

WHITE PAPER



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LawSkills Will Drafting Software Review

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Introduction

30 years ago, when I was in full-time private practice, it came to my attention that there was a product called Express Wills which could be used to create a Will. I asked a colleague to bench test it and the result was we did not purchase it. Mostly because it involved answering too many questions to generate a standard Will and would not have saved time compared to our word-processed clauses.

In recent years, software has become more sophisticated and the professional has grown aware of the need to provide an efficient Will writing service to their clients at a cost-effective price. If anything, coping with the Covid 19 pandemic has encouraged experimentation with software and accelerated change.

The Competition and Markets Authority (CMA) reviewed the legal services sector in 2016 and encouraged regulators to impress on their members the need for price transparency. This resulted in the Solicitors Regulation Authority (SRA) introducing the Price Transparency Rules for solicitors. Some other regulators did likewise for their members. These rules do not, yet, include Will drafting. However, the CMA is currently revisiting this sector and it is likely that more areas of legal work will become subject to price transparency requirements. Solicitors should not be alarmed by this, as research by the SRA has shown that more consumers are seeking out solicitors now that they realise solicitors are not as expensive as they have been led to believe.

Nevertheless, the consumer is being encouraged by the Legal Services Board (LSB) and others to shop around and this makes it essential for the Will drafter to consider how to deliver a correct and appropriate Will for a fair price which enables the practitioner still to make a modest profit whilst providing an excellent service to their client.

It is therefore time to look again at what Will drafting software is now available and whether it is suitable for your organization. Before you purchase any software, you do need to undertake research. Assess what is not working in your organization and what your specific needs are before you decide to purchase Will drafting software. For example, do you want to involve the client in information gathering to speed up the face-to-face time with the client or are you looking to go for online Wills? Do aim to walk before you run!

You need to align any IT purchase with your business goals, the competition you face and what your clients expect. Perhaps in the past your clients would not have expected to answer a series of questions online but now they do, so the need to transcribe data from a written

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questionnaire to a software application may have gone. This could save valuable time and reduce errors.

Consider the software applications you would need to deliver a Will and any associated documents which will reduce your risks. It is a good idea to discuss what you want, in an ideal world, with your IT manager to make sure that any software purchased will be compatible with your organisation's existing systems.

Ask yourself whether you and your colleagues are prepared to be flexible, to adapt your work routines to an 'off the peg' package; or, whether you have the stamina to acquire software where you can influence and change the system to suit your organization.

Will the package you need have sufficient scalability as your organization grows?

To avoid being sold a pup, it is vital that you do put in the time to determine what your organization needs most, such as good training and support, and then ask the right questions to get to the bottom of what they can deliver which you need. Look for their experience with your particular organisation type and with law applications in general. It is a good idea to ask the software provider to put you in touch with say 5 – 10 users who you can ask for their feedback on the service or ask for testimonials.

Approach

To compile this White Paper, requests were put out on LinkedIn for software suppliers to get in touch. This and other connections meant that the following companies were contacted:

- Arken
- Countrywide Tax & Trust Corporation Ltd
- Legal Workflow
- Lifeium
- Thomson Reuters
- WillSuite

Of the above, only Arken, Countrywide, Thomson Reuters and WillSuite are products which are fully operational. Both Legal Workflow and Lifeium are in beta testing and should be available shortly.

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A series of questions were supplied to each company with two case studies (which are appended to the end of this report). Demonstrations of each system were completed. Examples of Wills for the case studies supplied were provided in the case of Arken, Countrywide, Thomson Reuters and WillSuite, as at this stage Legal Workflow and Lifeium's offerings are still under construction.

In question 6 I asked whether the provider used 'exclusion questions'. By this I mean initial key questions in an online Will service to determine whether or not this service is appropriate for the consumer in question. Some people's personal circumstances are too complicated for them to use an online service without assistance from a Will drafting professional and it is best to re-direct a potential new client to the firm's traditional service to obtain the right support before allowing them to launch into the online service only to find it does not work for them.

The idea of 'exclusion questions' is not new. I am sure many of you use them in traditional Will preparation to distinguish between whether a person making enquiries to use your service needs a standard family Will or more complex advice. These enquiries allow you to assess the correct fee to quote them for your service.

LawSkills is extremely grateful for the hard work and effort which each company put into this project. What is crystal clear is that you need to consider how your practitioners (and your clients) will respond to answering extensive questions. None of the firms presented a zingy and client friendly way of capturing the essential data except Legal Workflow. However, it is early days and that product is as yet unfinished.

The current key players in this market are clearly Arken, Countrywide and WillSuite. These are all true software packages where the software does the hard work of building a Will from the answers provided to the questions raised. Each approach the production of Wills differently.

Arken allows you to upscale your business so as you grow, your package and offering can also develop. It has a suite of systems to enable client data entry as well as practitioner data entry (a huge timesaving in itself as seen with the newcomers Legal Workflow and Lifeium); it permits a range of other documents to be prepared that are commonly needed at the same time a Will is prepared and it has an Online Will offering.

Countrywide is designed to help the practitioner and prevent them from a negligence claim. In that regard it is impressive the range of checks and balances which are included when starting on a new Will. It does mean that there are a number of documents for the client to sign in addition to the Will. I suspect it takes longer to learn but is extremely comprehensive

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when you have got to grips with it. There is no suggestion that a client might enter data this is definitely seen as a job for the practitioner and to that end the system is all about supporting and protecting the practitioner.

Then, there is WillSuite. This system is well used and although it is predominantly targeted at Will writers plenty of solicitors use the system too. I liked the way different questions arose with the opportunity to add notes to the file as you drilled down the questionnaire and irrelevant questions are not asked. So if you discover the client has 5 children but there is one he hasn't seen for years and does not want to benefit – you can take a side tour into the advice you gave about potential Inheritance (Provision for Family & Dependents) Act 1975 claims. I am sure the other systems had the opportunity to add notes as well.

WillSuite adopts Countrywide's position and does not permit data entry but their associated product, Love Legal, does permit client data entry. I did not look at this but for some clients this is certainly the future for effectiveness and efficiency.

You will see that I have not included Thomson Reuters FastDraft Master Will product in the top three because frankly I found it old fashioned and suffering from being included in a subscription for Practical Law Private Client rather than being a standalone product which would be tested against the competition. Subscribers use it perhaps because it is 'free'.

Legal Workflow and Lifeium, the new kids on the block, show promise and I would very much like to see how their plans develop. Both are offering something different.

The questions I raised with each company are as follows, together with the company's response:

1. Do you offer different products?

Arken	Yes, the core Arken Professional product drafts Wills and mirror Wills to a high level of complexity without the need for manual edits and includes LPAs (both Property & Finance & Health & Welfare); General Powers of Attorney, Expressions of Wishes, a specific Expression of Wishes to Guardians, Advanced Decisions, Severance of Joint Tenancy. A full range of Testamentary Trusts is catered for including: IPDI, NRB, RNRB, APRRT/BPRT, annuity, charitable, vulnerable person. Lifetime Trusts (liP, Flexible Life Trusts, discretionary trusts, pension death benefit trust, charitable
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	<p>trust). A bespoke clause by clause Commentary is included for Wills and LPAs.</p> <p>Other products available in the Arken.legal product suite include Arken Acquire (an online client facing fact find), Arken Anywhere (an offline version of Arken Professional), Trust Referencer (an interactive trusts and taxation textbook), Arken Lifetime (for inter vivos estate planning) and Arken Online Wills. Arken has just launched an interactive Intestacy Tool which can be imbedded on a firm's website to advise clients what would happen if they died without a Will – this is a lead generator and will take the end user to complete an online Will or a fact find through Acquire as appropriate.</p>
Countrywide	<p>Yes, Wills and mirror Wills; LPAs; Trusts: Life assurance and spousal by-pass trusts can be drafted by user; more complex documents (like Cross option agreements, trusts of land and appointments and retirements of trustees & Deeds of Variation) can be provided by Countrywide on instruction; A Memorandum of Wishes is automatically generated by the software wherever there is a relevant property trust.</p> <p>The software can also produce TR1s RX1s etc on request.</p> <p>Altogether 77 Wills and Trusts and 190 private client legal documents can be drafted using the software.</p>
Legal Workflow	<p>Whilst this product is still under construction, the Wills package will be available by 31 December 2020 and will include Mirror Wills and Letters of Wishes.</p> <p>LPAs are expected to be ready by the end of the first quarter of 2021.</p> <p>Estate administration is expected to be available by the second quarter of 2021.</p>
Lifeium	<p>Solicitors can send invitations to their clients to use the App via a white-labelled dashboard. You can create a Will and request an update to a Will. Mirror Wills feature is due to launch soon.</p>

