

**SB253 Fav ABR.pdf**

Uploaded by: Alexis Burrell-Rohde

Position: FAV



## ALEXIS BURRELL-ROHDE

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February 9, 2023

The Honorable William Smith, Chair  
Judicial Proceedings Committee  
Miller Senate Office Building, 2 East  
Annapolis, MD 21401

### **Support (FAV) – SB 253 – Estates and Trusts – Registers of Wills – Electronic Filing and Signatures**

Dear Chair Smith and Committee Members:

My name is Alexis Burrell-Rohde. I am the Register of Wills for Baltimore County and testifying in favor of Senate Bill 253.

Under current law, the Registers of Wills in Maryland are not allowed to accept any probate documents electronically. Every document we accept is required to have an original, wet signature. This is outdated, ineffective, wasteful and makes estate administration more difficult for our customers – both lawyers and unrepresented individuals. Most of State government, including most courts, now allow for electronic filing and signatures. The Registers are asking for the legal authority to join the growing movement away from physical paper improving access to justice and providing better service to the public. Our system would utilize a reliable, secure, cloud-based interface to make the probate process less expensive and more user-friendly through e-filing and signatures. We plan to provide 24-hour access for the public to submit documents, replace paper files with digital files, and reduce the more than 2 million pages of paper we process annually.

The e-filing system we envision is already in development and paid for under our existing IT contract. As such, this new system will incur no additional costs to the State. This bill simply allows us the authority to create the details and framework for this new system and then have them adopted into the Maryland Rules in time to get e-filing up and running in the next 12 to 18 months. We are already late to implement e-filing, and we cannot in good conscience wait any longer to implement these changes to better serve the people of Maryland.

I respectfully recommend a favorable report on Senate Bill 253 and appreciate the Committee's thoughtful attention.

Best regards,

Alexis Burrell Rohde

Register of Wills  
Baltimore County

**SB253 - Macfarlane - FAVORABLE.pdf**

Uploaded by: Byron Macfarlane

Position: FAV



**BYRON E. MACFARLANE**  
**REGISTER OF WILLS FOR HOWARD COUNTY**

9250 JUDICIAL WAY, SUITE 1100  
ELLCOTT CITY, MARYLAND 21043

February 9, 2023

The Honorable William C. Smith, Jr., Chair  
Judicial Proceedings Committee  
Miller Senate Office Building, 2 East  
Annapolis, MD 21401

**RE: SB253 – Estates and Trusts – Registers of Wills – Electronic Filing and Signatures – FAVORABLE**

Dear Chairman Smith and Members of the Judicial Proceedings Committee,

My name is Byron Macfarlane, I am the Register of Wills for Howard County, and on behalf of the Maryland Registers of Wills Association, I write to respectfully request a favorable report for Senate Bill 253.

This measure will enable the Registers of Wills in Maryland to abandon the dated, slow-moving, and wasteful requirement that we must accept all documents filed with our offices in paper form, and the antiquated requirement that those documents all include original wet signatures. As we sit here in the year 2023, both the private and public sectors have widely moved away from this method of conducting business, allowing for all manner of important documents to be filed electronically and to be signed electronically. We are seeking to join this trend away from physical paper to improve access to justice, provide fair and efficient service, and use a reliable, secure, cloud-based interface to make the probate process less expensive and more user-friendly for the public. We can provide 24-hour access for the public to submit documents, replace paper files with digital files, and reduce the more than 2 million pages of paper we process annually.

The E-Filing system we envision is already in development and covered under our current IT contract, meaning this system can be implemented and operated at no additional cost to the taxpayers. And because we anticipate we will be able to have this system up and running in the next 12-18 months, we are coming to the General Assembly now so that we don't reach a point in time where we have the technical capacity but not the legal authority to accept e-filed documents. Enactment of this legislation will immediately clarify that we may accept documents

with electronic signatures and prompt revisions to the Maryland Rules, which explicitly prohibits the Registers of Wills from accepting documents filed in electronic form.<sup>1</sup> We believe that by passing this bill, the development of our E-Filing system and the needed changes in law may proceed on parallel paths, making this important reform a reality as soon as possible.

Allowing E-filing in probate in Maryland is something that practitioners expect, many *pro se* family members will want to use, and will provide numerous benefits to the public and the State. I respectfully recommend a favorable report to Senate Bill 253 and appreciate the Committee's thoughtful attention to this bill.

Sincerely,



Byron E. Macfarlane  
Register of Wills

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<sup>1</sup> Maryland Rule 6-108(c) states, in part, “No filing of a pleading or paper may be made by transmitting it directly to the court or register by electronic transmission, except pursuant to an electronic system approved under Rule 16-203.” This refers to “MDEC”, the Maryland Electronic Courts system used by the trial and appellate courts.

# **HFAM Testimony SB 253.pdf**

Uploaded by: Joseph DeMattos

Position: FAV



**TESTIMONY BEFORE THE  
SENATE JUDICIAL PROCEEDINGS COMMITTEE**

February 9, 2023

Senate Bill 253: Estates and Trusts - Registers of Wills - Electronic Filing and Signatures  
*Written Testimony Only*

**POSITION: Favorable**

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support for Senate Bill 253. HFAM represents skilled nursing centers and assisted living communities in Maryland, as well as associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction of the state.

