

Meeting Notes
Oregon Law Commission
Workgroup on Electronic Wills
August 22, 2025

I. Call to Order

In Attendance: Amy Zubko, Lane Shetterly, Eric Foster, Jeff Petty, Channa Newell, Kris Kolta, Andrea Meyer, Susan Cook, Matthew Schrupf, Theresa Hollis, Tara Hendison, Stephanie Carter, Lori Anne Sills, Heather Gilmore, Geoffrey Briggs

II. Discussion of Working Draft LC 4792:

Section 5 Execution of Electronic Wills: Lane Shetterly led a discussion regarding the policy decision to be made about whether to allow for remote witnessing. This brought up the controversy that had previously arisen around this topic in the OLC Probate Modernization workgroup. Matthew Schrupf highlighted a concern over the potential for fraud due to a lack of understanding of the process including requirements for documents, signatures, and software.

Heather Gilmore provided context about the safeguards that are in place for remote notarization, including identification, the platform it functions on, and video recording of the notarization.

After discussion, the group requested an explanation or description of how this process would work in practice. Specific questions included, what does the electronic document look like? Is specialized software necessary to limit the opportunities for tampering? What sort of signature is necessary? For the purposes of submission to the court, what constitutes an “original” electronic will? In addition, a few members of the group were concerned that the harmless error rule would create a backdoor to submit fraudulent documents (see below).

A consensus was reached that it would be useful to contact someone who could share how these concerns have been addressed in states that have adopted electronic wills. The decision was made to pause discussion here for the next meeting.

Section 6-12: Lane Shetterly quickly reviewed the remaining sections to locate any other issues that might benefit from hearing a perspective from another state.

Harmless Error Doctrine: The work group discussed the current status of Oregon's Harmless Error Doctrine and the related legislation that passed in the 2025 legislative session. Multiple members of the work group shared their concerns that harmless errors applied to electronic wills could open up the possibility of fraud and that it would be preferable not to work with this proposal.

III. Scheduling

Amy Zubko clarified that the next meeting for the workgroup would take place on September 26th. The following meeting will be held on the 24th of October.