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Thomson Reuters	<p>Thomson Reuters has three key products designed to optimise workflow and provide a positive customer experience.</p> <p>The Practical Law Fast Draft Master Will which is adapted in response to the answers to the questions on the Will questionnaire. You can create Mirror Wills and if you return to the questionnaire to make changes, the changes are reflected in both Wills. Manual changes made to one Will in the Word document will need to be made in the other if required</p> <p>There are six shortcut Wills with pre-set questions, to create a suite of Wills used in common situations and short form Wills.</p> <p>All of the Wills include detailed drafting notes that link to maintained resources on the legal background.</p> <p>There are standard Letters of Wishes for personal chattels and for use with a discretionary trust – both simple and detailed.</p> <p>There is a commentary on the Will for the client which matches the clauses selected. There are also Trust and Tax guides provided for the client which explain the workings of any trust and the tax treatment of the Will and automatically reflects the options chosen for the Will.</p> <p>The documents are written in plain English, so that the client can understand them without requiring further legal advice later on.</p> <p>Practical Law Private Client also provides practitioners with a comprehensive body of practical know-how on Private Client practice and Charity law. They have more than 120 maintained Private Client precedents available from the easy to navigate website, 270 maintained Practice notes and 40 maintained Checklists. Plus trackers and toolkits.</p> <p>There are no automated LPA forms.</p>
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	<p>Thomson Reuters has two other products which are used by practitioners to generate automated Wills either individually or in collaboration with clients. Contract Express is a document assembly solution that includes customisable Practical Law precedents, and also the ability for users to easily automate their own precedents. A questionnaire is sent to the client whose answers directly populate a first draft, minimising the time delays associated with data entry. High Q with Doc Auto is a legal platform where users can create client extranets with multiple features designed to streamline work processes and provide a great client experience. These include workflows, tasks and data visualisations and the ability to automate documents in collaboration with the client.</p>
WillSuite	<p>Wills and Mirror Wills (both simple and complex) can be produced, LPAs, the LPA 120, Advance Decisions, Severance of joint tenancy, Asset protection trusts (but this is offered through a panel of solicitors) and Letters of Wishes.</p>

2. Is the product targeted only at solicitors or any Will drafter?

Arken	<p>Arken systems are appropriate for all involved in drafting Wills and estate planning. Users include Solicitors (ranging from sole practitioners to regional and national firms), Accountants, Legal Service Providers and Will writers. The product has been designed and refined by private client solicitors so takes into account solicitors' best practice. The Arken Lifetime tool for drafting inter vivos trusts as part of an estate planning practice is aimed solely at solicitors.</p>
Countrywide	<p>The system can assist anyone preparing Wills and is used by solicitors, Will writers, IFAs and Accountants.</p>
Legal Workflow	<p>Can be used by solicitors or other Will writers.</p>

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Lifeium	The company targets Solicitors and Professional Will writers.
Thomson Reuters	The Fast Draft Master Will is for use by solicitors and other professional Will writers who subscribe to Practical Law Private Client – it is not a standalone product.
WillSuite	It is the software of choice of the Institute of Professional Will Writers and the Society of Will Writers. It is also widely used by solicitors.

3. Would the software and accompanying data be held in the Cloud?

Arken	Yes it is. Arken.legal invests heavily in Amazon web services – an industry leading cloud provider- and have achieved the 5 pillars of excellence programme. Arken products are penetration tested at least annually. API functionality facilitates integrations with other best in class solutions (e.g. CRM systems) for seamless data transfer.
Countrywide	The software is desktop based allowing people to operate both online and offline. The data is stored on a cloud based server in the UK and client files are backed up in two places every 5 minutes.
Legal Workflow	Yes
Lifeium	Yes - our software is cloud based. This offers the benefits of easy set-up, no need for physical server storage, and offers flexibility when looking at concepts such as integration with other systems. We are working with an innovative data mapping tool that helps us comply with GDPR, and to have oversight of the system from all data sources.

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Thomson Reuters	Yes
WillSuite	Yes, all WillSuite data is held securely in the cloud. This allows our clients access to their data from anywhere and from any device. Our cloud based server providers are also GDPR compliant.

4. Does the firm do the data entry or does the client?

Arken	<p>The core Arken Professional product is for professional drafter use.</p> <p>Arken Anywhere is an offline version of Arken Professional that allows the professional to complete the questionnaire – which can be useful when visiting a client with no or poor Wffi connections, for example, in a hospital environment. The data can then be synchronised with Arken Professional once the user is back online.</p> <p>Other products in the Arken suite provide different routes to the end client:</p> <ul style="list-style-type: none"> • Arken Acquire – sits on the firm’s website or a link can be emailed to the client – it is an interactive tool for the client to complete personal and other information which is automatically populated into Arken Professional. This can also be used for marketing/lead generation and can be branded by the firm. , • Arken Online – offers online Wills to clients whose circumstances may not require legal advice, or, can form part of a checked service. Arken Online incorporates functionality to assist the client in establishing their needs and also to manage risk for the business as far as this is possible for an online service. Arken Online is compatible with mobile devices and will shortly include options for the firm to offer LPAs, GPAs and Advanced Decisions.
Countrywide	The practitioner does the data entry and not the client.

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	<p>There is in the pipeline a facility for the client to share data securely via an app that will link to the software.</p>
Legal Workflow	<p>Can be either. It is collaborative software with the aim of guiding the client through essential questions (and with the aid of a Chatbot providing answers to the common ones) without overburdening the client.</p> <p>Answers to the key questions flag up for the professional important points to explore. This gives the professional more time to spend having a conversation with the client and introducing more complexity into the Will drafting if necessary.</p> <p>The professional can use the software as an aid to taking instructions if the clients does not or cannot engage online.</p>
Lifeium	<p>The system works in two ways: The client does the initial data entry. The output is a draft Will based on a pre-specified template which saves cost and time for the professional. The client books an appointment through the App where the Solicitor will seek further instructions to finalise the Will before it is sent to the client for review.</p>
Thomson Reuters	<p>The Fast Draft Wills programme is only for subscribers to Practical Law Private Client and is not designed to be accessed by the subscriber's clients.</p> <p>Contract Express and High Q are specifically designed as collaboration tools- the first for collecting instructions and generating documents or packages of documents (and other outputs, including advice).</p> <p>In contrast, High Q is a legal platform that includes document automation among a host of other features including client extranets, file sharing and other communication tools, as well as legal project management features such as tasks, workflows and wikis.</p>

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WillSuite	<p>Through WillSuite, the firm does the data entry. There is a separate brand called Love Legal, which enables a client facing offering.</p> <p>They also work with external parties, like smart forms, which enable firms to have offline data input.</p>
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5. How is the data collected to convert it to a Will?

