



LegalZoom advertises itself as a cheaper alternative to an attorney. And many forgo professional advice because they are lured by the lower costs and believe the document LegalZoom creates will be just as effective as one created by an attorney.

Having heard so much about LegalZoom, I recently visited its website. At first glance, the LegalZoom site looked like it provided state-specific advice regarding Texas wills. And had I not been a Texas lawyer who focuses on estate planning, I might have trusted that the site was providing me with accurate and current information.

But a few moments after I started reading LegalZoom's website copy, I noticed a couple of glaring mistakes.

### **Estate planning laws change**

Laws are not static. They constantly change because of new case law and statutes. And lawyers keep up with these changes in order to best advise their clients. LegalZoom? Not so much.

The first mistake I noticed concerned LegalZoom's statement about oral wills. According to LegalZoom, Texas recognizes oral wills.

#### **Other recognized will types:**

- **Holographic Wills:** A valid handwritten will must be entirely in the handwriting of the testator and signed by him or her. Texas laws have specific requirements in order to recognize a valid handwritten will.
- **Oral Wills:** An oral will is only valid for personal property. An oral will is valid only if made by the testator in his or her last illness and at home, except where he or she is taken sick away from home and dies before returning home. Texas laws have specific requirements regarding oral wills and may require a certain number of witnesses to recognize oral wills.

LegalZoom is apparently not aware that effective September 1, 2007, Texas repealed Sections 64 and 65 of the Probate Code, which authorized oral wills. Under the current state of the law, Texas will not recognize an oral will unless it was made before September 1, 2007, and even then, only in very limited circumstances.

Another mistake I noticed was under the subheading "Providing for Pets." LegalZoom stated the following:

Providing for Pets

Texas law currently does not have specific statutes pertaining to providing care for pets. However, the testator may specify a beneficiary as the new owner of a pet.

LegalZoom is apparently also not aware that effective January 1, 2006, Texas enacted Section 112.037 of the Property Code which authorizes statutory pet trusts. This means that **even though four years have passed** since the statute was enacted, LegalZoom is still not aware of this change in the law.

Furthermore, even before statutory pet trusts were authorized, it was still possible for a pet owner to create a traditional trust to provide for a pet. A traditional trust provides for pet care indirectly by instructing a trustee to cover expenses incurred by the pet's caretaker, the actual beneficiary of a trust, as long as the pet is cared for properly. Nowhere does LegalZoom mention this.

### **Details matter in estate planning**

Now you may be thinking that I am blowing these little mistakes a bit out of proportion. After all, one of them concerned pets. And no one uses LegalZoom to make an oral will, so that is a harmless error. But if LegalZoom is not current on laws about these two issues, **what else has it missed?** How can anyone who uses LegalZoom trust that the legal document he or she creates will do what it is supposed to do?

### **LegalZoom does not provide legal advice**

LegalZoom does not purport to give legal advice. In fact, LegalZoom specifically states that in its disclaimer. Summarizing LegalZoom's own disclaimer:

1. The employees of LegalZoom are not acting as your attorney.
2. LegalZoom's legal document service is not a substitute for the advice of an attorney.
3. LegalZoom does not review your answers for legal sufficiency, draw legal conclusions, provide legal advice or apply the law to the facts of your particular situation.
4. The legal information on LegalZoom's website is not guaranteed to be correct, complete or up-to-date.

### **Do-it-yourself estate planning is risky**

The problem is that the documents LegalZoom creates could be completely ineffective.

People who use LegalZoom and other do-it-yourself estate planning kits end up with a **false sense of security**. They create documents that they believe will address their estate planning needs. But with estate planning documents, they are unlikely to discover their mistakes.



Why? Because the mistakes will not become evident until after they become incapacitated or die. And the people who will be left to deal with the mistakes are usually the people the documents were supposed to protect.

You and your loved-ones deserve the advice of a lawyer who considers the facts of your particular situation. You deserve legal advice that is correct, complete and up-to-date. LegalZoom by its own admission does not provide that.

### **The bottom line**

The money you save now could be spent many times over after you die to address legal issues about which you were not even aware.

Attorneys don't simply fill in forms. Rather, we use the knowledge we have acquired during our many years of schooling and practice to advise you on the best way to protect your family, and preserve and distribute your assets in the manner you choose.

Your loved-ones are worth it. Wouldn't you agree?