



## Example of Estate Planning/Elder Law Client Document Signing Protocol During COVID-19

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We urge you to delay document signings, if at all possible, until the worst of this ongoing pandemic is behind us. However, as there will be some cases that must move forward, we have prepared this guide for our office. We have tried to incorporate thorough safety protocols for clients and staff while honoring legal requirements. We share this guide with our colleagues, with the understanding that this is only our current best practice and as circumstances change, we may develop different approaches, and with no guarantee that the steps taken here will prevent transmission of Covid-19. We share this in hope this can help you and your clients to safely execute documents during this uncertain time, with some peace of mind, yet with the understanding that you use it at your own risk.

1. In response to the COVID-19 outbreak, O'Byrne Law, LLC (OBL) will modify document preparation and signing procedures.
  - a. Only documents that require a notary stamp will now have a notary block, such as Financial Powers of Attorney, Trusts and Deeds.
  - b. Clients will not be asked to initial or date documents during the signing.
  - c. Attorneys will review documents with clients in detail by telephone or video call within 2 days prior to intended signing date.
  - d. After reviewing documents with clients, if any revisions are made, revised/final documents will be sent to client via e-mail at least 1 day prior to the actual review and sign, to ensure all questions have been answered.
2. Clients will be offered **three options** for document signings:
  - a. **Client managed document signing.** Send Clients complete drafts ready for signing with detailed instructions for witnesses and notarization, enclosing stamped envelope to return originals to our office for further processing. (On receipt of signed documents, see #4 below.
  - b. **Document signing at office.** We will offer to meet clients in the 30 East Padonia Road parking lot so they will not have to leave their vehicle. Throughout the signing process, clients remain safely in the vehicle, while staff remain a safe distance away.
  - c. **Document signing at client's home, if this can be conducted safely at doorway/front porch maintaining safe distancing without entering home.**

### 3. Steps for signing in parking lot or home.

- a. Documents will be prepared for execution the day before the scheduled signing, using plastic gloves, and will be placed on a clip board for each client.
  - b. Notary log page will be placed on clipboard as the last page of the stack of documents.
  - c. Witness signature and notary clause pages will be printed separately and placed in separate clipboard. This clipboard is held by staff during the review and sign.
  - d. Documents on clipboard will be tabbed:
    - i. at bottom with post-it notes identifying type of document: Will, Trust, POA, Advance Directive, notary log, etc.
    - ii. at side with stickers for sign here/date here.
  - e. Clip board itself, not the documents, will be placed in a large plastic/Ziplock bag.
  - f. Staff interacting with clients will wear plastic gloves and face masks.
  - g. Staff will hand clip board and pen to client, then step back a safe distance.
  - h. Staff will ask client:
    - Are these the [documents by name: Will, POAs, AD, Trusts, etc.] we have reviewed with you?
    - Do these documents accurately reflect your wishes?
    - Do you wish to sign your documents today?
    - Do you request that we witness your signing these documents?
  - i. If the client answers all of the questions in the affirmative, staff then instructs client to turn to first signature tab and sign and date, then repeat for all documents, including notary log if any document is being notarized.
  - j. After Client completes signing documents, staff sign witness pages and complete notary clauses, as needed.
  - k. Client hands signed documents on clipboard to gloved staff, who place in redwell file.
  - l. Client retains pen.
4. Documents in redwell placed in small conference room in office for 2 days. Following this period, documents will be processed according to usual post-signing protocol.