Arken	<p>Arken products provide intelligent, interactive questionnaires which guide the user (professional or end client, depending on the product) through the process of collecting information and making decisions to meet the required needs.</p> <p>In drafting the Will, Arken does not use template documents or macros but mimics the professional drafting process of including and modifying clauses as required to reflect the information inputted and decisions made in the questionnaire, ensuring integrity of the document.</p> <p>Arken Acquire – a digital fact find – collects demographic information from the end client, including marital status, dependents, business ownership, pets, assets and liabilities. This enables the firm to establish the most appropriate person to follow up with the client and reduces the re-keying of data, as the information from Acquire flows straight into Arken Professional, including changing mandatory areas in the questionnaire depending on the client's responses – so helps ensure nothing is missed.</p>
Countrywide	<p>Instructions are taken from the client in their presence and can be input directly into the software or entered later using the questionnaire provided.</p>
Legal Workflow	<p>The data is collected via an online dynamic questionnaire, allowing the client to answer the questions in any order that they like. A traffic light system is used – once all the relevant questions have been answered across the system the tabs on screen turn green and the data is ready to be shared with the solicitor. The content of the questionnaire changes according to the data entered by the client.</p>

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Lifeium	Through the questions in the App. Digital format of a questionnaire.
Thomson Reuters	The subscriber answers the questions in the Wills questionnaire within the system, using the Drafting Notes for guidance. The remaining questions are dependent on the subscriber's other answers, as is the content of the generated Will. The answers may be changed at any time and in that case, the Will is automatically updated. Additionally, there is a standard <i>Will instructions questionnaire</i> and a standard <i>Wills questionnaire: assets and liabilities</i> (both in Word format) that aim to be user-friendly, that can be sent to clients prior to any client meeting. The questionnaires are designed to capture relevant information to enable the Will drafter to provide comprehensive advice on what should be included in the Will.
WillSuite	The data is collected via an intuitive questionnaire and the user can see the documents being produced as they progress through the questions.

6. Do you use exclusion questions for clients who enter data themselves, making it clear they need bespoke advice?

Arken	<p>Yes, for the client who would be entering the data using either Arken Acquire or Arken Online.</p> <p>Arken Online includes the most obvious questions (e.g. value of the estate, vulnerable beneficiaries, overseas assets etc.) but also enables the firm to add to or remove any of the standard questions</p> <p>Where the client does not meet the criteria for an Online Will, they can be directed to Arken Acquire to complete personal and other information which then flows directly into Arken Professional as described previously.</p>
Countrywide	As the client is not able to enter data on the system there is no need for exclusion questions. There are however, a series

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	of required fields that must be answered to help the practitioner in completing the data entry and there are 'Advice Warnings' which pop up if there is something the practitioner might have missed such as failing to utilise the RNRB because of the structure chosen.
Legal Workflow	No as the client does not generate the Will. Instead the solicitor is alerted to particular issues that need exploration in the client meeting. The solicitor too completes questions before the final draft is produced.
Lifeium	We have implemented a flagging feature. Certain questions in the data capturing process will lead to that draft Will being flagged for the Solicitor's attention. The idea is to provide a chance to review Will and decide if bespoke advice is needed, which would change the cost of services.
Thomson Reuters	<p>No. Not applicable – only the signed in user can access the Fast Draft questionnaire.</p> <p>Our customers use Contract Express to tailor Practical Law or their own precedents as they like. This includes the ability to insert guidance or even launch a different template, based on their answers. Practitioners can amend the questions and guidance in the underlying template themselves- no coding knowledge is required. In this way, they can capture the firm's specific approaches to an unlimited number of scenarios as well as direct the client appropriately.</p>
WillSuite	Not with this product, but through our separate Love Legal service , where the data is entered by the client, there are exclusion questions. The firm is able to add flags to the data pages to let the client know that professional advice is needed. The wording on the flag can be chosen by the firm.

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7. Is any preparatory work required before the practitioner or client starts to use the software?

Arken	<p>All Arken products are ‘plug and play’ with in-built provisioning tools enabling the user to specify, for example, look and feel of their brand.</p> <p>Arken Professional comes with a free trial period and they also offer comprehensive onboarding with free new user training, ongoing telephone support, webchat and email, have a comprehensive online ‘How To’ video library and run regular webinars on key subjects. Each firm is also allocated a Customer Success Manager to help with their onboarding and continued use.</p>
Countrywide	<p>A contract has to be signed and a subscriber package has to be purchased depending on the number of users and the functionality of each. There is also a requirement for a firm to decide on its own branding.</p> <p>A free trial period is available</p> <p>Training is available – see later.</p>
Legal Workflow	No.
Lifeium	No. Other than familiarity with the system, log in details are sufficient to be up and running. Training is provided.
Thomson Reuters	<p>The firm has to be a subscriber to Practical Law Private Client. As a subscriber the firm simply clicks on the link to the Fast Draft programme, or one of the ‘Start Drafting’ buttons on the appropriate Practical Law content.</p> <p>For Contract Express, the client is sent a link to launch the questionnaire, when completed, an email is sent to the practitioner.</p>

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WillSuite	<p>A full onboarding service is included. Initially, there is a 1-2-1 demo on the software. Then the firm has 14 days free use to give the software a trial. By the time they log into their system to trial it, a branded platform will have been created for the firm and users will be shown how to use it.</p> <p>Typically, a firm can be up and running on a branded system within minutes of speaking to the company.</p>
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8. Do you provide 'help' to the user and is it clear and easy to follow?

Arken	<p>The products include help/information throughout, accessed either via help icons or as reminders/warnings as the user selects options in the questionnaires.</p> <p>Arken Professional also includes a Tutorial section on key aspects and a bank of helpful "how to" videos.</p> <p>There is comprehensive support to the user throughout: regular reviews in the first 3 months of using the product as well as online, email and telephone support with the ability to remote onto their screen should users need it.</p>
Countrywide	<p>Yes. It is intuitive and there are videos in the software explaining how it works. In addition to initial training an in-house software team are on hand to answer any questions.</p> <p>Separate technical advice is also available under a separate membership subscription.</p>
Legal Workflow	<p>Yes, through contextual help content and a Chatbot. At any time the client can ask that a lawyer calls them.</p>
Lifeium	<p>Yes. Help is provided by way of explanatory text before crucial sections such as assets and beneficiaries. Help is also provided through the App menu where any issues can be reported.</p>

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	There is no help with technical legal questions but there are some FAQs which address some of the most common questions.
Thomson Reuters	Our training team offers complimentary training to get the most out of Fast Draft and we also have online webinars and a Fast Draft users guide. In addition, we have an "Ask" service where subscribers may raise any legal queries or technical issues with answers provided by our experienced team.
WillSuite	There is a 'support' tab built into the system which feed directly into the team at WillSuite. Users can also ring at any point to book further training (although this is rarely required) and there is a host of training videos. When a new feature is added to the software an announcement is provided in the software.

9. How does the practitioner know if a client has completed their part of the process?

Arken	<p>Where a firm is offering Arken Acquire or Arken Online, an email is automatically sent to the practice to inform them that the client has completed a questionnaire.</p> <p>Information from Arken Acquire can be imported into Arken Professional, avoiding the need to re-key data, and as the fact-finds are imported, a client will be created in Arken Professional to keep track of imported instructions.</p> <p>Arken Online offers the firm a range of services that they can offer to their clients and provides a back-office tool where the practitioner can view and complete Wills as may be necessary.</p>
Countrywide	The client may opt to sign a firm's Terms & Conditions of Business and associated documentation electronically to allow the practitioner to start work.

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	<p>This can be done as part of the instruction taking process or a link can be sent to the client by email in order for them to sign them later.</p> <p>Signed copies of the documents are stored electronically. If the client has not signed the documents it remains 'flagged' when the practitioner logs onto the system and will remain so throughout the process until completed.</p> <p>A growing number of people are choosing to sign these documents electronically – 24% over the last 12 months.</p>
Legal Workflow	<p>A 'Submit' button appears for the client when the system recognises that all the relevant questions have been answered.</p>
Lifeium	<p>Payment for services by the client converts them from a prospective (invited) client to an automatically on-boarded client and appears under cases. Email notifications are also in use as a secondary notification tool.</p> <p>There is more work planned in this area.</p>
Thomson Reuters	<p>Not applicable for Practical Law.</p> <p>For Contract Express, the client is sent a link to launch the questionnaire. When completed, an email is sent to the practitioner.</p>
WillSuite	<p>Within the Love Legal software, there is an email notification.</p>

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10. Which precedents are used? Your own or an existing proprietary brand or otherwise?

