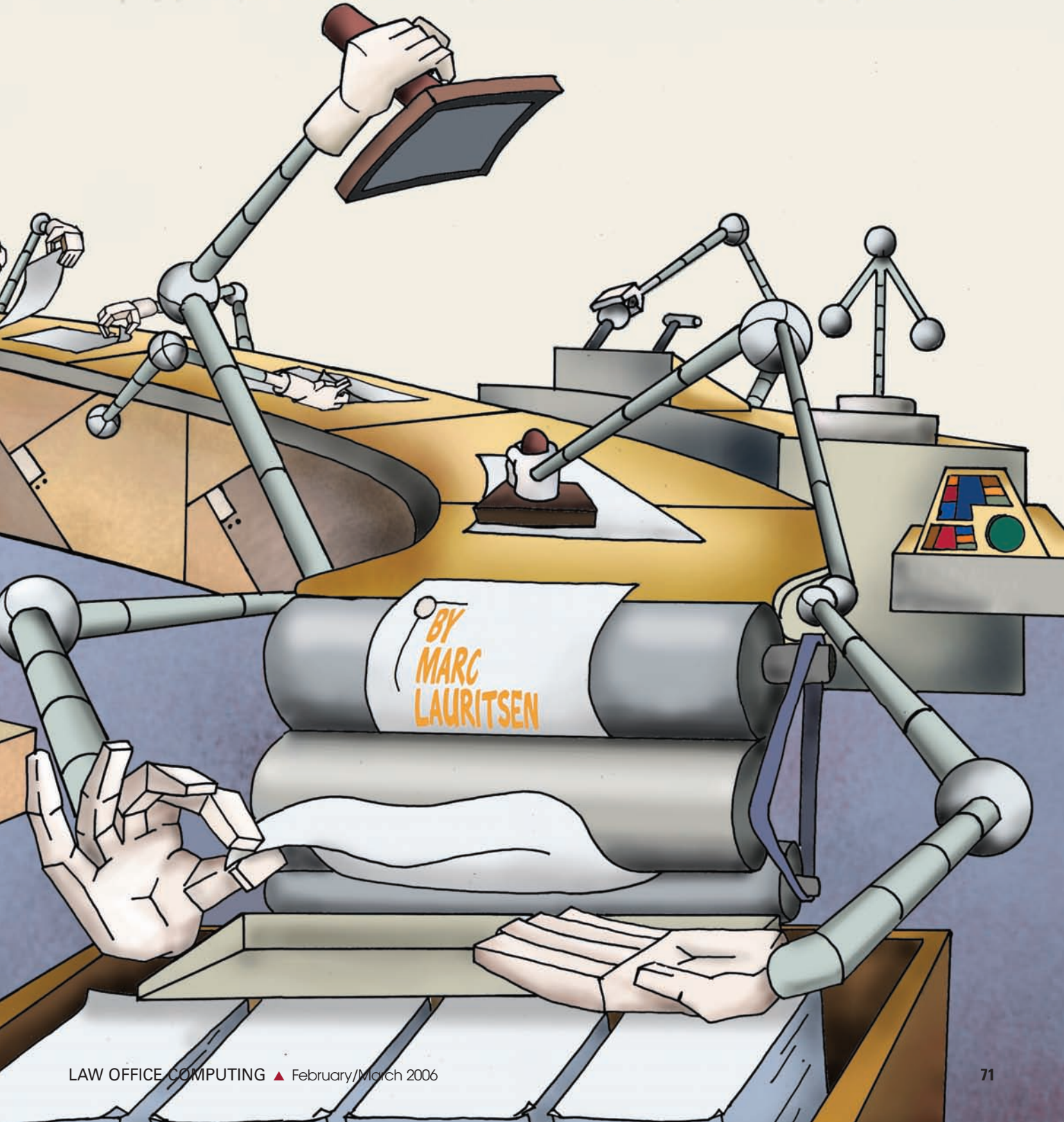




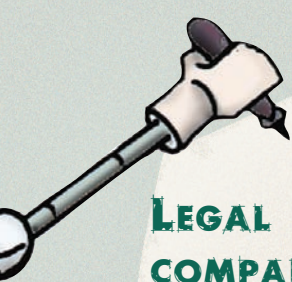
FALL IN LINE WITH

# DOCUMENT ASSEMBLY

APPLICATIONS TO CHANGE THE WAY YOU PRACTICE.







