Will Software

It looks like I'm going to be drafting up some wills for a few people. Can

I get some recommendations on will software to use? Is using will software

the recommended route? Thanks for all responses.

I have my own templates I use. If you only do wills occasionally, I really

don't see the advantage to buying a software package.

But are you familiar with this area of the law? I did probate work for a

while before I felt comfortable doing estate planning for clients, and even

now I refer out cases in some circumstances. I got up to speed in Georgia

probate law using Redfearn's Wills and Administration in Georgia, authored

by Georgia State University's own Mary Radford. And the first will I ever

drafted was for a volunteer clinic through I believe the Atlanta Volunteer

Lawyer's Foundation (I was at a firm in Atlanta), which provided a good

training program and materials.

Cynthia V. Hall, Florida

Simple wills may not need software. After you get 10-20 wills prepared, I found that at least one will be
close to what you are looking for and can be used as template for future wills.

Jim Winiarski

I wouldn't use software. If you don't have a template, then look through

the form books for Georgia documents. However, make sure that you are

drafting all of the appropriate ancillary documents as well.

Justin Meyer, New York

Eh, I'm not big fan of will "software" per se; the software is only as good as the person doing the drafting of the basic documents being automated.

Personally, I use Florida Bar Will and Trust Manual; which comes with templates, and alternate clauses. It takes me maybe 5 minutes, maybe 10 minutes at outside, to complete it for most clients; but I've drafted 1500+ wills using these templates over the years so I know what I'm doing. Cynthia suggested Redfearns (sp?) wills; if that's the 'standard' GA wills manual that's what I'd go with; I'd go slow on the 'software' end of if though, particularly if you're newbie to the area; it's too easy to allow software to make decisions.

I'm not discouraging you from this, but get yourself good GA wills forms manual, they should be a good starting point

Ronald Jones, Florida

Let me make a suggestion. Maybe a little controversial, but still...

Go to LegalZoom. Prepare your first will there. When you get the document

back, critique it. See if you can find mistakes or problems.

If you can't find anything you'd do differently, then what's the point?

Just send people to LegalZoom.

I don't mean to pick on you, but I have to make this point. So many lawyers get bent out of shape over LegalZoom. They say that people should somehow instinctively KNOW that they should go to an attorney. But, then I have to wonder how many attorneys are just plugging information into software.

If lawyers aren't going to do any better than LegalZoom, why should we care? Or, to put it differently.... SINCE we care, why don't we bother trying to be better?

Kirby, again, I don't mean to pick on you. But, I wish you had asked "where can I learn how to do it?" instead of asking about software.

/end-soapbox

Cheers,

David Allen Hiersekorn, California

Sorry, David, but you can't have an /end statement without first having a /start or /begin statement. Otherwise you get syntax errors. Please make a note of that. Kind of like doing a for-next loop and forgetting to increment ("For x = 1 to 100; x= x +1; next x -->forgetting to set x=1 puts you into an infinite loop. Adding in "print x" will print the letter x over and over and over....and make your lab tech love you)

As for your other question....where do you recommend people learn it?

Greg Zbylut, California

As far as experience goes, I have drafted wills before using both software
and templates, but I don't have copies of those to use now and wanted to
see if people prefer software, templates, or something in between now.
Still, those were simple wills so I do plan on doing some reading over the
next few weeks. I used software a good 5 years ago so I'm sure it has
improved, but apparently it still can't beat a good template. Thanks for
the information. Does anyone have a particular source of templates they
like or is it mainly things y'all have drafted yourselves?

David, I said nothing about LegalZoom and have no idea where your rant came
from. I do send people to LegalZoom when I know they are computer literate
and have enough common sense to handle it. Some of the people who want me
to do this don't even own a computer, so I don't think LegalZoom will be of
assistance to them whether the will is simple or not. At no point did I
say I would just be relying upon a computer program and nothing else. Your
soap box seems to be facing in the direction of the implications you want
to see in order to prove your point - you may want to rotate it toward your
computer screen so you can read the text of the e-mails more clearly next
time.

Respectfully yours,

Kirby G. Smith, Georgia

Greg, good point! But, I set my /begin-soapbox statement back in 2004. Haven't ended it until just now. ;-)

Kirby, I thought I was clear that I wasn't picking on you in particular. This question comes up a lot. I was using your question as a platform to make a more general point.

But, I did read your question. And, I went to your website. I looked for the section where you tell the world that you are available for will drafting. It's not there. You said "it looks like I'm going to be drafting up some wills for a few people." That, together with your website, suggests that this is a short-term project for a few people, with no prior experience or intent to continue.

Nothing in the "text of your email" suggested otherwise. I read it clearly.

But, I was serious about LegalZoom. I'm not actually suggesting that LegalZoom would be a good option. However, I do believe that an attorney needs to be able to read a will or trust, be able to evaluate the terms, and know whether there is a better way.

I would make that same suggestion to an estate planning attorney with three years experience. You have to be able to do that. If you can't, then you are really no better than the software. I'm sorry if that feels like an attack. But, it's not. It's merely a benchmark. To me, it's the minimum level of competence needed to do the job.

