

SAFEGUARDING BEST INTERESTS VIA REMOTE DOCUMENT REVIEW, SIGNING, WITNESSING, & NOTARIZATION

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DANIELLE G. VAN ESS

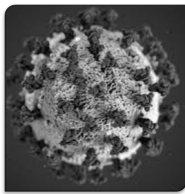
- DGVE law, LLC (DGVE law®) (2008 – present)
- Hingham, MA
- J.D. Boston University School of Law (2001)
- Boston, MA
- B.A. The George Washington University (1998)
- Washington, DC



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IT WAS NEVER IF, IT WAS ONLY WHEN



**"a pandemic disease is the most
predictable catastrophe in the history of
the human race,
if only because it has happened to the
human race so many, many times before"**
—Ezra Klein (May 27, 2015)

<https://www.vox.com/2015/5/27/8660249/bill-gates-up-anish-flu-pandemic>

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CLARIFYING THE SCOPE OF THIS PRESENTATION

- This is heavily focused on estate planning.
- There are different concerns & considerations to work out in the context of probate & real estate.
- Although we are most concerned with obtaining relief by means of an emergency fix addressing the immediate, critical needs of our clients & the general public who need our services, it seems likely that this situation is bringing to the forefront what had been mere passing thoughts about whether certain formalities were still necessary or beneficial in this day & age.
- The current crisis is bringing into sharp focus certain obstacles we work together to overcome.

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AS IT IS, AS IT COULD BE, AS IT MAY BE

MASSACHUSETTS GENERAL LAWS

- M.G.L. c.110G §3 – Mass. Uniform Electronic Transactions Act
- M.G.L. c.190B §2-502 – Execution of Wills
- M.G.L. c.190B §3-405 – Formal Testimony... & Proof
- M.G.L. c.190B §3-406 – ...Testimony of Attesting Witnesses
- M.G.L. c. 122 §16 – Notarial Acts That Should Not Be Performed; Prohibited Actions by Notary Public
- M.G.L. §18 – Violations & penalties of Mass. Notary Law

IMAGINE!



AN ACT RELATIVE TO REMOTE NOTARIZATION DURING COVID- 19 STATE OF EMERGENCY

"The Notary Bill"

Proposed" (March 26, 2020 9:30AM, though the situation is, to totally gleam onto the parlance of today, *extremely fluid*, and this or some version of it could be law by the time we go live in a few hours!)

Mass. Senate Bill 2882"

Note: version on website is outdated already.

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M.G.L. C.190B §2-502 EXECUTION OF WILLS

- (a) Except as provided in subsection (b) and in sections 2-506 and 2-513, a will shall be:
- (1) in writing;
- (2) signed by the testator or in the testator's name by some other individual in the testator's conscious presence and by the testator's direction; and
- (3) signed by at least 2 individuals, each of whom witnessed either the signing of the will as described in paragraph (2) or the testator's acknowledgment of that signature or acknowledgment of the will.
- (b) Intent that the document constitute the testator's will can be established by extrinsic evidence.

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"IN WRITING"

- Doesn't specify what type of medium for writing is required – parchment paper or electronic document / PDF – both are written documents

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"SIGNED"

- Testator (by an x or other symbol or by an illegible scribble or frameable art of a signature – we've seen it all!)
- Or another at her direction – paper or electronic

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DOCTRINE OF HARMLESS ERROR

- Court can excuse a defect in formal execution formalities where failure to do so would cause substantial harm & not give effect to the Testator's clear intent.
- Massachusetts uses a preponderance standard (some other states use clear & convincing) as the evidentiary burden for a Will proponent to overcome.

