

# DIY Legal Websites: Good, Bad or Really Bad?

By Lisa A. Shearman, Esq.

Almost 25 years ago, I graduated from law school and embarked on a career in the law. After three years of law school (and two additional years obtaining a master's), I was ready to meet with clients and address all their concerns. However, my first problem was I had no experience; and second was that most legal research was still done in the library. My first computer was a massive desktop with a 5.25-inch floppy drive. We had to use a "dial-up" system to access the internet and the resources were very limited. We did not have Westlaw or Lexis/Nexis or the expansive legal research resources that now exist on the Internet. Documents were typed on typewriters or word processors. Obviously, in the past 25 years, technology has made amazing advances and the practice of law has necessarily evolved. Computers and the Internet and all the other technology have arguably made the ability to write briefs, access court records and communicate much more efficient; however, there is still a need for legal background and training. I learned the law is constantly changing and I continue to learn something new every day. Justice Joseph Story said it best, "[The law] is a jealous mistress, and requires a long and constant courtship."

With so much information readily available, cost conscious members of Gen X and Tech savvy Generation Y have transformed our society to Do It Yourselfers (DIY). DIY initially referred to home improvements, but the reference has migrated into almost every aspect of our culture. With YouTube, you can obtain step-by-step video instruction on just about anything. As legal



professionals, we have also seen the emergence of DIY in the preparation of legal documents and legal services. With websites such as LegalZoom and Rocket Lawyer, any consumer can create his or her own legal documents. The attractions are low cost and 24/7 availability. The trade off, however, is the absence of the "out of box" benefits you receive with personalized service. There may be some satisfaction to "doing it yourself," but as has been very aptly stated many years ago: "A man who is his own lawyer has a fool for a client."<sup>1</sup>

The creators of these websites are becoming more and more innovative. A new site, [www.Willing.com](http://www.Willing.com), entices consumers to prepare free estate planning documents. The hope of its non-lawyer creators and investors is that the consumer will then work on their fu-



Lisa A. Shearman

neral planning through the site, which according to a press release, is how they intend to make money. I gave Willing.com a test run. It was easy to disinherit my spouse and when I couldn't decide on a guardian for my children, the site

**We, as a profession, need to reinforce the importance of seeking legal advice from lawyers, rather than generic websites.**

let me bypass that question and ultimately left it up to the courts. This result would be worse than having no Will and dying intestate.

None of these websites provide tailored advice to clients; instead, they are providing canned legal documents. The premise is that "one size fits all" and as we all know, that is a bad result for many people. The availability of these forms further opens the door for deception and fraud. If you never meet the client, how do you know who you are representing? How can you evaluate what their needs are over phone calls, email or even video conferencing? Will malpractice insurance cover services we provide to "cloud clients"?

We, as a profession, need to reinforce the importance of seeking legal advice from lawyers, rather than generic websites. We need to educate clients and consumers of the potential

*Continued on page 5*

## DIY Legal Websites

*Continued from page 4*

legal consequences of preparing their own documents. Yet, how do we take such a stance when the American Bar Association (ABA) has now partnered with one such service. The ABA has joined hands with Rocket Lawyer in a new venture known as ABA Law Connect.<sup>2</sup> According to ABA President Paulette Brown, the goal is to provide “[a] low cost, highly accessible, online avenue for small business owners to get answers to basic legal questions [ ]”.<sup>3</sup> “ABA Law Connect is an exciting opportunity for the ABA and Rocket Lawyer to assist small businesses, connecting them with ABA members, and represents one of many efforts by the ABA to improve access to legal services.”<sup>4</sup> So that begs the question, if the ABA is endorsing Rocket Lawyer and the idea of the cloud client, maybe we all need to adapt our practices to conform and compete?

ABA Law Connect is Internet driven through Rocket Lawyer’s platform and offers a potential client the opportunity to ask a question of an attorney for \$4.95. Great deal, right? There are some limits. A question cannot exceed 600 characters and the “client” knows nothing about the attorney answering the question. As a consumer, I would want to know who is responding to my legal questions and what type of experience they have. Users of their site are going to rely on the reputation of the ABA and assume that the attorney they are referring has sufficient experience. However, if you read the Terms of Service, the ABA states that they nor Rocket Lawyer endorses, recommends, or makes any representation or warranty regarding the qualifications or competency of any participating attorney or as to the accuracy or com-

pleteness of such attorney’s work. That is comforting.

My personal opinion is that the ABA is setting a bad precedent with this new venture. According to its website, the ABA’s Mission is “to serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession.”<sup>5</sup> I don’t see this new opportunity as equally serving members and the profession, or the public. I see it as benefiting the ABA, maybe a few of its members and Rocket Lawyer. Where is the benefit to the public or the profession as a whole? Furthermore, the ABA is taking this action without the backing of the state bar association. Our Pennsylvania Bar Association and local bar associations are opposed to this marriage. See the PBA’s position at: <http://www.pabar.org/pdf/LawConnectAd.pdf>.

My primary struggle with these methodologies is the need to know my clients. I can write a Will with peripheral information and hand it to a client, but if I don’t first understand how they own their assets, or whether there are family issues, the Will I prepare may do more harm than good. I see the confusion on my client’s faces when I try and explain probate and non-probate assets and how the tax clause works. Will most clients using a website realize and understand those legal nuances?

Secondly, it is, or is teetering trepidatiously on the edge, of being unauthorized practice of law. I realize that Legal Zoom has successfully defended or settled suits, but the line continues to be blurred, until there will be no line. As attorneys, we are bound by a Code of Ethics and we must adhere to those ethics or risk losing our license to practice law. However, the lawyers for Rocket Lawyer or Legal Zoom or others similar sites do not apparently

have to adhere to these same standards, as they are not providing any advice, explanation, opinion, or recommendation about possible legal rights, remedies, defenses, options, selection of forms or strategies. Let’s be realistic; while it may be every consumer’s responsibility to read the Terms of Use, how many really do?

Where are we headed? To the courtroom. I foresee that we will become more and more familiar with Internet legal service websites and their automated document production when we are consulted by their users, or the beneficiaries, partners and family members of the users to challenge the documents they produced. Unfortunately, the great savings a client obtains on the creation of the document will be lost in the first consultation with a litigation attorney when things go wrong.

*Lisa Shearman, of Hamburg, Rubin, Mullin, Maxwell & Lupin, advises clients in the areas of estate planning, estate administration, tax planning and business succession. A graduate of Villanova’s Graduate Tax Program, Lisa received her law degree from Widener University School of Law in 1992. She is a member of the Women in Profession Committee of the Pennsylvania Bar Association and Women in Law Committee of the Montgomery Bar Association. Lisa is the 2015 Recipient of a Special Achievement Award presented by the PBA to recognize a lawyer’s outstanding community service and commitment to the Wills for Heroes Program and has been recognized by other organizations for her pro bono service.*

### Endnotes

1 Early-19<sup>th</sup> century proverb found in Henry Kett’s *The flowers of wit, or a choice collection of bon mots* (1814)

2 ABA Law Connect is currently testing its product in three states: Illinois, California and Pennsylvania.

3 Source: ABA Website, News Release 10/1/15

4 Id.

5 ABA Website: [http://www.americanbar.org/about\\_the\\_aba/aba-mission-goals.html](http://www.americanbar.org/about_the_aba/aba-mission-goals.html)