

Ep #12: Principles for Legal Design with Alexandra Devendra



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One of the hardest things to recognize in a law practice is the ways in which the default way that lawyers approach and deliver their work can actually create barriers to access for everyday people trying to reach that lawyer's services. In today's episode, I talk with Alexandra Devendra, founder of design focused law firm, Aligned Law. And Alix shares how she injects design principles into contracts, into client only videos that she creates and even engages in organizational design to improve client experiences and outcome. Ready to become a more agile attorney? Let's go.

Welcome to *The Agile Attorney* podcast powered by Agile Attorney Consulting. I'm John Grant and I've spent the last decade helping lawyers and legal teams harness the tools of modern entrepreneurship to build practices that are profitable, scalable, and sustainable for themselves and their communities. Each episode I offer principles, practices, and other ideas to help legal professionals of all kinds be more agile in your legal practice.

I am excited to have as a guest on the podcast today, Alix Devendra. And Alix and I go way back, way back in the sense of, I don't know, 10/15 years, maybe, 10 at least.

Alix: Yeah, I think it was about 10.

John: And I think we met on Twitter originally back when that was the thing that seemed to happen. And Alix and I have worked together. We have worked for each other. I think you've been my client and I've been yours. And so we've kind of worked in all the possible ways that a couple of people can work together. So thank you for coming on.

Alix: Yeah. And thanks for having me. Now we get to have the podcast relationship added to the list of things.

John: Well, so I'd love for you to just sort of introduce yourself because you've got this great background in terms of your legal career and how

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you've incorporated this element of design into it. So I'd love for you to tell me a little bit more about how that came about.

Alix: Sure. Well, I'll start with the short version, which is just I'm Alix Devendra. I'm the founder of Aligned Law. We're a women-owned certified B Corp law firm in Portland, Oregon. And we work with purpose driven businesses in California, Oregon and Washington. But the longer backstory of how I got there is, yeah, starts with my first legal job at a big firm in San Francisco. And then wanting to leave big law and getting on Twitter right about that time when I was trying to figure out what else I could do. And that's when we originally met.

And that was when I was thinking about design. I kind of stumbled onto this idea of design, starting with the book *Typography for Lawyers* and more narrowly graphic design. But then learning about other areas of design and design thinking and wondering how that could be applied to the law. And I think I typed into Google, design and law, is that a thing? Can I do this?

John: Right. And there's a few people doing it. I know we both know Margaret Hagan and there's some others. She's sort of, I don't know, the most Twitter famous of the design and law folks. I guess what other folks are you interested in or are you following out in the world that are sort of at this intersection of design and law?

Alix: That's a good question. I mean I guess right now just because where I am having started this small firm is, I'm trying to find all the other small law firm owners that are doing things differently and having transparent pricing on their website and things like that. And so I have a little list of people, I don't necessarily know them all personally, but I have a list of their websites and I check up on them periodically that way.

John: Yeah. Well, and we should probably shout out our friend Cat Moon too because I know she's doing it in her role at Vanderbilt Law School.

Alix: Of course, yeah.

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John: Well, so tell me a little bit about and specifically that typography for lawyers, because one of the things when I hired you to do some legal work for me, your engagement letter is beautiful. Which is not a thing that often gets said about engagement letters. So what sort of thought goes into that and why does it matter that you've got? Why is it important to you and how do you think that it helps you and your client relationships to inject that element of design into your documents like that?

Alix: Yeah. Well, I mean I think partly it's you have to walk the walk. So I mean that marketing wise, I am marketing to people who care about, even if they're not explicitly about this, they tend to be people who I think care about design and how things look and how things are presented. I have a new client, for example, what they do is scientific communications writing. And they're very much into plain language and how things are communicated and making things easy to understand.

And so of course I'm going to want my materials to reflect that I can do that for them because they specifically want their contracts or their documents I'm drafting for them to be in plain language and to match their brand style and brand voice. And so my own materials, my engagement letter also have to do that because that's the first thing they're really seeing from me. So I have put a lot of thought into how it looks and I'm sure there's always room for improvement and ways I'm thinking of how it could be better.

But I have brand fonts for my firm and things like that, which makes it hard because I'm trying to automate things too. But what I find is that a lot of these tools where you can create a template engagement letter and it will spit it out with the new client name on it, they only do it in a handful of fonts, which are not my fonts. So then I would have to download it and change all the fonts and then re-upload it for e-signature. And so I'm running into tedious issues like that.