**LEGAL DOCUMENT ASSEMBLY IS AN ANCIENT TECHNOLOGY, COMPARATIVELY SPEAKING. ADVANCED FORMS OF DOCUMENT ASSEMBLY ALREADY EXISTED WHEN I FIRST BECAME FASCINATED WITH IT MORE THAN 20 YEARS AGO. IT DELIVERS EXTRAORDINARY BENEFITS. TODAY, POWERFUL APPLICATIONS RUN ON DESKTOPS ACROSS THE PROFESSION, AND THERE WILL BE A LOT MORE IN THE FUTURE. THIS ARTICLE PROVIDES A PANORAMIC VIEW OF THE DOCUMENT ASSEMBLY LANDSCAPE AS OF EARLY 2006.**

## **THE CONCEPTS AND BENEFITS OF DOCUMENT ASSEMBLY**

Hints of document assembly systems could be found in the glossary, search-and-replace, macro, merge and other related features of word processing programs by the early 1980s. By chaining these functions together, you can construct decent systems for moderately complex documents, but a hard-to-maintain “spaghetti code” often results.

Specialized programs for legal document assembly already had emerged in the late 1970s, though, and continue to offer advantages over even modern word processors, such as greater ease of authoring, maintenance and distribution; a nicer interface for data entry and user guidance; support for graphical forms; and easy reuse of data templates. Current document assembly programs use a wide spec-

trum of approaches and boast an impressive array of innovative features.

Automated document assembly now is commonplace in law firms. Today, a lawyer, paralegal, secretary or do-it-yourselfer can work through a series of question-and-answer dialogs (or can pick forms and clauses from libraries of alternatives) guided by reference materials, and have the system automatically assemble a draft document. Sometimes, such an application is obtained from a vendor, which provides the benefits of automation with little effort and expense from the firm. Other times, an organization develops a custom system with a document assembly engine, using its own forms and experience. Although this can require a large investment, it can yield excellent returns.

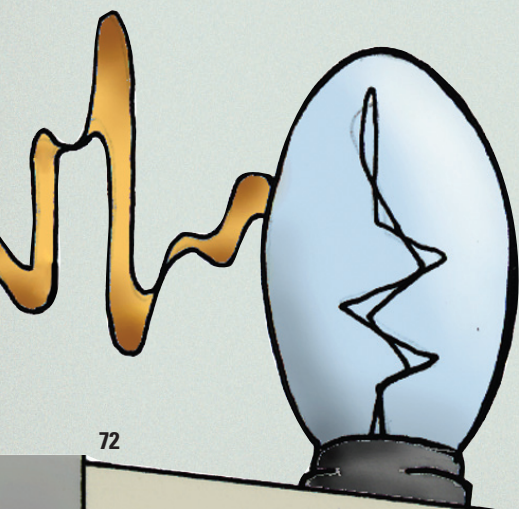
These document assembly systems capture regularities underlying the documents, including which sections, paragraphs, sentences and words go where under what circumstances. The user is prompted to specify details such as names, numbers and dates, and instead of cutting and pasting information, the user picks options from lists. The user lets the computer do the work — there is no need to key in a lot of text or to fuss with formats. Usually, a template is available that models a particular kind of document, with variables and instructions placed at locations that might change from case to case. Your responses are stored in an answer file. Typically, each answer file stores all

data relevant to a matter and can be used to produce multiple documents. When answers are changed, they can be regenerated instantly.

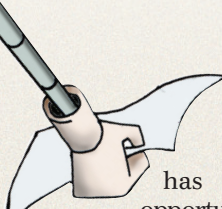
Document assembly encompasses flexible editing of word processing documents and fixed-format documents, as well as “graphical” forms where the background is static. Information can be placed only in designated fields. In most document assembly applications, users provide information and make drafting decisions through a discrete interface in which questions are asked and advice is given.

