**RESOLUTION 09-01-2026**

**TEXT OF RESOLUTION**

**RESOLVED** that the Conference of California Bar Associations recommends that legislation be sponsored to amend California Probate Code section 6110 to read as follows:

§ 6110
(a) Except as provided in this part, a will shall be in writing and satisfy the requirements of this section.
(b) The will shall be signed by one of the following:
(1) By the testator.
(2) In the testator's name by some other person in the testator's presence and by the testator's direction.
(3) By a conservator pursuant to a court order to make a will under Section 2580.
(c) (1) Except as provided in paragraph (2), the will shall be witnessed by being signed, during the testator's lifetime, by at least two persons each of whom (A) being present at the same time, witnessed either the signing of the will or the testator's acknowledgment of the signature or of the will and (B) understand that the instrument they sign is the testator's will.
(2) If a will was not executed in compliance with paragraph (1), the will shall be treated as if it was executed in compliance with that paragraph if the proponent of the will establishes by clear and convincing evidence that, at the time the testator signed the will, the testator intended the will to constitute the testator's will.
(d) As an alternative to subdivision (c) the will shall be validly executed if the testator's signature is acknowledged before a notary public who notarizes the will in accordance with California law.

(Proposed new language underlined; language to be deleted stricken)

**PROPONENT:** San Diego County Bar Association

**STATEMENT OF REASONS**

The Problem: Existing California law requires that a will (other than a fully holographic will) be executed with the signatures of two witnesses. This creates practical difficulties for many testators and solo attorneys. Members of the public commonly and mistakenly believe that a will must be notarized, and are unaware of the two witness requirement, which can result in improperly executed and invalid wills. Members of the public also tend to use family members or individuals named in the will as witnesses, which may raise questions regarding conflicts of interest or undue influence.

The two witness requirement also presents logistical barriers for solo practitioners, clients who are hospitalized, homebound, or in long-term care facilities, and situations where two disinterested witnesses are not readily available. In contrast, obtaining a notary public is more feasible in all of these circumstances.

The Solution: This resolution proposes amending Probate Code section 6110 to allow notarization as an alternative to the two witness requirement for executing a will. This approach aligns wills with California Advance Health Care Directives, which already may be executed either by witnesses or by notarization. All other estate planning documents such as trusts and powers of attorney already allow notarization as well.

Providing this alternative method of execution preserves existing safeguards while increasing flexibility and access to estate planning services. Allowing notarization would reduce technical execution errors, better reflect public understanding, and assist solo attorneys and clients in time-sensitive or constrained settings without eliminating the traditional witness option.

Additionally, allowing notarization may provide an added safeguard against fraud and undue influence by requiring identity verification by a neutral, state-commissioned notary public and introducing an independent third party into the execution process.

**IMPACT STATEMENT**
This resolution does not affect any other law, statute, or rule.

**CURRENT OR PRIOR RELATED LEGISLATION**
None

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