



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

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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.