

Document Assembly – Real Questions for the Future of Law Practice

By Seth Rowland

THREAT TO COUNSEL:

- Internally, can paralegals & clerks now do the work that used to be done by attorneys?
- When you send a closing package, what do you expect from local counsel?
- What is the role of associates?
- What qualities (apart from cost) will differentiate attorneys?
- When you can code state specific (even county-specific) rules into an expert system, are bar association rules the only reason for hiring local counsel?

AFFECT ON ATTORNEY WORKPRODUCT

- Doesn't this forms practice (1) stifle creativity, and (2) lower the quality of attorney work product?
- Don't forms shift all the lawyering to the riders?
- What incentive is there for lawyers to review the documents?

LIABILITY FOR AUTOMATED WORK PRODUCT

- If you didn't write the template, can you be sued for the document created from that template?
- If you didn't write the document (but merely assembled it) will your malpractice carrier insure you?
- Can you sue the developer of the template for malpractice?
- Can your client sue you for using their templates?

BILLING FOR AUTOMATED DOCUMENTS

- Are lawyers selling expertise or time?
- Is there anything unethical about charging \$25,000 for a document that took 30 minutes to assemble?
- What if the templates and intake interview took 1,000 attorney hours to build?
- What if the manual process took 100 hours?
- What if the document (whether an opinion or a hostile tender offer) was time critical?
- Implications of NC Bar ethics opinion?
- Did they get it right?
- Does the opinion requires a process audit to establish a baseline

OPPORTUNITIES FOR LOCAL COUNSEL

- Should attorneys develop systems and bring them to their clients?
- Would you welcome local counsel refining your templates?
- Attorneys extend logic of system
- Attorneys can work to resolve problems?
- Less drafting and more interesting stuff?