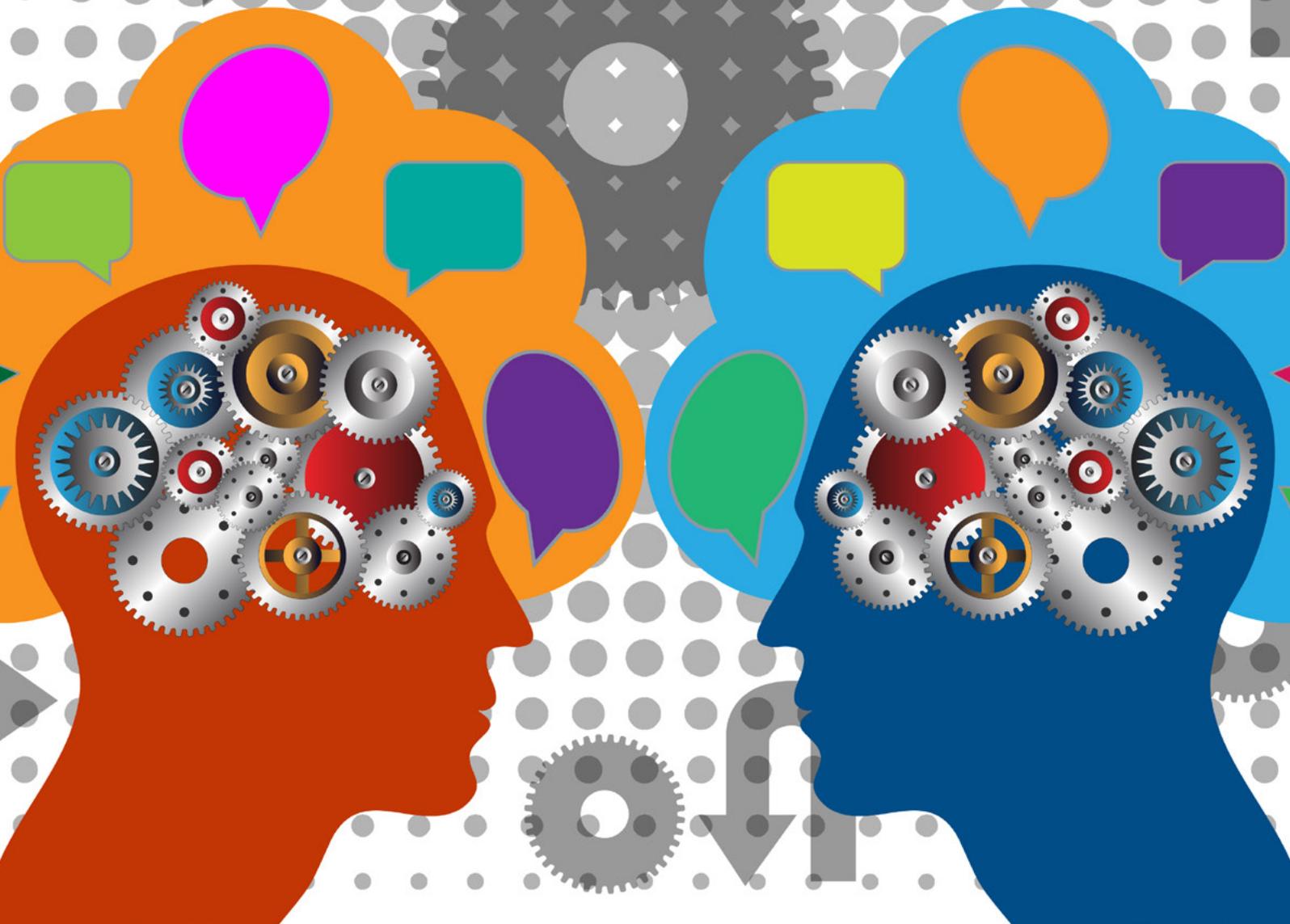History of Legal Word Processing

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The key word for the next decade will be 'anywhere'

BY LINDA SACKETT & ROBERTA GELB

Legal software developers will have to reinvent how their products work with Microsoft Word, argue Linda Sackett and Roberta Gelb in their history of word processing in legal

Where do you start an article about the history of word processing in legal? Goose quills and ink, printing presses and carbon paper have all played a role, but let's begin with the typewriter. All you Millennials who have only seen typewriters in movies, museums or on Mad Men, feel free to Google at will!

The typewriter made its debut in the early 20th century, allowing lawyers and their secretaries to type documents neatly. However, every time a mistake was made, a fresh sheet of paper was needed to start over. That all changed when Bette Nesmith Graham launched 'Mistake Out' in 1956. Later renamed 'Liquid Paper,' this was a paint-based product that enabled corrections to be made. It saved many documents from the trash bin.

The IBM Selectric Typewriter arrived in 1961 with self-correcting typewriter tape. In 1964, the company introduced the Magnetic Tape Selectric Typewriter and in 1969, the Magnetic Card (MagCard) Selectric Typewriter with various models ranging from $7,000-$11,000 throughout the 1970s. These featured electronic typing mechanisms and keyboards and a magnetic storage device (either tape in a cartridge or a magnetic-coated card) for recording, editing and replaying typed material.

'Memory typewriters were pivotal inventions in legal word processing because they stored data,' says Randi Mayes, executive director of the ILTA (International Legal Technology Association). 'Memory-based systems transformed document production in a law firm.'

