

CREATION OF ELECTRONIC WILLS

2022 Consultation Summary

Overview

WHAT WE'RE DOING

The Alberta Law Reform Institute (ALRI) is studying electronic wills and asking if the law should be changed to include them. Electronic wills are created, signed and stored in a completely electronic form – there are no paper copies.

PUBLIC CONSULTATION

ALRI conducted an online public survey through SurveyMonkey in 2022 to understand what people who live in Alberta think about wills generally, and what they think about electronic wills. We received 424 valid responses through SurveyMonkey's Audiences service.

PROFESSIONAL ADVISORY GROUP

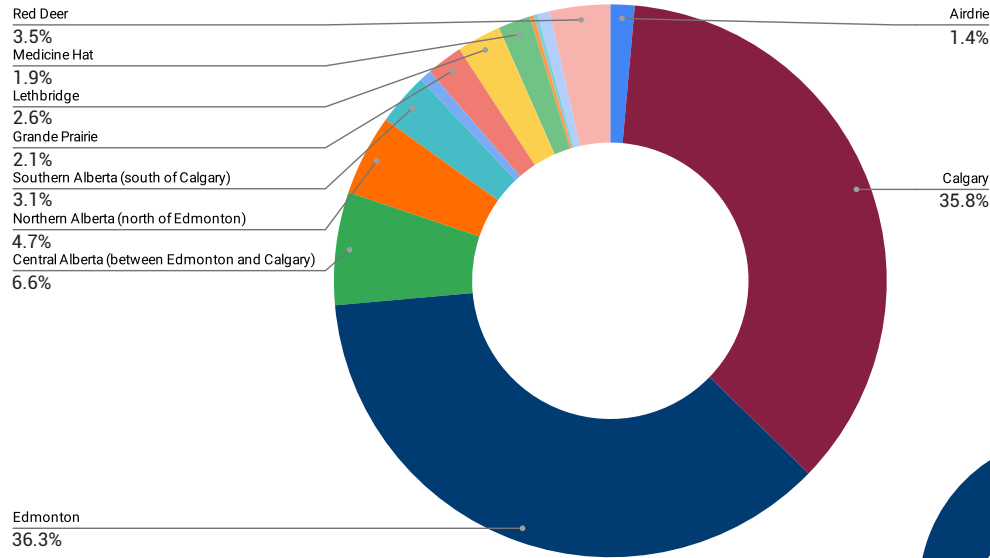
Roundtable consultations were also conducted with a volunteer professional advisory group comprised of practicing estate lawyers working in Alberta. This advisory group met six times throughout 2021-2023.

ALRI would like to thank the people who took the time to respond to our online survey. We also would like to thank the members of our professional advisory group who took the time to read and participate in our discussions. ALRI's work would not be possible without the valuable feedback and commentary we receive from those living and working in Alberta.

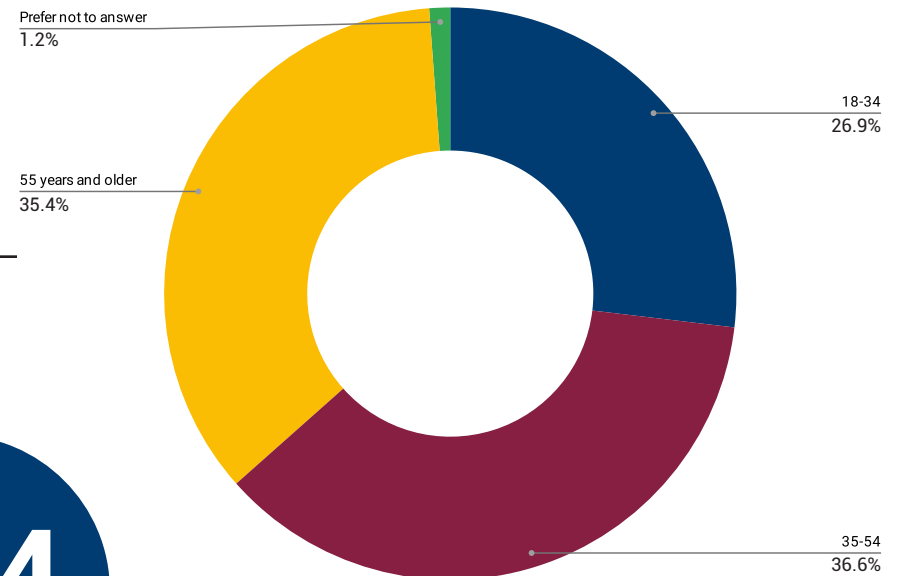
The following summary highlights some of the findings from both our public and professional consultation. Unless otherwise stated, all written comments were from the online public survey.

demographics

Where do you live in Alberta?

