

3 reasons why you should avoid preparing legal documents online

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While services like LegalZoom are tempting, cookie-cutter solutions have pitfalls

By [Paul Premack](#)

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Using LegalZoom to create their legal documents was an error.

Dear Mr. Premack: Can I get your opinion on the legitimacy of getting a will online? My mom needs a standard Will of disbursement equally to the three kids, with one caveat that if any of us contest the Will, that child is omitted from the Will and the total is disbursed to the other kids. Your opinion would be appreciated. - JC

Online Will preparation services like LegalZoom are tempting, but should be avoided unless they are offered directly by an attorney licensed in your state. Avoid any unlicensed online Will preparation services for the following reasons:

First, online Will preparation services use workers who are not licensed to practice law. Instead, they employ software to knock out cookie cutter legal forms. Sometimes they call their forms "attorney prepared" but what they mean is that a lawyer provided the underlying form, not that a lawyer has prepared anything specifically for you. Their Wills are either computer generated or filled-in by a clerical employee. They successfully avoid the unlicensed practice of law with disclaimers like: "You should consult an attorney in your state for serious legal matters. We are not a substitute for the advice of an attorney".

Second, communication with online Will preparation services is not legally privileged or confidential. The service provider may sell your information for marketing or other purposes. For example, one website says it "is not a law firm and is not a substitute for an attorney or law firm. Communications ... are not protected by the attorney-client privilege or work product doctrine".

A different form website "protects" your privacy with this tricky policy: "We may collect and/or track ... information knowingly provided by you through on-line forms... We may also use your personal, demographic and profile data ... for marketing and promotional purposes.... We reserve the right to share, rent, sell, or otherwise disclose data we collect to third parties". Ask yourself, are these services providing you with enticing prices because YOU are *their product* rather than the document?

By contrast, an attorney must comply with their State's rules of professional conduct. One such rule requires the attorney to maintain strict confidentiality about a client's private information. Communications with a licensed attorney are typically protected by the attorney-client privilege.

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Third, online Will preparation services provide a false sense of security. It may appear that they provided good legal documents, but they may be using forms that have never been tested before a court. One form website is registered as a "legal document assistant" in Los Angeles, California but provides preparation of legal documents which they claim to be valid under Texas law. Another company omits legal provisions which are critically important under Texas law.

The form websites often provide cookie-cutter mass produced forms that meet only the bare statutory requirements when the statutory forms themselves often fall short of providing effective legal solutions. You are effectively throwing your money away if you rely on an online Will preparation service.

Paul Premack is a Certified Elder Law Attorney with offices in San Antonio and Seattle, handling Wills and Trusts, Probate, and Business Entity issues. View past legal columns or submit free questions on legal issues via www.TexasEstateandProbate.com or www.Premack.com.