John: That's interesting. So I should have maybe led with this. So one of the reasons I wanted to have you on to begin with is sort of the focus from

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the lean and agile sort of genres around focusing on human needs. And certainly that's focusing on client value on the one hand, but also focusing on the people in your organization. And so I think that's an element of design. What you just brought up is another component of sort of the agile Kanban method, which is creating express policies because it helps you with efficiency.

So the whole purpose of a brand guide, for example, is, you don't usually have to make decisions about fonts because you made that decision once already. And now you don't have to agonize over it when you're doing drafting or editing, things like that. And the same thing for colors and logos and all the rest. But I guess what you're telling me is there is a collision between the efficiency of your policy around your very pretty sort of human level of design fonts and the shortcomings of what some of the automated systems are capable of so far?

Alix: Yeah. And so then I just have to make a decision about how nitpicky I'm going to be about certain things.

John: Yeah, right. And there's trade-offs. Let me come back though, because I think you, and, again, I'm going to try to unpack it a little bit. But there are elements to the design and you talked about fonts and logos and colors, but you also mentioned plain language. Tell me a little bit about your thinking and process and maybe from the perspective of that client or the other clients, why is that important?

Alix: Well, I mean, I think it seems obvious to me how it's important to the client. That they can understand the work product better that I'm giving them. What I've struggled with is that before I started my firm and when we were doing consulting work together. I was trying to tell other lawyers how to do this. And it's always easier to tell someone how they should be doing it than to have to actually do it yourself. And so now I'm kind of on the other side of the table having to be busy with client work.

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And realizing it always takes longer to stop and pay attention to those details. And even if I create one template in my style so that I can reuse it, if I'm doing a new type of document where I don't already have a template for it and I have to start from a practical law template or something else. Well, then you have to go through that whole process again of taking that template and making it more my style. And that takes extra time and there's not always extra time, and it's certainly not necessarily billable time to do that.

So I'm appreciating more and more how hard it is to make these changes for other lawyers.

John: No, I get it. It is hard. And I mean, do you think about, and I know some of the clients I work with, if they were going to do something that they really thought was just going to be a one off, they might not bother doing all of the elements of their design process. And different clients of mine I know have different processes and some of them are outsourcing that work. Some of them are doing it in-house. And some of them aren't doing it.

In fact, I would say probably a lot of them aren't doing it. But they would maybe only decide to invest the time and effort of sort of customizing the template and making it consistent with their brand if they knew it was a type of document that they were likely to reuse, at least a handful of times.

Alix: Right. Which is maybe an argument for not doing everything and just trying to get good at a few things so you can reuse and not constantly trying to branch out into new areas. The other thing I was going to say is that, I remember writing a blog post about this long ago, but that law is a credence good. I came across an article at one point that talks about that, which means people that aren't lawyers are maybe judging your work product on how it looks. And if it looks like other legal documents they've seen without necessarily understanding all of the contents.

And so if you do deviate too far away from the traditional style of Times New Roman, 12 point, double spaced, whatever. If it looks too different

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then people, they're kind of like, "Wait a minute, what is this? This isn't what I was expecting."

Even if it's in some respects better or easier to understand, it's just different and that gives people a pause, and especially if there's another attorney on the other side maybe who are reviewing it. If you're giving them something that they're not used to seeing, that can create uncertainty or mistrust. It makes it harder for the attorney because it's not what they're used to seeing.

John: Right. Yeah, and that's interesting too, because I think part of what I think you're saying is that there are multiple customers for any one document or there can be multiple customers. And I'm thinking in terms of the lean and agile sense of customer as in the user of the document. You have to sort of find this balance between something that is going to work for your client but also be recognizable by opposing counsel.

And I don't think you have, well, I guess it's possible that your documents would wind up in court at some point, although that's not the goal of them. But it's got to be something that a judge would ultimately sort of recognize as valid as well.

Alix: Yeah. And I feel I've done a little bit of estate planning and I feel that's a good example of documents where you have to put a whole lot of stuff in there. In a living trust, for example, that's really for the successor trustee, your client, the person, the grantor. It's not really relevant to them, but you kind of have to explain this has to be in here even though it looks like gobbledygook to you. You're not really going to be the main user of this document after you've gone.

John: Right. And there's probably things there that you can't go plain language because you're bound by certain decisions or other things that are part of that process. Well, let me back up again and ask you a little bit about how do you, if you're coming at a design project sort of from scratch and, again maybe in the context of your own practice, or maybe in the

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context of working with a client or a former client. How do you think about what it is that you're trying to accomplish in a design exercise?