Arken	Arken.legal was formed in 1992 (under the name Documents Plus Ltd, subsequently trading as DPL Professional). The Will precedents are proprietary to Arken.legal and originate from in-house experts. Over the years the precedents have been continually modified and updated by those experts including taking account of user feedback, working with other professionals and leading experts (such as James Kessler QC), STEP members etc. There is now a Legal Advisory Board comprising expert lawyers and STEP members that oversees the content and product development.
Countrywide	<p>The precedents used represent an adaption of various regular precedent books including, Kessler, Williams, Parkers and Black amongst others. Countrywide sift the precedents and adapt them for use in the programme. The company employs coders who work 24/7 enhancing the product.</p> <p>If necessary, a precedent will be generated in house and possibly, as a result of taking Counsel's opinion.</p>
Legal Workflow	Legalmatters – although it is adaptable to take a firm's own precedents if necessary.
Lifeium	At the moment we have used a precedent reflecting a simple estate. We are rolling out the ability for firms to use their own precedents/templates.
Thomson Reuters	Practical Law Private Client precedents are used in the Master Will and there is a wide range of additional clauses which can be inserted into the Master Will and can be accessed from the Wills Toolkit. Subscribers to Westlaw UK also have access to various Sweet & Maxwell publications

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	<p>several of these include precedents including <i>Withers LLP</i>, <i>Practical Will Precedents</i> and <i>James Kessler QC, Charlotte Shaw, Drafting Trusts and Will Trusts</i>. It is interesting to note Practical Law does not have a NRB discretionary trust which includes the debt/charge scheme although this precedent is available from Practical Will Precedents.</p> <p>Practitioners using Contract Express can use Practical Law precedents, their own customised versions of those, or their own templates.</p>
WillSuite	WillSuite commissioned solicitors of 15 PQE to prepare the precedents. They are drafted in plain English and gained the Crystal Mark for plain English. The company regularly review them to keep them up to date.

11. Can the firm edit the precedents or the draft Will before it is finalised?

Arken	<p>Yes, although as Arken Professional can cater for even the most complex of Wills it is expected that 95+% of Wills would not require editing*. Where editing is required, this is controlled by the system to ensure integrity of the document in terms of clause numbering, page layout etc. and edits can be transferred over into a mirror Will. The system does provide a facility where the firm can build up a library of clauses they may wish to edit into a Will on occasions, and which can be accessed by all users, assisting with document consistency through the practice.</p> <p><small>*based on user feedback</small></p>
Countrywide	Yes the user has the option to edit the documents as they are generated in Microsoft Word. Draft documents are produced and saved outside the software, so even if the instruction taker no longer subscribes to the software they still retain the draft documents.
Legal Workflow	Yes.

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Lifeium	<p>Yes, the practitioner can edit the draft Will as many times as possible, save progress and email it to the client for review.</p> <p>As the user has access on their device, you can also notify them a new version is available for them to log in to the App and review. We shall offer flexibility with templates in the near future.</p>
Thomson Reuters	<p>The subscriber can return to the questionnaire and change their answers as many times as they wish and generate an updated Word document each time. Such changes would be included in the Mirror Will automatically. The Word documents can be manually adapted by using a Practical Law Private Client “plug in” clause, clauses from any other precedent or bespoke wording. However, if the subscriber makes changes outside the questionnaire, i.e. to the generated Word document, such changes would also need to be copied into the Mirror Will Word document.</p>
WillSuite	<p>Yes. There is a full audit system built into the software enabling the user to easily edit the document, add their own precedents and see what edits have been made by which team member. Any changes can be reverted if needed.</p>

12. What is produced once the data has been imported?

Arken	<p>Data is inputted directly into the Arken Professional questionnaires by the user to produce the selected document (e.g. Will, LPA, SJT. GPA etc.). Once a questionnaire has been completed, common data is available to all other questionnaires, including those for mirror documents (i.e. for a spouse/partner). Arken Professional automatically drafts the required document and allows the practitioner to download document Packs. In the case of a Will, for example, this can also include the bespoke Will Commentary, branded coversheet, and signing instructions (where the practitioner may be sending the documents to the client for signature). Draft versions of the documents can be downloaded if required to send to a</p>
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	<p>client. The practitioner can also download a PDF copy of the completed questionnaires which, as well as the drafting instructions, include sections to record, for example, an overview of the client interview, capacity assessment, assets and liabilities. Document Packs can be password protected as additional security, particularly relevant, for example, if being emailed to a client.</p> <p>Other options include the ability to download particular sections only of the completed questionnaire e.g. Overview of the Interview (including mental capacity assessment), which may be required to be saved by the practitioner separately for risk mitigation and other purposes.</p>
Countrywide	<p>Countrywide try to protect a user from acts of negligence and to this end a raft of options appear when a Will is chosen:</p> <ul style="list-style-type: none"> (a) The Order Summary – i.e. the instructions received which the client confirms to eliminate the need to corrections (b) The Will (c) The Will Clarity Statement – this is part of the essential package and it is a risk management tool. It produces a document confirming what happened in the instruction gathering meeting and reminds the practitioner to tackle issues like testamentary capacity or undue influence etc. It also flags warnings for the adviser. From this it will feed into the Order summary and the Disclaimer which tackles a range of issues from the products ordered to issues around the application of the Residence Nil Rate Band (RNRB). This document is signed by the client and the practitioner. (d) The Will commentary – a non-legal document personalised to the document written in plain English for the client. (e) Will signing notes on how to execute the Will (f) Memorandum of Wishes, where applicable and (g) Statement of Execution <p>There is an optional marketing package that prepopulates letters to the various parties involved in the Will drafting process.</p>

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Legal Workflow	A draft Will.
Lifeium	A draft Will, Customer on-boarded (names, address etc).
Thomson Reuters	<p>The FastDraft version of the software produces:</p> <ul style="list-style-type: none"> (a) A Will (b) An optional commentary to send to the client (c) An optional client guide on the Trust and Tax implications of Will <p>These documents reflect the choices made whilst drafting the Will and are in plain English.</p>
WillSuite	The Will or other document chosen is produced once the questionnaire has been completed.

13. How is payment/invoicing dealt with?

Arken	<p>With Arken Online, the practitioner requires a business PayPal account to accept payments from the client completing the Will application. This is automated in the system and on submission by the client, the confirmatory email is automatically sent to the client which includes details of the amount, VAT and VAT registration number of the practice. At the same time an email is automatically sent to the practice confirming the client details, service selected and payment made by the client, which the practice can then reconcile with their PayPal account.</p> <p>Arken Professional does not generate client invoices and this aspect is handled by the practice.</p> <p>Payments as between Arken.legal and users/firms can be via monthly or annual direct debit or credit card payments or, for large enterprise clients by annual invoice. All invoices for payments are automatically generated and emailed to firms.</p>
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Countrywide	<p>Invoices are generated by the software and the firm can tailor the required payment details for the client in accordance with the contract.</p> <p>The firm decides how it wants the invoice to look e.g. overall fee for all documents or an itemised statement.</p> <p>The facility to set up Direct Debits without using a paper form is also included in the software. If the client chooses the secure storage option, then a monthly direct debit can be organised, and it will apply automatically.</p>
Legal Workflow	Currently, according to the firm's own methods, as the software is intended to be used alongside existing processes. It has APIs for integration.
Lifeium	Once a client pays the quoted fee via the App and the payment is processed successfully, the funds shall be deposited to the firm's account. Lifeium invoices its clients based on our pricing structure.
Thomson Reuters	Not available.
WillSuite	There is an invoicing tool which allows practitioners to create invoices within WillSuite. These invoices can be downloaded and posted or e-mailed to clients. The firm can also track when these have been paid and when to chase outstanding invoices.

14. Does the system effectively create a case management file for the Will? i.e. can you add in bespoke attendance & file notes?

