

Collaborative Editing of Contracts & Litigation Documents

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by

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These slides: Collaborative editing + some DMS strategy

A final, settled legal document is seldom the work of a single lawyer. It will invariably reflect the input of the client and other parties. In larger firms, the partner will settle the work of an employee. In litigation scenarios, barristers may work on drafts prepared by law firms.

However, only one person can work on the document at a time.

Others have to wait, or work on copies. Copies mean someone has to merge the changes into a final document.

As the deadline looms, this process may have to be rushed, increasing the likelihood of a mistake.

It doesn't have to be this way. New tools are making it easy for people to work together on a single authoritative document.

Unless your system is
peer to peer,
collaboration implies
a server,
and a server
suggests a DMS.



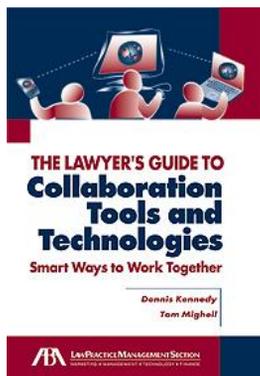
Law firms have long been demanding users of DMS

	2007 share	% change from 2006
Interwoven	43%	+2%
OpenText (Hummingbird)	29%	-4%

ILTA 2007 survey

But lawyers still want more ...

- Browser paradigm
- Collaboration - wikis
- The DMS is hard to use!
- Access from my ~~Blackberry~~ iPhone?



aka
**“Things you can’t
do with your
existing DMS”**

Its hard for the incumbents to deliver

- Juggling a portfolio of different products
 - Open Text
 - DOCS Open
 - DM 5.1.05, 5.2
 - DM 6.x
 - Next version: DMX
 - Interwoven (iManage)
 - Worksite 8
 - Worksite MP 5.0
- These mature products are built on old architectures, and are constrained by this

Not to mention 2 threats. One is open source.

- High quality open source software:
 1. Dramatically lower cost of sale, since customers self-select
 - Can afford to sell for less, so downward pressure on prices
 2. Fast release cycles
 - Supported by open development model
 - Strong architectural foundations
- Customers love it; they feel empowered

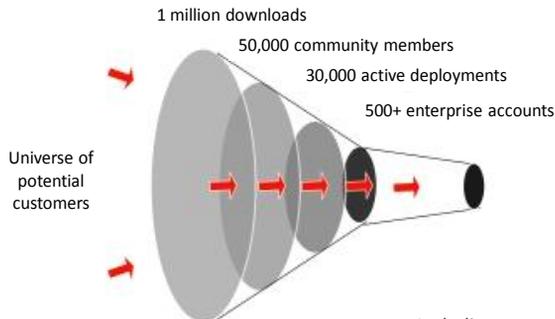
Alfresco case study

- Alfresco is DMS + WCM
- Launched 2005
- Development team from Documentum
- Their license is the GPL
- Subscription model
- Partners can't supply the free version



Disclosure: The software I will demo uses Alfresco as its DMS.

Open source model generates mind share and momentum



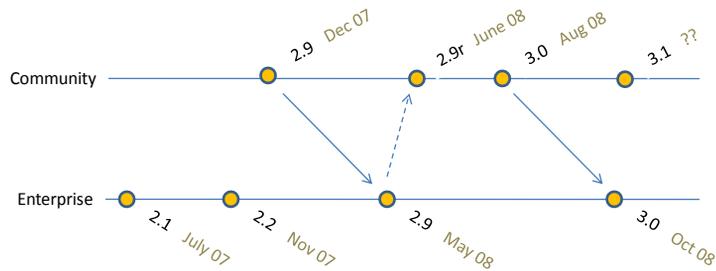
Including:

- Davis Polk & Wardwell
- Courts:
 - European Court of Justice
 - Federal Supreme Court, Switzerland (case study online)

Fast release cycles – Alfresco example

- New release every 6 months or so
- In the meantime, see the publicly accessible source (SVN)

Version	Date
1.0	2005
1.3, 1.4	June, Sept 2006
2.0	Feb 2007



The other threat is Sharepoint.