Alix: I do a lot of contract drafting. And so to me, that means what are they actually trying to accomplish? What has been agreed to and how do we write that down in a way that makes sense to both of us? And a lot of times, it's in the writing down that you realize, actually we haven't discussed when exactly the payment is going to get made or how it's going to get broken up. And so it can help uncover some practical conversations that have to happen between the people. It's not just about the document.

John: Right. So looking to the ends and the purpose in order to sort of inform the initial steps?

Alix: Yeah. And I've had situations where a client hired me to help them. It was an interesting consulting relationship where there was a client of one organization and then they were subcontracting the work out to this other consultant. And there were a lot of nuances between being careful around the client relationship and who's communicating on the client and who's leading sessions and things like that. And so she as the subcontractor hired me to help really be explicit about that in the agreement and think carefully about balancing those interests.

And the other party, the party that was hiring her, they just signed without reading. And so then she gets into the situation and it was, well, this beautiful contract didn't actually help her because the other people weren't even on the same page at all about any of those expectations that she had thought she had made so clear. So that was kind of disappointing.

John: I was going to say, how sort of frustrating, and I guess I can't decide whether that's a missed opportunity or a misspent investment or maybe both.

Alix: What I take from it is that if you really want people to know something, you have to point it out to them. You can't just assume they're going to read

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the document. You have to either have a conversation with them or put required initial marks next to certain provisions in DocuSign or something. But you really have to call out the stuff that's important and not just assume that because it's in the contract, everyone's on the same page about it.

John: I wonder, and this I'm totally just thinking out loud. But I wonder if the trend towards clickwrap agreements and I agree boxes in the internet age has caused people to be less inclined to read physical contracts too, in consumer relationships or whatever else.

Alix: I think that's definitely the case. And there's a guy that I follow on social media. He does legal design, plain language in Quebec. And they have a lot of interesting stuff with everything having to be bilingual. But he wrote something once about the concept of learned helplessness and how we've kind of learned to just not think we have no agency over it or why bother even reading the contract? Because it's not like I can change anything about it anyway.

John: Right. Yeah. And that's certainly a feature of clickwrap agreements. But let me pivot again because the other thing that you're into that I'm just fascinated by and would love to get your perspective and know more, is this idea of organizational design. I know you kind of have gone, you're a B Corp yourself, so you're being very intentional there in terms of how you're structuring your law practice and also what that communicates to partners, clients, vendors, etc., folks that you work with.

But you work with a lot of businesses too that have maybe non-traditional structures, co-ops or different sorts of organizations. So I guess I'd love to know a little bit more about number one, how did you get interested in that? And why do you think it's interesting or important?

Alix: Yeah. So how I got interested in it was probably, so my first job out of law school was at a big firm doing management side employment law in California. So it was just terribly complicated between all the federal laws and in California more strict laws. And then San Francisco, local

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ordinances on top of that. And just feeling this whole system was not working for people. And these laws were meant to protect workers, but it didn't feel like they were really protecting what needed to be protected and it was just causing everybody headaches.

And a lot of these laws were written in the 1930s. And the workplace is completely different today. So in California, you can't waive your lunch break. So requiring people to take a lunch break instead of letting the working mom work through lunch and leave a half an hour early to pick up her child. And you have to tell her, no, you can't do that. It just felt wrong to me. And then also just the experience of being in a large law firm and that being not a great work environment.

So those kinds of two things led, when I left the law firm, I was kind of unpacking what that experience had been like for me working there. And then also thinking about how employment law was broken. And so I just kind of started going down the rabbit hole on organizational design and development. And learning about all these different kinds of future work movements out there that have various names, holacracy, sociocracy, teal, responsive org, all these things. And eventually that led around to worker co-ops, too and B corps and all of that stuff.

So that was how I originally found my way to it. And now in my practice, I do enjoy working with alternative ownership, whether that means worker co-op, trust owned businesses. With Patagonia being in the news last year for selling to a trust, that's becoming more popular. B corps, although that doesn't necessarily mean you have alternative ownership, but it means you're thinking about other stakeholder groups at least. So I definitely enjoy it.

I have a lot of clients trying to implement sociocracy and figuring out how to make that work with your bylaws. I love all of those types of projects.

