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Seth Rowland
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Estate Planning Document Assembly Software

DATE: 6/26/2002

AUTHOR: Seth Rowland

TYPE: Post

TOPIC(S): Transactional Practice Areas; Automation/Document Assembly/Macros

>TechnoLawyer member Laura Pleicones asks: "Our Trusts & Estates Department is currently in the market for an estate planning document assembly system. I'm posting this message in an attempt to find out what systems other attorneys are using and to gauge the level of satisfaction with them. We would prefer a system that comes with pre-packaged estate planning forms that can easily be customized. So far, we've been looking into the following systems:

- >1. Westlaw's DWTA on CAPs by Bob Wilkins (though we've heard the system is up for sale)
- >2. WealthCounsel, LLC's forms on HotDocs
- >3. TrustPlus by Cowles Legal Systems
- >4. EP Expert on WinDraft by Eidelman & Associates
- >5. Douglas NC forms on HotDocs
- >6. Jonathan Blattmachr's Wealth Transfer Planning system by LawontheWeb.com (we've heard this company is bankrupt)
- >7. BB&T's MenuForms on CAPs (does not include long-form wills)

>Any information at all on these or any other systems would be greatly appreciated. Thanks so much for your time."

In choosing an estate planning package, be sure to get at least a 30-day or even a 90-day money-back guarantee. Use this period to read and review the underlying templates. Try to understand the coding and logic and see if it matches your drafting process and the way you think about estate planning. Remember, it is your malpractice coverage that is on the line. Most software comes with disclaimers about "practice of law."

Check the logic by doing several test assemblies. See if it makes sense. Most of the packages listed above (and one additional in development that will be marketed by Aspen Publishers) are developed by estate planning experts who have thought through many of the issues you are likely to confront. The packages you lists are really systems design for lawyers, as opposed to the consumer market.

If the logic of the questions tracks your approach, the next step is to check the "templates" that underlie these systems. Most of the HotDocs-based packages will allow you to open the templates. Depending on the license agreement with the package, you can then modify the templates putting in your own language. I always caution lawyers to make a duplicate copy of the template they are modifying, keeping the original intact, but making changes to the copy and saving it under a different name. HotDocs systems have a mirror component file that bears the same name as the template, so you need to make a copy of that file as well. You should feel free to modify any text in the document, with the caveat that "coded text" needs to be understood and either preserved, or the deletions and changes need to be consistent with the underlying coding program, e.g. WinDraft, SmartWords, CAPS Author, or HotDocs.

There is an added wrinkle if the developer used shared or pointed component files. If you don't touch the dialogs or prompts you should be without risk. If, however, you do change the dialogs or prompts, add new variables etc., you may risk that your changes will be lost when you get the period updates of the template set. Either the software developer or an independent document assembly consultant can help you through that.

I can offer you no reviews on particular packages. The systems based on HotDocs are the most easily customizable, since the templates are basically word processing files. The WinDraft system also uses Word Templates, and should be fairly easy to customize. The CAPS systems use a DOS version of WordPerfect and might be harder to work with since most of the CAPS applications ship in compiled form, rather than editable form.

Jonathan Blattmachr's WTP system was built on the SmartWords platform. It is a very comprehensive package and well engineered. As a former certified SmartWords consultant, I had the opportunity to review the application in detail and was quite impressed with the scope and depth of the application. It produced both the estate planning documents as well as detailed legal memos to explain the inner working of the documents created. You are correct that The Technology Group, Inc. which developed that program has gone bankrupt. However, some of the principals are planning on moving the templates to another platform and relaunching the product. If this is done, the templates will likely be converted to Microsoft Word and be editable.

Apart from liking the dialogs or interviews, and liking the underlying language of the templates, and being editable, there is the separate issue of what I call Data Flow. Ideally, any estate planning system should either (1) have a client administration module that lets you tracks answers given by your clients, or (2) support a link to a case management system, like TimeMatters, CaseMaster, Amicus Attorney, Abacus Law, ProLaw etc. This will allow you to gather and store information about a client and their requirements in a relational database.

Cheers,

Seth G. Rowland, Esq.
President, Basha Systems LLC
"Redesigning the Legal Process Through Expert Systems"
117 Oneida Avenue, Croton on Hudson, NY 10520
www.bashasys.com sgr@bashasys.com
Tel: (914) 827-9173 Fax: (845) 622-3689
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