Arken	Yes, in the case of a Will or LPA there is a section in the questionnaire 'Overview of the Client Interview' where the practitioner can record, for example, where and when the
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	<p>interview took place, who was in attendance, capacity (Golden Rule), and any other required notes.</p> <p>Additionally, if the practice is selected to be the/an Executor the drafter can record the reasons for the appointment by the client, which can be referred back to, if necessary, if queried by beneficiaries for example.</p>
Countrywide	<p>It is possible to add file notes and To Do Lists to the Will file. The following notes can be dated and added to Outlook:</p> <ul style="list-style-type: none"> (a) Notes to the Will drafter (if the instruction taker is submitting the file to someone else to draft the document) (b) Client notes (relevant to the client, and the notes stay with their file) (c) To Do notes (a reminder facility to create a task list for the instruction taker or Will drafter – these work in conjunction with a calendar so you can insert a date by when they must be completed. <p>The input for the Will creates a standalone Will Clarity Statement (see above) which provides a Will File ratified by both the client and the instruction taker.</p> <p>Notes relevant to clauses in the Will appear in red on the draft Will to remind practitioners that they are outstanding and need to be dealt with before the Will can be finalised.</p>
Legal Workflow	<p>Not currently, it is intended to be used in conjunction with the firm's case management system.</p>
Lifeium	<p>Not at the moment. Firms will have the ability to send client care letters for electronic signing in a later iteration. This will introduce some traditional case management features.</p> <p>Video conferencing is also planned as an integrated feature for attendance.</p>

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Thomson Reuters	You can upload documents to the project (letters, notes, etc) and download those and all generated Word documents, as a .ZIP file for convenience. You can also create other documents from other questionnaires in the same FastDraft Master Will project folder.
WillSuite	<p>Yes. Within each case the practitioner can track communications with the client. Firms can add their Office 365 accounts and emails will appear in each individual case.</p> <p>Clients can record information about assets and liabilities. You can upload client's ID, copies of the Terms of Business, attendance notes etc.</p> <p>There is also an appointment booking feature so firms can send confirmations and reminders to clients about their appointments.</p> <p>Our software integrates with Zoom.</p>

15. For GDPR purposes, where is the data stored and for how long is it accessible?

Arken	<p>All data is stored securely online on servers held in industry leading cloud service provider AWS and based in the UK.</p> <p>Arken invests heavily in data security and commissions third party penetration tests at least annually. Their systems and work practices fully comply with GDPR legislation. Arken Professional is also the only Will software accredited by the ICAEW.</p> <p>Arken solutions provide the ability for authorised personnel within a practice (based on user role) to be able to delete client records and data via the front-end Client and Document Management areas ensuring that control of all end client data is in the hands of each practice and without the need for any direct access to the database.</p>
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Countrywide	The data is stored in a server based in Northampton for GDPR purposes. Data is retained whilst lawfully required on the basis of legitimate interest.
Legal Workflow	Securely in Azure and the firm can purge it in accordance with its GDPR policies.
Lifeium	<p>All data is stored on our AWS (Amazon Services) server. Each client gets their own dedicated and secure space on our server.</p> <p>If a client has not paid, none of that data goes across to the firm and so Lifeium, as the data controller retains this data. This is only on the server and not accessible to Lifeium. Once a client has paid, the client is on-boarded and the firm takes responsibility as the data controller.</p> <p>The prospective data is stored until deleted at scheduled intervals as the only information stored is name and email address.</p>
Thomson Reuters	It is all stored in the Cloud using Microsoft Azure.
WillSuite	<p>WillSuite is GDPR compliant. Users can have different levels of access (decided upon by the administrator or master licence user).</p> <p>The data never leaves the UK and is stored in secure data centres managed by Amazon and Digital Ocean. Regular back-ups are taken with over 99.9% uptime.</p> <p>The firm has the ability to make all users change passwords regularly and can enable two factor authentications. Documents can be encrypted within the software for more secure transmission of documents.</p> <p>The data is accessible for as long as someone is a user. If the firm decides to cancel their subscription, the data can be</p>

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	downloaded in an open CSV format. WillSuite will retain the data for 3 months in these cases.
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16. Can the client access the data?

Arken	<p>The end clients do not have access to the Arken Professional system, but the firm could make a PDF copy of the completed questionnaire available to the client if they wanted to.</p> <p>End clients can only access questionnaires they may have completed in Arken Acquire or Arken Online (until such time as the practice deletes the data) – they have no access to any databases. Access to questionnaires is via the clients' secure log-on and password function.</p>
Countrywide	<p>No the clients does not have access to the electronic file. Clients are given copies of the Order Summary for them to retain which confirms the instructions given. It allows engrossed documentation to be issued expediently.</p> <p>The client can receive encrypted emailed copies of signed documents on completion of the attestation process.</p>
Legal Workflow	Yes. The client has their own login.
Lifeium	Yes, the client can access the data from the App. The only exception is the handling of KYC data. The client can see the result of KYC but not the actual KYC report.
Thomson Reuters	No.
WillSuite	<p>In the event of a Subject Access Report under GDPR, the firm can report on what data is held and WillSuite will help with this.</p> <p>The data is not accessible to anyone except the firm. Even WillSuite needs permission to be able to access data (with help requests).</p>

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	With Love Legal, the clients will have an account in which they can access their documents easily. This is password protected.
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17. How is the execution of the document produced dealt with?

Arken	<p>All Wills produced using Arken tools will come with signing instructions for circumstances where the document may not be signed at a meeting with the practitioner.</p> <p>Arken Online communications make it quite clear that it is the responsibility of the client to ensure that the Will is correctly signed, dated and witnessed in accordance with the instructions. The signing instructions include step by step written instructions and, also, an example of a completed attestation.</p> <p>Arken Professional includes a signing section in the Will questionnaire to ensure that the correct attestation wording is included in the document, for example, if the client cannot read and/or write, needs a translator etc. Please also note that this section now also provides for video witnessing if required as part of COVID-19 emergency measures.</p>
Countrywide	<p>In relation to the execution of a Will, a Statement of Execution is prepared and prompts the client through the necessary steps for compliance purposes.</p> <p>This Statement forms a separate document which the client signs to confirm that all necessary formalities have been complied with.</p> <p>This Statement can be completed in the presence of the client and signed electronically on the screen or completed later via the firm's website.</p> <p>If the client decides to complete the execution of the Will without the firm's supervision, then the risks are highlighted to the client in the Will Clarity Statement. The client must</p>

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	confirm they will complete the details via the website. The firm will be prompted by the software if the client does not complete this process.
Legal Workflow	In accordance with the firm's practices and case management workflows.
Lifeium	Once a Will is ready, the practitioner can download as a pdf, word or to their local machine/pc/laptop. They can then either instruct the client on what to do in terms of execution if emailing the document or decide on how to deliver the document/invite the client to attend for execution.
Thomson Reuters	This is up to the individual professional preparing the Will. Standard signing instructions can be sent to a testator and there are other resources to help the practitioner including an <i>Executing a will or codicil: checklist</i> to use when supervising the execution of a Will or codicil by the testator or when sending the Will to the testator for unsupervised execution. It is designed to comply with the relevant part of the Law Society's Wills and Inheritance Quality Scheme (WIQS). There is also a <i>Receiving an executed will: checklist</i> which includes a list of points to check on receiving an executed Will or codicil and a practice note on executing Wills and codicils.
WillSuite	The system automatically produces document commentaries and signing guides which are accessible by the firm in each case. They can be downloaded, printed or emailed to the client. They are branded for the firm in question too. They provide guidance and support for the clients helping them to understand the documents and how to sign them in the absence of a professional adviser.

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18. Have you any plans to permit customers to make their own Will directly from the web but under the umbrella of a law firm?

