

Descendible Data Property

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Estate planning law firms more and more include clauses about “data assets” in their draft wills. In one sense, this phenomenon is a positive sign that lawyers and clients recognize the need to determine what to do with data and digital assets after death. But unfortunately, many standard attempts to deal with “data assets” are confused, treating “assets” as diverse as a decedent’s own computer files, social media accounts, rivalrous intangible assets, and online accounts in the same way. This Article will disaggregate the different kinds of “data assets” currently covered in standard will clauses and develop an approach for addressing each kind of “asset” in estate planning.