



## Committee on Professional Ethics

Opinion #343 - 5/30/74 (19-74) Topic: Paralegal supervision of execution of Wills.

Digest: Paralegals may not supervise the execution of a Will.

Code: EC 3-5, 3-6; 3-7  
DR 3-101(A)

### QUESTION

May an attorney delegate to his paralegal supervision over the execution of a Will.

### OPINION

An attorney may not delegate to a paralegal the task of supervising the execution of a Will. This is tantamount to counseling a client about law matters and permitting a paralegal to engage in the practice of law. Not only is strict compliance with a statute required, but the presence of the attorney provides added assurance that the Will was properly executed by a competent testator.

An attorney may employ nonlawyers to do any task for him except counsel clients about law matters, engage directly in the practice of law, appear in court or appear in formal proceedings a part of judicial process, so long as it is he who takes the work and vouches for it. ABA 316 (1967). The subsequent examination of a Will executed under the supervision of a person other than the attorney does not provide him with sufficient knowledge to allow him to vouch for its due execution. EC 3-6.

Professional judgment must be exercised in the supervision of the execution of a Will and this professional judgment may not be delegated. N.Y. State 304 (1973); EC 3-5.

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