



Advisor Alert

EMAIL ACCOUNT FOUND ACCESSIBLE TO CLIENT'S PERSONAL REPRESENTATIVES

As we like to say, "What's easy?" So many individuals are now going "paperless" that a personal representative may have difficulty discovering a decedent's assets without access to the decedent's email account. However, email providers such as Google and Yahoo! have been loathe to release such information to fiduciaries.

As wealth managers, families often turn to you when a family member dies, so you need to know the current state of the law. Prior to 2017, in Massachusetts there was no precedent for legal recourse against an email provider who would not provide such information - but that is no longer the case. The highest court in Massachusetts, the Supreme Judicial Court, recently held in *Ajemian v. Yahoo!, Inc.* that the federal Stored Communications Act does not prohibit the disclosure of the contents of a decedent's personal email account by the email provider to the decedent's duly appointed personal representatives. Below please find a link to the summary of the case if you would like more detailed information. Although this will not be the final word in access to the electronic communications of a decedent, it can be an important tool in working with email providers to assist your clients during a difficult time. You might also be careful about what you say regarding your client's family in an email - the Personal Representative may be reading over your shoulder!

[FOR MORE ON AJEMIAN V. YAHOO!, INC., CLICK HERE!](#)



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