



ASPEN TECH POLICY HUB

THE ASPEN INSTITUTE

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American Bar Association
1050 Connecticut Ave. N.W., Suite 400
Washington, D.C. 20036

Subject: Suggestions for Digital Estate Planning on the ABA Website

Dear American Bar Association,

Thank you for the thoughtful publication of resources for estate planning on the ABA website. My parents recently updated their Wills to name me as the sole executor of the estate, and I've found it incredibly helpful to learn about what may lie in store one day.

My name is Liv, and I'm a technology policy fellow at the Aspen Institute's Tech Policy Hub. Along with a group of other fellows, I'm working on a project ([the Digital Afterlife Project](#)) that aims to encourage technology companies to build systems that better allow users to decide how their online information will be handled when they pass away.

As we've worked on the Digital Afterlife Project, it's become clear to us that there is a strong need for more awareness around the inclusion of digital assets in the estate planning process. Per your open call for website feedback [on your Estate Planning page](#), we provide a few key suggestions that we think could enable your network to better understand these issues.

Website Organization

First, your [estate planning guidelines](#) lack a direct link to the digital property FAQ. If you more prominently link to your digital property guide from the estate planning guidelines in the 'non-probate property' category of links, this could help estate planners better prepare clients in considering their virtual property.

Second, we think that it would be beneficial to include digital assets in the Managing Estate Assets section of the [Estate Planning Guidelines for Individual Executors and Trustees](#). This would shine additional light on the growing need for users to have a plan in place that allows their executor to handle their online information appropriately. We've included a sample of what this could look like in the context of the existing paragraph:

*...The usual practice is to engage a professional appraiser to value the decedent's tangible property, such as household furniture, automobiles, jewelry, artwork, and collectibles. Depending on the nature and value of the property, this may be a routine activity, but you may need the services of a specialist appraiser if, for example, the decedent had rare or unusual items or was a serious collector. Real estate, whether residential or commercial, and any business interests also must be valued. **Additionally,***

digital assets and online accounts may also contain valuable property that requires resolution. Besides providing a valuation for assets...

Third, within the [Glossary of Estate Planning page](#), we also would suggest including the qualifier 'digital' within the definition of 'property':

Property – Anything that may be the subject of ownership, whether real, digital, or personal, legal or equitable, or any interest therein.

Finally, the page on [Digital Property Frequently Asked Questions](#) should be updated and linked from the [general Estate Planning Guidelines](#). In particular, we think that it would fit well within the 'non-probate property' category of links.

Improving The Search Engine Optimization of Digital Property Materials

The Digital Property FAQ page has a high SEO ranking, and is likely an oft-cited reference for people seeking information about how to approach their estate planning. Therefore, we respectfully offer the following suggestions to improve the page:

1. **Title:** The title should be updated to remove the extra 'q' in "Frequently"
2. **Background:** An introductory section should be added at the beginning to give a reader more information about why they should create a digital asset directive as part of their estate process, and a list of the types of accounts they should consider. A suggested overview paragraph is included below

"It is important to consider how you want your digital property to be handled after you pass away. You may have important documents stored online or on your computer; virtual goods, photos or videos that you want shared with your family; or wish for your accounts on social media to be deleted or memorialized after you die. The FAQ below addresses common questions about considering digital property as part of your estate planning process."

If you have any questions for our team, we would be happy to discuss our work further. We also are working on a series of proposals for companies and legislators to take to ease the process of digital estate planning, and implementing features in technology platforms to facilitate this planning. If your team has any interest in a more substantive discussion we would be happy to connect. You can view more about our project at <https://digitalafterlife.online>. Thank you for taking the time to consider our comments, and please feel free to contact us if there is further clarification we can offer.

Warm regards,
Liv Erickson

on behalf of:

The Digital Afterlife Project

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