



CARRINGTON & ASSOCIATES, LLC

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SB 36 - Wills and Trust Instruments – Electronic Execution

Assigned to: Judicial Proceedings Committee

SUPPORT

Carrington & Associates, LLC supports SB 36 - Wills and Trust Instruments – Electronic Execution - This emergency bill authorizes the execution of an electronic will or remotely witnessed will without a notary public if (1) the will is signed, acknowledged, and sworn to before a supervising attorney; (2) the supervising attorney attaches a specified form to the will; and (3) the supervising attorney does not serve as a witness to the will. A notary public may perform a notarial act using communication technology for a remotely located individual with respect to a trust instrument, as defined under § 14.5-103 of the Estates and Trusts Article, if specified requirements under the State Government Article are met. The bill further makes a clarifying change to remove a will as an exception to the authorization for a notary public to perform a notarial act using communication technology for a remotely located individual.

The past 2 years under the COVID-19 Pandemic has helped our society to revisit many of the processes that have governed our lives in the past that need to be updated to reflect the technology available to us today. We thank Senator West for putting in this commonsense legislation. Hopefully, this bill will update processes that have ignored technology and, as we witnessed during the past 2 years, risks the public health by not implementing electronic and remote processes for completing certain actions such as witnessing a will. Our clients hope the Committee will look favorable on these changes to allow electronic and remote confirmation for legal proceedings and other processes across the great State of Maryland.

For these reasons, Carrington & Associates, LLC supports SB 36 and asks for your FAVORABLE report.

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