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# A Systemic Approach to Legal Document Automation Part 1: Building Technology Bridges

By Seth Rowland

## INTRODUCTION

The economy is in a tailspin; profits per partner are down; and the New York Times is reporting layoffs in the legal market. Is now the time to cut corners and stop innovating?

No!

Now is the best time for lawyers to redouble their automation initiatives. Document automation is the art of doing more with less (more work in less time) — with the potential of leveraging higher profits out of a shrinking staff. The best cost-cutting initiative is an investment in document automation.

The chairman of the Association of Corporate Counsel, Ivan K. Fong, was recently quoted in the New York Times, saying: “Rather than having hourly rates, we are increasingly negotiating flat fees or fixed fees, or success fees” ([Law Firms Feel Strain of Layoffs and Cutbacks](#), *NY Times*, 11/11/2008). This is great news for lawyers who invest in automation.

Legal competition on the basis of fixed fees for “deliverables” rather than hourly rates, a practice which has been prevalent in the solo and small firm market, is reaching up to the AmLaw 100. These new client expectations challenge the business model of “elite firms” that leverage the hourly labors of talented lawyers.

For over a decade, I have preached that with document automation, firms can leverage legal talent with multiples that far exceed that of hourly billing. Many of you have taken up the challenge, some with mixed success. The failure to achieve the nirvana of automation often comes from choosing the wrong documents and assigning the wrong people to automate them. More often, this

result comes from taking a piecemeal approach: approaching documents in isolation from each other, in isolation from the potential sources of information used to create these documents, and in isolation from the workflow of servicing clients.

In the first part of this two-part series, I focus on a systemic approach to building an automation system. In the second part, I will make the business case for automation and demonstrate how automation can increase both the quality and the quantity of legal services delivered, resulting in lower costs and higher profits.

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## THE SYSTEMIC APPROACH TO DOCUMENT AUTOMATION

“No man is an island, entire of itself,” writes John Donne. No document exists in isolation. The document is part of a “system” whether it is automated, semi-automated, or non-automated. The “legal document,” in particular, emerges out of a client interaction wherein information is supplied, an assessment is made by the lawyer, and that client data, along with a legal judgment is used to create “a document” or “several documents” that serve the needs of the client and implement the judgment of the lawyer.

In too many cases, lawyers rely on several “islands of data.” Email and voicemail systems like [Outlook](#),

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[Thunderbird](#), and Webmail capture client requests and communications. Case Management systems like [Time Matters](#), [PracticeMaster](#), [Amicus Attorney](#), and [AbacusLaw](#) profile facts about the client and the “matter” as well as notes about the file. Template systems like [HotDocs](#), [DealBuilder](#), [Q-Shift](#), [Pathagoras](#), and [Exari](#) capture details in “interview questions” about individual documents.

These islands of data should overlap. Redundant and often inconsistent information may be entered into these islands resulting in “lost time” on data entry and on data-checking. Even within the “document assembly” island, there are islands. Templates are often developed one at a time and even assigned to different attorneys who take different approaches to the interview and automation. To produce a single “set of documents,” one often has to go through several interviews, answering the same questions.

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The solution is to build bridges to enable the data to flow between the islands. And for each bridge, you need a “road” or path for the data to flow in each island, lest you risk building a “bridge to nowhere.”

### **BUILDING BRIDGES**

The software is out there. Automating a template has never been easier. Tools like Pathagoras enable you to put favorite clauses in a folder hierarchy and square-bracket notation to denote variables.

DealBuilder, made by Business Integrity, pioneered the use of a sophisticated relevance engine that reads a template, and dynamically builds the interview based on the template markup; no additional coding is required.

HotDocs, made by LexisNexis, recently built an option for the developer to enable the software to determine the relevance of questions based on the coding in the template to be assembled. Its new “Document Modeler” enables that author to dispense completely with the “component file” and build an interview entirely based on document markup.

To build a bridge, you need to identify what information you need and where that information can be found. Follow the basic steps below.

#### *1. Identify Groups of Documents That May Be Created as a Set.*

In litigation, one might produce a summons with a complaint, and affidavits of service; or a motion, notice of motion, brief, supporting affidavits, and affidavits of service. In estate planning, a will might be created along with a trust, power of attorney, and healthcare directive. In banking, one might produce a loan, a note, guaranties, and indemnities at the same time.

