

Sen. Bonnie S. Westlin
Senate Author
95 University Avenue W.
Minnesota Senate Bldg., Room 3403
St. Paul, MN 55155

Rep. Sandra Feist
House Author
409 State Office Building
St. Paul, MN 55155

Sen. Ron Latz
Chair, Senate Judiciary Committee
95 University Avenue W.
Minnesota Senate Bldg., Room 3105
St. Paul, MN 55155

Rep. Jamie Becker-Finn
Chair, House Judiciary Finance/ Civil Law Committee
559 State Office Building
St. Paul, MN 55155

January 27, 2023

To Whom It May Concern:

Enclosed, please find our letter in support of the proposed legislation regarding electronic wills and remote witnessing. Please be in touch if you have questions or we can help in any other way. Thank you for your consideration and your efforts.

Regards,

Julie Olmsted, Esq.
Managing Director
Cancer Legal Care

Catherine London, Esq.
Advocacy Chair, Board of Directors
Cancer Legal Care

Cc: Cameron Kelly, MSBA Probate and Trust Legislative Committee
Steve Nys, MSBA Probate and Trust Legislative Committee
Michele Timmons, Uniform Law Commission
Bryan Lake, MSBA Lobbyist

Cancer Legal Care Official Statement on Proposed Legislation Regarding Electronic Wills and Remote Witnessing

Cancer Legal Care (CLC) is a 501(c)(3) legal services organization whose mission is to engage the law to resolve the complex challenges facing people and communities affected by cancer. We do this by providing free legal care services to the Minnesota cancer community, from diagnosis to treatment to survivorship. We advise on matters of employment, insurance, disability, financial issues, housing, and estate planning. Our programs are open to all Minnesotans affected by any cancer, residing anywhere in the state, with 80 percent of our clients each year living in the Twin Cities metro area, and 20 percent living in Greater Minnesota. Since 2007, CLC's programs have provided over \$15.7 million in free legal care to over 12,000 Minnesotans affected by cancer.

Our clients' highest need—27 percent of our matters in 2022—is estate planning. The reality of a cancer diagnosis creates urgency to get one's affairs in order, especially for the 53 percent of our clients with stage IV cancer. But cancer brings with it financial toxicity:

The detrimental effects of the excess financial strain caused by the diagnosis of cancer on the well-being of patients, their families, and society.¹ Forty-two percent of newly-diagnosed people over 50 will lose their life savings within two years of diagnosis.²

“And, as large financial burdens have been found to adversely affect access to care and outcomes among cancer patients, the active development of approaches to mitigate these effects among already vulnerable groups remains of key importance.”³ As such, we offer pro bono estate plans for clients under 300 percent of the Federal Poverty Guidelines. Our staff represents some of these clients, but the majority are served by our roster of 40+ volunteer estate planning throughout the state. For myriad reasons, electronic wills and remote witnessing would vastly expand the services we could provide to the cancer community.

We Could Help Significantly More People. CLC is based in the Twin Cities metro area, as are the majority of our volunteer attorneys. As the law stands, attorneys have to meet clients in person, with witnesses, to sign wills. But we serve the entire state, having worked with clients in 73 of Minnesota's 87 counties. While we are always trying to recruit volunteer attorneys in Greater Minnesota, the fact remains that over 65 percent of Minnesota attorneys work in the Twin Cities metro area.⁴ If we could leverage our local volunteer attorneys to serve clients in Greater Minnesota—through the avenues this legislation proposes, and without the cost and logistics of travel—we could greatly extend our reach throughout the state, and increase our service to the Minnesota cancer community.

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7152810/>

² [https://www.amjmed.com/article/S0002-9343\(18\)30509-6/fulltext](https://www.amjmed.com/article/S0002-9343(18)30509-6/fulltext)

³ [https://www.amjmed.com/article/S0002-9343\(18\)30509-6/fulltext](https://www.amjmed.com/article/S0002-9343(18)30509-6/fulltext)

⁴ <https://mn.gov/deed/newscenter/publications/review/october-2016/attorneys-turn.jsp>

The COVID-19 Pandemic Laid Bare the Inequities Our Clients Face. During the pandemic, high-risk individuals were advised to stay home as much as possible to avoid COVID-19 infection. Further, if they were in a health care facility, visitors were not allowed. Their cancer diagnosis put them in an untenable position: risk their health—and COVID-19 exposure with attorneys and witnesses—to complete their estate plan; or risk burdening their families by not completing it. If clients could have electronically signed their wills from their chemo chair, used witnesses that otherwise couldn't enter the health care facility, or had meetings with attorneys without risking exposure, we could have leveled some of these health-based inequities. And unfortunately, the risk of COVID-19 infection is still a very real threat to our immunocompromised client population.

Our Client Population is Very Sick and Faces “Logistic Toxicity.” Even before the COVID-19 pandemic, it was difficult for many of our clients to travel and meet with a lawyer; they are often too sick, in a health care facility, or otherwise physically unable to travel. They're also subject to what Forbes calls “logistic toxicity”:

Logistic toxicity might be defined as the administrative burden of healthcare. Chores—like processing medical bills, holding on the phone for providers, filling out and submitting paperwork to insurers—can chew at a healthy person's time, causing annoyance. **For someone who's chronically ill, these tasks and additional, long-term responsibilities**—coordinating frequent medical appointments, and arranging for time off at work, and for childcare or caregiving of another adult— **compound the physical and financial toll of disease.**⁵

Cancer Legal Care has always understood this part of our clients' reality, and tried hard to make this often-difficult process easier for them—by helping via phone, video meetings, in-clinic, and more. The proposed legislation would allow us to not only help more clients in the cancer community, but to do so in a way that doesn't add to the many burdens they already face.

⁵ <https://www.forbes.com/sites/elaineschattner/2015/08/14/logistic-toxicity-an-unmeasured-burden-of-health-care-for-people-with-cancer-and-other-illness/?sh=1a9f0ec82dfe>