

The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE

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OPINION 88-014

Issued June 17, 1988

[CPR Opinion-provides advice under the Ohio Code of Professional Responsibility which is superseded by the Ohio Rules of Professional Conduct, eff. 2/1/2007.]

SYLLABUS: Videotaping the reading and execution of a will is not prohibited under the Code of Professional Responsibility. The testator should be made aware, however, that the videotape is not meant to replace the written will.

OPINION: We have before us your request for our opinion on whether you may ethically offer your clients a videotape of the reading and signing of their will.

There is nothing in the Code of Professional Responsibility which precludes you from offering your clients a videotape of the reading and signing of a their will. However, we agree with you that there is no valid will without a written document properly executed and witnessed and that your clients should be made aware that the videotape does not replace the written document.

Regarding the videotaping procedure itself, the Ohio Legal Center Institute has published a Reference Manual for Continuing Legal Education which may be of some assistance to you. The Manual outlines the advantages and disadvantages of videotaping a will and provides guidelines on what to include in the video. Ohio Legal Center Institute Publication No. 154 (1985).

In conclusion, it is our opinion and you are so advised that videotaping the reading and signing of a will is not prohibited under the Code of Professional Responsibility. However, a videotape of the execution of a will would not replace the requirement of a written will.

This is an informal, non-binding advisory opinion based upon the facts presented and limited to questions arising under the Code of Professional Responsibility .