- Three options
 1. Sharepoint as portal
 2. Sharepoint as repository
 3. Sharepoint for both
- DMS vendors largely complicit as Microsoft positions Sharepoint as a user interface for their repositories.
 - Although Open Text's DM X Next Generation Desktop is recognition that whoever wins the desktop wins the war.

In summary, the incumbent DMS vendors face a bleak future

- Ferocious competition (Microsoft and open source), leading to:
 - Lower prices
 - Fewer customers
- Hard to compete on features:
 - Aging architectures make product development difficult
 - And there is less cash to throw at the problem
- Time to start planning for change?

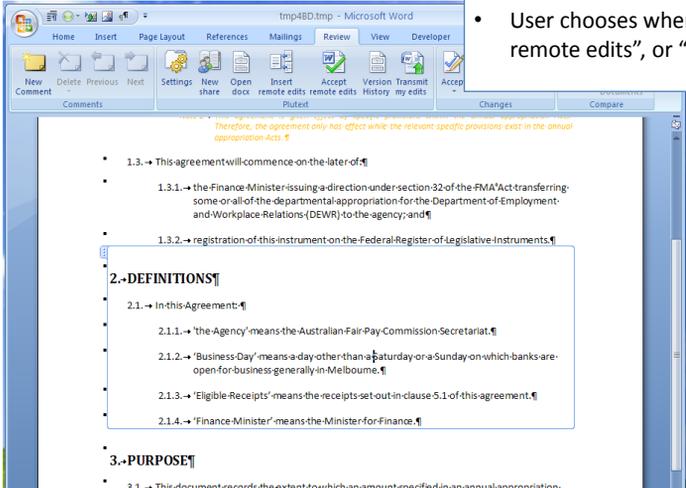
Medium term choice: Microsoft and/or open source

	Microsoft	Open source
Pro	<ul style="list-style-type: none"> • Trusted vendor • Integrated stack • Owner of key document format 	<ul style="list-style-type: none"> • High quality • Lower costs • Much faster development <ul style="list-style-type: none"> ◦ Easy to fix bugs • Easier to use IT as a competitive advantage
Con	<ul style="list-style-type: none"> • Very slow release cycles <ul style="list-style-type: none"> ◦ Hard to get bugs fixed • Licence fees significant over time • Hard as a customer to differentiate yourself • Sharepoint not yet proven in large scale legal 	<ul style="list-style-type: none"> • Perceived risk

Motivation for this work

- I've got a deadline, but the document is **locked!**
 - Big issue with all DMS
 - Interwoven even had to provide their customers with a “Checked-out doc” Support Toolkit
- Too many copies being emailed around
- We've got versioning in our DMS, but I have to do a compare to find out what has changed between versions
- How can I see the history of a single clause?
- Word and our wiki – never the twain shall meet?

Demo



The screenshot shows the Microsoft Word 2007 interface with the following content:

- Therefore, the agreement only has effect while the relevant specific provisions exist in the annual appropriation Acts.
- 1.3. → This agreement will commence on the later of:
 - 1.3.1. → the Finance Minister issuing a direction under section 32 of the FMA Act transferring some or all of the departmental appropriation for the Department of Employment and Workplace Relations (DEWR) to the agency; and
 - 1.3.2. → registration of this instrument on the Federal Register of Legislative Instruments.
- **2.-DEFINITIONS**
 - 2.1. → In this Agreement:
 - 2.1.1. → 'the Agency' means the Australian Fair Pay Commission Secretariat.
 - 2.1.2. → 'Business Day' means a day other than a Saturday or a Sunday on which banks are open for business generally in Melbourne.
 - 2.1.3. → 'Eligible Receipts' means the receipts set out in clause 5.1 of this agreement.
 - 2.1.4. → 'Finance Minister' means the Minister for Finance.
- **3.-PURPOSE**
 - 3.1. → This document records the extent to which an amount specified in an annual appropriation-

