

Meeting Notes
Oregon Law Commission
Workgroup on Electronic Wills
January 26, 2025

I. Call to Order

In Attendance: Lane Shetterly, Eric Foster, Lori Anne Sills, Channa Newell, Jeff Petty, Ben Orzeske, Victoria Blachly, Jaime Weddle-Jones, Matt Schruppf, Andrea Meyer, Stephanie Carter Gabriel Hanson, Amy Zubko

II. Discussion

Channa Newell and Jeff Petty from OJD provided an overview of the current process for submitting wills to the Oregon courts for probate. The presentation covered the Oregon statutes governing the proving, execution, and exceptions to wills as well as an overview of how the courts receive and process documents in probate proceedings. File and Serve is the web-based filing software used with Odyssey, the case management software.

The workgroup discussed how submitting an E will would function in Oregon. OJD already accepts submissions in PDF format, including those sent via DocuSign for documents that are not wills. File and Serve and Odyssey both accept PDF documents. There has been a conversation at OJD about the level of scrutiny that should be applied to various E-signatures.

There was a question regarding how other states handle the processing of E Wills. The Uniform Law language does not specify any technological requirements, as those vary across states that have adopted E-Will statutes. The belief is that most are currently relying on some form of secure PDF. It was suggested that we reach out to other state courts to see what form of electronic filing they use. It would be best for this proposal to ensure that the courts don't have to implement any other form of electronic filing that would require a fiscal impact report.

There was a comment that the court or the Secretary of State's office will likely define, in their rulemaking, what format documents will be available for submission to the courts. If that's possible, then for drafting it wouldn't be necessary to specify any of the documentation submission requirements. This will be readdressed in a future meeting once we know if other states leave this to rule-making and don't add language in the bill proposals.

The workgroup also discussed section 9 of the LC and that the court could require a certified paper copy of the will as an alternative to the original paper will. The Uniform Law Commission included this section, knowing that certain courts would not be accepting electronic submission for any documents. If a court did require this in Oregon, while still accepting E-filing documents for other court submissions, it wouldn't be very effective.

III. Scheduling

The workgroup will meet again on April 27th with the goal of returning to a discussion of the statutory language. In the future, meeting notes and the recording for meetings will be sent out when completed and the documents for the next meeting will be sent out closer to the meeting.