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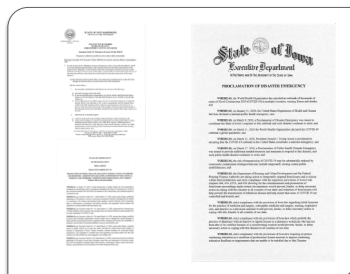
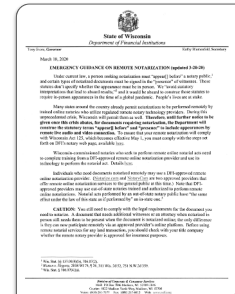
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"IN THE PRESENCE OF"
"APPEARED BEFORE"

- Wisconsin's Chief Legal Counsel for the Department of Financial Institutions issued an "Emergency Guidance on Remote Notarization" March 18, 2020, updated March 20", noting that the courts avoid interpreting laws in ways that would lead to absurd results & that, under these circumstances, insisting on in person appearances during a global pandemic would be absurd & lead to absurd results.

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CT, IA, NH, & NY

- The Governors of Connecticut, Iowa, New Hampshire, & New York have all issued similar Executive Orders.

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AS IT IS NOW

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M.G.L. C.190B § 2-502 SELF-PROVED WILL

- (a) A will may be simultaneously executed, attested, and made self-proved, by acknowledgment thereof by the testator and affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of the state in which execution occurs and evidenced by the officer's certificate, under official seal...
- (b) An attested will may be made self-proved at any time after its execution by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of the state in which the acknowledgment occurs and evidenced by the officer's certificate, under the official seal, attached or annexed to the will...
- (c) A signature affixed to a self-proving affidavit attached to a will is considered a signature affixed to the will, if necessary to prove the will's due execution.

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M.G.L. C.222 §16(A)(i) NOTARIAL ACTS THAT SHOULD NOT BE PERFORMED; PROHIBITED ACTIONS BY NOTARY PUBLIC

- Section 16. (a) A notary public shall not perform a notarial act if:
- (i) the principal is not in the notary public's presence at the time of notarization;
- "conscious presence"

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M.G.L. C.222 §16(A) NOTARIAL ACTS THAT SHOULD NOT BE PERFORMED; PROHIBITED ACTIONS BY NOTARY PUBLIC

- Section 16. (a) A notary public shall not perform a notarial act if:
- (iii) the principal has a demeanor that causes the notary public to have a compelling doubt about whether the principal knows the consequences of the transaction or document requiring the notarial act

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M.G.L. C.222 §16(A) NOTARIAL ACTS THAT SHOULD NOT BE PERFORMED; PROHIBITED ACTIONS BY NOTARY PUBLIC

- Section 16. (a) A notary public shall not perform a notarial act if:
- (iv) in the notary public's judgment, the principal is not acting of the principal's own free will;

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M.G.L. C.222 §16(A) NOTARIAL ACTS THAT SHOULD NOT BE PERFORMED; PROHIBITED ACTIONS BY NOTARY PUBLIC

- Section 16. (a) A notary public shall not perform a notarial act if:
- (v) the notary public is a party to or is named in the document that is to be notarized unless: (1) the notary public is named in the document for the sole purpose of receiving notices relating to the document; or (2) the notary public is licensed as an attorney in the commonwealth or is employed by an attorney so licensed and is named as an executor, trustee or any other fiduciary capacity in a document;

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M.G.L. C.222 §18 VIOLATIONS OF CHAPTER; PENALTIES; CIVIL CAUSE OF ACTION AND REMEDIES; UNFAIR OR DECEPTIVE ACT OR PRACTICE


- Section 18. (a) The attorney general or district attorney may prosecute any person committing a violation of this chapter. A person convicted of committing a violation of this chapter shall be punished for a first offense by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction for not more than 6 months, or by both such fine and imprisonment, and, for a second or subsequent offense, by a fine of not more than \$5,000 or by imprisonment in a jail or house of correction for not more than 1 year, or by both such fine and imprisonment. The attorney general or district attorney may file a petition for injunctive relief against any person who violates this chapter. If the attorney general, district attorney or the state secretary has cause to believe that, as a result of official misconduct, a person holding the office of notary public is unsuitable to hold that office, the attorney general, district attorney or state secretary shall provide notice to the governor of such official misconduct. Any conviction based on a violation of this chapter shall be grounds for the revocation of a notary public's appointment. If the court finds that a person so convicted either knew or should have known that the conduct would be in violation of this chapter, the court may require such person to pay a civil penalty of not more than \$5,000 for each such violation and may also require the person to pay the reasonable costs of investigation and litigation of the violation, including reasonable attorneys' fees.

