

Citywealth Discusses Pandemic Estate Planning Challenges With Joshua Rubenstein

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Private Wealth national chair Joshua Rubenstein spoke with *Citywealth* on the impact the COVID-19 pandemic has had on the estate planning industry. One of the earliest pressing issues was tied to notarizing or witnessing documents. He stated, “There had already been legislative change, particularly in the [United States] to authorize digital wills and I suspect a year from now such legislation will be more prevalent, as will procedures for remote witnessing and notarization in general. And presumably in the future, drafters of documents will eliminate requirements such as giving notice by 'personal delivery.'” He noted that eventually “[t]here will probably be a preference to return to physical execution and witnessing, which is harder to challenge in litigation, but having the options will be important.”

Josh indicates that there will be both an increase in litigation and a backlog in cases due to court closures. He explains, “On the planning end, it was impossible to go to court for routine matters such as varying a will and trust, and on the litigation end, it became impossible to resolve disputes for a protracted period of time (years, if you include the lengthy backlogs confronting courts as they reopen).” He added that “it will become more commonplace to draft to cover these situations.”

Overall, he expects taxes to rise for the United States. Josh stated, “Given the trillions of dollars of debt countries are incurring in order to keep their residents afloat while they are sequestered and/or out of work, I think it is safe to assume that taxes will be going up. How to minimize the impact of that likelihood will keep planners busy for at least the next several years.” ([“Wills and succession: Preparing the umbrella before it rains,”](#) July 7, 2020)

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