A callout box on the right side of the screenshot contains the following text:

- Word's content controls are the “unit of change” – in this case, a clause
- User chooses when to “Insert remote edits”, or “Transmit” theirs

Demo - History of a specific clause

Version 1.3 ¶

Date: Thu, 10-Jul-08 10:58 AM ¶

Checkin message: Definition of Business Day ¶

1. DEFINITIONS ¶

1.1. In this Agreement: ¶

1.1.1. 'the Agency' means the Australian Fair Pay Commission Secretariat Secretariat ¶

1.1.2. 'Business Day' means a day other than a Saturday or a Sunday on which banks are open for business generally in Melbourne. ¶

1.1.3. 'Eligible Receipts' means the receipts set out in clause 5.1 of this agreement. ¶

1.1.4. 'Finance Minister' means the Minister for Finance. ¶

Version 1.2 ¶

Date: Thu, 10-Jul-08 10:42 AM ¶

Checkin message: Added definition of Finance Minister ¶

2. DEFINITIONS ¶

2.1. In this Agreement: ¶

2.1.1. 'the Agency' means the Australian Fair Pay Commission Secretariat ¶

2.1.2. 'Eligible Receipts' means the receipts set out in clause 5.1 of this agreement. ¶

2.1.3. 'Finance Minister' means the Minister for Finance. ¶

Value proposition

- High value ***time-critical deadline-driven*** team work:
 - Contracts
 - Litigation
 .. where you can't afford to be told "locked" / checked out by someone else
 .. where you don't want to waste time stitching copies together and reconciling changes
- Easy to see how/why a clause has changed
- Familiar Microsoft Office client environment

When and how will Microsoft introduce this?

- Not yet certain that Microsoft will do this
 - Under the covers, a significant change to the very concept of a Word document
 - Requires significant server- and client- components
 - Still, its likely the user will just see a document (like Google Docs; unlike Plutext clause level versioning)
- But I'm assuming they will
- They are well positioned with two server-side hosts:
 - Office Live Workspace, and Sharepoint
 - Maybe not until Sharepoint 2009
- Unclear what the client will be
 - Probably Office 14
 - Which may re-write Word in C# ?



So, you can see 3 ways to get real-time collaboration

- Microsoft
 - Really? When?
 - Will require a Microsoft Server (Sharepoint or OLW)
 - Clause level versioning is unlikely
- SAAS vendors
 - Google Docs etc (see the Kennedy/Mighell book)
 - Maturing quickly, but:
 - Its not Word
 - Your documents are hosted on the Internet
- Plutext
 - On Alfresco, Q3 2008
 - Integrated with Open Text / Interwoven:
 - Whenever you like – use the source!
 - Pre-packaged by Plutext as demand dictates

Which of those will complement your vision?

- Clause level versioning
- Deal room integration, with dynamic views of document tailored for:
 - Law firm
 - Client
 - Other sidebased on clause-version approvals
- Roles
 - Limited editing for client and other side
- Status dashboard
- etc

Evaluation considerations

- User controls transmit/receipt of updates
- Remote changes are apparent to user
- Conflict handling
- Atomic versioning
- Support for tables, styles etc
- Works within familiar Word environment
- Support for Office Open XML file format
- Supports collaborators on OSX, Linux
- Roles (owner, editor, etc)
- Offline mode
- Peer to peer or server architecture
- Supports long documents
- Handles large updates (eg global search/replace)

References

- Plutext collaboration system, dev.plutext.org
- eSentio, “Future of DMS”, June 2008
- ILTA 2007 survey
- Lateral Minds (Alfresco’s Australian Partner), www.lateralminds.com.au
- Open Text Legal Solutions Group, “Product Direction”, ILTA Webinar, September 2007
- Kennedy & Mighell, “The Lawyer’s Guide to Collaboration Tools and Technologies”, 2008

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