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**THIS IS HOW
IT HAPPENED**

1 or 2 Clients
+
2 disinterested
Witnesses
+
1 Notary Public



Conference room at DGYE law, 61 South Street, Hingham, MA 02043

=

4 to 5 people
sitting in very
close proximity to
one another,
passing papers &
pens around a
conference table

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**ONCE A WEEK ONLY SIGNINGS
“DRIVE-BY” SIGNINGS
“FRONT PORCH” SIGNINGS
IT PUTS THE WILL IN THE BASKET / IN THE TRUNK / IT
DOES NOT GIVE THE PAPERS BACK!**





Masks, gloves, own pens, clipboard, pictures of signatures? Send it later? Who's in & who's out of whose car, on the porch, where?

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FORCE MAJEURE


- Impossibility – objectively, beyond your control after you take every action possibly within your control
- Commercial impracticability – so expensive as to make it not worth the (previously) agreed-upon bargain
- Frustration of purpose – unforeseen circumstances so fundamentally changed things that it no longer makes sense to do the agreed upon deal

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TO NOTARIZE OR NOT TO NOTARIZE...?

Just to make a Will self-proving?
What about all the other estate planning documents?
Deeds are different (because...)
Acknowledge later or re-sign everything?



Burden of proof
Estate planning lawyers as “essential services” without whom our clients would suffer “significant prejudice”

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AS IT COULD BE


- There may be a better way to safeguard the best interests of our clients, ourselves, our employees, our families, & our community at large.

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BUT HOW ABOUT THIS?

1 or 2 Clients
+
2 disinterested
Witnesses
+
1 Notary Public



=

4 to 5 people practicing “healthy spacing” under a state of emergency, during a global pandemic, safely & conveniently sending secured electronic documents for real time review, signing, witnessing, & notarization

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**DRAFT DGVE LAW® PROCEDURE FOR REMOTE ESTATE
PLAN SIGNING, WITNESSING, & NOTARIZATION**

ORIGIN

- I shut down my offices, probably too late, on March 12, 2020 & sent all my employees home with their laptops to work remotely.
- That weekend I started working on a draft procedure which I then circulated to some friends and colleagues.
- Beginning that Monday morning 3/16/2020 my team helped me refine & test our process on Tuesday 3/17/2020.
- After that I learned about 2 efforts in progress: (1) a proposed Governor's Executive Order which essentially would have allowed the procedure we designed and tested; and (2) draft legislation to address this widespread concern.

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**DRAFT DGVE LAW® PROCEDURE FOR REMOTE ESTATE
PLAN SIGNING, WITNESSING, & NOTARIZATION**

GOALS (1)

1. help our clients, (especially for those who are at high risk & who had previously scheduled appointments for the following week) get their estate planning legal documents signed, witnessed, & notarized as quickly & as easily as possible under these extraordinary circumstances;
2. safeguard the best interests of the general public, our clients, our firm's employees, vendors, visitors, & all of our extended families, friends, neighbors, & communities at large during this state of emergency in which being physically present in the same place at the same time is contrary to public health;
3. remove as many barriers as possible to accessing our legal services & effectuating our clients stated wishes to make the process simple, accessible, & user-friendly;

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**DRAFT DGVE LAW® PROCEDURE FOR REMOTE ESTATE
PLAN SIGNING, WITNESSING, & NOTARIZATION**

GOALS (2)

4. satisfy, as closely as possible under these exigent circumstances, the narrow prescription of the notary public law & of the formalities required for certain of these legal documents & protect our clients from potentially predatory practices or profiteering by others; &
5. continue to bring in expected income for our small local law business to enable us to continue to pay our overhead & employee salaries, vendor invoices, rent, etc. so our firm will be able to continue to serve our clients long term & continue to help sustain members of our shared community.