Many document assembly tools can be used to produce information-gathering modules, advisory systems and intelligent checklists. Also, a firm can make document assembly available to clients who then complete a computer-based questionnaire. The answer file goes to the legal professional for further review, revision and document drafting.

Case, matter and contract management programs generally have rudimentary document assembly features built-in and support integrations with specialized applications. Being able to draw on client and matter information from such programs without having to re-enter information in a document drafting session saves time and reduces errors. Often, document assembly also is integrated with document management systems. Both answer files and assembled documents can be managed and their profiles prepopulated by information gathered during the assembly session.







The Internet also has opened up new opportunities for delivering document assembly applications. All the major components — engines, templates, answers, help materials — can be served over the Web, providing location independence, client access, ease of use and other benefits.

One big advantage of Web-based document assembly is the centralization and instant updating of template collections. Robust document automation can be delivered without having to purchase, install and maintain special-purpose local software. A server can economically support hundreds of users.


## BENEFITS FOR ALL FIRM SIZES

Some of the main benefits of document assembly are:

- ❖ **Productivity.** The classic benefit of document assembly is efficient production.
- ❖ **Responsiveness.** Speed of production also enables rapid turnaround.
- ❖ **Quality.** By capturing time-tested texts and methods, systems can ensure quality and minimize unwanted metadata from a carelessly reused work product.
- ❖ **Less dependence on individual experts.** Information Technology staff can't be in two places at once and don't work 24 hours a day. Document assembly systems can make some aspects of expertise available independent of the expert, as well as consolidate multiple sources of expertise.
- ❖ **Job satisfaction and enrichment.** Life as a legal professional is more satisfying when we are productive, generate high-quality work, are spared mechanical tedium, and can focus on tasks requiring judgment and creativity.
- ❖ **Training and continuing education.** Systems can be used to train associates and nonspecialists who then emerge from the process knowing more.
- ❖ **Marketing and recruitment advantages.** Technological prowess in key work areas can be a powerful source of market differentiation — in attracting both clients and personnel.


❖ **Practice improvement.** The mere activity of automating your practice can improve it and force other people to think about what they are doing. Systemization can disclose inconsistencies or errors that have gone unnoticed in prior manual approaches.

Document assembly technology has been applied to everything from simple thank you letters to elaborate expert systems. It's used in a large variety of contexts. Small law firms and legal departments most commonly



**ONE BIG ADVANTAGE OF WEB-BASED DOCUMENT ASSEMBLY IS THE CENTRALIZATION AND INSTANT UPDATING OF TEMPLATE COLLECTIONS.**

use document assembly for routine or high-volume paperwork, purchasing prewritten template sets when possible. Larger firms and departments are more likely to develop custom applications, drawing on their own precedents and knowledge management efforts. But practitioners in both settings are increasingly interested in high-end systems that combine advanced document models with guidance on annotation. Also, firms of all sizes are experimenting with applications aimed at client and nonclient customers.



Corporate law departments are starting to show great interest in document automation for client self-service. Cisco and Microsoft, for instance, now provide do-it-yourself sales contracts, nondisclosure agreements and software licenses to their business users. Law departments can off-load routine work and delight their clients with rapid turnaround, while retaining control of transactions that vary from pre-approved, contractual terms that are standardized and judged legally safe.

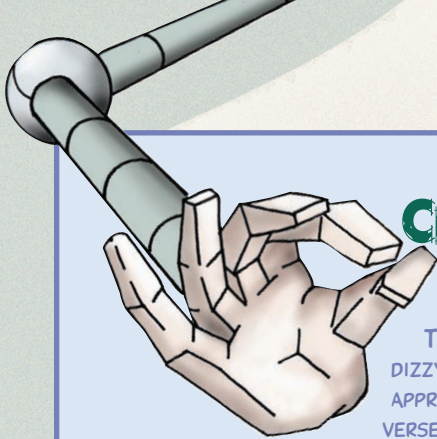
In the nonprofit legal services world, some organizations have developed their own systems and made them available to fellow programs. An example is Greater Boston Legal Services ([www.gbbs.org](http://www.gbbs.org)), whose family law and eviction defense systems are starting to be used widely by advocates in Massachusetts. The California-based I-CAN ([www.ican-docs.org](http://www.ican-docs.org)) project has served interactive forms to thousands of users. National Public Automated Documents Online ([www.npado.org](http://www.npado.org)) is a related effort, funded by grants from Legal Services Corp. and software donations from LexisNexis.

