CREATIVE COUNSELING

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At creative companies, legal is often a roadblock. Rochael Soper ensures it serves as a resource at IDEO

By Matt Alderton

IDEO is the most influential company you've never heard of. A global design firm with 660 employees in 10 offices on three continents, it has designed products, services, systems, and experiences in every sector imaginable—an open kitchen whisk that's easy to clean, a more comfortable bicycle seat, an ideal home for wounded veterans, and a complete K-11 education system in Peru, to name a few. The list goes on and on, encompassing more than one thousand patents secured across dozens of industries, including energy, health care, food and beverage, education, financial services, and government.

At most companies, innovations like these occur outside of the legal team's efforts. At IDEO, innovation occurs under its protection and guidance.

"Law is an inherently rules-based system, and IDEO is an inherently non-rules-based culture; our legal team tries to walk the line between the two," says **Rochael Soper**, general counsel and legal design lead. She formerly led a small team comprised of another lawyer in the company's London office, a global contracts manager, and a legal coordinator.

Designing for Legal

As IDEO grew from its 1991 roots as a small product design firm to a global innovation consultancy, it was faced with the challenge of protecting its business without constraining creativity and innovation.

As a first step, IDEO hired its first general counsel in 2004, Paul Livesay. "The company hadn't had a general counsel before, but they were growing quite a bit and decided it was an important role to have," says Soper, who joined IDEO the same year and succeeded Livesay in 2009. "People weren't used to having a general counsel; they hadn't had to interact with legal in a consistent way, so there was a lot of frustration on all sides."

The solution was to approach the internal legal department the same way they would solve an external client's design challenge. "We carried out a full innovation project to redesign our internal legal processes," Soper says. IDEO followed the same steps to design the legal department that it uses to design toothpaste tubes and TV remotes—it appointed design researchers to interview the legal department's users, then used the findings to brainstorm, test, and implement experiential solutions addressing users' most common needs and complaints.

"I had never engaged before in a process where I really heard what the client's experience was," Soper says. "People had frustrations, they weren't sure why things were the way they were, they didn't know what to do. They didn't know if they could ask questions, they didn't know how much autonomy they had versus how much deference they needed to give. It was hard to hear, but it was really amazing, too."

Many of the ideas generated during the design process remain in place a decade later. For instance, the team works to embed legal in the business, where it had previously lived outside it.

"One of the things that came out of the project was that legal and business now negotiate together; legal supports the business, and the business supports legal," Soper says. "At a lot of companies, there's the business on one side and legal on the other, and there's a lot of tension between the two. The tension isn't necessarily bad, but it often doesn't get resolved. So, we tried to come up with legal processes and positions based on the legitimate business model and needs of the company. When I tell a client why our legal position on indemnification is what it is, for instance, it's because we've talked about it as a company and designed it around the company's core business model. We understand how we work and why we work that way, and our legal position supports that."

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Culture Counts

Just because legal processes have been designed with and for the business doesn't mean the businesspeople involved always understand them. They often don't—especially at firms like IDEO, where the right brain rules. For that reason, communication is a key function of IDEO's legal team.

To communicate legal concepts to nonlegal personnel, Soper often challenges herself to think less like the lawyer she is and more like the designers she works with. Consider something as simple as legal documents, for example. To make them more approachable and accessible for creative employees and clients, the legal department engages graphic designers in the marketing department to help design them.

"We put a lot of thought and design into our legal agreements and how they look from a visual perspective," she says. "It's subtle, but I think it makes a difference. Even for me. I'm used to looking at legal documents—it's what I'm trained to do—but when I look at one that is well-laid out and pleasing and organized, I have much more positive feelings about whoever sent me that document."

Positive feelings are critical when you're seeking legal buy-in from creative employees, says Soper. To get them, she embraces IDEO's flat organizational structure, which is evident in the company's open seating policy. Because nobody at IDEO has an office and very few people have an assigned desk, everyone is accessible to everyone else—including legal. "We don't have a culture where 'legal says,' and therefore people do it," Soper says. "I have a vast amount of experience, but people are always free to challenge me and ask, 'Why are we doing this? Does that really make sense for this client, and for this project?' I welcome that."

That kind of rapport generates trust, and trust generates positive outcomes—legally, as well as creatively. "We're always open to reinventing the wheel," Soper says. "Who knows? Someone might have a new idea that's more interesting and more expedient than what we've done before."

Regulating Innovation

Like most in-house legal teams, IDEO's legal department spends much of its time engrossed in contracts and intellectual property conversations. When it really shines, however, is during the design process itself—particularly when IDEO is designing for clients in regulated industries. For example, health care is subject to the Health Insurance Portability and Accountability Act (HIPAA).

"HIPAA is a mammoth regulation that's designed to protect patients' privacy," Soper says. "Because we specialize in human-centered design—processes, products, and experiences that satisfy the needs of the human—we think it's valuable to interact closely with patients, and that can involve collecting and using patient information."

If IDEO is designing a new prosthetic, for example, its design researchers want the ability to hear patients' stories and observe them in their homes—getting dressed, getting in and out of cars, etc.—so they can intimately understand their challenges and design appropriate solutions to address them.

"If we're going to be that close to people—which we want to be—we have to understand HIPAA and how it attaches to these individuals and their rights," Soper says. "A large project we've done internally is trying to make HIPAA regulations user-friendly for our design researchers."

The ongoing project, which has been underway for approximately two years, consists of a two-step process. "First, I try to translate HIPAA regulations, as much as I can, into language that our design team can easily understand without having to rack their brains," Soper says. "Second, our design researchers who are very active in this space take on a huge amount of responsibility for educating people in a way that they can understand."

The goal isn't to coerce designers. It's to inspire them. "It's one thing to tell somebody, 'Here's HIPAA; you have to comply with it,'" Soper says. "It's quite another thing to develop amazing stories and examples to share with people in a way that gets them excited about protecting people's privacy. It's framing things in a way that helps people see there's a benefit not just to the process or the project or the client, but to the individuals whose lives we're ultimately going to impact."

Really, that's what IDEO is all about: It adds value not only to the companies that make products, but to the consumers who use them.

IDEO's approach is so valuable that Soper believes the company one day can leverage it to benefit her own profession. "I would definitely like to see more design find its way into the legal industry," she says. "IDEO is everywhere, but that's one area we really haven't worked in that I think is on the horizon. It's a space in which I think innovative design could make a really big impact."

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