BigLaw®

Helping large law firms grow and achieve enduring success. **April 11, 2012**

BigLaw: Confessions of a Large Firm Document Assembly Bounty Hunter — Plus 2012 Edition of 60 Apps in 60 Minutes

Large law firms have one of those "good problems" — a treasure trove of knowledge in the form of model documents that they find difficult to leverage and even find. In this issue of BigLaw, former large firm lawyer and current HotDocs consultant Seth Rowland discusses his work as a "document assembly bounty hunter" using his recent experience with an AmLaw 100 firm's trusts and estates department as an example. Seth explains the process of building a modern document automation system that law firms can modify on their own as their needs change. Also, don't miss the BigLaw Pick of the Week for this year's list of 60 apps in 60 minutes from ABA TECHSHOW (presented in part by BigLaw columnist Jeff Richardson).

CONFESSIONS OF A LARGE FIRM DOCUMENT ASSEMBLY BOUNTY HUNTER

By Seth G. Rowland, Esq.

As a former large firm lawyer who now helps large firms with document assembly projects, I operate as a sort of "bounty hunter," searching for hidden and unpolished treasure in the prior work product of the law firm. Large firms own incredible legal treasure. Filled with the top lawyers in the country, our AmLaw 200 firms turn out thousands of corporate and regulatory filings, estate plans and trusts, leases and agreements, and more every day. These documents represent untold billable hours of drafting, research, and negotiation.

While substantial, this treasure trove of knowledge can often be little more than a trash heap. Often, these documents are poorly organized, with only a rudimentary index consisting of Client, Matter, Author, and document type codes. If you know what you want, retrieval is fast. If you don't, even a full-text search will not help you find the right precedent. And even if you find the "precedents," unless the original author is still a member of the firm, you may not fully understand the context in which the precedent was created.

This "treasure trove" of talent and knowledge can be harnessed into document assembly systems that produce near-perfect drafts of complex documents in minutes rather than hours, enabling junior attorneys and paralegals to produce high quality documents that require minimal review. Multiple precedents can be welded together into super-precedents that represent best practices in a wide range of scenarios. Such super-precedents can be built into automated documents using tools like HotDocs, XpressDox, ContractExpress, and Exari. Properly nurtured, these systems can grow into living systems that are far greater than the sum of their parts.

In this issue of *BigLaw*, I'll explain how this process works using an AmLaw 100 client of mine as a concrete example.

The Typical Scenario at Large Firms

Recognizing the potential of document automation, many firms license one or more of the above products. They create a team of lawyers and put them to work designing "super-precedents." This is commendable, but many of these firms give up or build only partial systems. The systems they produce often save hours of time, but the results do not match the quality of custom-drafted agreements. Over time, these systems atrophy, and lawyers stop trusting the "automated-documents." The energy of the original creative effort withers — some members of the team leave the firm, while others return to their "billable" activities.

One such firm with multiple offices hired us about a year ago. Its estate planning department straddled several offices. Its own "Super-Precedent" system represented a merger of automation systems from different law firms.

One group had built a complex estate planning system using HotDocs that generated a pour over will, revocable trust, various health care directives, powers of attorney, letters, and memos. The system had gotten so complex that the firm had gone through a series of consultants, none of whom had been able to bring order to the system, or even keep it current.

A separate group in the firm had built an elaborate series of merge templates tied to an elaborate Excel spreadsheet. The spreadsheet was the product of hundreds of hours of work, the inner workings of which was only understood by a single senior associate.

And a third group had built a web portal to gather vital client data required for the estate plan, but not tied into anything.

Each system represented a world of detailed special knowledge. The 80+ merge templates carefully tracked the laws and appropriate language for nearly 30 states. The HotDocs estate planning system with 20+ templates had clause libraries for over a dozen different states. Most estate planning lawyers practice in one state yet here was a system that was working for a "service area" larger than that of Sprint/Nextel. These templates were "gold" — but gold that had tarnished and needed to be polished.

Enter the Bounty Hunter

As I said at the outset, I am a bounty hunter. For a fee, I will search through the trash heap and extract the treasure. For this client, there was plenty of treasure to be found. Lacking was a single unified estate planning system that was comprehensive and easy to maintain.

We started with a complete system health check, much as a doctor would start with a medical history and physical to check the "health of a patient." We needed to understand how the system currently worked or didn't work. This health check included:

• A Template Inventory. We inventoried several hundred pages of HotDocs and Word merge templates, hundreds of clauses and clause templates, and the nearly 1 MB Excel spreadsheet. We used a custom tool that we developed to show us in a report the structure of the HotDocs library to an Excel spreadsheet, including hyperlinks to each of the templates for custom review.

• A Code Inventory. HotDocs and Word merges use fields and conditional rules. A manual review of all these codes would take days. We use our own proprietary automated tool that gives us a complete report of all fillpoints and merge fields across an entire file directory in a matter of minutes.

• A HotDocs Component File Inventory. We examined the health of the HotDocs component files. We have yet another tool to read a HotDocs component file and generate a report with the complete dialog structure, variable properties, and even scripts and computations in a matter of seconds.

• A Word Style Inventory. We analyzed the templates, looking a placement of codes, use of sub-templates and clauses, and Word styles and paragraph numbering.