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**DRAFT DGVE LAW® PROCEDURE FOR REMOTE ESTATE
PLAN SIGNING, WITNESSING, & NOTARIZATION**

STEP 1

- Ensure that the notary public is the principal's own, duly-licensed attorney & counselor at law.
- They attorney has professional & ethical duties of loyalty to protect the private personal, financial, & legal interests of the client/principal & also the interests of the general public, & the laws & governments of both the Commonwealth of Massachusetts & the United States of America.

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**DRAFT DGVE LAW® PROCEDURE FOR REMOTE ESTATE
PLAN SIGNING, WITNESSING, & NOTARIZATION**

STEP 2

- Meet, at a single time, virtually by web conference with live, real-time, multi-way audio & video so that the attorney/notary public, the 2 disinterested witnesses, & the principal are all able to see & hear one another simultaneously & are in the conscious, albeit electronic, presence of one another the entire time as if we were physically present at the same place at the same time.

Like we say with grandparents who live far away when we FaceTime them with our children; this is the next best thing to being together physically in person. This amazing new technology allows us to be together, face to face, real time, even when we must be apart.

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**DRAFT DGVE LAW® PROCEDURE FOR REMOTE ESTATE
PLAN SIGNING, WITNESSING, & NOTARIZATION**

STEP 3

- Attorney/notary disclosure to client regarding the improper execution & lack of formalities & possible effects of that.
- Agree to reconvene, physically in person, at the same time, once it safe to do so, to re-execute all the legal documents with careful attention to the prescribed formalities once it is safe to do so.
- Ask client to sign to agree to proceed accordingly, assume the risk it might not work out, & waive liability JIC.

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DRAFT DGVE LAW® PROCEDURE FOR REMOTE ESTATE PLAN SIGNING, WITNESSING, & NOTARIZATION

STEP 4

- I had initially included a step to record the swearing in & the document signing via the web meeting software or via a separate screen recording program, saving that recording together with the client's file as further extrinsic evidence of intent.
- Upon further reflection I decided that by having the traditional swearing in, witnessing, & notarization resulting in one (fully-assembled), final, written document right there and then, not only was there no need for the additional step but also, it seems to place an unnecessary burden on the attorney to maintain the technology & store that recording long term as technology surely continues to evolve.

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STEP 4

- Confirm, during the video conference, that the principal is the person known to the notary public/attorney & to the witnesses & (for good measure) have the principal electronically send a copy of or hold up a driver's license or other form of government-issued photo identification to the camera on the signer's device so we may take a "screen shot" to save and record the information for later reference if needed.

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STEP 5

Using a secured software program designed specifically for attorneys & approved & recommended by the Massachusetts Bar Association, over a secured network, share the documents electronically for signing.

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STEP 6

Witness, as remote attestation, at a single time, virtually by web conference with live, real-time, multi-way audio and video, as the principal first & then each of the witnesses electronically sign each document. (e-signatures)

The principal can share the screen with the notary & witnesses, while maintaining audio/visual communication, so that the attorney/notary can ask questions & confirm understanding & intent as the signer electronically signs each document.

Then the attorney/notary prints, hand signs ("wet" signature), stamps, & seals to notarize each electronically-signed document. (remote notarization)

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STEP 7

The attorney/notary scans and uploads the hand-signed/notarized page to assemble electronically with the rest of the document.

Then we provide the client with secure, immediate access to those critically important legal and medical documents.

