



September 23, 2023

The Honorable Brett Hudson Hillyer  
Civil Justice Committee  
Ohio State House  
1 Capitol Square  
Columbus, Ohio 43215-4275

RE: House Bill 172 (Swearingen)

Chair Hillyer and Members of the Committee,

My name is Cody Barbo, and I am the CEO and co-founder of Trust & Will, a company founded in 2017 to modernize and democratize the estate planning process. I write to express my support for HB 172, which would provide for the electronic execution of Wills and other estate planning documents.

Today, less than half of Americans have a Will, and the percentage is even lower for Black, Hispanic, and other historically underserved communities. We live in a digital age and a post-COVID world where you must be able to do everything online, from paying your bills to attending school to signing a contract. Every Ohioan deserves the right to create an Electronic Will to divide their assets and care for their loved ones after they are gone. HB 172 is a safe, affordable, and efficient solution to this problem.

The acceptance of Electronic Wills has been gaining momentum since Nevada passed the nation's first Electronic Will law in 2017. Since then, twelve additional states and the District of Columbia<sup>1</sup> have passed legislation permitting Electronic Wills, and twelve states<sup>2</sup> have introduced the concept.

In 2020, the Uniform Law Commission (ULC) approved the Uniform Electronic Wills Act. In 2022, the ULC went one step further by adopting the Uniform Electronic Estate Planning Documents Act to fill a gap in the law to allow for the electronic execution of other estate planning documents. In 2019, the Council of State Governments adopted shared legislation encouraging the adoption of Electronic Wills and recognizing the technological safeguards to prevent fraud and coercion. And in 2020 and 2021, during the COVID pandemic, several state Governors authorized emergency orders or temporary legislation to allow for the electronic execution of a Will.

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<sup>1</sup> 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)

<sup>2</sup> Ohio, Texas, North Carolina, Georgia, New York, New Hampshire, California, Virginia, Missouri, New Jersey, New Hampshire, and Oklahoma

It's time for Ohio to modernize its estate planning process. State law already allows for the electronic execution of legal documents. Ohio enacted its version of the Uniform Electronic Transactions Act (UETA) in 2000. The law grants electronic signatures and records the same force and effect as their paper counterparts, provided proper steps are taken to ensure attribution of the signatories and integrity of the records. Today, over twenty years later, online transactions and digital authentication have become mainstream methods of conducting commercial and personal business. HB 172 will extend parity to testators to electronically execute and store their testamentary documents.

It is essential to recognize that HB 172 is not creating a new type of Will—it is only creating a new path to create a Will. While the legislation authorizes an additional method to create Wills, if an Ohioan wants to create and execute a Will the traditional way, they can. HB 172 benefits consumers by giving them a convenient and affordable option.

The benefit of Electronic Will technology is it enables providers of Electronic Wills to keep costs low, which makes them more accessible to historically disadvantaged communities who have been left behind by our legal system. During times of “stay-at-home” and social distancing orders, it is essential that Ohioans, especially high-risk and elderly individuals, have the option to execute their Will electronically. Electronic Wills benefit rural Ohioans who depend on online mediums and tools to live their lives.

Thank you for your time, and I strongly urge the House Civil Justice Committee to support HB 172 to allow Ohioans to sign their Will and other estate planning documents electronically.

Sincerely,



Cody Barbo  
Trust & Will  
CEO and co-Founder

CC: Vice-Chair Adam Matthews  
Ranking Member Paula Hicks-Hudson  
Rep. Tavia Galonsky  
Rep. Tim Barhorst  
Rep. Darnell T. Brewer  
Rep. Ismail Mohamed  
Rep. Jean Schmidt  
Rep. Bill Seitz  
Rep. Michael J. Skindell  
Rep. Brian Stewart  
Rep. Jim Thomas