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About the Private Client Services Department

Experience the boutique feel of Wiggin and Dana's Private Client Services team, which includes over four dozen skilled lawyers and dedicated staff members conveniently located in the communities where our clients live and work.

Backed by a full-service law firm with a global reach, we are adeptly positioned to handle a wide range of complex issues while providing personalized attention that our clients appreciate.

NEW YORK AUTHORIZES ELECTRONIC WILLS: A WAIT-AND-SEE APPROACH

On December 12, 2025, Governor Hochul signed the New York Electronic Wills Act into law, making New York one of at least fifteen states that will permit wills to be signed electronically when it takes effect December 12, 2027. ¹Below is an overview of what the new law provides and what to keep in mind as the effective date approaches.

What Is Changing

The Electronic Wills Act allows a will to be signed digitally, rather than on paper, and permits the testator, witnesses, and notary public to participate remotely through a digital platform.² Key features include:

- Remote witnessing. At least two witnesses located anywhere in the United States may observe and sign the will electronically without being in the same room (or even the same state) as the testator.³
- Electronic signatures. The testator (or a person signing on the testator's behalf in the testator's physical presence) may sign by adopting or affixing an electronic symbol or process.
- Mandatory court filing. An electronic will must be filed with the New York State Unified Court System within thirty days of execution; if it is not timely filed, the will is invalid.
- Self-proving option. As with traditional paper wills, an electronic will may be made self-proving (which can reduce the need to locate witnesses during probate) through testator acknowledgment and witness affidavits in the physical or electronic presence of a notary public.

CONTINUED

¹ See NY State Assembly Bill 2025-A7856A and NY State Senate Bill 2025-S7416A.

² See EPTL § 3-6.2(d).

³ See EPTL § 3-6.6.

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Why a “Wait and See” Posture Is Appropriate

Although the Electronic Wills Act is intended to make the execution of wills more accessible, a number of open questions remain. Various bar association committees and other professional organizations have raised concerns, including, but not limited to, identity verification, the precise triggering of the thirty-day filing deadline, and how courts will handle allegations of incapacity, due execution, fraud and/or undue influence in an electronic environment.⁴ Because Electronic Wills Act is new and untested, electronic wills initially executed and probated may face closer judicial scrutiny, and ambiguities within the law are likely to be resolved through court decisions over time. Importantly, the law also does not address the electronic execution of other estate planning documents, including trusts, powers of attorney, and advance directives for health care.

For most clients, a traditionally executed paper will is expected to remain the more prudent approach in the early years after the law takes effect.

Looking Ahead

We are monitoring developments as the December 2027 effective date approaches and will provide updated guidance as chapter amendments, filing procedures, and best practices take shape. In the meantime, there is no need to revisit existing estate plans solely because of this legislation. We are happy to discuss whether the new law may be relevant to your planning in due course.

⁴ See Report on the Proposed Electronic Wills Act in NY | New York City Bar Association.

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