Arken	<p>Yes – Arken Online already provides this functionality. Originally developed in 2009 and recently refreshed to work on mobile devices, thousands of Wills have been drafted using this system. Arken is not aware of any claims or potential claims arising out of the use of the system.</p> <p>Arken Online provides a range of services that the practitioner can select to offer to their clients, from instant download through to checking and/or document printing.</p> <p>The service can be branded by the practice, including the parameters of the suitability of the service for the client.</p> <p>The system requires the client to confirm suitability, acceptance of Terms and Conditions etc. and automated communications make it quite clear to the client that no legal advice has been given to them by the firm and that they are responsible for the correct signing of the Will etc.</p> <p>Alternatively, a firm can use Arken Online to offer a checked service whereby the client creates their own Will, but the Will is checked by the firm before it is signed.</p> <p>Whilst it has to be acknowledged that there is always a risk with online Wills (for example, undue influence on the client or someone else completing the application on behalf of the client), Arken Online has features to manage this risk on the part of the practice as far as it is possible to do so.</p> <p>Arken will shortly be adding the ability to draft LPA's, Advanced Decisions and GPAs on the same platform.</p>
Countrywide	<p>No – we have no plans to enter this space. We are not interested in the DIY Will market.</p>
Legal Workflow	<p>This is not a DIY product but a collaboration between client and practitioner. Some firms might choose to use it in that way. It can be white labelled to firms.</p>

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Lifeium	<p>Not in the DIY Wills/B2C space. We shall give firms the ability to use a tool on their website which allows their clients to create a Will any time.</p> <p>This is not intended to be used as a B2C offering but as a tool to offer firms more marketing capability and flexibility with customer acquisition.</p>
Thomson Reuters	<p>At this point there are no immediate plans to provide this functionality for FastDraft Master Will. It is however, something the company has been looking into.</p> <p>A key factor in its thinking is that questionnaire is drafted for practitioners to complete and it would need potentially substantial re-working to make it suitable for direct client access.</p> <p>This work is not a priority at present.</p> <p>As previously mentioned, Thomson Reuters' other products, Contract Express and High W both have client-facing automation which our customers use to provide online legal services.</p>
WillSuite	<p>Yes, this is available under our Love Legal brand. Clients are able to do this via Love Legal (another company within the WillSuite Group). This provides the company with a branded online Will writing platform hosted on their website which allows the client to access a user-friendly questionnaire. From there it uses the WillSuite engine to write the Will. The firm decides the price, what the client journey looks like and can customise the questions asked. They client can have the document emailed to them directly from the system or it can be emailed to law firm to pick up on communication with their client.</p>

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19. Do you provide advice to the firm about risk and terms and conditions for client of the firm using the system?

Arken	<p>Arken.legal does not advise firms on any risk as between the firm and their client – this is for the firm to manage as with any other service(s) it offers to clients.</p> <p>However, Arken does like to work with the practitioner to understand their business process and help them manage their risk more effectively with a view to advising on the best way of managing or improving that process.</p> <p>The Help Notes and controls in the Arken Professional Will questionnaire guide the practitioner to ensure that aspects relevant to the client are not overlooked during the drafting process and so assist in terms of risk management.</p> <p>Arken Online and Arken Acquire include standard sets of Terms and Conditions as between the firm and their client using the relevant service, but the firm can also upload its own Ts and Cs.</p>
Countrywide	<p>At the outset, the Order Summary is used to confirm that the data has been input correctly by the practitioner.</p> <p>There are some Countrywide standard Terms in the system, but these can be tailored by the firm on set up.</p>
Legal Workflow	<p>As it is not a DIY product, we do not consider that there are any special risks.</p>
Lifeium	<p>We have standard agreements, which cover several areas that intersect between Lifeium, the law firms and the end user/client e.g. privacy issues and data security. Our role is a technology provider and to support the use of that tech. We leave the rest to the firm to decide on best practice.</p>
Thomson Reuters	No

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WillSuite	<p>Typically, the firm is advised to get a qualified lawyer to draw up their terms and conditions in accordance with the client journey they have decided upon.</p> <p>Love Legal will support the practitioner on creating the client journey and then will be able to help them understand the approach being taken.</p>
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20. Have you had any substantiated claims arising out of the use of the precedents or the software in general?

Arken	No – Arken.legal was established in 1992 and there have been no claims or threatened claims. Arken.legal is providing a tool to the practitioner and it is for the practitioner to satisfy him/herself that the Will is correct for the client. Over 6m Wills have been produced using Arken solutions – in the UK, South Africa, Australia and New Zealand.
Countrywide	No claims against a back drop of approx. 87,000 wills produced per annum through the software
Legal Workflow	No.
Lifeium	<p>Early days. The company has received feedback about how to provide the best value for firms in terms of precedents. We plan to offer flexibility and ease of use by a practitioner, coupled with any potential for process automation, as our preferred method of implementing the feedback.</p> <p>None.</p>
Thomson Reuters	We haven't heard of any such claims. We have had 51,427 Fast Draft Wills downloaded and 56,513 unique views of our Master will and short cut wills from the Practical Law website in the last 12 months.

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WillSuite	None – the system is producing over 2,000 Wills per week.
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21. What is the pricing structure?

Arken	<p>There are a range of standard plans each providing for unlimited users and based around an inclusive number of documents drafted per month, with each additional document attracting an overage charge equivalent to the cost of a single included document</p> <p>Arken Professional has a minimum contract term of three months and the entry level plan costs £70 + VAT per month which includes 10 documents, and each additional document costings £7 + VAT. (Note: Prices correct as at 1st November 2020). There are no hidden costs – no matter how complex the document, the price is the same. The cost includes the entire document packs and all supplementary documents (e.g. questionnaire, summary of the client interview and an assets and liability report).</p> <p>This is for unlimited users so there is no need to share licenses as users.</p> <p>The subscription cost includes access to all tutorials, help videos, telephone and online support.</p> <p>Additional add-on products to assist with efficiency are priced individually.</p> <p>For volume businesses, Arken offers Enterprise Level commercial terms based on document numbers, products, and any other specific requirements.</p>
Countrywide	<p>The software fees are charged per package and roll month to month with no fixed or tie in periods:</p> <ul style="list-style-type: none"> • Essential Package (minimum required) - £52 + VAT per month and allows you to draft the documents stated in this landing page: http://doc.countrywidegroup.co.uk/Essential%20Package.pdf <ul style="list-style-type: none"> ○ This includes licences to enable the installation of the software on two machines ○ The ability to produce an unlimited number of Wills

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	<ul style="list-style-type: none"> ○ Deeds of Severances ○ Submit order to Countrywide for them to draft the document if appropriate. ● Additional packages can be added as a bolt on: <ul style="list-style-type: none"> ○ Powers of Attorney (jurisdiction specific) ○ Marketing ○ More can be found at https://www.countrywidelegacy.co.uk/our-packages/plus-packages ● A Professional Bundle permits subscription to all packages and this costs £100 + VAT per month <p>It is possible to get setup within any package on the basis that the practitioners are able to take instructions only (without any ability to draft or print documents – this might be relevant for large organisations with a sales team on the road). This package costs £20 + VAT per month. It helps the organisation to manage the process.</p>
Legal Workflow	Pricing to be released but it will be on a use basis.
Lifeium	<p>Pricing is under regular review but generally:</p> <ul style="list-style-type: none"> ○ A basic product (suited for those targeting simple estates) £50 for every Will. ○ Pro Product (customisation to account for bespoke work): £40 per Will and a customisation fee to tailor the system.
Thomson Reuters	The price is included in the subscription for PLC Private Client for which no details offered.
WillSuite	<p>WillSuite operate a transparent monthly license fee not a per document cost. It is simply £69 + VAT per month per user.</p> <p>For Love Legal, it is £125 per month for the licence fee and £10 per document.</p> <p>Both operate on rolling monthly contracts which firms are free to cancel at any point with no penalty or tie in.</p> <p>We never hold a client's data to ransom.</p>

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22. Can you provide a time estimate as to how long it would take to get your system in place for a firm?

Arken	<p>It is literally just a case of the firm registering their practice details, completing a direct debit for payment and then they are up and running.</p> <p>With online Wills it may take the firm up to 30 minutes to set up their profile as this includes online payments from clients.</p>
Countrywide	<p>Within 24 hours, if the firm has an established process already in place as to who they wish to take instructions and draft documents. For individuals, it is possible to set up systems in 30 minutes.</p>
Legal Workflow	<p>Once launched, and provided no special customisation is required, this can be achieved within a week, to include branding for the firm.</p>
Lifeium	<p>Most firms would be up and running within 30 minutes.</p>
Thomson Reuters	<p>Immediately on subscribing for Practical Law Private Client.</p>
WillSuite	<p>WillSuite can be up and running in minutes. We create them with a branded system and they can begin producing documents straight away. Our sign up process is simple and transparent.</p> <p>If the user wants to customise their system, then this can be done by them in their settings tab. Full support is provided.</p> <p>Love Legal typically takes a little longer. A base system can be set up and offering Wills from their website in as little as an hour. If they would like more a more customised online platform for their clients then customisations could take a few days. We typically works to a launch time of between 2 weeks to a month depending on the level of customisation required.</p>

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23. Do you provide training for the firm in the use of the product? If so, what is the cost?