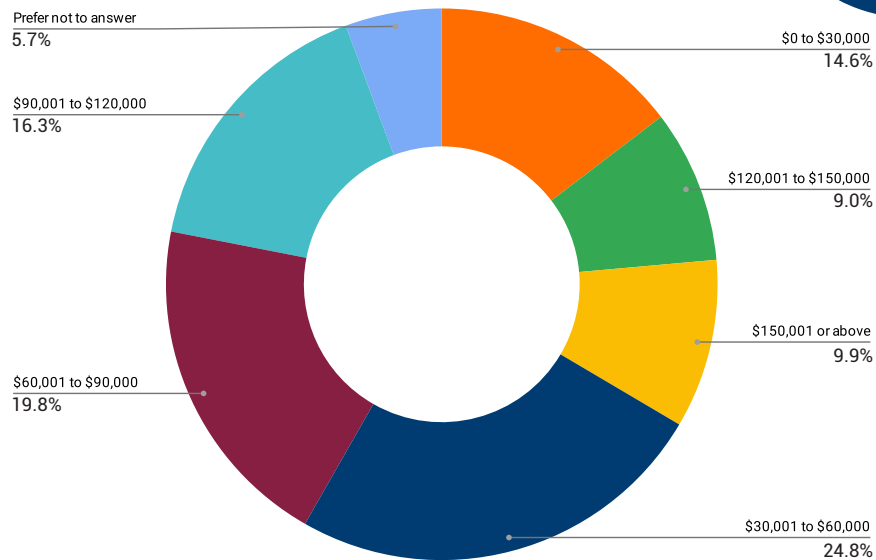


Age

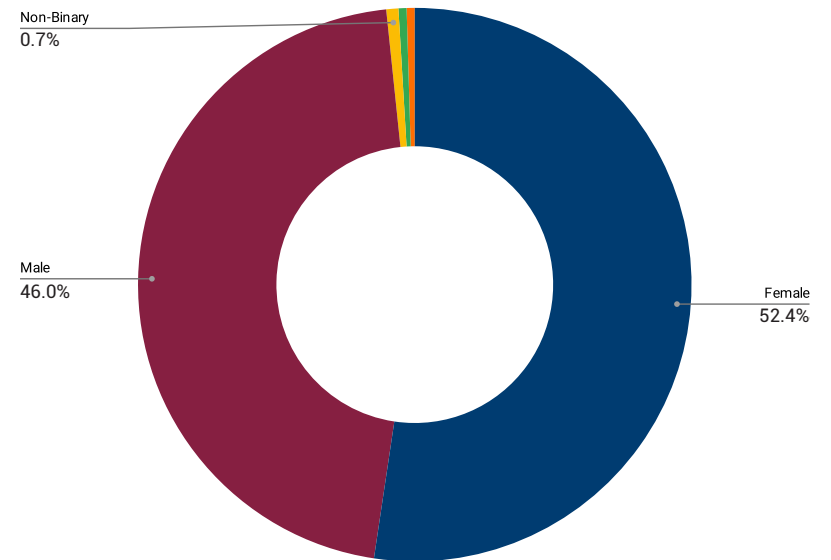


424
RESPONDENTS

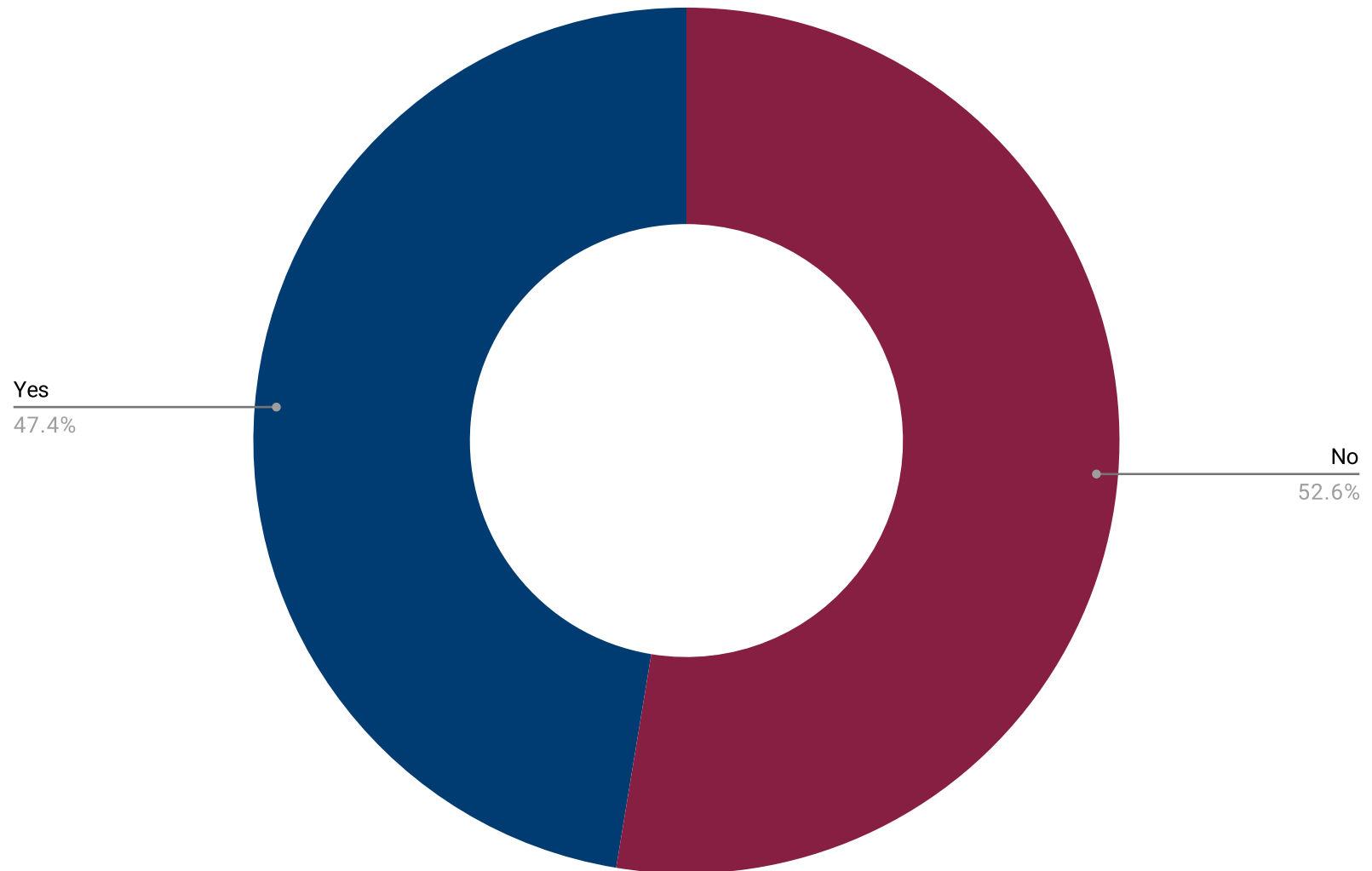
Income



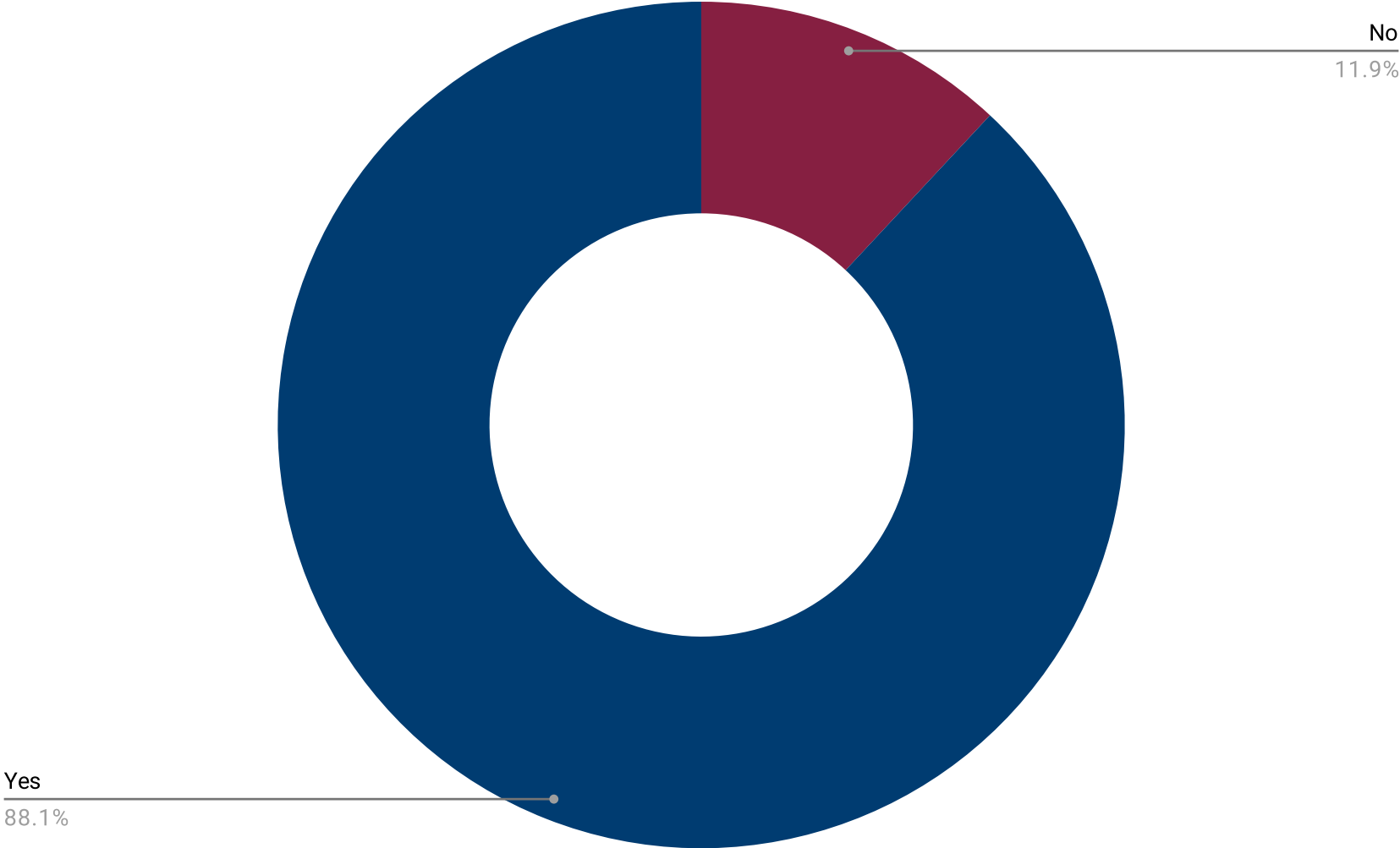
Gender



Do you have a paper will?



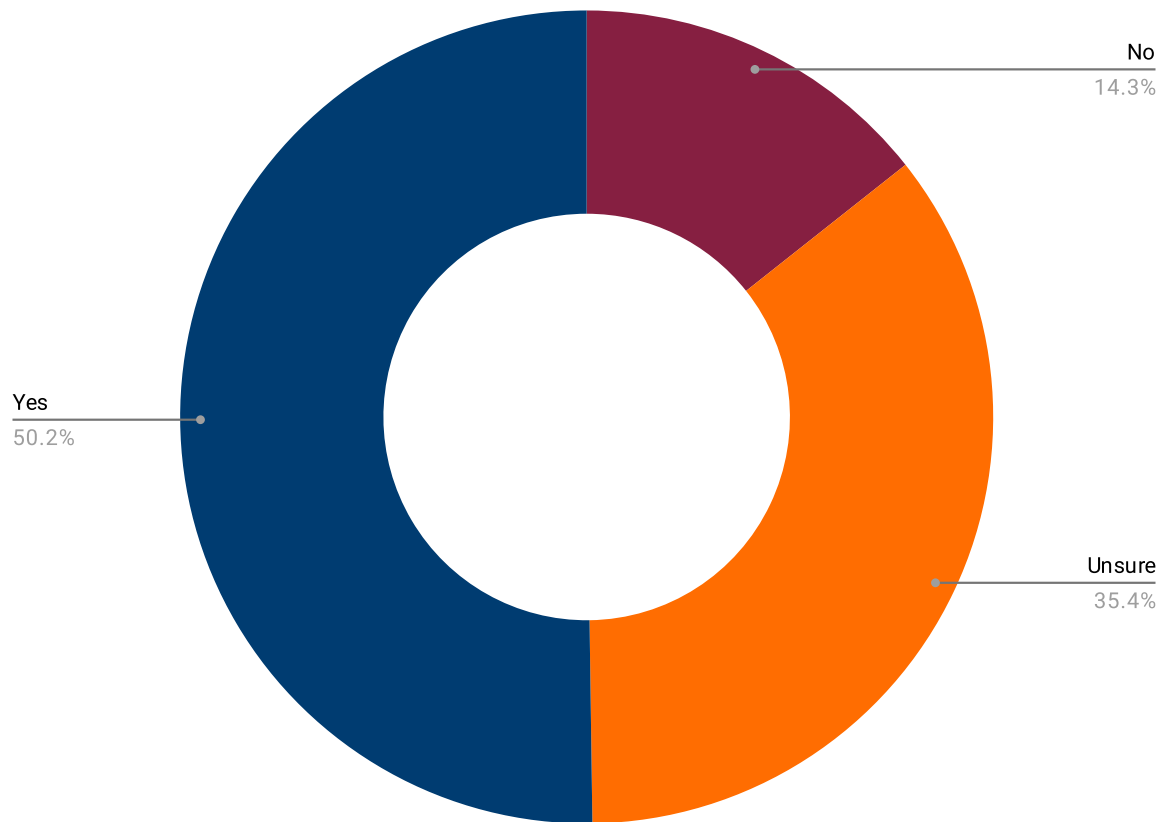
Does your will represent your current wishes for what should happen with your estate after death?



Why don't people have wills?



Do you agree with the following statement? I would make a will if I was allowed to do it electronically.



Survey respondents said...

I find it easier to do things online and easier to submit them to whoever needs it.

I find the idea of an electronic will appealing, it would be much easier to create, saves paper and time. But I still don't know if it's a priority in my life so I'm not sure if I would jump onboard right away

I guess it would depend of how difficult it is. We are talking about a legal document so I might still feel better have someone else look over it.

What a lawyer thinks...

