



## Committee on Professional Ethics

Opinion #347 - 5/30/74 (35-74) Topic: Execution of a Will without presence of attorney.

Digest: A lay person may execute his Will without the presence of the attorney drafts person.

Code: EC 3-7  
DR 3-101(A)

### QUESTION

May an attorney at a client's request prepare and send a Will with written instructions as to how it should be executed to a client who is out of town?

### OPINION

At a client's request an attorney may send a Will he has prepared to his out of town client with written instructions as to how the client should execute the Will.

Any service that an attorney may provide to a client may ordinarily be accomplished by the client himself without the advice or assistance of an attorney. The public is not required to engage the services of a lawyer. EC 3-7. The public may engage an attorney for a specific task or only part of what the attorney would consider the complete task. Of course, the attorney would be under a duty to advise his client of the legal problems and why it would be unwise for the client to act for himself in a matter having legal consequences. EC 3-7.

Advice to an out of town client as to how to execute a Will would not be a violation of DR 3-101(A), but the supervision of the execution of a Will by a paralegal might well be such a violation. N.Y. State 343 (1974).

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