The age of computing
While typewriters reigned, computers were evolving. Large organizations were using mainframe computers for bulk data processing as part of their accounting and word processing functions. The machines generated so much heat that dedicated word processing rooms had to be heavily air-conditioned. Word processing workers wore winter clothing all year round to keep warm.

In the early 1970s, cathode ray tube (CRT) display monitors like Lexitron and Vydec introduced pioneering word processing systems with display editing. The 70s also brought CRT-based centralized word processors like Wang, which had a main processor connected to dumb terminals with self-contained monitors and keyboards (called 'dumb' because they had no independent processing capability).

Wang's technology prompted the founding of what eventually became the ILTA. It was originally incorporated in 1985 as VSLUG, the VS Legal Users Group (serving law firms using the Wang VS computer). Another group supporting businesses for word processing in the 1970s and 80s was the International Word Processing Association (IWPA) with annual meetings called Syntopican. IWPA was formed in the early 70s but faded in the mid-80s when PCs (personal computers) arrived.

'For large firms, the arrival of Wang systems and their proprietary Wang word processing was a game-changer that revolutionized the document creation process,' says Mayes. 'Law firms began to realize the efficiencies of centralized document storage. Word processing moved from a back office function into the hands of everyone at the firm who wanted access.'

This transformed not only the process, but also the people. 'With training, lawyers could draft documents themselves,' Mayes adds. 'Word processing functions were often the most sophisticated application of techniques (paragraph numbering, Table of Contents, Table of Authorities, footnotes, etc.) and the entire scope of document production was a team effort, not the work of the individual.'

(based on the IBM DisplayWriter), WordStar, MultiMate (based on Wang) and WordPerfect, which still runs at some stalwart firms who refuse to give it up.

WordPerfect 5.1 came out in 1989 and became an instant favorite. The software did complex document formatting, desktop publishing and more. However, much to the chagrin of many legal users, WordPerfect did not hold onto its lead.

The arrival of Word
Microsoft released a DOS word processor for IBM PCs in 1983, but it really began to establish traction when it introduced its Windows operating system (OS) in 1989. As millions of DOS PC owners began converting to Windows, which included the use of a mouse, Word and Windows changed the whole complexion of legal word processing.

Windows paved the way for Word to take off, and WordPerfect for Windows was not as well received as its DOS predecessor. In the 1990s, Microsoft came to control more of the legal market than WordPerfect. It didn't help that WordPerfect was sold twice, first to Novell in 1994 and then to Corel in 1996. What mainly drove law firms to use Word instead of WordPerfect was that their corporate clients were using PCs and Word and they felt pressured to switch.

Despite its mouse-enabled navigation and commercial success, Microsoft Word's functionality was widely regarded as less user-friendly than WordPerfect's, leaving the door open for a host of legal application software vendors to step in. Dozens of third-party template and numbering packages came to life and many are still being actively utilized to this day.

Table of Authorities vendors, redlining and compare tools and document management systems were all built to extend Word's functionality. Legal software companies continue to flourish by doing just that – if you need proof, just walk around the exhibit halls at any ILTA or LegalTech event.

In the 1980s and 90s, Microsoft Word started with versions 1 and 2. Version 6 (in 1993) included autocorrect, which automatically corrected common typos such as 'teh' for 'the'. In 1997, Microsoft switched to a release-year naming scheme, giving rise to Word 97 through to 2016, the latest version of which was released in September 2015. Standouts were:

1. Word 2003 - very solid due to a two-year beta prior to its release;
2. Word 2007 - introduced 'the ribbon' which significantly changed the organization of the user interface; and
3. Word 2013 - major changes on the back-end as Microsoft moved toward a single version of Office (the software suite that includes Word) to run on multiple platforms.

Word 2016 doesn't seem to have made a major impact yet. The most interesting new feature may be real-time collaboration via SharePoint and OneDrive, allowing two or more users to work on the same document ▶

The best legal software has always embraced precedent while bringing in new efficiency and novel approaches to practicing law

Then the PC arrived. Several models were introduced in the 1970s and early 80s that were based on DOS (Disk Operating System), including the IBM PC, which made its debut in 1981 at the relatively affordable price of $1,565. PCs eventually made their way onto lawyers' desks.

Dozens of word processing packages were designed to run on early PCs. The most notable for legal word processors in those early days were DisplayWrite

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simultaneously. Perhaps more significant is the work that dozens of legal software vendors are currently undertaking to establish compatibility and support for the new version. Many vendors have already completed this.

What's next?
The ongoing sea change in legal word processing now is that it will become increasingly mobile. It's likely that Microsoft will continue to own the word processing space for legal. Both Microsoft and legal software suppliers will need to address how to deliver word processing and facilitate document creation, editing, and collaboration on any type of device, including laptops, tablets and smartphones.

With the advent of Office 365, a purely online delivery of the Microsoft Office suite, many of the add-in legal software products won't work the same way they did with desktop versions of Office.

Legal software developers will have to reinvent how their products work with Word. The keyword for the next decade will be 'anywhere'.

Certainly there are challenges to today's legal word processing, but what we have today is still a marked improvement over the quill pen, carbon-stained hands, freezing cold rooms and other regrettable conditions of yesteryear. However, some traditions are still with us. The Supreme Court Historical Society, for example, still lays out 20 goose-quill pens, neatly crossed, at the four counsel tables each day the US Supreme Court is in session – a practice maintained since its earliest sessions.

The best legal software has always embraced precedent (what worked from before) while bringing in new efficiency and novel approaches to practicing law. Don't be surprised when the judge who signs that commemorative document with a quill and ink suddenly reaches into her pocket to read a brief on her smartphone! ◢

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