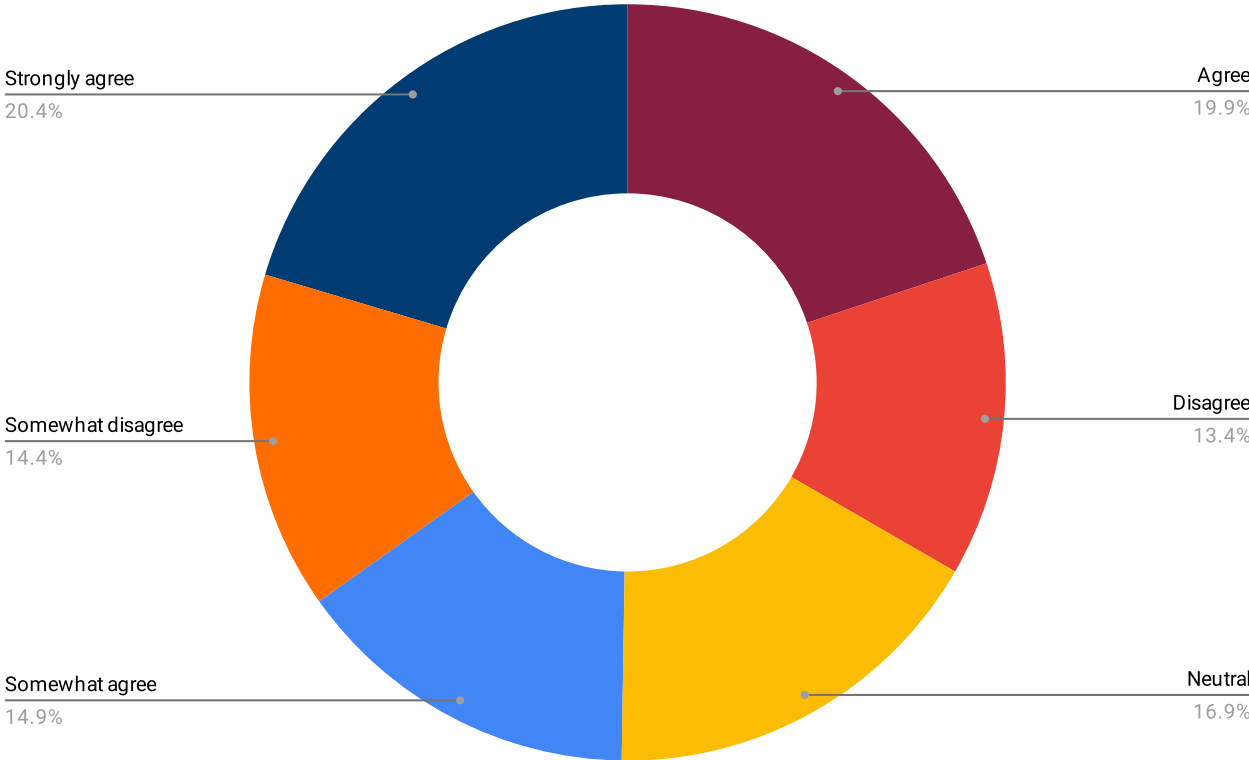
People need and expect flexibility in their lives. And quite naturally, the will process, the estate planning process should be consistent with the way people conduct their other business.

I already have a paper will but if I was making my will today, it would be easier for me to do it electronically

What a lawyer thinks...

The inevitability comes not only from a technology perspective, but client expectation perspective. I work with people who participate in multimillion dollar transactions that can be done electronically. And they're shocked that we can't do the same thing for their own personal estate planning....