Courts have taken a strong interest in automated forms in response to the deluge of self-represented litigants. Many state courts have made their standard forms available as fillable Portable Document Format files, and several have mounted more sophisticated applications. The integration of document automation and e-filing raises especially interesting possibilities (see "Going the Last Mile," by Marc Lauritsen and Blair Janis, December 2004 *E-filing Report*).

Then, there are the commercial players that target the consumer marketplace. There are many fee-for-service providers of prefabricated forms aimed at self-helpers. For example, see [www.uslegalforms.com](http://www.uslegalforms.com), [www.mylawyer.com](http://www.mylawyer.com) and [www.legalzoom.com](http://www.legalzoom.com). Plus, there is a growing universe of nonlawyer legal document preparers (see [www.wethepeopleusa.com](http://www.wethepeopleusa.com) and [www.naldp.org](http://www.naldp.org)).

These private sector developments are helping to expand consumer choice and shaking up a complacent legal profession.





## CHOOSING AN ENGINE

THROUGHOUT THE YEARS, THERE HAS BEEN A DIZZYING VARIETY OF TECHNOLOGIES, VENDORS AND APPROACHES IN THE LEGAL DOCUMENT ASSEMBLY UNIVERSE, AND MOST ARE LONG GONE. HERE IS A BRIEF SKETCH OF TODAY'S LEADING CANDIDATES. (DISCLAIMER: MY COMPANY IS CERTIFIED TO CONSULT FOR **HOTDOCS**, **GHOSTFILL** AND **DEALBUILDER**.)

**HOTDOCS** FROM **LEXISNEXIS** ([WWW.HOTDOCS.COM](http://WWW.HOTDOCS.COM)) HAS THE BIGGEST MARKET PRESENCE AND MOST DEVELOPED ECOSYSTEM. IT HAS AN EXCELLENT ONLINE KNOWLEDGEBASE, E-MAIL DISCUSSION LIST AND CONSULTANT COMMUNITY. **HOTDOCS** OFFERS THE BEST TOOL FOR AUTOMATING GRAPHICAL FORMS, AND HAS A FULL-FEATURED WEB IMPLEMENTATION. THE COMPANY CONTINUES TO RELEASE SIGNIFICANT NEW VERSIONS EVERY YEAR.

**GHOSTFILL** ([WWW.GHOSTFILL.COM](http://WWW.GHOSTFILL.COM)) IS A VIGOROUS PLAYER FROM **KORBITEC** IN SOUTH AFRICA, AND WAS INTEGRATED INTO THE **AMICUS ATTORNEY** CASE MANAGEMENT SOFTWARE SEVERAL YEARS AGO. IT UNDERLIES THE CURRENT CONSTRUCTION CONTRACT SOFTWARE FROM THE **AMERICAN INSTITUTE OF ARCHITECTS** AND **DRAFTING WILLS AND TRUSTS** FROM **THOMSON WEST**. **GHOSTFILL** HAS A PROGRAMMER-FRIENDLY, OBJECT-ORIENTED OPEN ARCHITECTURE, MAKING IT EASY TO ADD FUNCTIONALITY. IT OFFERS GREAT FLEXIBILITY FOR CUSTOM INTEGRATION, AND EASILY CAN BE HOOKED UP TO DATABASES OUT OF THE BOX.

**DEALBUILDER** FROM **BUSINESS INTEGRITY** ([WWW.BUSINESS-INTEGRITY.COM](http://WWW.BUSINESS-INTEGRITY.COM)) IS PURELY WEB-BASED ON THE USER END AND OFFERS AN ARTIFICIAL INTELLIGENCE-BASED AUTHORING ENVIRONMENT THAT REDUCES THE NEED FOR TRADITIONAL TEMPLATE PROGRAMMING. PRECEDENTS THAT ARE MARKED UP INTELLIGENTLY OFTEN CAN BE CONVERTED AUTOMATICALLY INTO INTERACTIVE MASTER TEMPLATES. **BUSINESS INTEGRITY** ESTABLISHED A Foothold IN THE **LONDON MAGIC CIRCLE FIRMS**, AND HAS MADE MAJOR INROADS INTO TOP LAW DEPARTMENTS THERE AND IN THE UNITED STATES.

