

## Legally Blind and Will Execution

Hi - do i need any special instructions in the witness affidavit to account for the fact that he is legally blind. I did send a copy of the documents for him to review and he did with his special eye glasses. There is no basis to believe that there will ever be a will contest. Still any thoughts... please let me know. tnx.

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There are times when you need video.

This is one of those times.

Erik Hammarlund, Massachusetts

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A simple google search will reveal that there are several suggested clauses for people with chronic conditions. Good luck.

Jon Michael Probst, New York

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Not a New York attorney, but this issue comes up all the time in my practice. Look to your state's notary statute or regulations and search

for the words "blind" or "visual". I'd be surprised if it isn't addressed there. Per Florida's notary statute, I as the notary read the entire document (will and self-proving affidavit), every word of it, to the visually impaired testator and then add to the jurat "I further certify that I have read this entire document [or Will and Affidavit] to X prior to his signing and notarization."

Your client may not like it or have the patience for it, but if you explain why, I find most people are fine with it.

Cynthia V. Hall, Florida

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I am a visually impaired atty and I don't see what is of concern based on the facts in your e-mail. If he is able to sign on his own, then the fact that he is legally blind is of no consequence -- it is similar to the situation of him being a wheelchair user. If, however, he is unable to sign on his own, then I would suggest that you add language in there along the line "signed at my direction..." blah blah blah.

Likewise, reviewing of a document in 2015 can be done in multiple ways. And most blind people don't review documents in print. so, that is a non-issue. The only time I would be concerned is if he was not a user of technology or had a special glasses to allow him to read. In other words, if he used a human reader, then I would account for the fact that he had the document read to him and that he was satisfied that the document was read correctly.

Otherwise, no one will be able to challenge his review with much credibility on the basis that he was blind.

Rod Alcidonis, Pennsylvania

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Rod, he does have special eye glasses, Do you think that should be stated in the affidavit? Should it matter so long as he can read it and has read it and is of sound mind etc.

Reena Gulati, New York

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I do not believe you need to go farther than what the law requires with this client. Whether or not he has special classes, read it with a screen reader, to me, is irrelevant. I would be concerned only if he had someone else read it to him. The law doesn't require you to account for whether the person read it with their eyes or their computer with a voice program or with their special glasses. What is important is that he has reviewed it and he is of sound mind. - he understands the document. He is the only one who knows how best to review the contents of written documents. No one will be able to challenge that fact with much credibility later on.

The reason I would be concerned if he had another human being read it to him is because of the possibility that it may have been summarized or interpreted and explained, etc. That is not the case here.

Thus, no need to add additional language in the affidavit.

Rod Alcidonis

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I agree. Thank you, Rod.

Reena Gulati

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