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Draft, edit docs in real time



HI-TECH

**LUIGI
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Drafting and editing legal documents in real time looks different when the co-authors aren't in the same room. Just ask Brock Smith.

"We log in through a secure portal using NetMeeting," says the Vancouver-based partner in the technology and IP group at Clark Wilson LLP, adding that participants also use phones since web connections sometimes choke voice traffic.

"We see the changes real-time," Smith continues. "It doesn't remove the need to get a copy after the call as for any other document you advise a client on, but you get a good feeling for what's coming on and you reduce the number of surprises when the next draft comes back."

Lawyers are discovering methods of document collaboration that don't involve travel to a designated location. Whether real-time (like NetMeeting) or asynchronous (such as wikis and document management systems), these methods enable legal teams to leave behind less efficient processes.

The asynchronous model may better support lawyers whose schedules don't jibe easily.

"In a law firm or department, documents flow in many directions... back and forth between parties in their drive to negotiate and finalize documents," says Darren Traub, the CIO of Markham-based Legalwise Outsourcing Inc.

Legalwise honed its grasp of this flow as it developed systems to shuttle documents from North American clients to lawyers in India and back.

The Legalwise setup offers security insights worth embedding in file management systems. All users, for instance, access the application and the documents it houses using secure Internet connections. "All of the documents remain on servers in datacentres

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Online document collaboration way of the future

Drafting

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in Canada,” explains Legalwise founder Gavin Birer. “Lawyers view documents remotely without the ability to change, copy, print, download or perform modifications to those documents.”

“We assign role-based permissions to our lawyers to restrict access to areas that they should not be in,” Birer adds.

Since security need not pose a concern, modern document collaboration systems attract increasing amounts of attention from lawyers due to the business challenges they enable firms to meet.

“We don’t have to delay meetings to the point where we can get everybody in the same room,” Smith points out. “It allows parties and counsel to bring their knowledge and positions together.”

“In large-scale transactions, everybody has a common goal,” Smith adds. “There’s pressure on lawyers today to get things done as quickly as possible.”

“Working in an online environment forces you to move away from paper,” says Birer. “If lawyers are in the same geographic location, they can still sit around a table and flip the pages

on a document. You don’t have that luxury if you’re remotely dispersed. You can’t rely on paper documents anymore. That speeds up the process in terms of searching, error-checking, document comparison and so forth.”

Smith offers a potentially contentious opinion: “You reduce the lag time using the old-fashioned way, circulating documents by e-mail,” he says.

“If you take a major, 100-page transaction document and circulate it to 15 people, every one of them will have comments,” Smith explains. “You will have 15 print-outs of a 100-page document and you get to figure out how to assimilate all those comments into a usable draft that can be circulated to everybody else.”

“Then you have 15 extra drafts of a document that you have to buy storage for.”

Omar Ha-Redeye, a University of Western Ontario law student, shares Smith’s point of view. “It’s all incredibly inefficient, especially in light of the technology we have today,” he says, adding that lawyers will need to better their productivity using such measures. “If they don’t, their competitors will,” he says.

Mark Rotman, president of Mississauga-based MessageWare Inc., points out another flaw with

e-mail. “If you use Outlook Web Access natively,” he says, “and you save a document to edit it by choosing ‘Open’ instead of ‘Save’ from the pop-up in a web browser, underneath the covers, the file is stored in the temporary cache area of the browser and it stays there.”

“If you walk away from the machine, even though you think you’re done with the document, it stays in the temporary files area and is visible to third parties.”

The drive to retain associates may also play a part in adopting modern document collaboration tools. “The majority of graduating lawyers are now female, and the majority of practising lawyers are not,” Ha-Redeye notes. “Legal practise is not conducive to having a family, picking up kids, dropping off kids and those types of responsibilities, which are not necessarily gender-specific but tend to be, given our history.”

Why haven’t modern collaboration tools permeated the legal industry? “Two perceptions seem to block adoption,” says Smith. “One is that the technology is complex, though I’m not so sure it is. All you’re really doing is logging into a common server where one person takes charge by loading a Word document.”

“Ultimately, you challenge the author to show off decent word-

processing skills,” he adds, chuckling.

The second perception: “The web is not as secure as sitting in a room with people around a table looking at paper on that table or an offline document projected on a wall,” Smith says.

Ha-Redeye believes that collaboration systems might strengthen groupthink in organizations as hierarchical as law firms. “They’re different from anonymous tools like Wikipedia,” he says. “People may be highly deferential to those higher in a hierarchy than they are.”

Document collaboration, by its nature, encourages input into documents, and that might not always be desirable. Smith offers the following example: “A company might have a standard form lease or a standard form software licence that it wants to put out, and if you put it on screen, you almost invite people to make changes when you might not want that,” he says.

Of course, there’s also aversion to change. “If something’s new, many people just dismiss it out of hand,” Smith says. “But you could hand pieces of paper or project a document onto the wall for people gathered in the same room. Online remote access is just the next step.” ■