**RAPIDDOCS** ([WWW.RAPIDDOCS.COM](http://WWW.RAPIDDOCS.COM)) ALSO ORIGINATED IN THE UNITED KINGDOM. IT INCLUDES INNOVATIVE FEATURES THAT OPTIMIZE IT FOR E-COMMERCE APPLICATIONS. IT'S ALSO ACTIVE IN THE NONLEGAL INDUSTRIES (E.G., [WWW.DIRECTLAW.COM](http://WWW.DIRECTLAW.COM)).

**EXARI** (FORMERLY **SPEEDPRECEDENT**) FROM **SPEEDLEGAL** ([WWW.EXARI.COM](http://WWW.EXARI.COM)) IS A WEB-BASED SOLUTION WITH A STRONG COMMITMENT TO OPEN SYSTEMS AND STANDARDS, ESPECIALLY **XML**.

**QSHIFT** FROM **IXIO CORP.** ([WWW.IXIO.COM](http://WWW.IXIO.COM)) IS AN INTERNET SUBSCRIPTION-BASED APPLICATION WITH THE SLOGAN "SMART DOCUMENT DRAFTING ON DEMAND." I THINK OF IT AS A CLAUSE MANAGER ON STEROIDS. IT HAS POWERFUL UNDERLYING TECHNOLOGIES THAT CAN TAKE IT IN MANY DIFFERENT DIRECTIONS.

**D3** FROM **MICROSYSTEMS** ([WWW.MICROSYSTEMS.COM/D3](http://WWW.MICROSYSTEMS.COM/D3)) IS ONE OF THE LATEST ENTRANTS TO THE MARKET. IT HAS BROKEN NEW GROUND IN TERMS OF TIGHT INTEGRATION WITH **MICROSOFT WORD**. WHILE POSSIBLY WEAK ON SOME MORE ADVANCED ASPECTS OF HIGH-END DOCUMENT AUTOMATION, **D3** INCLUDES STYLES MANAGEMENT, GROUP SECURITY AND COLLABORATIVE AUTHORING FEATURES NOT SEEN IN MOST OTHER PRODUCTS.

**PERFECTUS** ([WWW.PERFECTUS.NET](http://WWW.PERFECTUS.NET)), **ACTIVEDOCS** ([WWW.KEYLOGIX.COM](http://WWW.KEYLOGIX.COM)) AND **PATHAGORAS** ([WWW.PATHAGORAS.COM](http://WWW.PATHAGORAS.COM)) ALSO DESERVE RECOGNITION. AND EVEN THOUGH THEY NO LONGER ARE SUPPORTED, QUITE A FEW OFFICES STILL USE OLD STARS, SUCH AS **CAPS** AND **POWERTEXT**, OR HAVE RECENTLY CONVERTED THEM TO CONTEMPORARY PLATFORMS.

## IS IT FOR YOU?

Are all the documents produced by your office perfectly unique and free-form? If so, stop reading. Document assembly isn't for you.

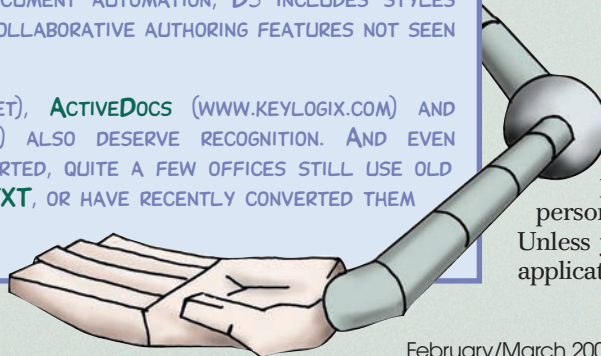
If at least some of your documents reuse pre-existing texts and follow rules, this technology might be of great value to your firm. How much document assembly makes sense for your firm is a business matter. A few questions to consider are:

