



November 8, 2023

Ohio House Bill 172 (Swearingen)
Proponent Testimony
Testimony for Mitch Michell
Product Counsel, Trust & Will

Chair Hillyer and Members of the Civil Justice Committee:

I appreciate the opportunity to testify today. I am Mitch Mitchell, Product Counsel at Trust & Will, one of the nation's leading digital estate planning companies. Trust & Will serves customers in all 50 states. Our mission is to leverage technology to simplify the estate planning process for all Americans.

I am here today to express my support for HB 172, sponsored by Representative Swearingen. This bill would allow the electronic execution of wills and other estate planning documents (like financial and medical powers of attorney).

Today, the unfortunate reality is fewer than half of Americans have a will, and this percentage is even lower within minority communities. With approximately 50,000 probate filings in Ohio in 2020, many Ohioans encounter the probate process each year. Having a will is a key step to ensuring the wishes of Ohioans are carried out in an orderly fashion in the probate court. Making it easier and more secure to create and sign these important documents is long overdue. HB 172 represents a pragmatic solution to this pressing public policy challenge.

The acceptance of electronic wills is gaining momentum. Today, twelve states and the District of Columbia¹ have passed legislation permitting electronic wills, and thirteen additional states² have introduced the concept.

In today's digital age, Ohioans can do almost everything online, from banking to applying for government assistance. However, a glaring anomaly remains—the inability to electronically execute one's will or power of attorney. Ohio's estate planning laws have not kept up with

¹ Nevada (2017), Arizona (2018), Indiana (2018), Florida (2019), Utah (2020), Colorado (2021), Illinois (2021), Maryland (2021), North Dakota (2021), Washington (2021), District of Columbia (2022), Minnesota (2023), and Idaho (2023)

² Ohio, Texas, North Carolina, Georgia, New York, New Hampshire, California, Virginia, Missouri, New Jersey, New Hampshire, Alaska and Oklahoma

technology. This shortfall was evident for many families during the stay-at-home and social distancing mandates throughout the COVID-19 pandemic.

Ohioans deserve the ability to easily and affordably complete and sign essential estate planning documents electronically. The absence of these documents places an undue burden on families and the Ohio judicial system, necessitating arduous and costly decisions in the absence of clear end-of-life instructions.

To clarify, HB 172 is not about inventing a new type of will or changing traditional formalities. It is about modernizing the method to create and sign one. By allowing the use of electronic signatures and digital technology, HB 172 benefits consumers by giving them a convenient, versatile, and affordable option while preserving the conventional pathway for Ohioans to create and execute wills with a wet signature.

I encourage you to support HB 172 and make it easier, more affordable, and more secure for Ohioans to execute their wills and other critical estate planning documents.

Thank you, and I welcome any questions.

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