# MUCH ADO ABOUT DOCS

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The purpose of this article is to clarify some of the catchwords and phrases associated with our documents and the production thereof.  There is a fair amount of confusion relating to documents, and that is likely caused by a similarity of names and abundance of issues.  Let me try to reduce things to their basic and most understandable components, so that this article can be a launching board for diving into deeper waters, bolstered by a confidence of greater understanding of the concepts.

The first level of confusion often centers around the differences between document production, document management, and document assembly.  And while it used to be incredibly easy to define these as distinct activities and even products, nowadays it's just not that simple.  As integration increases, the lines of demarcation between products becomes rather fuzzy.

There has been a fair amount of dissemblement on the part of some vendors.  They seem to adopt some terms to describe their services which only confuse matters further.  For example, some companies which sell disbursement tracking systems often describe their systems as "document management" when disbursement management, or more properly, disbursement tracking, is more appropriate.  And that further confuses people trying to understand the above-mentioned terms.

Document production is, simply, word processing.  Nowadays that overwhelmingly means the use of Microsoft Word or Corel WordPerfect to produce a document.  From the initial opening of a blank screen, to copying and pasting information from various existing documents, to typing in new information, and perhaps even adding to the document by dictating using voice to text software, to the final "Save" and "Print" command, document production is the combination of any or all of these functions to produce a document.

Of course, for those of you who are savvy users of technology, you know that you can utilize case management or other software to merge information into a document.  By "assembling" such information from one or more sources into a

document, have we crossed over from simple document production into document assembly?  Many years ago this type of function would certainly have been considered document assembly.  But not anymore.

So what is document assembly?  Nowadays, it means a lot more than simply merging information from one program to another.  Document assembly today is more sophisticated than it used to be.  It actually leverages an attorney's intellectual capital by automating the decision making process an attorney goes through when building a document.

Full-fledged document assembly entails memorializing the building blocks of a document.  Then the attorney builds in the logic needed to select one block of text versus another.  Typically this is done based on an input questionnaire otherwise known as an intake screen.  Based on the completion of the input screen, the logic in the software will produce the first draft of the document, ready for attorney review.

As an example, an intake questionnaire for an initial set of loan documents would ask whether there was one or multiple borrowers.  Aside from changing singular to plural pronouns, there would be some other significant differences in paragraphs based just on this one answer.  Note how this is different from a merger, which would have only input names and addresses, amounts etc from a source, but not have had the effect of changing the actual language brought into the underlying document.

Document assembly packages seem to come and go.  Once in a while a new one will come upon the market which is very impressive.  But oftentimes they cannot gain market share quickly enough to keep them in business for the long haul.  And that's a shame for the few which have great potential.

Of course HotDocs (http://www.hotdocs.com/ ) has been around the longest of the current line of document assembly software, and has the widest name recognition.  In spite of the well-known book entitled "HotDocs in One Hour for Lawyers" it is not quite that simple to learn.  And expectations for use of any document assembly package should be likewise realistic.  Expect to spend many hours mastering the software.  However, you should also anticipate that the investment of your hours will inure to your benefit many times over.

Other products which have been around quite a long time include GhostFill (http://www.ghostfill.com/ghostfill.html).  I've always liked this product.  Pathagoras (http://www.pathagoras.com/) is designed to be one of the most

simplistic document assembly packages available.  And mention of document assembly cannot be made without a nod of the head to long-standing WinDraft (http://www.lawtech.com/windraft/), which describes itself as ". . . an 'electronic form book' that has the ability to 'think like a lawyer.'"

There is another product line which some confuse with document assembly; and that is forms software.  Again, there's a significant difference in functionality.  Think of forms software as the ability to take your own form, or that of some outside agency, and recreate it electronically so that you can fill in the blanks on the computer instead of on a typewriter.

Nowadays many firms use Adobe Acrobat (http://www.adobe.com/ ) to create their fill-in-the-blank electronic forms.  Let's not overlook OmniForm (http://www.nuance.com/omniform/) though, which has been serving this function for a longer period, and is highly regarded.

And if you're looking for a package of forms that are already made up for you, you probably want to take a look at something like the Quick & Easy (http://www.quickandeasy.com/ ) line of ready-made forms for various practice areas.   And other packages exist as well for specific practice areas, but on this area I digress a little too far from the main topic.  Do keep in mind, however, that I maintain a resource list of just about any kind of software you might seek.  So do be sure to contact me when you're looking for something specific.