- ❖ Are there substantial aspects of your document work that would benefit from greater automation? (The answer to this almost always is yes, but many lawyers underestimate how much more effective they and their staff could be.)
- ❖ What would it cost to buy or build tools to achieve that automation?
- ❖ How much would those improvements be worth to you?
- ❖ Are you in a corporate or non-profit legal department where time saved can directly improve your bottom line? If you are in a law firm, can you structure your engagements to reap adequate benefits? (Pure hourly billing usually isn't the best way.)
- ❖ Are you prepared to exert the effort needed for success?

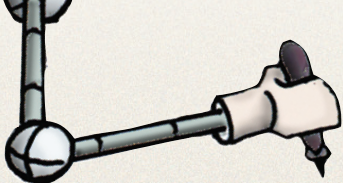
Choosing the right applications and maintaining firm-wide effort are the two greatest determinants for success. Document applications are fragile systems that require planning, follow-through, and regular care and feeding to survive. Many law offices have had short-lived success because they could not sustain it. If you are not committed to maintaining the effort, resist the temptation to start.

## IN-HOUSE OR OUTSOURCE, BUILD OR BUY

One issue adopters of document assembly solutions face is whether to accomplish their goals with in-house personnel or outside consultants. Unless you have a dedicated practice applications staff, you are likely to be







best served by an outside expert. There are hundreds of specialists with good skills and modest rates who can save you time, money and aggravation. Practicing lawyers and other nonspecialists who are so inclined can accomplish a lot of document modeling, but they usually are not well-suited for complex applications. Know your limits.

There also is the question of whether to buy or build. Should you roll out your own document assembly tools or buy an existing platform? Should you develop your own content or buy prefabricated templates off the shelf? Should you manage your own software environment or rent one that someone else maintains?

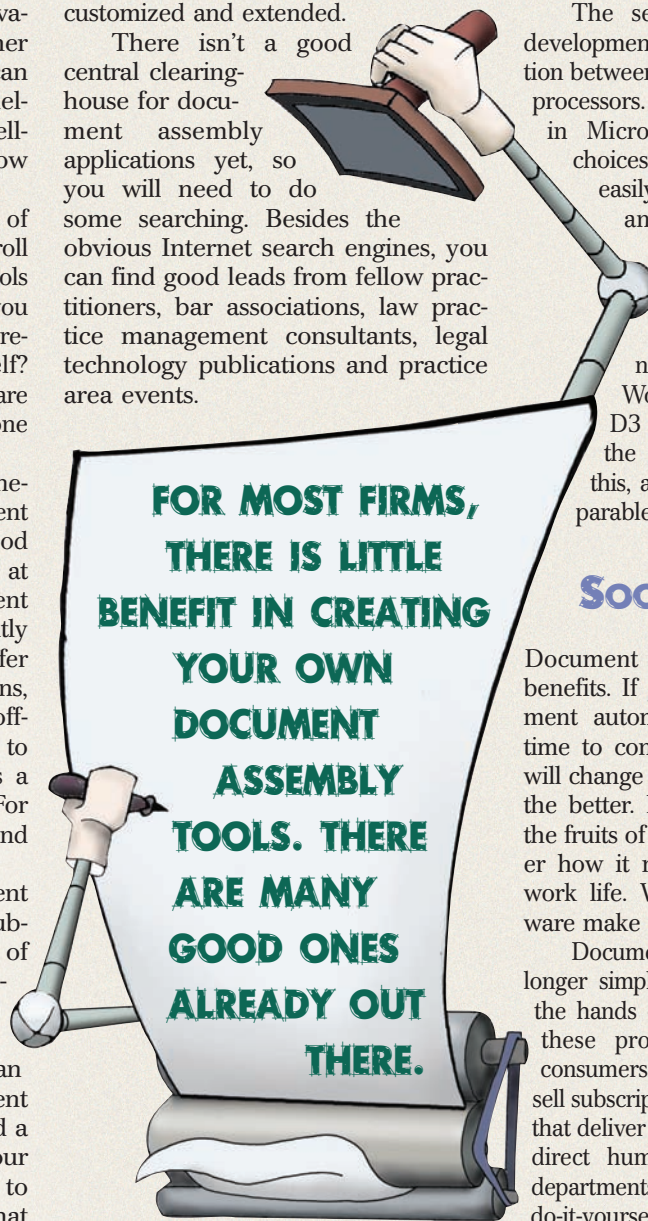
For most firms, there is little benefit in creating your own document assembly tools. There are many good ones already out there and available at a modest cost. Rentable document automation environments only recently became available. Some vendors offer application service provider solutions, with templates served to users from off-site. These hosting models are likely to grow, riding a general "software as a service" trend in the industry. For examples, see [www.accudraft.com](http://www.accudraft.com) and [www.estateworks.com](http://www.estateworks.com).