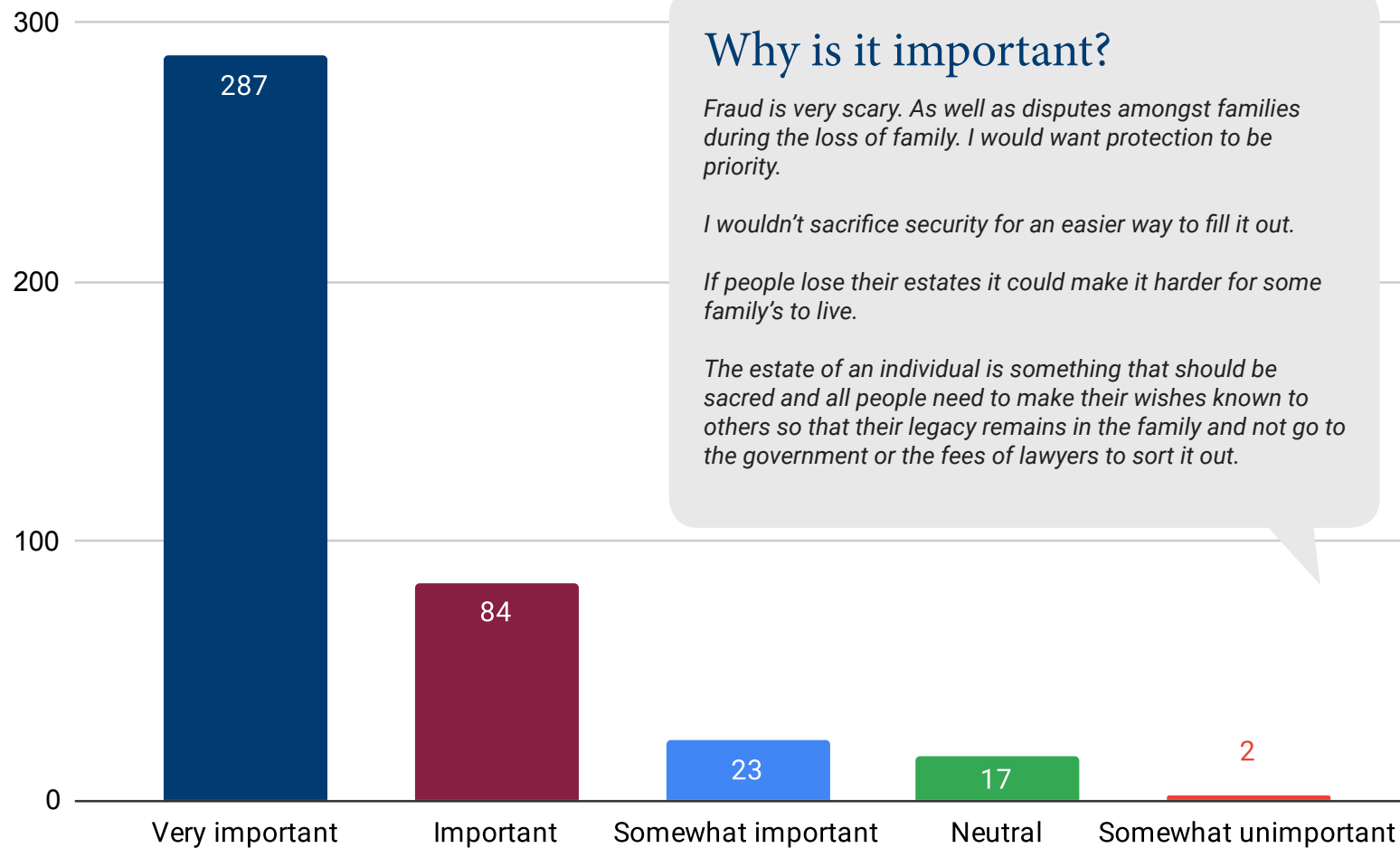
...I also think that a lot of the legislative changes in Alberta and other jurisdictions over the past number of years are driven by the desire to allow access to justice in the form of allowing testator intentions to be captured or interpreted where necessary in a much more flexible way than historically and I think this is part of it.



What else would make it easier to make a will?



How important is it to protect people and their estates?



Why is it important?

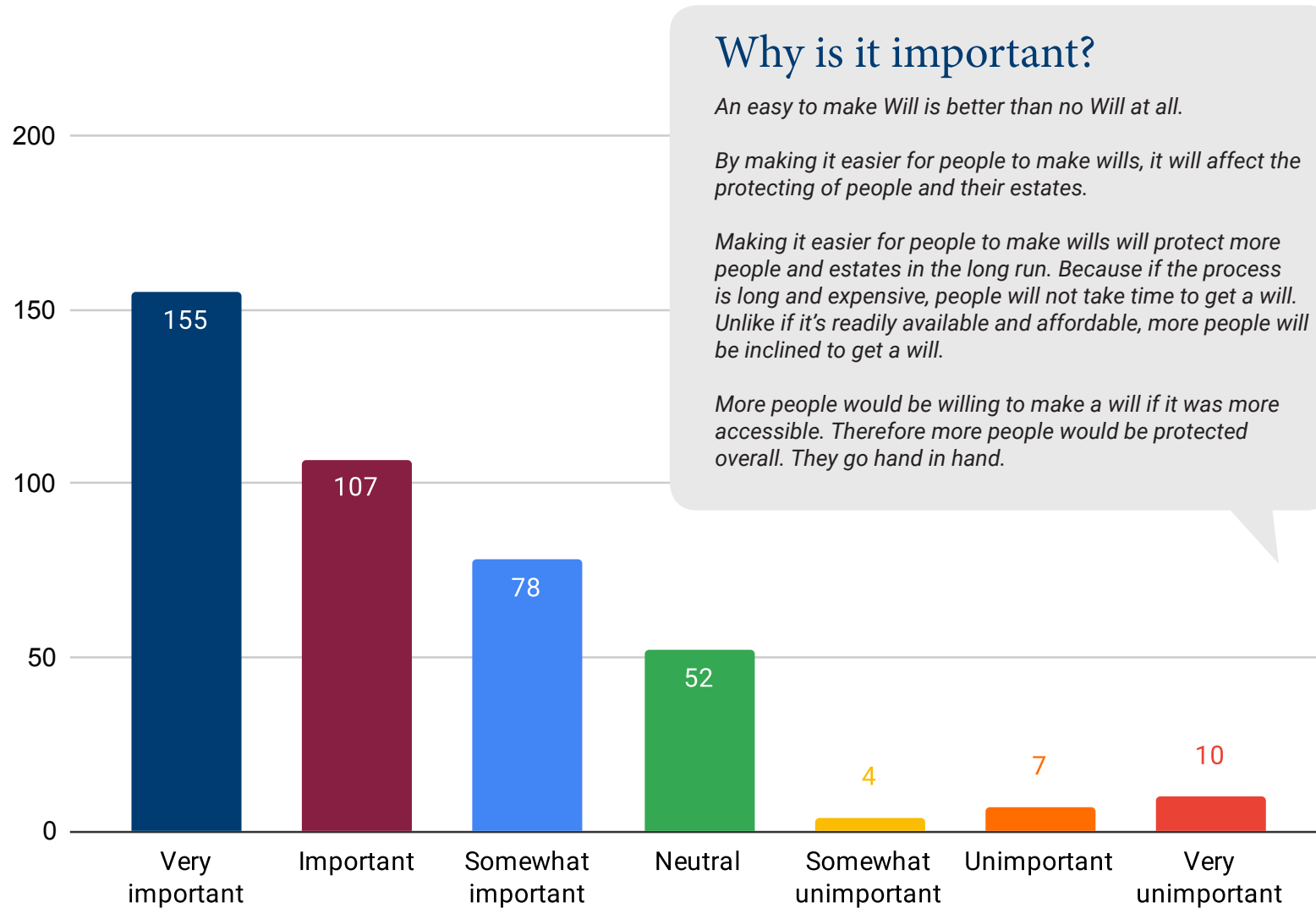
Fraud is very scary. As well as disputes amongst families during the loss of family. I would want protection to be priority.