Now, to answer BOTH of your questions, I think WealthCounsel has really

good education materials. National Network of Estate Planning Attorneys has

mostly retooled to focus on beginners, I believe. Their materials ought to

be pretty good. The CEB materials in California are fairly good, both the

CLE and the books.

Or, my best recommendation is to co-counsel with an experienced attorney.

When co-counseling isn't necessary any more, it will become readily

apparent.

Cheers,

David Allen Hiersekorn

I have relied upon Drafting Libraries for years and like it.

http://www.draftinglib.com/SFNT.html

Rob V. Robertson, Texas

I think Fore! Trusts and Estates is a reasonably priced place to start with

software. How good their templates are for your state is something you

would need to determine. I start with their templates and then customize

them quite a bit to get the language I like. If you can find good templates

you can largely automate them yourself or find someone comfortable with

document assembly software (or even just Word mail merge for simple estate

plans) to automate them for you.

The software or templates will only get you so far. You do need to develop the skill set to be able to spot issues, counsel clients, and know which options to select in the software and why.

As for LegalZoom, I don't know the quality of their documents, but I will say that I have seen lay people both screw up the documents by writing in things in the form fields that I would never let them write in and that made no sense with the rest of the document, and by totally screwing up the execution of the documents. It always surprises me how many ways a non-lawyer can mess up a will signing.

Chandra M. Lewnau, Washington

Illinois has a nice two-volume set on wills complete with CDs and I imagine most states have something, though perhaps not as detailed or good at explanations. Even with that, my cross-border clients need special fine-tuning.

I do understand that David is making a point with his comment about LegalZoom. If you aren't going to do better than it can, why take the job?.

People with modest estates do not expect to pay much for wills. To do a really decent job, you have to use (and become familiar with) the materials that he and Ronald describe.

WealthCounsel is superb, from what I have seen, but it is hard to justify the expense unless you do sufficient volume. (That is the only reason I do not use it myself.) The forms are reviewed by a group of experts in the field who use them. David is one of the members. They specialize in T&E and use these automated forms to work efficiently. They also share knowledge with one another to maintain their craft.

As for LegalZoom, Quicken and similar forms, one should also read the New York Times article by a writer who tried several, and then had a top trusts and estates lawyer in a prominent NYC firm explain what was wrong with them. The issues ranged from improper tax advice to ineffective clauses to invalidating the bequests desired by the testator.

Just sayin'. <g>

All the best,

Norman R. Solberg, Japan

No, no, no. It's much worse than that.

First, you need angle brackets or some other pair of symbols to enclose the "code" and thereby distinguish it from the text. Second, "/end-" is redundantly redundant. By analogy to ASCII text markup schemes (e.g., HTML, XML, RTF, and that Jack-of-all-markups, SGML), the pattern is "<attribute> ... </attribute>", in which "<attribute>" denotes the place in an ASCII text where application of an attribute (e.g., a font color, italic, small caps) begins, "</attribute>" denotes where application of the attribute ends, and " ... " denotes the text to which the attribute applies.

Do you see "end-" in either of those markup tags? Neither do I. That's because the virgule (or "slash" for the Anglo-Saxonally inclined) indicates the end of the attribute's application to the text. So "end-" would be superfluously redundant.

As best I can parse this, David is conglomerating the idea of a markup tag with the end of a subroutine in a structured, procedural programming language. Does anyone use those anymore? All this time I thought David was a tech wizard. I'm so disappointed.

Jim, is there an XKCD for that?

Steven Finell, California

Thanks for all of the responses. I already had a few sites and books in

mind to use, but I'll need to look into many of these other options. I was

already shying away from software, but I have a friend who does a lot of

this work at his firm and he used software all the time. Wanted to see how

others felt. I will definitely save this thread.

David, you're "I'm not picking on you" comment reminds me of Ricky Bobby's

use of "with all due respect." Using that kind of term then presuming that

the author of the post has no experience and is trying to make an unethical

quick buck off people who could just use LegalZoom is insulting, whether

you try to put lipstick on it or not. I went to your website, too, and I

could make a number of assumptions about your ability to practice based on

your placeholder text-laden index page, but I didn't do that. I am

actually working on a wills section since I think I may give that area a

go, but there are plenty of areas I have experience in that I don't advertise because I don't want to do them; I'm sure this is the same for you. This is why I do not make assumptions from websites. The sad thing about it is your actual discussion over whether LegalZoom can essentially eliminate the need for attorneys to draft simple wills - a point I would probably be close to agreeing with you on, with the exception of those not willing or able to use computers - is a good debate topic.

Perhaps you don't realize how pretentious you came off, so an attack like mine was unwarranted; however, I hope at this point you at least realize how your tone comes off to others. You will not be a good mentor or teacher of others with that kind of tone.

All this coding talk is reminding me of my high school website design business. I miss the good old days when we didn't have CSS and instead had to make a table inside a table inside a table to line things up properly. Actually no, I don't miss that.

Respectfully yours,

Kirby G. Smith