Senate Bill 253 requires a register of wills to accept certain documents filed electronically through a system established by the register of wills; and prohibits a register of wills from refusing to accept a document based on the manner in which it was signed.

As many residents and patients in long-term and post-acute care are older, may be disabled, or have some form of dementia, these sorts of legal documents are commonplace and are often created or updated for those in our settings.

It is important to use the technology available to modernize the filing of legal documents, and as we know, laws often lag behind advancements in technology. Especially with some people continuing to practice social distancing, it is important that, when appropriate, legal documents may be filed electronically.

**For these reasons, we request a favorable report from the Committee on Senate Bill 253.**

*Submitted by:*

Joseph DeMattos, Jr.  
President and CEO  
(410) 290-5132

# **SB 253 - MSBA Estate and Trust Section Council Wri**

Uploaded by: Laura Thomas

Position: FAV





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**To:** Maryland Senate – Judicial Proceedings Committee  
**From:** MSBA Estate & Trust Law Section  
**Date:** February 9, 2023  
**Subject:** **SB 253** – Estates and Trusts - Registers of Wills - Electronic Filing and Signatures  
**Position:** Support

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The Estate and Trust Law Section of the Maryland State Bar Association (MSBA) **supports** Senate Bill 253 – **Estates and Trusts - Registers of Wills - Electronic Filing and Signatures**

### **Description of Current Law**

Under current law, electronic filing is not permitted for the submission of documents to the Registers of Wills. Facsimile of signatures is permitted under the Maryland Rules; however, the attorney is required to maintain the "wet signature" original of the documents filed by facsimile.

### **Problem Addressed by this Legislation:**

Prior to COVID, our members rarely filed documents by fax with the Registers of Wills and never electronically. As our members discovered during COVID, the ease of filing documents electronically with the Registers of Wills allowed us to serve our clients and residents of this state in an economical way. We could transfer documents back and forth with clients without mailing the documents and incurring additional time and cost. We could file those documents via e-mail with the Registers of Wills, receive confirmation of the filing immediately, and again save the expense and time of mailing original documents to the Registers. E-filing saves money and time, both of which are important to the residents of this state.

**How this Legislation Solves the Problem:**

**Senate Bill 253** would provide a method for the e-filing of documents, other than a Will, with the Registers of Wills. It is our understanding that the e-filing system envisioned by the Registers of Wills is already in development under their current IT contract for updates to their internal system. Instead of taking years to develop a system, then request the needed statutory changes, it is our hope that the statutory changes can be made during this legislative session and the e-filing system can go live as soon as it is ready.

For the reasons stated above, the Estate and Trust Law Section of the MSBA **supports SB 253 and urges a favorable committee report. For Further Information, Please Contact:**

<b>Christine W. Hubbard</b> (410) 798-4533 <a href="mailto:christine@chubbardlaw.com">christine@chubbardlaw.com</a>	<b>Sarah B. Kahl</b> (410) 244-7584 <a href="mailto:sbkahl@venable.com">sbkahl@venable.com</a>	<b>Laura Lynn Thomas</b> (443) 537-2891 <a href="mailto:lthomas@darslaw.com">lthomas@darslaw.com</a>
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# **SB 253 Estates and Trusts Registers of Wills Elect**

Uploaded by: Tammy Bresnahan

Position: FAV



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**SB 253 Estates and Trusts - Registers of Wills - Electronic Filing and Signatures**  
**FAVORABLE**  
**Senate Judicial Proceedings Committee**  
**February 9, 2023**

Good afternoon Chair Smith members of the Senate Judicial Proceedings Committee. I am Tammy Bresnahan, Senior Director of Advocacy for AARP MD. On behalf of our almost 900,000 members, we would like to thank you for the opportunity to speak in support of SB 253 Estates and Trust—Register of Wills—Electronic Filings and Signatures. We thank Senator Hester for introducing SB 253.

SB 253 requires a register of wills to accept certain documents filed electronically through a system established by the register of wills; and prohibiting a register of wills from refusing to accept a document based on the way it was signed.

AARP believes that States should simplify estate planning. This includes allowing the use of electronic wills or trusts to govern the distribution of property at death. Provisions should be made to ensure the safe and secure storage of all wills and trusts. States should enact legislation that authorizes transfer-on-death (or beneficiary) deeds to enable revocable non-probate real property transfers.

States should allow the use of technology to expand the availability and convenience of estate planning services. This should include electronic execution of wills and electronic and remote notarization of documents. Any legislation should include appropriate protections to prevent fraud, abuse, exploitation, and coercion. Legislation should:

- include safeguards to protect against fraud, exploitation, and coercion that are at least as stringent as those in the Uniform Electronic Wills Act; and
- ensure the integrity and reliability of notarized estate planning documents that are at least as strong as the Uniform Law Commission's Revised Uniform Law on Notarial Acts.

For these reasons, we ask the Senate Judicial Proceedings Committee to issue a favorable report for SB 253. For questions or comments, please contact Tammy Bresnahan at [tbresnahan@aarp.org](mailto:tbresnahan@aarp.org) by calling 410-302-8451.

