



"My bill isn't terribly controversial. It would provide modest tax breaks for people who don't really need them."

**AGENDA FOR TEXCOM MEETING
TRUST AND ESTATES SECTION, STATE BAR OF CALIFORNIA
SATURDAY, MARCH 6, 2010, 10:00 A.M. – 4:00 P.M.
LAW OFFICE OF DOWNEY BRAND**

- I. WELCOME, REPORTS OF CHAIR AND SECTION ADMINISTRATOR
(40 minutes)**
- A. Welcome** **HORTON**

 - B. Approval of Minutes of the January 16, 2010, Meeting** **HORTON**

 - C. Report of the Chair** **HORTON**
 - 1. Retreat planning: draft legislation, other programs**
 - 2. Death March and other, non-lethal activities**
 - 3. Saturday dinner**

 - D. Report of Vice Chair** **LODISE**

 - E. Report of the Section Liaison** **ORLOFF**
 - 1. Expense reimbursement**

 - F. Report from Chair of Nominating Committee** **TONG**

 - G. Report from the Council of State Bar Sections** **SCHENONE**
- II. LEGISLATION REPORT AND DISCUSSION** **COREY/EHRMAN**
- A. Orientation** **BERCOVITCH**
(15 minutes)

 - B. Important guidelines for bill tracking**

1. Please use the approved format for legislative proposals.
2. Please use the approve comment form for legislation comments.
3. Always send your comments or position papers to Saul and Jennifer with copies to Chair Horton, Ms. Lodise, and Mr. Corey and Mr. Ehrman and not directly to a member of the legislative staff or author.
4. Online Bill Tracking legislative information:
www.leginfo.ca.gov/
 (Go to this website for texts of any bills that have not been uploaded to the agenda packet); Capital Track sites (See Legislation Committee Workroom Folder and Legislative Matrix)
5. Coordinate contacts with legislative staff and testimony with the legislative staff and Saul and Jennifer.

C. Review of legislation and state of the legislature BERCOVITCH
 (15 minutes)

T&E proposals approved by BOG

1. Appointment of counsel for proposed conservatee
 (Prob. C. § 1470) (T&E - 2010-06) LEE
2. Revision of statutory will form, AB 1986 (Silva)
 (Prob. C. § 6240) (T&E - 2010-07)
3. Collection of small estates
 (Prob. C. §§ 13050, 13100, 13101, 13151, 13152, 13154, 13200, 13600, 13601, 13602)(T&E - 2010-8)
4. Statutory form power of attorney
 (Prob. C. §§ 4260, 4264, 4401) (T&E - 2010-9)
5. Hearing procedures

(Prob. C. §§ 1000, 1022)(T&E 2010-10) COREY

6. Elective Administration of Decedent's Estate
(New Article 10 to Division 7, Part 2, Chapter 4)
(T&E 2011-1)

7. Disposition of decedent's remains; conservator
(Health & Safety Code §§ 7100 et. seq.)
(T&E 2011-2) LEE

D. Bills, by subcommittee

1. INCAPACITY

(20 minutes)

New Bills

- a) AB 2190 (Block) Disposition of remains LEE
- b) SB 1466 (Cox) Prof. fiduciaries; charities MATULICH
- c) SB 1329 (Leno) Residential care facilities LERA
- d) AB 2234 (Lowenthal) Mental health services; elders LODISE
- e) AB 2066 (Jones) Annuity sale; seniors LERA
- f) AB 1920 (Davis) Elder & dep. abuse; reporting EPSTEIN

Legislative Watch List:

- a) AB 276 (Hayashi) - Prof. Fiduciaries MATULICH
- b) AB 416 (Block) - Developmental Services:
Consumer Abuse Registry
LODISE
- c) AB 768 (Torres) - Elder Abuse
COREY
- d) AB 989 (Block) - Senior Insurance
LODISE

- e) SB 92 (Aanestad) - Health Care Reform LODISE
- f) SB 344 (Stickland) - Crimes against Elders
And Dependent Adults COREY
- g) SB 660 (Wolk) - Reverse Mortgages BURNS
- h) SB 661 (Wolk) - Admission Agreements COREY

**2. TRUSTS & ESTATE ADMINISTRATION
(20 minutes)
New Bills**

- a) AB 1738 (Tran) - Domestic Violence;
personal representative LAUTH
- b) SB 893 (Harman) - Decedent's estates;
publication of notice PROUTY
- c) AB 2674 (Block) Family law; exemplary damages BURNS
- d) SB 1152 (Kehoe) Income taxation RICHARDS
- e) SB 1217 (Correa) Calif. warrants; gov. employees RICHARDS
- f) AB 2341 (Hubert) PERS JAECH
- g) AB 2117 (Niello) Unclaimed property KOHLMANN
- h) AB 2020 (Fletcher) Paternity
- i) AB 1685 (Jeffries) Unclaimed property

Legislative Watch List

- a) AB 355 (Ammiano) Sister State Personal Representative

SCHENONE/CRICKARD

- b) SB 276 (Harman) Nonprobate Transfers, Com. Prop. **SCHENONE**

- c) SB 202 (Harman) Duty to Report, Trustee Notification

HAND

- d) AB 229 (Calderon) Principal and Income; Marital Deduction **LERA**

3. INCOME & TRANSFER TAX (10 minutes) **HAYES**

New Bills

- a) AJR 29 (Feur) - income tax; domestic partners
 - b) SB 1415 (Walters) Prop. Tax; inter-county base year
 - c) SB 1416 (Walters) Inc. Tax; capital gains
 - d) AB 2735 (De Leon) Prop. Tax; exclusion
 - e) AB 1806 (Hagman) Sale of principal residence
- Legislative Watch List**

