

How BigLaw Is Using Writing Tools To Maximize Attys' Time

By **Sarah Martinson**

Law360 (November 14, 2022, 12:48 PM EST) -- As BigLaw firm salaries and rates increase, firms are adopting an array of legal writing tools to automate parts of drafting, editing and reviewing documents, freeing up attorneys for more high-value work.

Instead of attorneys spending hours reviewing their writing line by line for technical and grammatical errors, legal writing tools like BriefCatch, WordRake and Litera Check use complex algorithms to scan documents and identify errors within seconds or minutes.

Ross Guberman, a legal writing instructor and founder of BriefCatch, told Law360 Pulse that BigLaw clients are demanding that attorneys work smarter when they charge higher hourly rates.

"Everyone benefits when partners think strategically and analytically rather than comb through drafts for wording glitches," Guberman said.

How Firms Use BriefCatch

Guberman's BriefCatch is different from other legal writing tools in that it provides attorneys feedback on how they can improve their writing based on the legal opinions of Supreme Court justices.

Legal research is a huge part of what it means to litigate and overlooking cases is something that I think every [litigator] stays up late worrying that they've done.



Pablo Arredondo
Co-founder and chief innovation officer, Casetext

In addition, BriefCatch, which operates as a Microsoft Word add-in, scores users' writing on reader engagement, readability, flow, crispness and clarity, according to the company's website. Users can get up to 100 points in each of the five categories.

Guberman said he created BriefCatch because his legal writing workshop attendees expressed interest in a tool that captured and automated his advice.

"It was around 2017 when there were actually a lot of legal tech companies taking off, and I just decided to jump on the thing," said Guberman, who is also a former professor at George Washington University Law School and author of the legal writing book "Point Made: How to Write Like the Nation's Top Advocates."

Earlier this year, BriefCatch released a new version of its software that made the editing tool available to Mac users.

BriefCatch has a limited free version and a pro plan that costs \$29 per month or \$299 per year, according to its website. Prices for the company's enterprise plan are not listed online.

According to Guberman, BriefCatch is used by about 100 law firms, including Crowell & Moring LLP, White & Case LLP and Greenberg Traurig LLP.

Alma Asay, senior director of practice innovation and client value at Crowell & Moring, said the firm likes BriefCatch because it provides attorneys with "just in time training," or training when they need it.

"We want our lawyers to be the best writers they can be, but we can't be standing over everyone's shoulder in the moment when it matters," Asay said.

Before joining Crowell & Moring, Asay founded litigation management platform Allegory Law Inc., which was acquired by legal services provider Integreon in 2017 and then bought by legal software company Litera in 2020. Asay briefly worked at Integreon as chief innovation officer for legal solutions and at Litera as an evangelist.

Tammie Garner, chief legal performance officer at Jackson Lewis PC and a former legal writing professor at Boston University School of Law and Northeastern University School of Law, said the firm has two in-house legal writing coaches who teach associates how to use BriefCatch.

"Not only does [BriefCatch] actually improve [attorneys'] writing, but it helps them learn how to do it better next time," Garner said.

Asay and Garner said neither of their firms track attorneys' BriefCatch scores or use the scores to evaluate their work performances.

Raoul Cantero, a litigation partner at White & Case and former Florida Supreme Court justice, said that while his firm doesn't track attorneys' BriefCatch scores or use them for performance evaluations, he likes to check the scores of lawyers in his litigation group to make sure they are above 85.

"If scores are below 85, then the draft needs to be tightened up," Cantero said.

Garner noted that BriefCatch doesn't have a central dashboard where Jackson Lewis can track attorneys' scores or see if they are using the tool.

Asay said that earlier this year Crowell & Moring did an evaluation of its legal writing tools to figure out when each tool should be used by attorneys and paralegals. The tools that the firm evaluated are BriefCatch, Litera Litigation Companion and WordRake, she said.

Based on the evaluation, Crowell & Moring found that attorneys like that BriefCatch's suggestions appear in a side panel instead of in the body of a document like with Word's "track changes" function, Asay said.

"We had mixed reviews on the track changes in Word. Some people really liked it, and then other people didn't like it because it meant that they had to go through and specifically accept or reject the changes," she said.

