

JOHNSON, GASINK & BAXTER, LLP

TWO THINGS CERTAIN®

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“ISN’T THIS ALL JUST BOILERPLATE?”

By Jeremy C. Johnson

“Isn’t this all just boilerplate?” the man sitting across the table said, clearly with a sour look on his face and a negative inflection in his voice. As I quickly quelled my knee-jerk reaction to berate him with a self-important diatribe; I calmly explained the error of his reasoning that led him to such a statement.

First, let’s pull the curtain back on the great Oz; yes, there is certainly ‘boilerplate’ in any good trust or will instrument. GASP... This, however, is not negative. Let’s draw a parallel for illustration purposes to another process. In building a house, there are building codes, mechanical standards, industry norms, and process conformity due to the known parameters of certain building materials (i.e. friction coefficients, shear points, tensile strengths, load displacement, etc.). In addition, on top of all of this, there will always be the factor of the contractor’s experience in building similar structures. All of these things come together to produce a structure that is safe and dependable and meets your use specifications. The mere fact that your home plans called for the same trusses that the builder used in the last home he built for your neighbor; does not make their use in your home any less important or appropriate. Uniqueness, for the sake of uniqueness, can be disastrous as it may introduce unknown quantities and cause unintended consequences.

The same can be said in the drafting of any good estate plan. Yes, any estate planning attorney worth their salt will have a library of clauses that he/she uses again and again, from one document to the next. In our case, JGB has over 25 years of combined experience in drafting and administering estate plans for clients. This has resulted in our ever-improving drafting library that allows us to re-use what works, and it helps keep the overall cost down for our clients. From this perspective, it is quickly evident that the existence of boilerplate in a document is not a bad thing in and of itself. What is important is the quality of the boilerplate and whether or not it has been tested in real life circumstances, providing the intended results. JGB clients can be confident in the knowledge that we spend a great deal of time compiling,

refining, testing, and improving our firm drafting library to provide clients with state of the art estate planning documents. As such, the next time someone uses the term 'boilerplate' in a negative manner; you may be able to educate them and help adjust their perspective on the issue.

So back to my response to the uninformed man at the beginning of this story; I smiled and said, "Yes sir, there is boilerplate in this document and let me explain to you why I am proud of it."



Johnson, Gasink, Baxter, LLP.

1138 Professional Drive
Williamsburg, VA 23185
(757) 220-9800
(804) 824-9690

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About the Author:

Jeremy Johnson is an experienced problem solver who helps individuals and businesses achieve and protect their goals of prosperity, stability and growth through appropriate planning. Jeremy takes great pride in making sure that his work for clients is always reliable, correct, and on time.

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