



CAUTION: DO-IT-YOURSELF LEGAL FORMS CAN BE HARMFUL TO YOUR CAUSE

The use of do-it-yourself forms to create legal documents is very risky. There are certain forms created by the Court and available for the public to use in specific circumstances. However, creating legal documents through the use of forms purchased from stores or websites, copied from books, found on-line, or copied from other sources is often ill-advised and in some circumstances can result in the dismissal of your lawsuit. This article is intended to help you understand the pitfalls of preparing legal forms without the assistance of legal counsel.

1. Legal documents must adhere to the laws of the state in which the document is going to be used. Each state, or court jurisdiction, has different laws that apply to legal documents, so there is really no such thing as a standard form for use everywhere. A legal form prepared under the laws of one jurisdiction can be fatal, and therefore costly, if used in a jurisdiction that applies different laws. Using the wrong form can result in dismissal of your court action or creation of a document that is invalid.

2. There are many different courts that can hear cases. However, not every court can hear every type of case. If you file your document in the wrong court, or forum, your case may be dismissed. Sometimes a dismissal may prevent you from filing the case again.

3. Most legal documents require a signature, or multiple signatures, in order to be filed. Failure to use the correct signature can result in voiding the document. Depending on the law of the state and the nature of the legal issue (wills, injunctions, deeds, etc.) in which the form will be used, the signature may need to be witnessed, notarized or made under some other form of oath, or may require specific language to be valid.

4. When preparing a legal document to start a legal proceeding, the correct parties need to be included in the case filing document, such as a complaint. Identifying the correct party is essential in keeping the lawsuit alive. Often it is hard to determine whether the correct party is a person, a family member, a business, a corporation or a government entity.

5. Once you have identified the correct party to a lawsuit, a copy of the pleading must be served on that party to stop the time from running out on a case. Ineffective service, serving the wrong person or entity, or not serving the party on time, can result in dismissal of the case.

6. Some proceedings require additional documents to be filed, notice to be provided, or specific steps to be taken, before the suit can be filed in court. Failure to follow these legal requirements can result in dismissal of your case.

7. Assisting others in preparing legal documents can create personal liability on your part if you are not legally licensed to practice law. It is a crime to engage in the unauthorized practice of law. This is also applicable to using others to assist you with the preparation of legal documents when that person or business is not authorized or licensed to practice law.

8. Mandatory filing deadlines and other requirements are common but differ in all types of legal issues. Failure to be familiar with those deadlines or requirements can be costly and can result in loss of your right to pursue the legal action, issue or judgment.

9. The use of outdated legal forms can result in an invalid legal document and can lead to the dismissal of your claims.

10. Laws are constantly changing. Although you may have conducted research to determine the law behind your legal issue, failure to be familiar with the current law can result in dismissal of your cause or invalidation of your legal document.

11. Although you may feel you have a similar legal issue to one you have researched, each legal issue is personal and varies based on your unique situation. Your case may have applicable facts that are not addressed in standard forms.

12. Sometimes the use of a legal form does not address all of your legal needs. They may not provide all of the remedies or claims that you may be entitled to under the law.

13. The preparation and filing of an improper legal form may result in personal liability to you which can result in the loss of your personal assets.

14. Even if you think you understand the law applicable to your legal form, you must also be familiar with the rules and procedures of the court in which the legal form is being presented. Many courts have local rules that must also be followed.

15. Just because a legal form is available, does not mean that it is proper for the use by the general public who is typically unfamiliar with the language, exceptions and rules applicable to that form or that legal issue.

16. Even if an attorney prepared a legal form, such as fill-in-the-blank forms, if you do not understand all of the provisions of the form, you may not be able to prepare the legal form to fit your needs or qualify the form for filing.

17. Court clerks and judges are generally prohibited from giving you legal advice. Therefore, you cannot depend on them to help you in the preparation or corrections for any form you file.

18. The filing of the form is just the beginning of the action and additional documents may be necessary to further your claim. The failure to properly file or complete these additional documents can cause your claim to be dismissed.

19. If a hearing before a judge or other court officer is necessary, you will need to be familiar with that court's procedures and knowledgeable about the rules of evidence.

20. There are laws that provide that if you file a frivolous claim you may be responsible for paying the opposing party's expenses and costs. If you improperly file a claim that is dismissed it may be considered frivolous and may cause you additional expenses.

For assistance with specific legal questions or matters, it is best to consult an attorney. There are resources available to persons who cannot afford to hire an attorney. The following links may assist you in determining if you qualify for such legal assistance:

Legal Aid of East Tennessee Pro Bono Project: www.laet.org

Knoxville Bar Association Lawyer Referral and Information Service: www.knoxbar.org

Online Tennessee Justice: www.onlinetnjustice.org

Justice For All: www.justiceforalltn.com

The information contained in this article is intended to, and does, provide only a broad overview of the pitfalls to preparing legal forms without the assistance of attorney. The general information contained in this article is not designed nor intended to be a substitute for legal advice on a specific legal issue or question. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case. Any publication, distribution, or other use of these materials without the express written consent of the Knoxville Bar Association is prohibited.