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Boilerplate



In 1892, the Associated Press (AP) began sending out news articles to newspapers throughout the country. The articles would arrive as type on an iron plate for the printing press. The articles become known to be unoriginal, uninspiring, and little more than semi-disguised advertising. Additionally, the pre-formed slabs of text reminded editors and printers of the standard-sized metal plates that were supplied by iron foundries to riveters constructing steam boilers. This hackneyed material became known as ‘boilerplate.’¹

As a young attorney, I can relate to those small town editors. Eager to print sophisticated and worldly material, they would plug these AP articles into their press to try to match the quality of the larger newspapers. Perhaps the articles were enough to satisfy some of the public.

Today, the term boilerplate is often heard in the legal context. For example, attorneys may include a boilerplate provision in a contract, which means the language is ready-made or all-purpose to fit in a variety of documents.

Does a legal document created for a client need to be fresh and original? If the market for legal services is an indication, then the answer is no. Document preparers have no license to practice law yet they advertise being able to provide a wide array of legal documents (Estate Planning Documents, Corporation Formation Documents, Divorce Settlement Documents). A needed document at a low price can be a great service to the lower-income public. The generic document will not, however, be helpful for any individual purpose and it may not work the way the purchaser expected.

I expect to use boilerplate provisions in the documents I provide my clients. In this way I will be able to offer low cost legal services to those who would benefit. Over the years, however, I will develop the depth and expertise necessary to write each document with language unique to my client’s specific needs. Such a service is more expensive but it is also more powerful – perhaps strong enough to withstand even the most boiling scrutiny.

¹ Shultz, Dodi. “Boilerplate.” <http://www.worldwidewords.org/qa/qa-boil.htm>. 2000