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March 21, 2023

The Honorable Luke Clippinger, Chair
Judiciary Committee
House Office Building, Room 101
Annapolis, MD 21401

RE: SB 253 – Estates and Trusts – Registers of Wills – Electronic Filing and Signatures – FAVORABLE

Dear Chairman Clippinger, Vice Chair Moon and Members of the Judiciary 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 legislation was given a unanimous favorable report by the Senate Judicial Proceedings Committee and was passed by the Senate with a unanimous vote of 46 to 0. Similarly, your committee have its House cross-file, House Bill 244, a unanimous favorable report and the bill passed the full House with a unanimous vote of 137 to 0.

This measure will enable the Registers of Wills in Maryland to abandon the dated, slow-moving, and wasteful requirement that we accept all documents filed with our offices in paper form, and the antiquated requirement that those documents all include wet original 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 letters, forms, petitions, and any other type of important business document to be filed electronically, and to be signed electronically. We are seeking to join this growing movement 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. To put that in perspective, that's enough paper stacked vertically to be 4 ½ times the height of the State House.

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 State of Maryland. We believe this system can be up and running in 12-18 months, so we have come to the General Assembly to seek approval of this legislation, which would then allow us to flesh out the necessary corresponding Rules to provide a detailed roadmap for lawyers and *pro se* Marylanders to use this new system. We did not want to reach a point in time when we're able to go live with our e-filing portal only to find that the law hasn't caught up with us yet, so while we are in development, we hope we can move this bill forward to passage and enactment, bringing this new system to the public as soon as possible.

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,

A handwritten signature in blue ink that reads "Byron E. Macfarlane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Byron E. Macfarlane
Register of Wills