From Pen to Word Processor to Automated Template

A Document Assembly Primer

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When Eward Bulwer-Lytton wrote, in 1839, that "The pen is mightier than the sword," he might not have been referring directly to lawyers but he should have been. Since time immemorial, lawyers have used the power of the pen to vanquish their client's enemies (or at least document their settlement agreements). The pen lasted until the advent of the typewriter.

Today, modern lawyers use computers to "word-process" their documents. The move to word processing revolutionized the look and feel of legal documents and law firms made substantial gains in productivity. Computers are very effective at producing "words" in great volume.

While word-processors are very effective at making documents look professional, they lack the ability to decide which words are the most effective, or to recognize patterns in the way a lawyer drafts documents.

Enter stage right, the next step in intelligent legal document production -- the automated document template. Document assembly turns documents into templates with optional language and variables. Through standardized templates, alternate language, and clear business rules, lawyers gain the ability to safeguard the quality of their legal workproduct. Answer a series of questions; push a button; and out comes a carefully crafted document.

Document Assembly software comes in two flavors: buy or build.

Expertise For Sale

Today there are more pre-crafted legal document assembly systems for sale than ever before. You can buy a canned document assembly system from LexisNexis, West Publishing, BlumbergExcelsior, my company, Basha Systems, Interactive Legal Systems or a number of other content publishers.

These systems can give you a complete set of estate planning forms, state specific probate forms, family law documents, or real estate forms. You will get the benefit of the expertise of other lawyers embodied in both the words of the documents as well as the logic that drives the document assembly system.

With each of these systems, you will be able to select a document, answer a series of questions, and produce a complete, ready-to-use document in under 15 minutes.

Some of these systems will allow you to alter the underlying templates to apply some of your own language to the forms. However, the reason for purchasing is both the productivity gain, as well as the ability to use the expertise of the content authors in your legal practice.

The main advantage of these pre-built systems is "out of the box" gratification. Install them and away you go. The disadvantage, of course, is that you are largely limited to the content provided in the format provided. If you are a very particular lawyer or very attached to your own work product developed over years of

practice, pre-canned templates may not work for you.

Build Your Own (DIY)

Whether for pride of ownership or "integrity" or "marketing", some lawyers will choose to build their own automated templates.

Such "do it yourself" (DIY) has the benefit of using your own words, your own rules, and your own intake forms. Like building a house, you get exactly what you want, within your budget and your time frame.

You can use desktop tools like **HotDocs®**(http://www.hotdocs.com), which is the market leader. **HotDocs 2008®** includes a "model document" toolbar that lets you automate a document by simply marking up an existing document with an easy-to-remember syntax. **Pathagoras®** (http://www.pathagoras.com) is a simple Word based system that is an example of a "clause-based" document assembly system. **Pathagoras®** is easier to program than **HotDocs®** but it is basically a knowledge base of pre-built clauses that can be mined and inserted by the attorney. **D3®** (http://www.microsystems.com/d3) from Microsystem is an enterprise-level clause manager. More and more document assembly is moving to Web based solutions. **DealBuilder®** (http://www.business-integrity.com), with its simplified document markup and a **Lexicon®** feature that enables multi-language prompts, would be useful to attorneys with an international practice. There are also hosted solutions like **qShift®** (http://www.ixio.com) and **DocsEngine®** (http://www.accudraft.com/products/de_main.asp).

A word of caution: While the tools have gotten much easier to use, the DIY approach requires substantial amount of time to produce results equivalent to purchased forms.

Whether you buy or build, there is no question about the value of document assembly tools. Processes that took hours now take minutes. Document Assembly is the future of legal document production – the modern attorney should not ask "why" but "how" – and he should ask it soon – before he becomes as antiquated as Edward Bulwer-Lytton's pen.