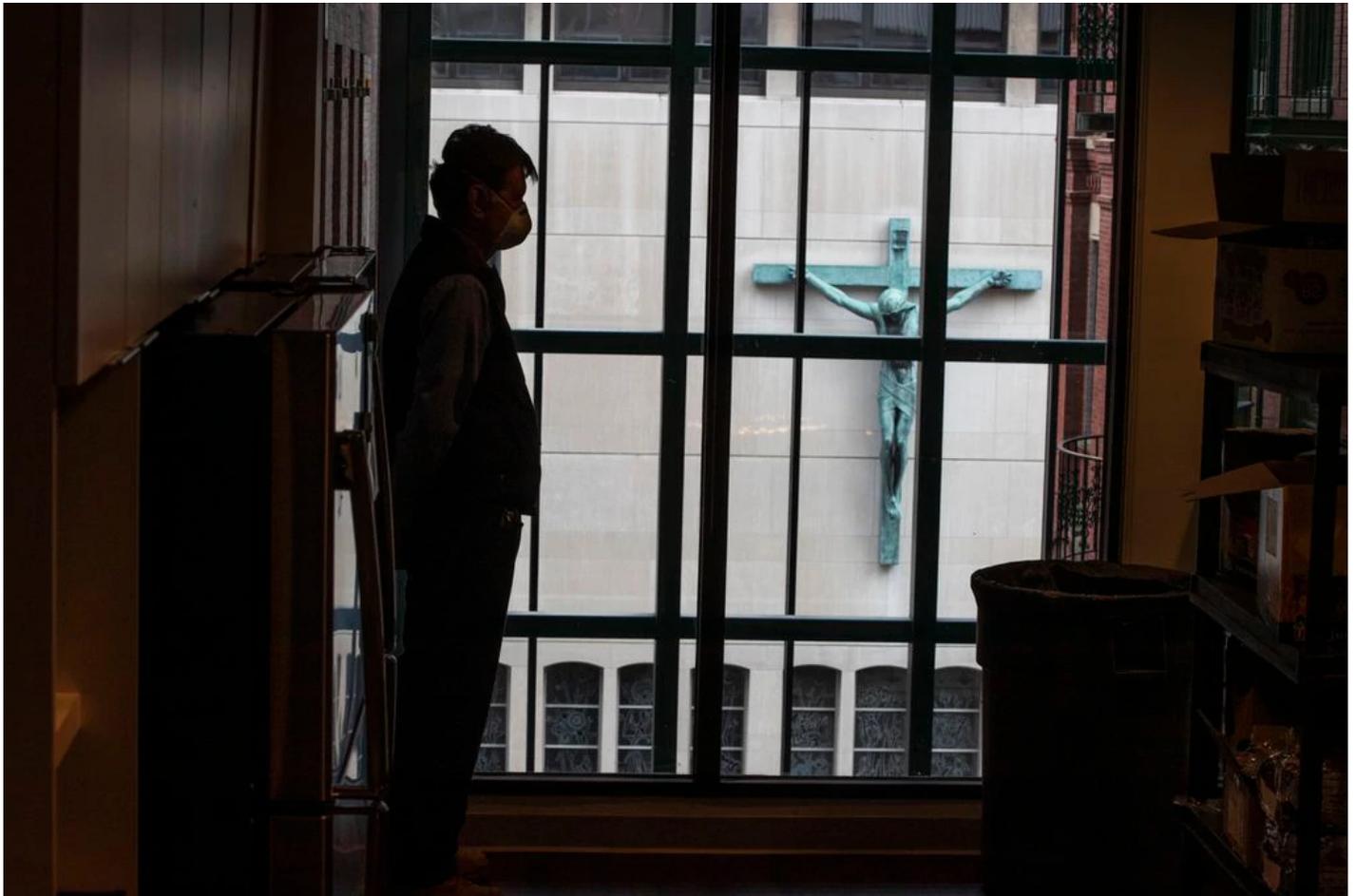


# More people are writing wills during the coronavirus outbreak

By [Deirdre Fernandes](#) Globe Staff, Updated April 12, 2020, 5:26 p.m.



STAN GROSSFELD/ GLOBE STAFF

Jennifer Nadelson and her husband had planned to update their 2005 will last summer, but there was never a rush.

Then COVID-19 struck. The rising death rate and growing fear that even the most mundane tasks, such as grocery shopping, could be life-altering kicked Nadelson into gear.

