

# **Best Practice Guidelines for Legal Document Service Providers**

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## **Draft Guidelines**

### **Scope and Purpose**

The below practices are recommended for individuals and entities that – outside of a lawyer-client relationship – provide materials and services online for the creation of documents with legal significance, namely those that are intended to express or affect legal rights, obligations, claims, or positions.

These guidelines supplement the [Best Practice Guidelines for Legal Information Web Site Providers](#) approved by the American Bar Association’s House of Delegates in February 2003, which describe more general practices such as informing consumers about the dates on which substantive content was prepared or last reviewed, the jurisdiction to which the content relates, and the terms and conditions of use.

### **Best Practices**

**1. Providers should know and obey applicable laws and regulations.**

Comment: Providers of legal document services should make it their business to know and follow laws and regulations that apply to their operations, including rules on unauthorized practice of law, fair trade practices, and copyright.

**2. Providers should alert consumers that to accomplish intended goals and avoid unintended consequences, legal documents should reflect current law and the goals and circumstances of the parties involved.**

Comment: This can be accomplished by a general alert that documents can be ineffective and possibly counterproductive if not reviewed in light of current law in the applicable jurisdiction(s) and the parties’ goals and circumstances.

**3. Providers should disclose whether or not their materials have been reviewed for completeness and consistency.**

Comment: Those who supply documents to people with legal needs, for fee or for free, should be clear about what they’re providing and not providing.

**4. Providers should disclose the extent to which anything is being claimed about the quality and appropriateness of the materials.**

Comment: If no such claims are intended, the provider should affirmatively say so. Claims on web pages should be consistent with warranty limitations and other aspects of the site's more formal Terms and Conditions.

**5. Providers should disclose whether a document involves any special formalities or filing requirements.**

Comment: If a document needs to be witnessed or notarized, for instance, that information should be provided.

**6. Providers should disclose whether the personal information they gather from consumers will be held in confidence.**

Comment: This should include a description of the provider's policies with regard to governmental requests for access to customer information.

**7. Providers should disclose that no lawyer-client relationship is intended.**

Comment: Consumers should be told that purchasing a legal document is not a substitute for legal advice from an attorney, and that no attorney-client privilege will apply to information that is exchanged.

**8. To the extent a provider assembles or otherwise composes documents for particular circumstances, it should describe the general processes through which that happens.**

Comment: The provider should explain in general what machine and human processes are used to prepare the customized document(s) the consumer will receive.

**9. Providers should disclose whether or not they assume any responsibility for harm the consumer may experience due to material being inappropriate or incomplete.**

Comment: Providers should clearly indicate what if any remedies an aggrieved consumer has if a document that is provided is found to be invalid, not accepted by a court, or otherwise fails to accomplish the intended purpose.

**10. Providers should supply links to materials that help consumers understand issues and make educated choices.**

**11. Providers should supply a mechanism for users to give feedback about their materials and services.**

**12. Providers should make the above disclosures in clear and simple terms, using plain language, in conspicuous locations, not just in rarely read terms and conditions and privacy policies.**