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PARADE OF HORRIBLES! SAFEGUARD AGAINST

- Fraud, exploitation, undue influence, & duress – especially of vulnerable, elderly, less-tech-savvy citizens (when the client's own lawyer was the one to draft the documents & is the one present for execution?)
- How do we know who's there? Unseen stink eye...
- Safeguards to confirm identity, capacity, intent
- Does using your finger or a stylus come closer to the real hand signature deal? What about selecting an available font that most closely resembles your own? What about uploading an image of your scanned/photographed hand signature?
- Electronic (with authentication measures) or (merely) Digital vs. Remote signatures or notarization
- Equitable access to technology for all Massachusetts residents
- Malpractice insurance premiums will rise due to concerns around cyber security
- Not all technology is created equally – not an app, not a lawyerless online will program; just harnessing technology to deliver our professional legal services in a more modern, more convenient way that our clients overwhelmingly want but in a way that we are protecting their best interests

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MODEL UNIFORM ELECTRONIC WILLS ACT

- National Conference of Commissioners on Uniform State Laws (NCCUSL)
- Model act blends the old safeguards of formal execution requirements with our more modern technology
- Takes concepts we've had in place for commercial transactions for years and applies them to estate planning legal documents

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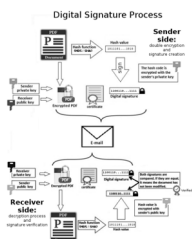
BLOCKCHAIN

- Like the Oracle's thread, cryptocurrency made blockchain famous, but it's oh so much more than that; it's a thing that all people need.
- It's a tamper-proof, self-sufficiently verifying & validating, encrypted, permanent, digital paper trail, a recorded ledger, a chain of custody. It uses unique identifiers which, if modified, will leave a trail right back to what happened when and by whom.
- My incredibly smart, far more mathematically & scientifically inclined lawyer friends tell me that these e-sign programs, like DocuSign use a protocol called a very strong, very secure Public Key Infrastructure (PKI) which makes e-signatures more secure than hand signatures in their opinions. For now, they say, these types of e-signature services are a lot easier to use but that the blockchain-based signature protocols are likely forthcoming.

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E-SIGNATURE SOFTWARE



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- Right Signature – only one the IRS accepts
- DocuSign
- Adobe Pro
- Secured Signing
- OneSpan Sign
- Sign Easy
- Keep Solid Sign
- Hello Sign
- E-Sign Genie
- Panda Doc
- Sign Now ...

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THE ELECTRONIC SIGNATURES IN GLOBAL COMMERCE (E-SIGN) ACT 15 U.S.C. C.96 (JUNE 2000)

- The law provides expressly that it does not override state estate planning law.
- 15 U.S.C. §7003(a)(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts



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MASS. SUPREME JUDICIAL COURT ORDER OE-144 MARCH 26, 2020

- "WHEREAS, the act of obtaining original or "wet" signatures [...] is inconsistent with these urgent efforts to combat the spread of the coronavirus & may pose a degree of risk of exposure...
- Judges & Clerks can e-sign, form of... own individual handwritten signature electronically inserted into the document or /s/ + NAME

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E-NOTARY SOFTWARE SERVICES

- Notarize.com
- NotaryCam
- Pavaso
- Nexsys
- DocVerify ...

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THE (FEDERAL) SECURE NOTARIZATION ACT OF 2020

- On March 19, 2020 Senator Mark Warner (D-VA) & Kevin Cramer (R-ND) introduced S. 3533, the "Securing and Enabling Commerce Using Remote and Electronic Notarization (SECURE) Act of 2020."
- The 2018 Treasury Report recommended that Congress take this action.
- This bill would permit all notaries public in the U.S. to perform Remote Online Notarizations (RONs), as Virginia + 22 other states have already done for years, following the Revised Uniform Law on Notarial Actions (2018).
- Massachusetts could still make its own RON standards. This law sets the floor, not the ceiling.
- Allow signers outside the U.S., like military personnel living abroad, to notarize their documents.
- It would not authorize practice of law for those unauthorized to do so.
- The bill specifically exempts application to testamentary wills and trusts.

