



Why Not Use Nolo® or LegalZoom®, etc. to DIY Your Estate Plan?

By Carina Lyn Roselli, Esq.

Online Legal products companies like Nolo® and LegalZoom® proclaim to be do-it-yourself (DIY) “Estate Planning You Can Trust,” but can you? They seem to be a convenient and inexpensive alternative to working with an estate planning attorney, but do they really meet your personal needs and goals?

In My Experience...

Long before I specialized in Life, Legacy & Estate Planning, my parents decided to DIY their Wills using an online legal products company. Knowing that law school provided me at least a cursory understanding of the subject, they sent their documents to me for review. I explained to them what their Wills said, to which they replied that was not what they

intended them to say! This “fail” was most likely caused by their misinterpretation of the questions and terms they encountered in the online form. But, thinking they had understood, they trusted that the website would produce the plan they intended.

Similarly, a friend asked me to review the Prenuptial Agreement he’d created using an online legal products company. I discovered that California law was referenced throughout the entire document, but he and his bride-to-be were both residents of Virginia! This “fail” was most likely caused by user error—he’d probably checked the wrong box for “state of residence” by mistake. But, thinking he’d properly filled out the online form, he didn’t question the document because he believed the website must know better than him.

These are just two scary stories—I’ve heard many more. I’ve even heard other estate planning attorneys say online legal products companies help “keep them in business” because so many of their DIY plans have to be redone.

“Online Legal Products Companies” (OLPCs)

I’m very intentionally referring to entities like Nolo® and LegalZoom® as “online legal products companies” because that’s truly all they are. They are in the business of selling legal “products” like templated estate planning documents. They are not in the business of listening to your needs and goals, providing personalized legal advice on the best planning solutions for you, counseling you through difficult decision-making, building you a tailored

and comprehensive estate plan, and guiding you through the process from start to finish.

Simply put, you need (and deserve) more than an OLPC DIY estate plan because...

Each State Has Their Own Laws

Each state in America has their own laws for what happens when someone becomes incapacitated or dies. Virginia statutes govern how estate plans can and must be construed; what specific documents and/or formats must be used, and their required content; and the rules for how Wills, Trusts, Powers of Attorney, etc. must be executed (signed, witnessed, and/or notarized depending on the document).

You are Unique

You are unique—and therefore so are your estate planning needs and goals—but the templated DIY documents generated by OLPCs cannot adequately address the nuances of your life. Proper and comprehensive planning requires a wholistic and custom approach that OLPCs simply cannot achieve.

When it comes to families, OLPCs don’t offer personalized legal advice on the best planning solutions for your unique situation or counsel you through difficult decision-making. Blended families, for example, require more complex estate planning to ensure the children from each parent are provided for and protected should their birth parent die, and parents of minor children often require greater counsel when choosing legal Guardians. (Plus, OLPCs don’t offer the highly comprehensive Child Stability Plan™ available through my law firm.)

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Carina Lyn Roselli, Esq.
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If you're a person of significant means, OLPCs cannot adequately advise you on the most advantageous estate tax planning. If you own multiple properties, perhaps located in different states (with different state laws), OLPCs cannot adequately advise you on the best way to protect those properties during life and transfer them upon your death. The same is true for animals, firearms, cryptocurrency, and anything else that requires special planning considerations.

You Might Screw Up

The risk of error in DIY estate planning is quite high.

Improperly prepared or executed documents can be found invalid when they're most needed. You might create a DIY Financial Power of Attorney and see online that Virginia law doesn't require notarization, but the website failed to mention that many financial institutions require notarization even if state law doesn't. Now you're incapacitated and your Agent needs to pay your mortgage,

but the bank won't allow them access to your accounts.

Incomplete planning can render your documents useless. You might create a DIY Revocable Living Trust but fail to properly fund it. Now you've died and your assets aren't in your Trust, forcing your loved ones to undergo arduous and potentially expensive probate, for years, eventually distributing your property to those you never intended.

Consult an Estate Planning Attorney

While it's true that estate planning attorneys are more expensive, it's also true that estate planning is more than just document production. The practical limitations of OLPCs can result in critical planning defects that, sadly, won't become known until your plan fails and your loved ones find themselves helpless or forced into a legal nightmare.

I strongly recommend you invest in an estate planning attorney who can provide you and your family personalized legal

advice, counsel you through difficult decision-making, build you a tailored and comprehensive estate plan, and guide you through the process from start to finish. I can do that for you if you'd like. Check out my website at www.clrlaw.pro to learn more and book an appointment to get started.



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