

## Service not Product

Whenever a person sees an attorney, she is really receiving a service, not a product. This might be obvious in litigation. In litigation, a client doesn't simply want papers to be delivered to the court. A client wants arguments, oral presentations, possibly questioning of witnesses, certainly strategic advice, and so forth. Where people can be led astray, though, is when they are seeking a planning document.

One possible source of this confusion is a mistaken belief that every document is the same. I learned one example of this as part of my service as Chair of the State Bar of Michigan's Unauthorized Practice of Law Committee. One duty of the committee is to offer advice to the leaders of the Bar about suits to bring against people who falsely imply that they are attorneys and end up offering poor service, generally causing quite a bit of harm. We brought an action against an out-of-state company with no attorneys on staff that had convinced several Michigan residents to pay thousands of dollars for poor-quality estate planning documents. The company had a very interesting defense to the charge of unauthorized practice of law. "Oh, we weren't practicing law because we offered our clients no choice. Once they told us their names and the names of their children (with location information), we generated the plan for them." Fortunately, that defense wasn't successful, but think about what they said: they charged thousands of dollars for a product where they didn't even listen to the needs and desires of the client at all. I cannot imagine that their customers knew what they were getting.

It is important to have your documents crafted to meet your needs and desires. You need to talk with an expert who can offer suggestions and ask appropriate questions, but the end result has to reflect what you want. This cannot be done without time. You don't want to use anyone else's plan. You need one that reflects your values, your wishes, your family status, your assets and other concerns, and your needs. This takes time. That is part of the services. I am an attorney and counselor. The counseling part is really the most important.

You can get free blank forms over the Internet or buy them for a pittance at some stationery stores. The challenge is in knowing what to say. How good were you at essay tests or multiple choice tests at school? Here the risk isn't your grade, but rather losing your wealth, your privacy, and harmony within your family. Are you willing to gamble on that? There are numerous horror stories that demonstrate that there really are wrong answers.

You can always find attorneys who might offer you cheaper pricing, but the question is what kind of service you are getting. Many attorneys have written estate plans that could disqualify the client from ever receiving Medicaid if they need help later in paying for nursing home care. Many attorneys have unwittingly facilitated financial exploitation through poorly drafted plans. Often attorneys ask no questions about debts and creditors in planning an estate. It is no wonder that these plans don't offer much help in those areas.

Please keep in mind that you are really seeking a service that is tailored to you and your needs not a product for the general masses.