

The Legal Profession of the Future

by Michael Paterson

Document Assembly Systems and Practice Systems are the future of the legal profession. Those firms and lawyers that fail to adopt them will be left languishing. These systems do not change what lawyers do; instead they provide an easier, more productive and more efficient path for lawyers to achieve the same results that are currently achieved.

What are These Systems?

Document Assembly Systems systematise the assembly of documents. They are tools that help gather information and quickly produce good first draft documents from that information. They do not necessarily alleviate the need for review of the documents by a solicitor because no system is perfect.

Practice Systems systematise the processing of entire legal transactions. They incorporate a document assembly system to produce all the required documents. They also provide checklists of the steps to be taken to process the transaction. Like document assembly systems, they cannot be followed blindly and output from the system must be carefully reviewed to ensure the transaction being processed is not beyond the scope of the system.

Benefits

The benefits that can be realised by implementing such systems include:

- (a) enhanced quality of documents and transaction processing;
- (b) faster turnaround from the time instructions are received to the time the documents are ready to

be sent or the transaction completed;

- (c) procedural knowledge is trapped for re-use, by persons other than the original expert, probably at a lower salary, giving greater leverage; and
- (d) use as teaching aids for novices in the area.

Document Assembly Systems are not just for simple legal forms. It is possible to model sophisticated documents with many variations, e.g. leases, security documents, such that 80-90% of all possible documents of that type can be produced with the system. A document assembly system involves having a collection of related blocks of text. Some will be used every time. Others will only be used in certain circumstances. Ideally, the blocks of text are annotated with the information about why and when they are used. A system is needed to gather information about which blocks of text are required. This is 'structural information' because it governs the structure of the finished document. Various facts and figures usually need to be inserted in the document. This information is the 'factual data'.

The previous paragraph describes a precedent quite different from the traditional precedent which is typically a document that has been used in another matter and may or may not have been sanitised to remove the references to particular parties. Although very experienced at producing an analysing legal documents, most lawyers are not experienced with the processes of analysis required to produce a document

model. Lawyers may find the American Bar Association publication 'How to Create-A-System for the Law Office' useful. It first appeared in 1975 and is still being published. This was well before the existence of the modern computer. The modern computer can add the icing to the system cake.

Levels of Automation

The basic functions of the most basic of word processing packages are enough to put together a useful system. One needs to store the different blocks of text in a form that can easily be accessed to build up the documents when they are required and then complete text blocks with factual data as required. This manual system requires an operator to intervene at every point that is affected by an item of structural information of factual data.

Modern word processing packages are very sophisticated and offer a higher level of automation through the use of 'macros'. Further productivity gains can be achieved by removing the need for operator intervention at every point by using some of these features of the word processing packages. The cost is added complexity but if done properly, there is not much pain or extra training required.

The next stage is a fully automated system. The main advantage of automated systems stems from the fact that structural information can affect a number of parts of a document and a number of documents within a transaction model and factual data, such as the names of the parties and land descriptions, are repeated in documents and in suites

of related documents. An automated system asks for the information and data only once and makes all the structural changes and all the necessary insertions automatically. This also helps prevent errors and makes corrections easier. In addition, only the relevant questions, out of potentially many, are presented to the user of the system. This alleviates the need for wading through a lot of possibly irrelevant questions. In a practice system, only the relevant steps of the transaction are shown. Document Assembly and Practice Systems software packages also usually provide tools to assist with the document and transaction modelling tasks.

This brings me to a common question: is it necessary to buy similar packages to those which large law firms use, for example *Workform* which retails for between \$80,000 and \$100,000?

My own experience is that automation of itself does not produce all of the benefits; rather it is the systemisation.

Most lawyers have a system for processing transactions. However, the systems are not always highly organised and streamlined. Automation of the production of documents forces the development of a highly organised and streamlined system and the firms that have purchased document assembly and practice system software packages have achieved productivity gains because the packages force them to create organised systems. I suggest productivity gains can be achieved with highly organised, streamlined manual systems without investing too heavily in software packages.

Benefits from Automation

Automation of the processing of

transactions has the potential to put the lawyer in control of document production. A computer literate lawyer can manage with fewer typing staff, needs less office space and pays less in salaries, yet not waste his or her valuable time. I operate in a small practice with one partner. We each have a computer and computerised tools to help us and we compete with larger firms because we can respond quickly with our legal documentation. We employ one person as a receptionist/clerk. She cannot type! As a result, our overheads are very low, between 20% and 25% of gross fees. This is the future of the legal practice in the electronic age.

Lawyers will not realise the full potential without becoming computer literate and becoming familiar with computers and document and transaction modelling techniques. There are few consultants with the necessary expertise that can be hired to do the job for you. You must crawl before you walk, and walk before you run, and so I recommend making an investment in your firm's future by taking the following incremental approach:

- (a) Start by becoming familiar with computers.
- (b) Next, experiment with highly organised and streamlined manual systems. The principles of document modelling are much the same whether you are implementing manual or automated systems. Unfortunately there is little literature explaining how to go about it, but you will manage by trial and error. You will soon become familiar with what is required.
- (c) Having experimented with manual systems, it will become clear that the document assembly process can be enhanced by


adding some semi-automation with the facilities in your word processing package. This can be implemented in stages as you become more familiar with the concepts.

- (d) Move to automated systems and start taking control of document production once you appreciate the concepts.

Conclusion

A new era is dawning which will see the advent of more sophisticated document modelling tools to help construct document assembly and practice systems. 'Off the shelf' packages will become available for common transactions such as sale and purchase of land, company liquidations, standard charges over company assets, Supreme Court litigation (standard parts of all the court forms can be produced by the system), amongst others.

The document assembly and practice systems will more than likely be based upon graphical user interfaces. (*Windows* or *MacIntosh* type interfaces) for easier use by lawyers. Computer literate lawyers will be able to realise potential productivity gains to the fullest. Before too long, I predict lawyers will need to be computer literate to compete effectively.

The character of legal practice is changing. Change with it or perish. 

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