

TIME TO REVISIT DOCUMENT ASSEMBLY?

First generation Document Assembly: too hard

First generation document assembly was tried by many law firms in the '90s. These initiatives are languishing unused and unloved. As a result, many law firm partners have a jaundiced view of document assembly, "we tried it and it didn't work".

Most of these products require template authors to express their legal intent in a computer notation and structure that is different from how lawyers intuitively express that intent. The differences are profound enough to require highly skilled, specialist programmers to program templates that are over-engineered.

The differences between how lawyers think and how these products require programmers to think is the cause of frustration, loss of trust, the need for extensive legal testing and rework, and long periods of time to get templates working.

And since legal templates are regularly updated to reflect changes in the law and "market" position, these excessive delays meant that updates often needed to be applied before a previous cycle of programming and testing had been completed – causing further frustration, cost, and delay.

Programming-heavy products could be made to initially work, but it was just too hard for most firms to keep it working. Partners lost interest and projects languished and died. Hence: "we tried it and it didn't work".

First generation Document Assembly: too early

Until the financial crisis of 2008, most law firms were only too happy to bill out their inefficiencies, and most clients didn't feel the pain enough to offer more than token resistance.

A major exception was in commercial financial services, particularly in London. The standardization created by the Loan Market Association meant that iBanks could shop around for commercial loan agreements. Cost and speed became the differentiator. The large financial law firms adopted document assembly out of competitive necessity, and the attraction of increasing partner profits in a fixed price market by reducing costs.

But for most firms, document assembly was at odds with the billable hour. Document assembly not only meant less billable hours, but, as a "double whammy", required otherwise high billing lawyers to take time out to work on template automation. To avoid further worsening the economics by charging for the technology, first-generation product vendors were often forced to license the technology for next to nothing, and instead to rely on consulting revenues from template programming. And the reason why on the surface first-generation products appear cheap compared to newer document assembly products.

" Until the financial crisis of 2008, most law firms were only too happy to bill out their inefficiencies "

Why the renewed interest?

As the private equity investors say: "fear and greed":

Fear that in the post-Lehman "new-norm" world of intense and unrelenting focus by corporations on costs, firms will lose their most valuable clients to competitor firms able to offer a better service at lower cost.

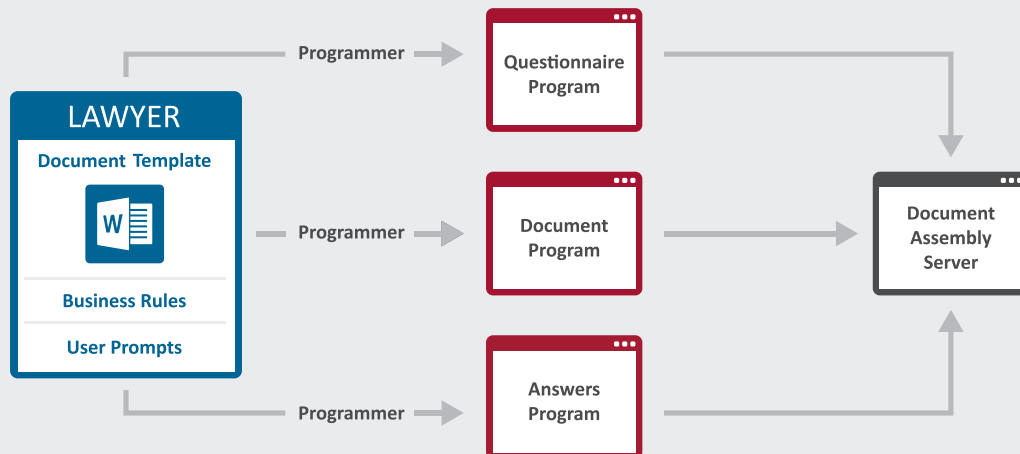
Greed that if document assembly can win new clients by offering a better service at lower cost while increasing the profitability of individual matters, then the resources freed up by automation can be used to increase total revenues and further increase partner profitability.

Second generation Document Assembly: it works

Business Integrity, now part of Thomson Reuters, transformed the viability of document assembly when it introduced Contract Express (previously "DealBuilder") in 2001. The world's leading law firms and corporations, recognizing the significance, rapidly adopted it.

Contract Express eliminates the need for programmers by automatically using the lawyer's mark-up in Word to determine the behaviour of the questionnaire and generated documents.