Other Popular Writing Tools

Like BriefCatch, WordRake is a Word add-in that offers users editing suggestions and scores their writing, according to its website. Attorneys can use WordRake to edit for brevity, simplicity or both, and edits appear via track changes in a Word document and have to be accepted or rejected.

WordRake, which was launched in 2012, is not strictly for legal writing and is used by professional writers in other industries including education, finance, government, marketing and publishing, its website says. The tool has more than 35,000 editing algorithms, three times more than BriefCatch.

Ivy Grey, vice president of strategy and business development at WordRake and a former associate at Davis Wright Tremaine LLP, said legal writing tools address different stages in the document creation process.

WordRake is for substantive editing, while BriefCatch is for polishing a document and getting feedback, according to Grey.

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Ivy Grey
Vice president of strategy and business development, WordRake

"The tools work well in their given areas, but you're going to be really unhappy if you buy the tool for the wrong reason," Grey said.

Grey noted that WordRake's scoring feature, called Readability Statistics, is an improved version of Word's readability scores. WordRake added bar graphics and explanations to Word's readability scores to make the information more actionable.

Grey added that WordRake doesn't have a dashboard where law firms can see attorneys' readability scores because it doesn't track users' data.

WordRake costs \$17 per month or \$129 per year to use in Microsoft Word alone on Mac or Windows, and \$24 per month or \$199 per year to use in Microsoft Word and Outlook on Windows only, its website says. The company offers discounts for volume purchases or enterprise licensing.

Law firms that use WordRake include Perkins Coie LLP and intellectual property firms Knobbe Martens and Marshall Gerstein & Borun LLP, according to reviews on its website.

Law technology companies Casetext and Litera also offer legal writing tools that are used by many firms, but they don't score attorneys' writing.

Litera Check is a review tool available as a Word add-in that catches errors in formatting, citations, punctuation, defined terms and numbering, according to Litera evangelist Sherry Kappel.

Kappel said Litera Check, which is used by nearly 300 law firms, combines four tools that used to be available only as separate Word add-ins. It combines Litera's Best Authority, Litigation Companion, Contract Companion and DocXtools Companion into one tool.

Litera Check costs \$1,099 per individual license per year and comes with discounts when purchased in bulk or with other Litera products, according to Kappel.

Some firms that use Litera include K&L Gates LLP, Clifford Chance LLP, Baker McKenzie, Dentons, Seyfarth Shaw LLP, Linklaters LLP, DLA Piper, Bryan Cave Leighton Paisner LLP and Latham & Watkins LLP, the company's website says.

What law firms like about Litera Check is "how thorough the review is, and quick," Kappel said.

Casetext offers CARA AI, which helps attorneys check if they are missing any case law in their arguments, and Compose, which provides lawyers with writing templates for common court filings like motions for class certification, summary judgment or dismissal, according to its website.

Pablo Arredondo, co-founder and chief innovation officer at Casetext, said both tools are helpful for attorneys when they are in the drafting stage of legal writing. CARA AI can also be used to check if opposing counsel left out any relevant case law in their briefs.

"Legal research is a huge part of what it means to litigate and overlooking cases is something that I think every [litigator] stays up late worrying that they've done," Arredondo said.

Arredondo noted that law firms can purchase a license to use one or all of Casetext's tools. According to the company's website, a license for one of Compose's templates costs \$200 per month and a license for all 25 of its templates costs \$400 per month. Pricing for bulk purchases is not listed online.

CARA AI, released in 2017, is used by more than 40 large law firms and thousands of smaller firms, while Compose, released in 2019, is used by dozens of large firms and hundreds of smaller firms, according to Arredondo.

Some law firms that use Casetext include Sheppard Mullin Richter & Hampton LLP, Reed Smith LLP, Littler Mendelson PC, Squire Patton Boggs LLP, Bowman and Brooke LLP, Eversheds Sutherland and Ogletree Deakins Nash Smoak & Stewart PC.

Jackson Lewis' Garner said Compose is particularly helpful to get junior attorneys started on a legal document.

"You don't have to spend a ton of time initially researching the case law or how it might be structured within the document, but you still have to apply your knowledge and expertise as a lawyer," she said.

--Editing by Marygrace Anderson and Nicole Bleier.