



Cody Barbo
CEO & Co-Founder

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

November 10, 2022

Re: H.B. 339

Dear Chairman Hillyer and Members of the Ohio State House Civil Justice 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. Today, less than half of Americans have a Will, and the percentage is even lower for Blacks, Hispanics, and those living in underserved communities. This problem must be addressed, and the legalization of an Electronic Will is a safe, efficient, and affordable solution. We live in a digital age and a post-COVID world where it is essential that you 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.

The acceptance of Electronic Wills has been gaining momentum since Nevada passed the nation's first Electronic Will law in 2017. Since then, nine additional states¹ have passed legislation permitting Electronic Wills, and eight states² and the District of Columbia have introduced the concept. The Uniform Law Commission (ULC) and the Council of State Legislatures have approved model Electronic Will legislation encouraging the adoption of Electronic Wills and recognizing the technological safeguards to prevent fraud and coercion. During the COVID pandemic, several state Governors authorized emergency orders or temporary legislation to allow for the electronic execution of a Will.

It's time for Ohio to modernize its estate planning process for its citizens. Ohio 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 makes it clear that electronic signatures and records are accorded the same force and effect as their paper counterparts, provided proper steps have been taken to ensure attribution of the signatories and integrity of the records. Today, over ten years later, online

¹ Nevada (2017), Arizona (2018), Indiana (2018), Florida (2019), Utah (2020), Colorado (2021), Illinois (2021), Maryland (2021), North Dakota (2021), and Washington (2021)

² Ohio, Texas, New Hampshire, California, Virginia, Missouri, New Jersey, New Hampshire, and Washington, DC

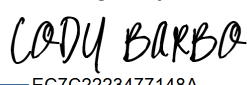


transactions and digital authentication have become mainstream methods of conducting commercial and personal business. H.B. 339 will extend parity to testators to execute and store their testamentary documents electronically.

H.B. 339 is good for Ohioans. It gives consumer choice - the legislation is technology neutral and maintains the existing body of law related to Wills. It authorizes an additional method to create Wills and still allows for Wills to be handwritten or created with an attorney. Electronic Will technology 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. Electronic Wills enable Ohioans with disabilities to complete transactions independently. Furthermore, during times of “stay-at-home” and social distancing orders, it is essential that Ohioans, especially high-risk and elderly individuals, be allowed to execute their will electronically.

Thank you for your time, and I strongly urge the House Civil Justice Committee to support H.B. 339 to allow Ohioans to sign their will electronically and maintain a competitive advantage with other states.

Sincerely,

DocuSigned by:

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Cody Barbo
Trust & Will
CEO and Co-Founder

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