For the past few weeks, the 52-year-old Brookline mother of two has exchanged a rapid volley of e-mails with her estate lawyer. The Nadelsons also have talked to their 17-year-old daughter about the responsibilities of becoming a guardian to her 14-year-old brother and e-mailed nearby friends to act as alternative guardians and executors.

“In this scenario of a scary pandemic, where two adults could die at the same time. ... It prompted us to think about it,” Nadelson said. “I don’t think I’m overwhelmingly anxious, but I’d like to be prepared.”

Massachusetts estate attorneys say that since the pandemic hit they have seen a surge in new clients interested in drawing up their final wishes and families and existing clients who want to update health care proxies or finalize documents that they’ve procrastinated signing for months and sometimes years. Lawyers said they are getting calls from all corners, young and old, doctors, nurses, and other front-line workers, and people stuck at home contemplating their own mortality.

“People are home doing jigsaw puzzles and thinking, ‘Oh no, I’ve never done my will,’” said Carole LoConte Tedesco, a Winchester attorney. “I think people are really freaked out. Most of us don’t contemplate our mortality day to day. Now you contemplate your mortality every time you go to the grocery store.”

LoConte Tedesco said she has video-conference calls scheduled with clients for the next four weeks, much busier than she would usually be this time of year. In recent days, she’s heard from a family to whom she sent a draft version of a will back in 2018. They never completed the process, but now wanted to sign the documents, LoConte Tedesco said.

But finalizing a will has become more challenging amid the pandemic, when people must stand 6 feet apart, offices are locked down, and any sort of gathering with strangers raises red flags.

In Massachusetts, wills must be notarized and witnessed by at least two independent people who are not the beneficiaries. Wills can be valid without the notarization and

witnesses, but that can be more cumbersome for family members to finalize after the person's death, because they must seek a judge's determination, attorneys said.

This means that lawyers have either delayed signings or found creative ways to address public health concerns.

LoConte Tedesco, for example, isn't finalizing wills because a retiree she usually counts on to serve as a witness is undergoing cancer treatment and she is afraid he may get infected with the coronavirus, and her part-time employee, the other witness, is home taking care of her own children.

Other lawyers said they have done will signings in parking garages, with their clients sitting in the car, or in driveways with two tables set 6 feet apart.

Ken Goldstein, a Brookline attorney, scheduled a carefully choreographed will-signing on Friday.

He and his clients, two doctors who decided to complete their will because they were concerned about their potential exposure to the virus, sat on opposite ends of a conference table with a large bottle of hand sanitizer in the middle and new sets of pens by the documents.

The conference room's floor-to-ceiling glass walls, which were initially installed to give the space a sleek, modern look, served another purpose: a transparent barrier to separate Goldstein and the clients from the law firm employees who acted as witnesses.

After the doctors signed their will, financial power of attorney documents, health care proxy forms, HIPAA medical records release forms, and their living will declaring the life-sustaining measures they wanted health care providers to use, there were no handshakes. Everybody left with their own pens.

"We've been going through a lot of pens," Goldstein said.

Massachusetts estate attorneys have urged the state Legislature to pass an emergency measure that would allow for wills to be remotely witnessed and notarized through video-conferencing technology. States including Connecticut, Florida, Alabama, and Arizona have passed similar measures since late March, according to the American College of Trust and Estate Counsel.

Remote signing and notarization would make the process easier for some clients, said Karen L. McKenna, a Scituate trust attorney.

McKenna, whose father was hospitalized for reasons unrelated to the coronavirus just weeks before COVID-19 swept through the country, has seen how difficult it can be to get wills and other financial planning and end-of-life documents completed in recent weeks.

Her parents had delayed completing a will and designating a health care proxy. So while her elderly father was in the hospital, which was eventually closed to outside visitors due to COVID-19, her 81-year-old mother was the only one who could communicate with doctors, adding to the family's anxiety, McKenna said.

Although her father recently was moved to a nursing home, the family still can't see him and get the wills and other documents signed, she said.

"It's very frightening and very stressful," McKenna said.

Even lower-cost online services, such as LegalZoom, note that for the wills to be legally binding they must be witnessed and notarized following the state's applicable laws. LegalZoom said it is too early to tell whether its sales have been affected by coronavirus concerns.

Still, attorneys said it isn't entirely clear whether remote signing and notarization would solve all the problems.

LoConte Tedesco, the Winchester attorney, said even with video-conferencing it's difficult to tell if there are beneficiaries in the room pressuring the client to make certain

provisions in the will. And with elderly clients it may be hard to judge their mental capacity, especially if they're struggling with the technology.

LoConte Tedesco said she'll do remote signings if they become legal, but she is worried that after the pandemic fades there may be more contested wills.

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