- a) AB 103 (De Leon) - Property Taxes; Ownership Exclusion **PHARIES**
- b) AB 321 (Niello) - Property Tax Base Year Transfers **PHARIES**
- c) SB 274 (Dutton) - Property Tax Base Year Transfers **PHARIES**
- d) SCA 11 (Dutton) - Property Tax Base Year Transfers **PHARIES**

e) AB 230 (Calderon) - Property Tax, Trusts HAYES

4. LITIGATION SALLUS/BAER

(30 minutes)

New Bills

a) SB 1041 (Harman) Rev. Trusts; hearsay exception SALLUS

b) AB 1723 (Lieu) Hearsay exception; unavailability of witness SALLUS

c) AB 1742 (Coto) Fee-shifting; misappropriation of property

d) SB 1038 (Harman) Powers of attorney; standard of care MATULICH

e) SB 117 (Waters) Judgment; interest

f) SB 1206 (Aanestad) Judgment; interest

g) AB 2394 (Brownley) Process; electronic transmission

h) AB 1894 (Monning) Motion disqualify judge

i) AB 2119 (Tran) Deadline computation

j) AB 2227 (Villines) Attorney fee; contingent contract

k) AB 2271 (Silva) Probate; appeals; trusts

l) AB 2619 (Block) Elder abuse; earnings assignment

5. ESTATE PLANNING ITO

(15 minutes)

New Bills

- a) SB 1395 (Alquist) Organ donations; DMV
- b) SB 1166 (Simitian) Personal information; privacy
- c) SB 1124 (McLeod) Conservation easement
- d) AB 2700 (Ma) Domestic partners
- e) AB 2237 (Eng) Contract to make gift to charity
- f) AB 2282 (Miller) Electronically notarized signature
- g) AB 1986 (Silva) Statutory wills; execution

6. CLRC
Watch List

- a) SB 105 (Harman) - Donative Transfers NR HORTON

III. EDUCATION
(15 minutes)

SCHENONE

A. Webinar programs

GERSON

- B. Sophisticated Tax Issues - April 16, 2010
- C. International Law Program - June 25, 2010
- D. State Bar Annual Meeting Programs

KOHLMANN

E. E-News

LAMPING

F. Your Legal Rights

SCHROFF

IV. ETHICS

JAECH

(10 minutes)

- A. Proposed Rule of Prof. Conduct 1.14 LODISE/STERN
- B. Proposed Rule of Prof. Conduct 1.6
- C. Proposed Rule of Prof. Conduct 6.4
- D. Proposed Rule of Prof. Conduct 3.7

V. JOINT ETHICS-INCAP COMMITTEE JAECH AND COREY
(5 minutes)

- A. Proposed B&P § 6068.5

VI. INCAPACITY COREY
(5 minutes)

- A. Using Trust Funds to Pay Conservator's Fee's (Prob. C. §§ 2646, 2647 MATULICH
- B. NCCUSL - "UAGPPRA" STERN
- C. Proposed Rule of Court 7.703 STERN
- D. Comments on Judicial Council Proposal LEG09-03 LODISE

VII. TRUST AND ESTATE ADMIN. CRICKARD
(20 minutes)

- A. Directed Trusts HAYES
- B. Section 16350 Hasso v. Hasso project - NR SCHENONE
- C. Conforming Prob. & Calif. Ltd. Partnership Law - NR SCHENONE
- D. Updating Intestacy Laws BURNS

**E. Statutory Confirmation of Fiduciary Authority re
Non-Probate Assets**

LAMPING

F. Kwok Committee

**VIII. LITIGATION
(15 minutes)**

BAER and SALLUS

A. Trustee removal (Prob. C. § 15642)

B. Probate Code section 15804 (Virtual Representation)

BAER

C. New Cases of Interest

ZABRONSKY

**IX. MEMBERSHIP AND MARKETING
(5 minutes)**

SCHROFF

**X. EDUCATING SENIORS
(10 minutes)**

LEE

A. Speaker Training for 2010: San Francisco and Los Angeles

B. Website

C. California Hawaii Elks Lodge

MATULICH

D. Texcom Funding for 2010

XI. INCOME, PROPERTY, AND TRANSFER TAX - NR

HAYES

XII. NCCUSL

HOWARD

XIII. ESTATE PLANNING

ITO

(15 minutes)

A. Repeal of Rule Against Perpetuities - NR (for retreat)

HAYES

B. Estate of Powell

RICHARDS

XIV. CLRC - NR

BAER

XV. CONFERENCE OF DELEGATES

SALLUS

(5 minutes)

XVI. QUARTERLY

HAYES/ZABRONSKY /BROWN

(5 minutes)

- A. Fall issue**

- B. Winter issue deadline**

- C. Spring issue deadline**

- D. Summer issue deadline**

XVII NEW BUSINESS

UPCOMING ATTRACTIONS

- A. Long Range Planning Retreat - April 23 - 25
(Oakland Claremont Resort)**