Arken	<p>New user and advanced training are provided. It is not essential as the system is intuitive and does include tutorials and a range of 'how to' videos, but training is very useful for a firm to gain the most out of the system and see what it is capable of.</p> <p>The new user training is free for all to attend and covers all document types – this is held monthly online and is supported by online help videos, online and email chat, telephone support and even remote support onto a user's machine to assist with any issues they may be having with their set up. Each client has a dedicated Customer Success Manager who helps them through the onboarding process and continued use thereafter.</p> <p>Advanced training sessions are also available at a small cost. For volume users, where the firm has an enterprise arrangement, an element of training can be incorporated into the deliverables by negotiation.</p> <p>Arken hosts regular Webinar Wednesdays where they cover an aspect of estate planning in short sessions to enable users to expand their knowledge of the system on a regular basis. Although very intuitive, the solution allows for very complex scenarios so Arken regularly presents worked case studies too.</p>
Countrywide	<p>Training is provided for all new users on the software; bespoke training can be provided on request for an agreed fee.</p> <p>Technical Training is also provided at either £70 + VAT or £140 + VAT. Full details can be found at http://www.countrywidepartners.co.uk/training-courses/news-header</p> <p>A five session remote learning course on Estate Planning costs £295 + VAT.</p>

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Legal Workflow	Minimal training is required as the system is simple to use and intuitive. No cost is charged for this training.
Lifeium	Yes, we provide training. Currently it is free of charge.
Thomson Reuters	Training is provided and it is included in the costs of the Practical Law Private Client subscription.
WillSuite	<p>Yes – at no additional costs. Additional training events are provided to all users including marketing workshops. These are also free.</p> <p>All users are offered 1-2-1 training to help teams get up and running but the system is intuitive. Additionally, there are explainer videos within the system to help users.</p>

Style and content of documents produced

I have read all the Wills and ancillary documents produced in response to the two case studies I provided to each company. Some differences of output are probably because of different interpretation of my 'instructions' so I shall try to refrain from criticising the outputs for the approach taken because of that, but what I will say is, that as always with computers, it is for the practitioner to avoid putting in bad data if they wish to avoid bad outputs not in line with the right approach.

A software package can only produce a certain amount of checks and balances and hopefully a coherent Will based on the data input. If your approach is wrong it cannot correct you and the client may still end up with a Will that may not reflect their instructions, or common sense. All Wills still need to be checked at the end of the process before sending them to the client.

That said, I will now comment on the approach taken by the four companies which produced documentation for me to review.

Thomson Reuters was the only company to adopt a Contents Page for the Wills. On request the demonstration used their own Administrative Provisions with the result that their simple Will was unsurprisingly twice as long as the others. Thomson Reuters do allow the practitioner to opt for the STEP provisions instead. The other companies all used the STEP 2nd Edition Standard & Special Provisions. It is more than likely that each company can provide either option.

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All four companies used Headings, which I think make a Will much easier to follow for the client. Only Countrywide did not include page numbering. It is also useful to remember that clients find reading a document easier if the font is slightly larger than normal, say 14 rather than 12 point and has plenty of 'whitespace' around the printed area and between the lines, say 1.15 rather than 1. Countrywide and WillSuite adopted this approach.

The simple Wills example were for a husband and wife with a joint estate below £1 million. Their Wills were mirror Wills. All four systems were able to produce Mirror Wills. Interestingly, neither Thomson Reuters nor WillSuite included a statement as to the fact they were not intended to be mutual Wills. I am advised that in the case of Thomson Reuters this was 'operator error' as the system warns the practitioners to include such a clause. Similarly, I am told that WillSuite has the capability to include this statement.

WillSuite was the only company to give the executors authority to access any digital accounts.

Arken and Countrywide both still use the phrase 'per stirpes' in the Will but explain what it means in the commentaries provided for the client; whereas Thomson Reuters and WillSuite avoid the use of 'jargon' here and each have a different approach. I preferred that of WillSuite but then they use plain English throughout.

Arken, Countrywide and Thomson Reuters each produced a commentary on the Will. Arken and Countrywide produced Will specific explanations of what was in the Will. Whilst Thomson Reuters had a commentary on the Will clauses that was specific to the Will the tax commentary started off in generic style and then towards the end was made to specific to the Will produced. Although I did not see this I am advised that within the Countrywide Marketing package, they have a document explaining the role of the trustees, as well as the roles for any other role that a person can be appointed as. Apparently, they also offer a Trust Commentary, similar to the Will Commentary although a copy of this was not produced in this exercise. Again, although I asked WillSuite if there was a Will commentary, I did not see one, but I am advised that WillSuite also provides a Will commentary.

Arken was the only company to explain to the client how they could access a copy of the STEP provisions. It also had a very good explanation of the role of trustees. I am advised that within WillSuite's Will Commentary there is a description as to how the client can access this.

Arken, Countrywide and WillSuite each produce extra documents for the practitioner and in the case of Countrywide, also the client, as highlighted in the answers to the questionnaire above.

Arken provided a printout of the questions and the answers chosen, which included an assets and liabilities section. It highlighted the risk of IHT being payable on the surviving spouse's death because no use was made of the RNRB on the first death. However, the joint estate was below the threshold of the available bands.

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WillSuite also provided a complete printout of the Questions and Answers given which highlights tips for the practitioner. It covers health questions, testamentary capacity questions, questions regarding undue influence and disabilities which could affect the attestation clause. It then provides a space for the practitioner who took the instructions to sign it.

Countrywide adopts a commentary, a Will clarity statement which has to be signed by the client and which includes:

- The circumstances in which the instructions were taken (at home, over the telephone etc.)
- Testamentary capacity assessment questions
- Questions regarding undue influence
- Any issues surrounding disabilities affecting attestation clause

A statement regarding the execution of the Will – confirming compliance with s.9 Wills Act 1837 and a Disclaimer, which again has to be signed by the client, confirming the things which were discussed at the interview and the decisions made by the testator. These documents are to protect the practitioner, in the event that the firm, subsequent to the testator's death, receives a *Larke v Nugus* letter.

The second case study involved a couple who had different circumstances, the husband having been married before and was divorced with two minor children from his first marriage. They both had substantial assets. Their Wills were not going to be Mirror.

A factor that only Countrywide touched on was that the husband had already transferred some significant life policies into trust for the benefit of his children from his first marriage. This was intended to be a counterbalance to any possible claim those children might make for inadequate financial provision for them in this Will. They were not excluded in this Will, but not treated equally with his new children. I thought it was surprising that this issue was not picked up as important in notes or commentary, albeit not necessarily mentioned in the Will. I was especially surprised it was not referred to in Countrywide's Will Clarity Statement and Disclaimer.

There was supposed to be a Nil Rate Band Discretionary Trust in the husband's Will, given the size of his estate, to keep that value from accumulating with his spouse's so that there might still be potential for RNRB on the second death, whilst at the same time allowing the matrimonial home to pass by survivorship for the protection of the spouse. His estate had plenty of assets to cover this, yet Arken and Countrywide automatically severed the joint tenancy on the matrimonial home which seemed to me not necessary – maybe it was just their way of demonstrating how their software dealt with this side of things.

Both Arken and WillSuite included a NRB discretionary trust as requested with provision if necessary, for the debt and charge scheme as there was a second flat in the husband's estate

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to which it could have applied. Countrywide took the approach of a NRB discretionary trust which was based on all the NRB, RNRB and transferrable bands applying and then within 18 months of death making suitable appointments of property to the lineal descendants to obtain the RNRB and TNRNRB, which otherwise would not apply in a discretionary trust.

The Countrywide Legacy Software generates warnings to the inputter if (say) the RNRB was overlooked (maybe just an NRB legacy to Discretionary Trust) and that forms part of the Disclaimer that was sent along with the documents for the client to acknowledge and sign.

Countrywide was the only company to consider the husband's potential for qualifying business property for IHT relief. This being the case, they included a discretionary trust separately to hold those relievable assets. No other company even referred to these and yet they had a potential value of £500,000,

No company mentioned in any commentary the existing spousal by-pass trust over his death in service benefits and whether it should or was reviewed by the practitioner. This is because it is in the realms of legal advice – so remember as the professional you still need to use your technical skills and can record your comments, advice to the client and reasoning in the spaces provided in the different software's question and answer forms. You would need to add any commentary on this aspect to your advice letter.

