USING TEMPLATES

Every office should have a template repository, which contains all forms or documents used repeatedly in the office. The templates should be set up in such a way that anyone using them can change the pertinent information in the form to coincide with the case being worked on. You should never re-use documents from closed or other open matters. This is often referred to as the "save as" approach. When you "save as," you are creating an identical copy of the document. The problem is that all the original case-specific information remains in the document, such as client names and other information that may need to remain confidential. If you forget to remove client-specific information, you risk violating your confidentiality obligations. You also risk including/not including information, resulting in mistakes and possible malpractice claims. The better approach is to save templates as a Word Template. To do this, find a document you want to use as a template. Then remove all client-specific information and specify in general terms what information should be there (e.g., client name, type of pleading). Then go to File > Save As, and under the drop-down menu for type of document, click "Word Template". This allows you to maintain certain language and specify where client/matter-specific information needs to be entered. You could also use document automation software, which creates fillable fields and pushes the information into the document. Some options include Gavel.io and Knackly. Many practice management software programs also include this feature.

As new templates are added, you may find that a separate template repository for each area of law in which you practice will be easier to use, e.g., one repository for probate templates, one repository for litigation templates, one repository for corporate templates, etc. Ideally, instructions should be included with each template indicating how many copies are needed, what is done with the template once it has been prepared (i.e., filing or recording), if a fee is needed, if the client needs to sign the form, etc.

Be sure to **immediately** change standard terminology in forms when changes in law or procedure necessitate a change in the template. It is a good idea to review all templates and corresponding instructions following a legislative session and when new court rules go into effect. Failure to immediately change templates in your repository may mean the change does not get made the next time the template is used. If the mistake is not caught, the result could be disastrous to the client. The ultimate responsibility for giving legal advice remains with the lawyer. Reliance on the perceived correctness of the legal forms and other documents will not excuse any act of legal malpractice. The lawyer must always exercise reasonable professional judgment in adopting templates and boilerplate language in the creation of legal documents.

IMPORTANT NOTICES