• A Visual Basic Code Inventory. Finally, we took apart the Excel spreadsheet, opening up the backend coding in Visual Studio and added "documentation" to explain what each code and function does.

There was a lot to work with, but also an immense amount of work to do.

Earning Our Bounty

The first challenge was redesigning the HotDocs interview for the estate plan. We set about converting the disparate questions into a cohesive interview that started with client intake, proceeded to attorney preferences, and then to document-specific questions carefully grouped and made more visually pleasing to the eye.

Having reviewed and refined the interview with the attorneys, we turned to cleaning up the coding of the templates. Many variables were renamed to make them clearer. New variables were created, while other redundant variables were eliminated. Particularly densely coded sections were replaced with computations. Variable placement was reviewed. Repeat structures were implemented.

We removed replaced the clause libraries with INSERT templates, making them easier to edit. We audited all the paragraph numbering schemas and checked the cross-references, replacing hard-coded cross references with bookmark references so that as the template selections changed, the cross-references would change, and a table of contents would automatically generate.

Having finished our first pass with the HotDocs templates, we turned to the merge templates. In HotDocs, we replicated the complete functionality of the Excel spreadsheet, including all computations, picklists, and clause libraries. We tied these into the core estate plan interview. By creating computation equivalents to the existing merge fields, we were able to use an automated program to replace all the word merge fields with their equivalent HotDocs merge fields.

A further request concerned the creation of "mirror" documents for husband and wife. The wrinkle was how to make the "mirror" after the document had been assembled and then edited. We created a "party-switch" macro that could be triggered once the husband's will was finalized. This macro switched all references to the husband to the spouse, including pronoun and possessive references.

The final phase was to tie in the web portal the firm had developed to gather data on clients, their families, and their eligible fiduciaries. The firm had built two custom database views, one that indexed the estate planning matters, and another that listed all the people on file. Using the HotDocs database connection, we were able to poll this system and extract comprehensive party contact information on the "selected file." This eliminated double-entry of data and also enabled the firm to use more accurate, up to date information in the estate plan.

A pilot group of the firm got to test the system as we worked. Feedback was sent via email to a web help desk ticket tracking system we built. We conducted weekly reviews of open tickets, and held meetings until the pilot group was satisfied that the system could be rolled out to the entire estate planning department.

The Work That Remains

After almost 15 years in the industry, I've learned that no good document assembly system is ever truly complete — a good document assembly system should become organic to the firm and grow with its needs as well as the changes in the law. This is not to say that the system we rebuilt for this firm doesn't produce high quality estate plans in minutes. Rather, as most lawyers try to make the next legal document better than the previous, so we strive to continually make the HotDocs system better, more flexible, more comprehensive and easier to user. It is also important that a firm should be able to maintain and improve a well constructed document assembly system on its own.

As part of this process, I conducted a three-day training workshop on-site. This boot camp started with HotDocs design fundamentals, and proceeded to variable creation, dialog design, template structure, coding and computations. At the end, the firm understood both the work required to build and maintain the system, as well as the potential benefits of a properly designed system. Thanks to the training, many of the changes are now made internally with our involvement limited to special projects.

Having collected our bounty, we are off to help other large law firms find their hidden treasures, and transform them to their full golden luster.

Click Here if You Liked This Article | Respond to This Article

HotDocs guru and document assembly specialist Seth Rowland has been building document workflow automation solutions since 1996 through Basha Systems, the consultancy he founded. He also helps law firms implement practice management systems. Previously, he cut his teeth as a litigator at Cravath, Swaine & Moore and Kramer Levin. Seth won the TechnoLawyer Consultant of the Year @ Award for his achievements in the areas of legal practice management and document assembly. If you need help with an automation or practice management project, contact Seth.

Contact Seth:
(800) 725-0326
sgr@bashasys.com
www.bashasys.com

60 Apps in 60 Minutes: The 2012 Edition

This past Saturday morning at ABA TECHSHOW in Chicago, Josh Barrett, Brett Burney and I presented the 2012 installment of 60 Apps in 60 Minutes. We highlighted some of the best new apps for attorneys as well as old favorites that cannot live without, plus a few others just for fun. Here is a list of the apps that we discussed this year.… I think that you will find that this is a good, diverse list of apps for you to explore.… I created a short live demonstration of that last app, Action Movie FX, during our presentation. Here is that video. For those of you who attended, you can see yourself being crushed by a helicopter.…

Continue Reading the *BigLaw* Pick of the Week …

Back to Top

About BigLaw
Given the fragmentation in the legal industry, the world's largest law firms

have achieved unprecedented success for which they don't receive enough credit. Given the size of the global economy, these firms still have tremendous growth potential. Written by large firm insiders, corporate counsel, and other industry experts, this newsletter unearths best practices in leadership, marketing, strategy, and technology to help large law firms (and midsize firms with growth aspirations) succeed on an even grander scale. Published every Tuesday. Your friends and colleagues can subscribe here.

Did you receive this newsletter from a friend or colleague?
If so, join TechnoLawyer, and sign up for your own FREE subscription today at: www.technolawyer.com

Eighth Floor
New York, NY 10007