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BONUS BENEFITS

- In addition to the benefits from social distancing to help slow the spread of COVID-19, we are witnessing some added benefits of working remotely & using electronic means of communicating. There is measurably less CO2 in the air over the U.S. & other countries, & reduced water pollution which is bringing back wildlife to places like the canals in Venice.
- Allowing for secure remote signing, witnessing, & notarization under the supervision of a Massachusetts attorney & notary public pursuant to certain procedural safeguards, is in the public interest by:
 - making access to professional legal services more readily accessible, more quickly, and more efficiently, to more people;
 - reducing unnecessary time, energy, & money-consuming travel; &
 - being more environmentally sustainable, using less paper and other consumable supplies and resources, which is a goal of the Massachusetts Bar Association, the Boston Bar Association, and the Massachusetts Department of Environmental Protection.

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AS IT MAY BE

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THIS IS HOW IT MIGHT HAPPEN

1 or 2 Clients
+
2 disinterested Witnesses
+
1 Notary Public
+
postal worker(s), courier(s), other people physically delivering papers

4 to 5 people practicing "healthy spacing" under a state of emergency, during a global pandemic, safely & conveniently sending secured electronic documents for real time review, signing, witnessing, & notarization

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"AN ACT RELATIVE TO REMOTE NOTARIZATION DURING COVID-19 STATE OF EMERGENCY"

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Egan

In the Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled.

The undersigned legislators hereby certify responsibility for the adoption of the accompanying bill.

An Act relative to remote notarization during COVID-19 state of emergency.

PETITION OF:

NAME: Bruce E. Egan, William J. Brandvold, John F. Keenan

DISTRICT/ADDRESS: First Essex and Middlesex

Second Suffolk and Middlesex

Norfolk and Plymouth

The Notary Bill

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KEY POINTS IN THE CURRENT VERSION OF THE PROPOSED LAW (AS I LAST SAW IT!):

- Self-destruct button set for 3 days after the end of the state of emergency
- Only a MA notary public who is either a MA attorney or a paralegal (not specifically defined) directly under the attorney's supervision may remotely notarize this way
- Everyone has to be physically present in Massachusetts at the time of the remote notarization
- Must obtain & keep (10 years) copy of photo ID (lawyers too)
- Get & swear to signer's affirmations about who was present in the room when the signer signed
- Different treatment for documents affecting real property which must be recorded or registered than for estate planning documents – recording & storage requirements, 2 video conferences or 1
- Notarial certificate must note where everyone was (county) & note that it all happened via video conference, remotely.
- Multiple physical, hard copy paper counterparts are permitted and to be treated as a valid whole

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SUGGESTED BEST PRACTICES & ANSWERS TO FAQs RELATED TO THE CURRENT PROPOSED LAW (1)

The drafters of the legislation, in consultation with some members of the real estate & the estate planning & probate bars, recommend the following additional guidance as best practices & interpretations of the proposed law as of March 25, 2020:

- The signer + each witness should have complete, hard/paper copies of each document to review prior to video conferencing remotely.
- Each document should have separate pages for each separate location signer(s).
- Lawyer/Paralegal notary should provide return envelopes & instructions for mailing the hard/paper copies back to the notary via mail, courier, or private delivery service (hard, original copies required)
- Lawyer/notary must prepare and swear an affidavit at the time regarding the circumstances surrounding the remote signing, witnessing, & notarization & then the lawyer has to hold onto that for 10 years, together with the picture ID

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SUGGESTED BEST PRACTICES & ANSWERS TO FAQs RELATED TO THE CURRENT PROPOSED LAW (2)

- As much as is possible, the notary should visually scan/inspect the signer's surroundings to see who else is there with the signer.
- No one who is an heir, beneficiary, or devisee should be present with a Testator.
- You might want to take screen shots or record it, with the signer's advance permission, as further proof/evidence.
- Deemed validly executed/notarized once it's done despite delays mailing it back, assembling it all together, & even if signer or witness or notary dies in the interim, but should send it all right back, immediately via US mail or private courier.

