

BACE LAW REPORT

LEGAL NEWSLETTER

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Legal Documents at the Click of a Mouse

We live in an increasingly “do it yourself” society. Huge home improvement warehouses allow homeowners to avoid hiring professionals and the expenses associated with renovation projects. The advent of the internet makes it possible to research any complex issue; instant answers are available even for health questions. Users can click through a list of symptoms, self-diagnose their health concern, and then institute their own course of treatment without ever consulting a physician. Similarly, a number of online sources allow users to purchase common estate planning documents or even incorporate a business - without ever consulting a licensed attorney. Why pay an attorney \$250 per hour, or \$500-1000 for a comprehensive estate plan, when a Will, Health Care Proxy, and Durable Power of Attorney can be printed out for \$150.00 at one popular site with the push of a button?

The answer may not be obvious, and critics often downplay the importance of hiring an attorney. However, a simple look at one of the

most popular legal document site’s Disclaimer should be sufficient to shock consumers into calling their attorney, and gladly paying the fee for their professional advice. The following are typical quotes from the Disclaimers of a number of popular legal document sites:

“PopularSite.com is not a law firm...”

“PopularSite.com does not practice law.”

“At no time do we review your answers for legal sufficiency, draw legal conclusions, provide legal advice or apply the law to the facts of your particular situation”

In comparison, Attorneys do review your estate, draw legal conclusions, and apply the law to the facts of your particular situation. Attorneys practice law; they utilize years of study and research, are obligated and bound by Rules of Professional Conduct, and are professionally responsible for your matter.

“This website is not a substitute for the advice of an attorney.”

“...the legal information on this site is not legal advice and is not guaranteed to be correct, complete or up-to-date...”

The information you receive from your attorney must be correct, and up-to-date. The law is fluid and dynamic, constantly changing.

Lawyers are required to stay abreast of these

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changes. By hiring a competent attorney, you are in essence guaranteed that the legal advice you receive will be current and complete. Lawyers can be subjected to disciplinary proceedings, disbarment, and even civil malpractice liability in the event that they engage in issuing incorrect advice.

“The law is different from jurisdiction to jurisdiction, and is also subject to interpretation by different courts. The law is a personal matter, and no general information or legal tool like the kind *PopularSite.com* provides can fit every circumstance”

“*PopularSite.com* is not responsible for any loss,...whether from errors or omissions...In short, your use of the site is at your own risk.”

As stated above, Attorneys are responsible for the errors and omissions in their legal work. Estate planning in particular varies tremendously from state to state. Generally, there is no document which can be legally operative in all fifty states.

Some of the most popular legal document do-it-yourself sites admittedly provide no legal consultation. Admittedly, their documents are not guaranteed to be up-to-date, complete, or even *legally operative*. The sites disclaim all liability for errors or omissions. The sites admit that each individual's facts and circumstances are different, require individual attention and analysis, yet they

provide a cookie-cutter document for purchase.

The sites admit that the law can vary greatly from state to state, and that the documents are only provided for *general information*.

The old adage, “You get what you pay for,” appears to still ring true.

Purchasing legal documents from an online do-it-yourself source is inadvisable. The only guarantee is that you will save money. There is a real possibility that you are purchasing documents that are potentially legally inoperative, unguaranteed, or out-of-date; the documents can contain errors, omissions, and incorrect interpretations of the law in your jurisdiction.

The best advice, as always, is to consult your attorney. Based on the language in many of the popular sites' Disclaimers, there are no guarantees as to the accuracy of their products. Estate planning documents, corporation formation, and other legal work is legal work for a reason. The document which gives another individual the powerful legal right to make health care decisions on your behalf should be drafted by an attorney, not printed with the click of a mouse button. These documents involve serious issues, and they demand the serious and comprehensive attention of a licensed attorney.

ADVERTISING: This newsletter is a form of advertising, and does NOT create an attorney-client relationship of any kind. The information in this newsletter should NOT be relied upon, and should NOT be considered legal advice. Legal advice can only be issued after a careful review of the facts of your particular matter.