

LEGAL EASE



Kathleen Martin is an attorney with O'Donnell, Weiss & Mattei, P.C., and a newspaper columnist for The Mercury, which gave permission for this article to be reprinted.

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Make sure you have 'people' when filling out legal forms

During tax season there was a commercial where a woman was critical of her husband for using purchased computer software to prepare their tax return. When her husband stated that he was "stuck," she said, "Let's ask the box." The point was that the user of the software did not have anyone to consult when he ran into problems, or had questions. They did not have "people."

The same issues occur when consumers attempt to use legal forms obtained in an office supply store or on the internet. Although there are many good computer tax programs out there, and most people do not really need "people" to complete their income tax returns, the same is not true for legal forms. Legal forms are what they say they are, that is, they are *forms*. In most areas of law, a "one-size-fits-all" form will not accomplish what the user is trying to do. The forms come with a disclaimer, denying any accountability if the form does not accomplish the desired result.

There are forms available for business planning, estate planning, family law, real estate, and litigation. For the consumer, the advantages are the forms may be free, or at least cheap, and are very confidential. It is also convenient to be able to complete them at your own pace and schedule. However, the disadvantages outweigh the advantages. Many areas of law for which these forms are available have state specific rules. For instance, a Pennsylvania Will or Power of Attorney has different requirements than a New Jersey Will or Power of Attorney. In estate planning, the problems generally happen for the family members who try to use these form documents with no success. The person who tried to save some money by using a "Will in a box" can leave his loved ones with an expensive mess after death, and assets intended to go to certain people may be given to other, unintended recipients. Documents which can be found on the internet are intended for a national audience, and are usually too broad for the average consumer. A form cannot ask questions, and tailor the document to the individual.

As mentioned previously, disclaimers usually accompany these forms. The website or computer program denies the intention of giving legal advice, or doing anything which constitutes the practice of law. The disclaimers go on to advise you to use *extreme caution* when utilizing free forms, and they *highly recommend* having a licensed attorney review your legal documents. Be aware that it usually costs more to have an attorney un-do mistakes than it would have cost to have the documents custom drafted for you in the first place.

Attorneys from O'Donnell, Weiss & Mattei, P.C. are discussing this subject during the month of June on *Legal Talk*, on PCTV's Channel 27 on Tuesday evenings at 8:30 pm and Thursday evening at 9:30 pm on Channel 98.

It is important to be cautious when using any type of form legal document. Be sure that the document suits your needs, and consider having an attorney you trust review the document. Such a review is often affordable, and you can avoid costly mistakes, and loss of any legal remedies in the future.