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NEW YORK'S SOLUTION

- NY's Governor issued an Executive Order.
- Requires client's hand ("wet") signature &
- Requires client to return email or fax to the Notary – presumably after scanning or taking photos and sending those as pictures, who (in 2020!) has a fax at home? Practically burdensome

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HOW TO E-NOTARIZE* in 6 EASY STEPS

1. Set up a video conference allowing for direct, live interaction between the Person and the Notary.
2. The Person must present valid photo ID to the Notary.
3. The Person must affirmatively state that they are present in the State of New York.
4. The Person must then sign, and on the same date, e-mail or fax document to the Notary.
5. The Notary may then notarize the e-mailed or faxed copy and send it back to the Person.
6. If a fully executed original is needed, the original and e-notarized documents must be sent to the Notary within 30 days. The Notary may notarize the original using the e-notarization date.

*In response to the COVID-19 emergency, the Governor has issued E.O. No. 202.3 AUTHORIZING NOTARY SERVICES VIA AUDIO-VIDEO TECHNOLOGY. To view the full Executive Order or for more information, visit: www.trialacademy.org

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FLORIDA'S APPROACH

- The Supreme Court of Florida issued an order, tied to the state's emergency COVID-19 procedures, to allow for remote notarization.
- Witnesses need not be in FL.

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Supreme Court of Florida

No. A09C20-36

IN RE: COVID-19 EMERGENCY PROCEDURE FOR THE ADMINISTERING OF OATHS VIA REMOTE AUDIO-VIDEO COMMUNICATION EQUIPMENT

ADMINISTRATIVE ORDER

WHEREAS the World Health Organization has declared the Coronavirus Disease 2019 (COVID-19) a pandemic, the Governor of Florida has declared a state of emergency crisis, and the Supreme Court and State Health Officer have declared a public health emergency crisis, and the Florida State Courts System must take steps to mitigate the effects of the COVID-19 on legal proceedings and participants in those legal proceedings; and

WHEREAS mitigating the effects of COVID-19 is a high priority on the Florida State Courts System; and

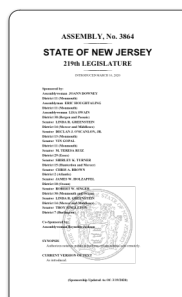
WHEREAS it is the intent of this order to mitigate any actual or implied impediment that arises, and other persons qualified to administer oaths in the State of Florida, must be in the presence of witnesses for purposes of administering oaths for depositions and other legal testimony, so long as the notary or other

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NEW JERSEY – LEGISLATIVE APPROACH

- The New Jersey state Assembly introduced a robust bill to address this on March 16, 2020.
- It says it takes effect 90 days after passage.
- As of yesterday afternoon, March 25, 2020 it was headed to the State Senate for further consideration.

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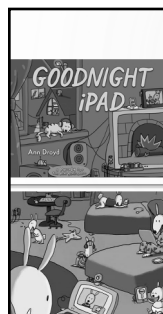


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GO WITH THE FLOW

- Toddlers have their own smartphone & tablet apps & devices.
- Kindergartners play interactive, cooperative computer games remotely with their friends. And while we're all living in quarantine, the children have virtual playdates while parents have virtual coffee dates.
- Teenagers may print their names when they get driver's licenses having spent years typing & little time learning to hand-write. They seem to have physical adaptations that enable them to text at lightning speed!
- Millennials, digital natives, are now in their early 20s to late 30s & want these modern conveniences. They are busy adults with work & young children.
- Gen-Xers are celebrating 50th & 60th birthdays, inviting friends electronically & sharing pictures & checking in with family & friends that way too. Social media apps have become baby books & journals.
- Boomers video chat, text, make reservations, & shop online regularly.
- Courts are already receiving electronically-signed Wills in Probate.

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IT'S NOT IF; IT'S WHEN...

"It is not the strongest of the species that survives,
nor the most intelligent that survives.
It is the one that is most adaptable to change."

— Leon C. Megginson (1963),
summarizing Charles Darwin's
"On the Origin of Species" (1859)

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