I wouldn't sacrifice security for an easier way to fill it out.

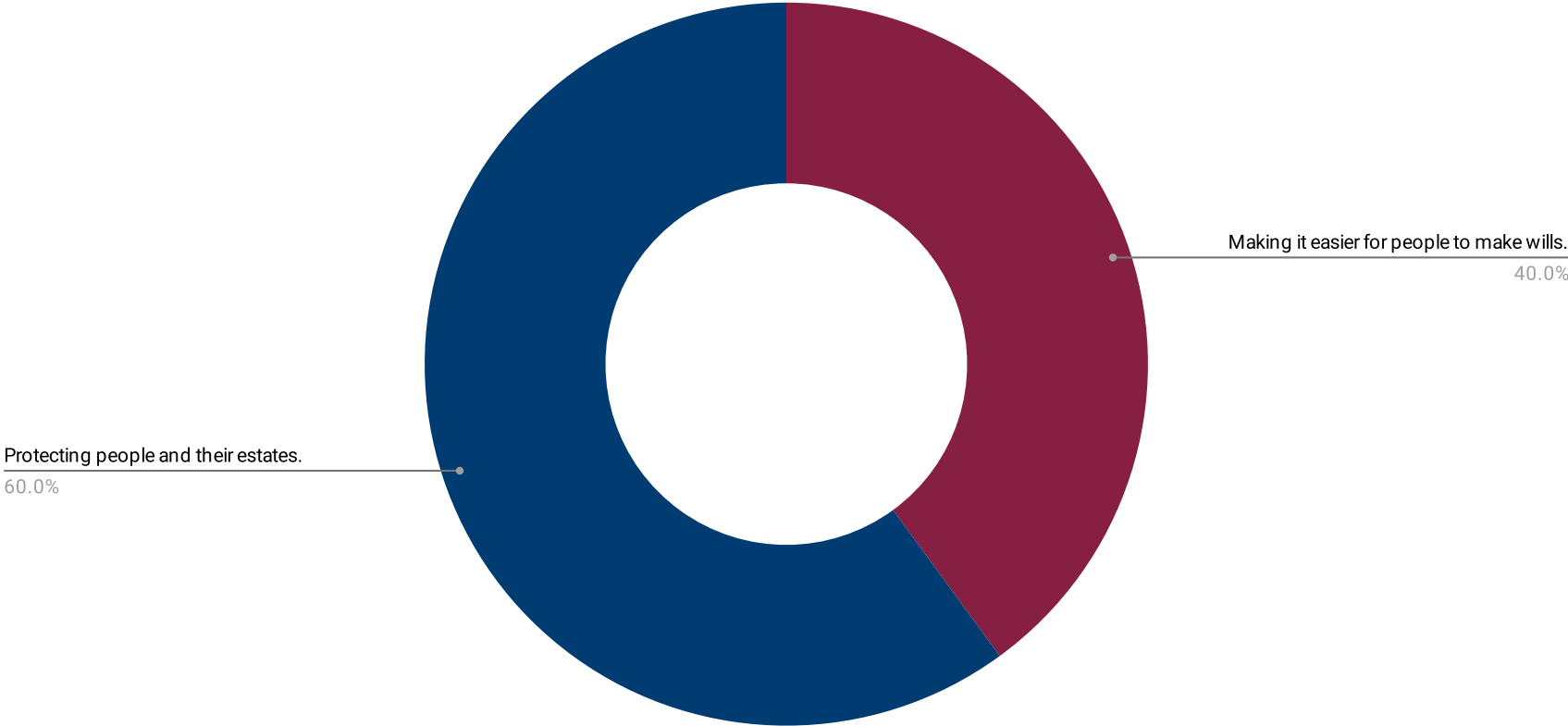
If people lose their estates it could make it harder for some family's to live.

