

**STEVENS & DAY** LLP  
ATTORNEYS AT LAW

**30<sup>th</sup> ANNUAL  
REFERRING ATTORNEY  
SEMINAR**

**SEGMENT 2:** Legal Potpourri

*Law Office Technology*

Presented by Avery Day, Dan Stevens and Scott Ward

November 5, 2021

82 WINTHROP STREET, AUGUSTA, ME 04330  
207-430-3288  
[www.StevensDayLaw.com](http://www.StevensDayLaw.com)

# STEVENS & DAY<sub>LLP</sub>

## ATTORNEYS AT LAW

### **Electronic and Digital Signatures**

There is a wide variety of e-signature software on the market today, including DocuSign, Adobe Sign, HelloSign, and PandaDoc. These programs vary in cost structure, interface, usability, and features, but the basic service is a process for electronic execution of documents. We have begun using HelloSign for the execution of contracts, engagement letters, and various other documents that we were previously mailing to clients for signature. It is an efficient way to get documents executed and clients seem to be comfortable and familiar with the process.

In 2000, the Maine Legislature authorized the use of both electronic signatures (via the Uniform Electronic Transactions Act, 10 MRS §§ 9401 *et seq.*) and digital signatures (via the Maine Digital Signature Act, 10 MRS §§ 9501 *et seq.*). The difference between the two is beyond my technical understanding but digital signatures are seen as more secure and easier to authenticate. That being said, both digital signatures and electronic signatures are valid under Maine law and have also been authorized federally. Further, in both instances the process entails more than putting an electronic mark on a document. Rather, this is a process with an audit trail documenting the steps involved in the signature process.

While electronic and digital signatures are an efficient way to have documents executed, they will not work in all situations. There are certain documents that must continue to be executed the old-fashioned way, including wills, trusts, and deeds. When in doubt, the safest bet is to rely on a standard signature.