John: Yeah. So aside from, because I think there's legal challenges to that type of structuring organizations in ways that don't comport with statutes

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that were written in the 1930s. But what about, because I think the thing you mentioned before around social signaling. And do your clients or have you run into situations where maybe employees are confused because it doesn't comport with what their notion of a job or an employee/employer relationship is? Or sort of the different things that come up when you're trying to do something a little outside of the box.

Alix: Yes, so many stories, a lot of which I've gathered from other lawyers too. I go to a lot of co-op law conferences. And I remember speakers talking about, this one speaker was talking about how he got into co-ops. He grew up in rural Maine in the 1970s. And he remembers there being a unionized mill that was going to go under and it was going to ruin the town. And they were trying to convert it to worker ownership, but the workers could not wrap their head around being both a worker and an owner.

And maybe especially being a unionized place, that was particularly hard for them to understand. And so they voted against it and totally signed the company's death certificate as a result, because it just did not compute. And I think that's still true in a lot of ways. It's not, convert to worker ownership, you can make it sound so easy, but it's not that easy. And a lot of the work is not just legal work, but this mindset work and culture work.

There's a guy here in Portland who did convert his company to a worker owned co-op, it's called PixelSpoke. And even when he talks about that process, he says, "It's not just one conversion. There's seven conversions that have to happen." There's the technical, legal conversion but then there's a management conversion, a culture conversion, all these other elements that you have to prepare the employees for and train them up and upskill them to step into leadership roles, so yes.

John: Yeah. So it reminds me a little bit and this is a quote that often gets attributed to a guy named Peter Senge, but I think ultimately he didn't write it. I've seen it attributed to two different people, I guess, and they're both named Peter. One is Peter Senge and the other is Peter Schultz, but the

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quote is this. It's effectively that it's not so much that people don't like change, but they don't like being changed. And I think there's something powerful in that.

And I think maybe part of what you're reporting is that it's not even so simple as involving people in the change. It requires a deep commitment to working and understanding and trying to get the perspectives of the people that are going to be ultimately affected by this sort of thing.

Alix: And I think, along those lines, what do you even mean by employee ownership? What does ownership mean to you? That is a really loaded term and people are not always on the same page about what it's going to mean, because really it's not traditional ownership. I think of it more like stewardship. You're becoming a steward of the business. You don't really have the right to just go and cash in and sell out. It's not like that.

But some people, when you say ownership - and I've seen this in other contexts too, where a group was trying to do community wealth building and they got this historic building from the city and they both want it to be stewardship. But then also they kept talking about passing down something of value to their children. And I'm like, "But how is that going to work exactly, if you have a 35 year covenant on the building?" So I think there's just a lot of teasing out of different notions that has to happen in people's own minds to know what they even mean and what they want.

And I've been told by much older co-op attorneys who have been doing this a lot longer than me, that was a conscious choice in the 1970s. To use the term employee ownership to make it more palatable to traditional business to make it seem more like a traditional model. And so they, even though I think maybe they understand that it is more like stewardship. They went with that term for a reason and I feel now we're maybe seeing the downsides of that.

John: Right. Yeah, that's so common that you have to make those calls and there can be a downside for sure. Well, so I'd love, I guess, you've

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highlighted some of the pitfalls and the complexities. What are some success stories and what are some things that you have either participated in or that you know about that help make these sorts of organizational change? Because the change starts with design and it starts I think from a desire to be able to do things better, different for sure.

But different itself is not necessarily good or bad. You want it to be performing better. And so what are some things that might be useful to other attorneys, even if they're not doing work as complicated as converting ownership structures on businesses? What are some practices around communicating with stakeholders and getting input and getting buy-in to sort of help make change efforts and design efforts more successful?

Alix: I'm kind of going back to the beginning of the question, when you're asked about examples of it going well. I think the people who do it well, so staying on the employee ownership path, there's an organization called Project Equity that works to promote employee ownership. And they have a whole system, a process that they take companies through. And the last stage I think is called thrive. And that all happens post conversion. It's giving them ongoing support after it's been converted to employee ownership.

And I think that's so crucial, you can't just say it's over and peace out. If you want it to succeed, there has to be this ongoing maintenance element to things. And I think that's true of, not just that context, but in any context, maintenance is so key and it's so often overlooked. And I'm developing a subscription program for my clients, especially to address that of, okay, let's just check-in periodically. And make sure you're doing all those little things that get neglected and overlooked, and get us on a schedule.

