLEXIVITY POINT

Critical reflexivity encompasses the skills and capacity that organizations develop and nurture in order to reflect on and assess their own biases and assumptions, as well as determine how those positionalities relate to and affects their legal empowerment work with communities.

## DESIGN RESEARCH

Design research is a form of research that seeks to understand the context and needs of the communities we are designing with, in order to inform co-creation decisions around what issues to focus on, what interventions to develop, and how to design them in a way that is appropriate and relevant for the communities they serve.

Design research, as applied to the legal empowerment model, helps organizations explore the specific legal challenges that communities may have, synthesize collected information to reveal the most pressing needs, and identify opportunities to address them.

## IDEATION

As the first step in co-creation, ideation is a process of creative and collective idea generation with lived experts, subject matter experts, and other stakeholders, often done with the guidance of a facilitator. The goal is for organizations to tap into the collective wisdom of all parties to generate ideas greater than the sum of the individual ideas that each stakeholder group might have found. Ideas are generated in response to the opportunities that emerged from the design research phase.

## IMPACT TRACKING

Impact tracking is the process of quantitatively and qualitatively evaluating the impacts of legal empowerment interventions on the lives and material conditions of communities.

## INTERVIEW

An interview is a qualitative research tool deployed during design research, that takes the form of a discussion between organizations and lived experts, subject matter experts, or other stakeholders. Design research interviews are semi-structured, meaning they are neither a free conversation nor a formal survey with fixed questions. The interviewer starts an interview with a guide of predetermined topics and questions, but builds in enough flexibility to allow the participant to discuss new topics or explore some topics more in depth.

## JOURNEY MAPPING

Journey mapping is a synthesis tool used to outline the sequential steps in the experience of community members observed or interviewed during design research. A journey map is a graphical representation of those successive steps and actions, which helps organizations highlight potential pain points or break downs in how community members are experiencing legal services for example.

## LEGAL EMPOWERMENT

Legal empowerment is a field of legal practice invested in empowering communities to know, use, and shape laws and policies to address their justice problems.

## LIVED EXPERTS

Lived experts are community members who have lived experience in the legal empowerment issues organizations are working on.

**OBSERVATION**

Observation is a qualitative research tool deployed during design research, which enables organizations to learn from communities without interacting with them. Ideally, observations are done when organizations are trying to understand discrete behaviors in specific contexts and moments in time. Organizations might for example observe how community members interact with paralegals at a legal aid service.

**OPPORTUNITY AREAS**

Opportunity areas are an outcome of the synthesis process where organizations determine areas for potential growth or change based on the design research findings. Opportunity areas can be, for instance, focused on a particular step of the journey when communities could be better supported, areas of service provision that are missing or subpar, or other opportunities for intervention. These opportunity areas provide direction to the ideation step.

**PARTICIPATORY DESIGN**

Participatory design is an approach to actively engaging communities in exploring and solving problems they may be facing, based on using creative participatory methods to identify and contextualize community needs, frame opportunities to address those needs, and develop interventions through iterative trial and error, in context and with communities. The participatory design process starts with design research. Participatory design, as applied to the legal empowerment model, helps organizations understand how communities experience specific problems produced by law and policy, identify the full range of legal needs that communities have (whether they have previously identified them or not), develop possible ways to address these needs, prioritize those interventions, tactics, or strategies based on potential benefits and costs, and implement them in a way that includes feedback mechanisms such that organizations can continually adapt them.

**PARTICIPATORY RESEARCH**

Participatory research (or participatory action research) uses research methods and approaches that include or are led by communities directly affected by the question or issue being studied. In addition to generating knowledge or evidence, its goal is often to produce change.

**PERSONA**

A persona is synthesis tool in which an archetypical character is created that embodies characteristics of community members observed or interviewed during design research. A persona allows organizations to ground their co-design decisions in a specific and recognizable character.

**PILOT**

A pilot is the implementation of an intervention in context and in real life conditions but at small scale, whether with a narrower target population or in a particular geographic area. A pilot is the proof-of-concept of an intervention before organizations scale it more widely and a trial run to work out any flaws in the concept.

**POWER MAPPING**

Power mapping is a process by which advocates identify and visualize who the best actors are to target in order to achieve a specific legal, policy, or other change. In addition to identifying specific actors with power to make decisions, it is also important to understand the relationships between actors in order to most efficiently and effectively influence the specific outcome or change.

**PROTOTYPE**

A prototype is an artifact representing in a tangible way an idea for an intervention, tactic, or strategy. A prototype can take a variety of forms, from a curriculum for a legal education program to the visual assets of a social media campaign. The goal is to test the prototype in the hands of communities and to gather community members' reactions to the proposed idea. This allows organizations to test, refine, and iterate on interventions before implementing them or launching them at scale.

**SCALE**

Scale is the choice for organizations to expand an intervention to serve more people and/or more locations. Usually, when organizations have a successful pilot for their legal empowerment work, they then feel more confident to invest the resources necessary to grow that work.

**SUBJECT MATTER EXPERTS**

Subject matter experts are people with professional experience in the legal empowerment issues organizations are working on. They may or may not be from the communities that organizations serve, and may or may not have lived experience in those issues.

**SUSTAINABILITY**

Sustainability is the ability for organizations to put resources behind their legal empowerment work in the long run.

**SYNTHESIS**

Synthesis is a process that occurs after the data collection period in design research, where all the research observations and notes are gathered and analyzed for repeated patterns and themes. This synthesis work culminates in the emergence of opportunities worth pursuing by organizations.

**SYSTEMS THINKING**

Systems thinking is a process and a toolbox to understand how complex systems work and how to force them into a new, more desirable mode of operating. Systems thinking, as applied to the legal empowerment model, helps organizations understand the interconnectedness of the different political, social, historical, and cultural elements that add up to intractable and complicated law and policy, and identify specific sites of potential intervention to change how the law results in harm or oppression in communities' lives

**TESTING**

Testing is experimenting with ideas and prototypes in order to get feedback from communities, refine and improve those ideas, and continue to learn more about the conditions that would enable their successful implementation. Testing is an iterative phase during which prototypes are placed in the community's context, with organizations tweaking, changing, and improving on those prototypes as they gather more feedback and reactions from communities.

**OPEN SOCIETY  
FOUNDATIONS**