The estate of an individual is something that should be sacred and all people need to make their wishes known to others so that their legacy remains in the family and not go to the government or the fees of lawyers to sort it out.

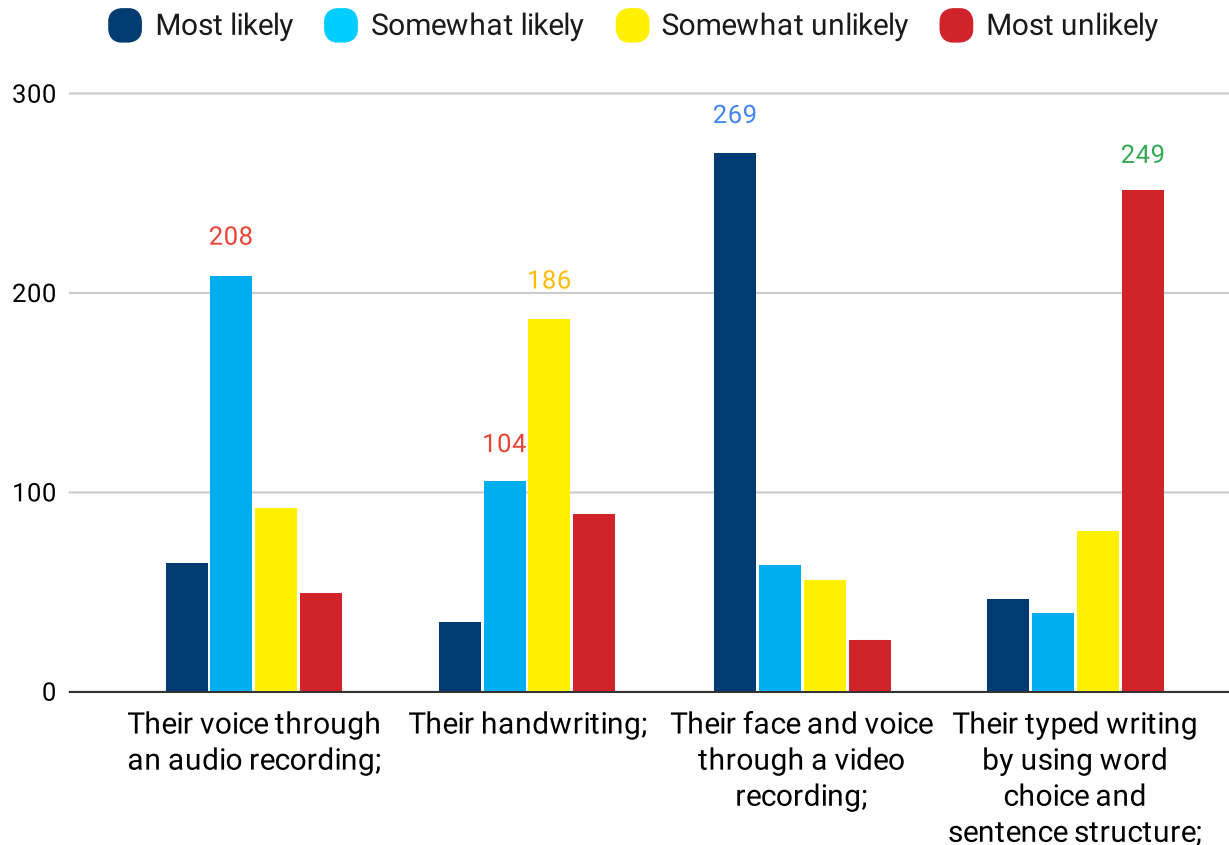
How important is it to have different methods that people can choose from to make their wills?



Which is more important? Protecting people and their estates or making it easier for people to make wills?



Please rank which of the following you are most likely to associate with a particular person



What a lawyer thinks...

What we're aiming at is the substance of someone saying this is my name, and I'm going to put it down somehow, whether by my hand and a pen, by typing it, by affixing a DocuSign type thing. So then we need to satisfy ourselves that we're achieving the substance of a moment in time where somebody affixes their name. I think technology will inevitably change and so if we define it too much, in this moment, we're going to miss what happens in the next moment...

...somebody typing their name at the end of a document they typed reflects their signature in substance. And I think our concerns are the same with the substance of a signature, whether it's typed or handwritten is that we have witnesses present, and that they swear a sufficient affidavit of witness.