The real action is in the content area. Templates can be bought or subscribed to. Before you spend a lot of time selecting and learning a document assembly engine, see if someone else already has automated your target documents. If you can find a practitioner-turned-document assembly-maniac who has compiled a comprehensive set of forms for your practice area, you might be able to license them all for a fraction of what it would cost to create a small subset. I have seen that phenomenon occur with Ohio divorce forms ([www.ohiodrsoftware.com](http://www.ohiodrsoftware.com)).

Estate planning is one of the richest areas in terms of prebuilt content. WealthDocs from WealthCounsel ([www.wealthcounsel.com](http://www.wealthcounsel.com)) and Wealth Transfer Planning from InterActive Legal Systems ([www.ilsdocs.com](http://www.ilsdocs.com)) are based on the HotDocs platform. Drafting Wills and Trust Agreements from Thomson West (<http://west.thomson.com/dwta>) uses GhostFill, and there are many more. There also are

published sets for bankruptcy, real estate, immigration, incorporation, family law, construction contracts, commercial lending, civil litigation and other areas. Many of these can be customized and extended.

There isn't a good central clearing-house for document assembly applications yet, so you will need to do some searching. Besides the obvious Internet search engines, you can find good leads from fellow practitioners, bar associations, law practice management consultants, legal technology publications and practice area events.



## COMING ATTRACTIONS

Almost every imaginable document assembly feature has been engineered by someone, and the leading products now cover all the essentials. The technology is way ahead of most users' needs. Yet, there are major dimensions of this evolution to come, two of which are worth noting. The first change will be support for automated documents that can re-assemble themselves (e.g., based on changed deal characteristics)

after a user has edited them (e.g., to reflect negotiated language). Right now, most engines just produce first drafts. The output documents retain no intelligence.

The second change will be the development of more seamless integration between assembly engines and word processors. This will allow you to work in Microsoft Word as you make choices and enter information, and easily move between hand editing and auto-processing. The document itself would communicate variations it's designed to accommodate. Several past engines, notably thinkDocs and SmartWords, came close to doing this. D3 from Microsystems is one of the first new products to tackle this, and other vendors have comparable plans.

## SOONER OR LATER

Document assembly offers fabulous benefits. If you never have used document automation in your work, take time to consider how it might help. It will change the way you do business for the better. If you already are enjoying the fruits of document assembly, consider how it might further improve your work life. Would upgrading your software make things even easier?

Document assembly applications no longer simply operate as power tools in the hands of skilled professionals. Now, these products are being used by consumers. Large international law firms sell subscriptions to online expert systems that deliver sophisticated analysis without direct human involvement. Corporate departments equip field personnel with do-it-yourself contract assemblers. Courts and legal aid programs provide intelligent forms for unrepresented litigants. Document automation has steadily gained traction in law offices. There are signs of even faster growth, including vigorous competition among excellent products, many qualified consultants, increased expectations from clients, aggressive challengers to the profession and huge opportunities for process improvement in legal work. **loc**

Marc Lauritsen is president of Capstone Practice Systems. Capstone advises, trains and builds document assembly and practice systems for top law firms and nonprofit organizations. Lauritsen has served as a poverty lawyer, has directed the clinical program at Harvard Law School and has been an executive in several startup companies. He can be reached at [marc@capstonepractice.com](mailto:marc@capstonepractice.com).