#### *2. Review the Set of Documents and Identify the “Core Information” Used By All or Many of the Documents in the Set.*

Group the information into topics. Use a spreadsheet to map out your variable requirements at this design phase. [Excel](#) is a great development tool. MindManager, a visual outline from [Mindjet](#) is helpful with visualizing the workflow and data flow. This review process will often lead to improved documents as you identify inconsistencies in the way you handle the same information.

#### *3. Understand Your Own Decision-Making.*

Form a committee to review the documents from a systemic perspective. Bring together teams from multiple offices using Web meeting technology like [GoToMeeting](#). With this technology, you can issue an invitation to several attorneys to join you to review documents on your desktop and dial into a free teleconference number.

#### *4. Build a Core Interview for the System.*

Most document assembly software enables the user to develop “Interview Only” templates used to

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gather information for the case file. Build the core interview. Simply using these core variables in all the templates will speed development time and lead to greater efficiency and quality control. Save and reuse your answer files. When the time comes to “assemble” the documents, you will find that many of the questions are already answered. You can also use the core interview to determine which documents are required. HotDocs and DealBuilder enable you to send multiple documents to an assembly queue from a single interview.

#### *5. Identify Sources of Data That Can Be Used in the Core Interview.*

At the very least, contact data (names, addresses, phone, and email) is also found in contact management and practice management software. HotDocs’ answer source integration enables the user to select contact records from Time Matters or Outlook and bring in the data. Your practice management system has a wealth of data about your clients and matters that can be tapped. You may also have custom databases or spreadsheets that contain data that could be used to “feed” the assembly process.

#### *6. Customize Your Practice Management System.*

Most practice management systems provide customization of contact and matter forms. Review your “core variables” and identify those which could be added to a client and matter intake process in your practice management system. Time Matters recently added a new customizable record type called “User Defined Records.” Amicus Attorney now has “Custom Records” with unlimited number of fields. PracticeMaster has “Area of Practice” forms.

#### *7. Time to Build the Bridge.*

How you build the bridge will depend on the data source and the document assembly engine. Return to your spreadsheet of core variables for document assembly. Add a column for the matching table and variable in your data source. There are two approaches: push and pull. In a “push,” you go to the data source and use its mapping utility to push the data from the database into an answer file and then launch the template(s) for

assembly. In the “pull,” you register the database source in your document assembly program. And during the assembly, you select a record or collection of records from the database and the data is pulled into the assembly.

#### *8. Bridge to the Client.*

Up to this point, all of the work was internal to the law firm office and staff. The client is your best direct source of information, so bring them into the process.

Start with creating fillable Acrobat PDF files and posting them on your Web site or email them to clients and prospects. With a little more effort, you can host Web-forms on your firm’s Web site that post to an internal database; great for marketing. With more money, interview templates can be hosted on a HotDocs, DealBuilder, or Exari Server built into a law firm Web site and used to gather accurate data directly from the client.

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Alternatively, a lawyer could meet with the client on-site, and remotely access his or her computer using [Microsoft Remote Desktop](#) or a tool like [GoToMyPC](#). During the meeting the lawyer could run the core interview or enter data directly into the Practice Management system.

#### **CONCLUSION: MEASURING RESULTS**

Unlike the famous “Bridge to Nowhere,” the bridges suggested above will produce measurable gains for your law practice. They will result in more productive staff, working together like a team. You will eliminate redundant data entry, and produce quality documents faster. Each template you add to the system will be easier to code since it will build on previous templates.

An ounce of foresight is worth a pound of cure. These efforts require time, thought, and money.

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And so, the next article will build the business case for document automation.

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#### **ABOUT THE AUTHOR**

Recovered attorney Seth Rowland was named TechnoLawyer Consultant of the Year in 2002 for his contributions to TechnoLawyer on the subject of document assembly and law practice automation. He is a nationally known technologist whose company, [Basha Systems](#), has helped many

law firms and content providers build document assembly applications for both internal use and for resale. Please feel free to [visit his blog](#) for the latest on document assembly or the [video tours page](#) to see what such a system can look like. Basha Systems currently offers document assembly consulting services in HotDocs, DealBuilder, and GhostFill, with integrations to Time Matters, Amicus Attorney, and Access/SQL.

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