We've discussed document production and document assembly.  Now onto document management.  First, what is it?  At it's most basic level, document management software is designed to index and organize your documents, to safeguard them from accidental deletion, and to make them easy to find based on criteria your firm sets.  Usually the ability to search for an existing document can use any combination of information including at least the following:

| Author name | Typist | Date created |
|---|---|---|
| Client name | Client number | Document name |
| Document type | Key words | Full text |

Having document management software enables a firm to more effectively reuse existing work product by taking away the "needle in a haystack" frustration that often prevents  attorneys or staff from locating prior work product.  It no longer becomes necessary to know where it was stored (e.g. in what folder) or what it was called in order to find it.  You don't even have to know which attorney drafted it to

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find it.  All you need is a few well-chosen words which match what is in the document itself or the profile, and within a few seconds you will have a returned "hit list" of documents, even if you have literally millions of documents on your system.

There are three major players in document management.  Worldox (http://www.worldox.com/) is usually the least expensive in initial cost, ongoing overhead, and has the shortest learning curve.  Next is Interwoven, formerly known as I-Manage,  (http://www.interwoven.com/) which is more expensive initially and in ongoing overhead, and has a steeper learning curve.  Interwoven has more bells and whistles, and some additional security abilities, which are not found in Worldox.  Finally, of the three major players we have Livelink, formerly known as Hummingbird, and before that Docs Open (http://www.hummingbird.com/products/index.html).  Livelink, at least when I knew it in its incarnation of Hummingbird, had the highest associated cost and ongoing overhead, and the steepest learning curve of all of the products.  It is a product that, in my opinion, is only required for the largest and most complex of law firms, with multiple offices and millions of documents.

Another product recently emerged which can serve the same purpose as document management for a solo or very small firm; desktop search tools such as Copernic (www.copernic.com) and X1 (www.x1.com).  These tools maintain a full-text index of virtually all types of files on any hard drive(s) you want, including network drives.  That includes emails, attachments to emails, MP3s, documents, PDFs, PowerPoints, spreadsheets etc.  In addition to finding the matches to a word or phrase literally as fast as you can type it, the results are displayed such that you can view the inside of virtually every type of document, with the search term(s) highlighted to show context, without opening the document.  It saves an amazing amount of time in discerning which is the correct document you are searching for.

Why wouldn't I recommend this software to everyone?  Simply because it will find literally everything that matches the search terms, regardless of whether you want it to be hidden from prying eyes or not.  If you have sensitive documents you do not wish staff or associates or others to see, and want to house them on your network where, for example, your other partners can find them but no one else, then you want document management software.  But if you're a solo or you and your partner have the software but not staff, desktop search will enable you to quickly and efficiently find everything you want in mere seconds, and save you a bundle of money you would otherwise pay for document management software.

By the way, just to throw another term at you, the document assembly, document management and desktop search engines are all sometimes referred to as **knowledge management**.   Usually by the vendors who sell them.   They are not, in and of themselves, knowledge management.  They are just individual tools which help a firm to achieve and improve knowledge management.  So what is knowledge management?  My definition is that it is the development of the governance and organizational structure necessary to nurture the people and systems that create, preserve, disseminate, protect, renew and deploy knowledge, and leverage it to the benefit of the organization's clients.

Let me end with some clarification about security issues related to documents.  If you have been hiding under a rock or recently awoke from a coma, you may not be aware of the dangers of hidden data in documents called meta data.  And lest you be misled by hype, understand that meta data can be found in both Microsoft and Corel documents.  If you require additional information as to the ills and cures, please don't hesitate to ask.  Because your lack of knowledge can be the cause of your undoing.  Both in terms of embarrassment, and more likely malpractice.

You also need to know about encryption and passwording of documents.  Both are security measures.  And you need to know about both.  You have probably been lax thus far about not using either methodology when transferring sensitive information to clients as email attachments.  Keep in mind that it is no longer required that someone abstain from reading a misdirected document.  Encrypting the attached document ensures that it cannot be read.  So does applying a password.  Although passwords are easier to "hack" than encryption, they are also much easier to apply.  So at the least, perhaps you and the client should agree on a single password to be applied to any documents which go back and forth as email attachment.  If you pick something 6 digits in length you can rest assured it will be secure enough to deter all but the most determined thief.  And unless there is a big economic motive to crack into the document in question, that level of security is all you will need.

While I'm at it, let me remind you that theft of your intellectual property is your highest risk, and occurs almost exclusively internally at the hands of your own employees.  For that reason document management can be a real benefit.  It can quickly reveal who has copied, deleted, or even printed what documents.  At one firm I managed, we were able to quickly produce a report for management showing

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that a soon-to-depart associate had copied virtually every form at the firm onto floppy disk, plus printed a hard copy.  He was forced to return everything, and attest in writing he kept no copies.

I stand ready to provide additional clarification, information, and even referrals to specific vendors who can assist further, as your needs dictate.  Don't let confusion keep you from using many of the tried-and-true tools available.  And don't take a vendor's word for it that they "have" document management.  Be sure you know what that means before you accept that their functionality fits the definition.

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