Summer 2020

Estate Planning Update Summer 2020 - Social Distancing Calls for Creativity in Signing Estate Planning Documents

Up until a few months ago, there was a pretty clear routine for signing a new or updated package of estate planning documents. Make an appointment, go into your attorney's office to go over the plan and ask any questions. The attorney calls in a few colleagues for some conversation and a round of signing, witnessing and notarizing. Head on back home with the satisfaction of having checked an important item off the list of things you wanted to accomplish this year. When you think about it, this routine has been pretty much the same for hundreds of years. Social distancing sure has changed that routine for our clients and for us. Our footprint states have been authorizing remote notarization (see remote notarization advisories for NJ, NY and MA here), which helps in many cases, but lately getting documents signed has called for some creativity:

- Clients expecting a child imminently were able to execute all of their core estate planning documents by videoconference, following some careful planning by the supervising attorney. Two friends served as witnesses, and the four of them met outside on a beautiful New York City spring day to sign the documents under the attorney's supervision via videoconference, the whole process taking a record 41 minutes!
- We were able to assist two nonagenarians with signing their documents remotely and safely from the comfort of their own homes as they utilized a videoconferencing app on their laptop.
- We prepared new estate planning documents for a client who is a dog owner and regularly walks his dog with others in his hometown, maintaining appropriate distances. There is a notary in that group and plenty of adult witnesses, so the will and trust were fully executed at the dog park.
- One of our attorneys and his spouse took a walk at the end of the day over to a client's house. He was waiting on his porch. He signed his will, and they witnessed on counterpart documents while standing on the front walk, a safe distance away.

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our COVID-19 Resource Center. COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic. Day Pitney Estate Planning Update- Summer 2020 (pdf)