Both Arken and Countrywide produced sample memoranda of wishes in relation to chattels. Arken also produced a useful Memorandum of Wishes for the Guardian. Countrywide produced separate Memoranda for each of the three trusts contained in the husband's Will.

In the demonstration copy Will produced, there seemed to be a strange inconsistency in the clauses in WillSuite's example about the residuary trust for the wife's Will, which was supposed to be a flexible life interest to her husband and on his death for their children (but not his children from his previous marriage) and the children's issue. However, the children and their issue were not included in the definition of "Beneficiaries" and then appeared in a subsequent sub-clause. This was probably due to a data entry error made in response to discussions during the demonstration. It does just go to show that Wills need to be checked before being finalised.

My overall impression was that all four systems produced a decent standard set of Mirror Wills but struggled to varying degrees with more complicated Wills. I appreciate that my case study may not have been as full as necessary but even so there was a wide variation of responses to it.

Conclusion

The use of Will drafting software is definitely much more sophisticated than 30 years ago and well worth exploring. It can both provide time saving, once the system becomes familiar, and provide good protection against later claims.

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Before purchase consider your preferred approach to content and layout, style of drafting and the use of the STEP provisions. Think how you will use the software – perhaps predominantly for standard family Wills – and what customisation you might seek.

Look at the range of additional documents the software provides which could really save time and produce additional revenue.

Be very clear:

- You will have to adapt the way you do things
- You will have to learn some different approaches
- It will take you longer at the start and you will have to persevere so allow time for this at the beginning so that you do stick with it
- That it will be best to take the training
- You do need to seek demonstrations and agree whether the precedents suit you or not

Good luck!

Gill Steel

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Married couple – mirror Wills – Case Study 1

Terence and June South of 13 Lilac Road, Rosewood, Floralshire FL1 2BJ are both retired teachers. Terence was born on 6 November 1947 and June was born on 2 May 1949. They were married on 3 September 1975. They each have reasonable index-linked occupational pensions and have modest personal savings as indicated below.

Like many people in recent years, their largest asset is their home, which is held currently in joint names as joint tenants. It is free of mortgage and currently worth approximately £660,000. They have lived there for the last 14 years and although it has four bedrooms they are reluctant to move as they have good neighbours, excellent local facilities and use the spare rooms for when their children and grandchildren visit. They have made no lifetime gifts to one another. All their houses have always been purchased jointly.

They are both moderately active with no life threatening illnesses so expect to live another 20 -25 years. They are unlikely to inherit any further sums and would like to leave as much of their joint estate as possible to their son and daughter (and their respective children) on the second spouse's death. Their son is Andrew Lloyd South born on the 6 June 1986. He is unmarried but lives with his partner in a rented flat in London: Flat 3A, Bank Street, Fulham, London SW10 OXE . Their daughter is Julie Jane Burridge, who was born on 7 July 1989. She is married to Thomas Burridge and they live at 3 The Green, Huntstown, Floralshire FL5 6XY. They have a set of twins – Marigold and Oliver – who were born on 13 January 2020.

Neither Terence nor June relish moving into a care home but in the event this is required in the future, they do not want to give away funds during their lifetimes but would appreciate keeping IHT to a minimum.

Neither has made a Will before and both instruct you to prepare similar Wills for each of them which are not mutual Wills. They each would like the following provisions in principle:

1. To be cremated
2. To appoint each other as sole executor on the first death but if not able or willing to act then partners in the law firm of Snow White and Faithfull of Castle House, High Street, Westwood, Blankshire BL1 3PG
3. On the second death they are happy for the partners in the firm to act so long as no more than two extract the Grant
4. Everything goes to the surviving spouse on the first death
5. On the second death, the estate is to be divided between Andrew and Julie in equal shares with a substitution for their children if predeceased, the grandchildren taking at 21 the share of their deceased parent
6. Longstop gift should go to charity: Teacher Support Network registered charity number 1072583 of Hamilton House, Mabledon Place, London WC1H 9BE.

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Other Assets:

	Terence (£)	June (£)	Joint (£)
Cash ISA	9,000.00	6,000.00	
Building Society			40,000.00
Bank deposit account			12,000.00
Cars	10,000.00	7,000.00	
Other chattels	2,000.00	3,000.00	20,000.00
Totals	21,000.00	16,000.00	72,000.00

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Second marriage – children from different relationships

Nancy Drew (40) is a successful medical consultant and her husband James (49) is Managing Director of a pharmaceutical company. They live at Roland Down, Market Street, West Hamnet, Surrey which they own jointly as joint tenants. There is a mortgage on the property of £500,000. The holiday cottage in Dorset was gifted to Nancy by her parents 10 years ago. There is no mortgage on this property. The London flat was James's property before they married. There is no mortgage now on the flat.

They have one child, Phoebe, age 5. James has two sons from his previous marriage (John, aged 15; and Paul, aged 12). Their assets comprise:

Nancy Drew		James Drew		Joint	
	£		£		£
Holiday cottage, Dorset	175,000	London flat	650,000	Matrimonial Home	850,000
Share portfolio (PEPS)	100,000	Quoted share portfolio	250,000		
		Share options in his company	500,000		
Building Society	30,000	Building Society	50,000		
Bank account	10,000	Bank account	7,500		
Jewellery	10,000	Jewellery	10,000		
Car	20,000				
Totals	345,000		1,467,500		850,000

In addition to the assets within their respective estates on death, they both have excellent pensions and in the case of James, there is a substantial death in service sum of the order of 3 times final salary which is held on discretionary trust for the benefit of Nancy and all his children.

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They both have life assurance policies. James has written his two policies, which are substantial, into trust for his two sons from his first marriage. Nancy's amount to about £300,000 in total and are not written into trust which might be usefully done to avoid them being in her estate on death.

Nancy and James agree that their Wills may not be identical but must be compatible. Their instructions are as follows:

James

1. He appoints Nancy and his accountant Frederick Forest of 3 Oak Lane, Haymarket, London to be his executors and trustees.
2. He appoints his sister-in-law, June Butler of 25 Marlborough Crescent, Duxford Loamshire, as the Guardian of Phoebe and any other children of his marriage to Nancy in the event that Nancy has predeceased him. With regard to his children John and Paul, he appoints his friend Andrew Lonsdale of Park House, Nations Hill, Brush, Wiltshire to be the guardian should James' ex wife Marion die before him. He is John's godfather.
3. He gives on his death a pecuniary legacy of £20,000 to his father Julian Drew of Twitchers Paradise, Goonhilly Down, Dorset, if he survives him, otherwise it falls into residue.
4. He gives the remainder of his NRB into discretionary trust in favour of his trustees for the benefit of his wife, all his children and remoter issue and includes the debt/charge scheme provisions.
5. The residue of his estate goes to his wife for life and the remainder for the children of his marriage to Nancy at 25 in equal shares; the trusts of the life policies for John and Paul providing for them.

Nancy

1. She appoints James and her sister June Butler as her executors and trustees, with a substitution for her solicitors Wright and Wong of Palatine House, West Bridge Street, Guildford, Surrey with the wish that no more than two of the partners acts.
2. She appoints June as her guardian of any infant children of her marriage to James should he predecease her.
3. She gives her personal chattels to a discretionary trust for distribution in accordance with a memorandum of wishes to her executors and trustees.
4. If James survives her, she gives the whole of her residuary estate to him for life with the remainder to the children of their marriage at 25 in equal shares.
5. If James does not survive her, she gives the holiday cottage in Dorset to her sister June and the residue of her estate to Phoebe and any other children of hers at 25 with substitution for issue at 21.

About the Author: Gill Steel

Note on this White Paper: For the avoidance of doubt, Gill Steel was not paid by any of the suppliers to produce this report. The facts about the software have been checked with the suppliers but the opinions are her own independent thoughts.



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Gill has been immersed in Wills, Probate, Trusts, Tax & Elderly Client law for the entirety of her long career as a solicitor, trainer & consultant.

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