Jokingly when I'm on a call with a client like that, I'll say, "Let's schedule our next check-in for six months from now." Kind of like when you go to the dentist because if I don't put it on the calendar while I'm at the dentist, I'm not going to remember to schedule it at some point in the future.

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John: I love that idea because I mean number one, it communicates that you care and that you're interested in not just the legal work that you've done, but in making sure that the client is achieving the outcome they're trying to achieve.

Alix: And I think it's also a good way of finding out, hey, how did that contract work out for you? So that I can improve things going forward myself. It's getting that feedback piece of okay, are things working the way I thought they were going to work out? And did I help you the way I thought I was going to help you?

John: Yeah. Well, because that's the essential element of learning and getting better. It's not like any of us is ever going to draft the perfect contract to end all contracts or the perfect operating agreement to end all operating agreements. But it's getting that feedback that is going to help us understand, again interjecting some concepts out of agile. But one of the ones I really like is this notion of fit for purpose.

So whether something is good or bad or could have been better is not as relevant as whether it helped the customer accomplish the thing, achieve the purpose that they came to you for to begin with. Well, great, well, any other, I guess, tips or tricks that you could think of that you would want to share for lawyers that are just trying to be a little bit more intentional about how they design their documents, their client experience? Even maybe you're intentionally trying to design your practice areas and your product offerings.

Alix: Yeah. Well, one thing I would say, going back to no one ever reading the contract. So what I do when I draft a contract for a client, I record a Loom video. Loom is this software where you can record a screen share. So I'll have the contract up on my computer and then I'll just walk through it and narrate, "Hey, here's what I did here. Here's why I put this section in here." I have a question about, do you want it this way or that way? It's

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asynchronous, so they can watch it on their own time. They can go back and revisit it.

And then we may still need to set up a Zoom meeting or something to discuss open issues. But I get really good feedback from clients on that. I can tell if they've watched the video too. So, did they actually try to learn what I'm doing here?

John: Yeah. I love that. And that's when I use a ton in my work to either, working with clients and improving their Kanban boards. And sometimes they'll email me with a question about design or something. And I can just pop into their board and turn on Loom. And for those of you that don't know it, it's L-O-O-M.com. Although there's now, I think Dropbox and Zoom and a bunch of other companies have knock off versions of basically that same feature.

It's a way to do your own little screen share video specific to the conversation between you and whoever you want it to be. And I think they've got some privacy controls too. So obviously you're making yours very one-to-one and locking them down between you and your client. But there are people that are doing Loom videos sort of instead of YouTube videos that are little explainer things or whatever.

Alix: Yeah. I tried to do that for the new corporate transparency act. I was going to record a video with blurring just to walk people through and explain how to file these reports. But I learned after that I screwed up the blurring so I wasn't able to share it.

John: Oh no. Yeah, I noticed that. You have to blur the part of the screen, you have to know exactly what you want to blur before you even start the recording, right?

Alix: Yeah, I have not yet figured it out.

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John: Yeah. I've played with it some too. It can be a challenge. But yeah, I've got a client that does a lot of Loom videos with her associates. And so when she's doing quality assurance and basically reviewing the work of other attorneys in her firm, she'll turn on Loom. And they would love to do it together. But it's hard because it's asynchronous, I guess it's easier sometimes for her to turn on Loom and sort of run through the whole thing. And then if she wants to, she can even go edit out the parts that didn't really need a lot of work and sort of make a greatest hits clip or something.

And I know she gets great feedback from her employees from doing that. They feel like she's paying, even though she's not paying as much personal attention as if they had a one-on-one meeting, it still gives people the feeling that this was directed specifically to me. So it's a way of, again, it's a design tool in a way because it's communicating something intentional to the client.

Alix: And taking it maybe to another level along those same lines. As I build out a process manual for the firm, I'm using GitBook, which is an online handbook tool. But you can embed videos in it so it can be, okay, here's our process for doing x, y or z. And here's the little video explainer of how to do this in our practice management software, or whatever the thing is.

John: Yeah, love it. Well, Alix, thank you so much for joining me. This has been fun.

Alix: Yeah, thanks for having me, John. It's really great to talk to you.

John: Alright. And if people want to find you, what's the best way to track you down on the internet?

Alix: Aligned.law is the website and I'm on LinkedIn as well, so Alix Devendra.

John: Great. Alright, well, if you're interested in design and the law, Alix is a great person to connect with, so thanks again for coming on.

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Alix: Bye.

John: Bye.

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