All other document assembly products



Contract Express



Eliminating programmers eliminates the miscommunication between lawyer and programmer, eliminates the cost and time required for programming, eliminates programming mistakes and the lawyers' fear of mistakes, puts the lawyer in control, increases trust, reduces the need for testing, reduces the time required to initially automate a template, and dramatically reduces the time required to apply updates. It's what makes document assembly work.

This capability is unique to Contract Express, is the subject of twelve granted US patents with more pending, and is the reason for the success of Contract Express in the increasing number of law firms using it to win new clients, retain key clients, and make more money. As examples:

Clifford Chance, one of the first firms to license Contract Express, identified the key differentiator of Contract Express at an early stage. With only a tiny central support group, Clifford Chance has automated over 800 of its model agreements from a wide range of practice areas, and representing roughly 40% of all transactional documents produced by the firm.

Wilson Sonsini uses Contract Express as the platform for its publicly accessible venture finance term sheet available for free on its web site as a marketing program to acquire new early stage entrepreneur clients on a public facing web site and increase efficiency and profitability by automating the drafting of a wide range of financing agreements for entrepreneurs and investors.

Allen & Overy replaced HotDocs with Contract Express in 2009. Using Contract Express, A&O has converted all its existing HotDocs templates. Crucially, they have been able to automate their credit agreement, one of the longest and most complex banking agreements in the world and one of A&O's "crown jewels". Prior to switching to Contract Express, automation of the credit agreement wasn't considered feasible.

Goodwin Proctor uses Contract Express to showcase the firm's expertise. The award winning Founders Workbench allows users to access the firm's expertise for free. Through completion of an online questionnaire users can generate the multiple documents required to form a Delaware C-Corp or single/multi-member LLC. Goodwin's offering is a way of

forming a relationship with the next 'big thing' while it is still small and unfunded and not yet able to afford the services of a large law firm.

Baker Donelson is using Contract Express for SharePoint to provide its large corporate clients with a self-service online contract creation service as part of an advanced "win-win" alternate fee arrangement ("AFA"). Clients generate as many "in scope" documents as they like, but as soon as the client's answers are out-of-scope (as determined by rules agreed with the client in advance), Contract Express automatically emails the client's request to the appropriate Baker Donelson lawyer for review. Everyone wins.

Littler Mendelson uses Contract Express as part of its award winning "CaseSmart" automated employment litigation management system that dramatically reduces the cost and improves the efficiency of handling large numbers of wage and hour litigation matters for large clients. CaseSmart has generated extensive publicity for Littler and has won it new clients.

Cooley was all set to use another document assembly vendor to provide a public facing online service to win new entrepreneurial clients. However, the original technology didn't work. In a very short period of time Cooley was able to get the service working using Contract Express. Part way through the project they saw the pre-release version of the mobile-first Contract Express 5. Within 24 hours Cooley had decided to switch the project to Contract Express 5. The result is freely visible at www.cooleygo.com and is now available internationally.

Davis Wright Tremaine won "Innovative Law Firm of the Year" award at ILTACON 2015 based on innovations including the client-extranet deployment of a Contract Express for SharePoint powered litigation automation solution to its large corporate clients in the Pacific Northwest.

"Contract Express eliminates the need for template programmers"

Addressing the sceptics: your clients believe in it

Despite the evident success firms are having with Contract Express, there are still sceptics who don't think document assembly will work for them. **Market trends indicate that the law firms' clients beg to differ.** Corporations using Contract Express to increase efficiencies and improve service to their businesses include Microsoft, Cisco, FedEx, Thermo Fisher, SolarCity, Dignity Health, Pure Storage, Triumph Aerostructures, Jenzabar to name a few.

Ask your clients if they would like to see initiatives to increase efficiency and improve the delivery of legal services. The enlightened ones may surprise you:

"Yes, but only if you make more money as a result".

Enhance your Knowledge Management strategy

- Firms using Contract Express are winning new business at the expense of firms that aren't.
- Firms using Contract Express are increasing revenues and partner profitability at the expense of firms that aren't.
- Contract Express is document assembly that works™. Ask yourself how you can make money using it before those who are still sceptical catch-up.

Try it for yourself

You can try Contract Express for yourself for free for 28 days. If you like what you see, you can continue piloting Contract Express on a month-by-month basis. If you still like what you see, you can convert to an annual license or subscription at any time. The legal templates you automate while trialling and piloting Contract Express will be directly usable in a production system. Based on the experience of other law firms it's unlikely your time will be wasted!

You can register for the 28-day free trial at contractexpress.com/free-trial

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