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YOUR SIGNATURE HERE

What the hell is that?

I'm going to throw in my report card and find out!

I dunno.

**AGENDA FOR TEXCOM MEETING
TRUST AND ESTATES SECTION, STATE BAR OF CALIFORNIA
APRIL 23 - 25, 2010 - CLAREMONT HOTEL**

Friday Session 2:00 p.m.

**I. WELCOME HORTON
(5 minutes)**

**II. PRESENTATION NAT STERLING
(2.55 hours)**

Legislative drafting techniques; claims against non-probate assets

Saturday Session 9:00 a.m.

**III. REPORTS OF CHAIR AND SECTION ADMINISTRATOR
(30 minutes)**

A. Approval of Minutes of the March 6, 2010, Meeting HORTON

**B. Report of the Chair HORTON
1. Retreat events**

C. Report of Vice Chair LODISE

**D. Report of the Section Liaison ORLOFF
1. Expense reimbursement**

E. Report from the Council of State Bar Sections TONG

**IV. ESTATE PLANNING - PART ONE ITO
(1 hour)**

A. Repeal of Rule Against Perpetuities HAYES

**V. LEGISLATION COREY/EHRMAN
(see below for time estimates)**

A. Review of legislation

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

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. Bills, by subcommittee

1. INCAPACITY (5 min.)

- 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**
- g) **SB 660 (Wolk) Reverse mortgages** **BURNS**
- h) **SB 1091 (Hancock) Medi-Cal; juveniles**

2. TRUSTS & ESTATE ADMINISTRATION (10 min.)

- a) **AB 1738 (Tran) - Domestic Violence; personal representative (refer to incap?)** **LAUTH**
- b) **SB 893 (Harman) - Decedent's estates; publication of notice** **PROUTY**
- c) **SB 1217 (Correa) Calif. warrants; gov. employees** **RICHARDS**
- d) **AB 2020 (Fletcher) Paternity**
- e) **AB 1685 (Jeffries) Unclaimed property**
- f) **AB 355 (Ammiano) Sister State Personal Representative**
SCHENONE/CRICKARD

- g) SB 276 (Harman) Nonprobate Transfers, Com. Prop. SCHENONE
 - h) SB 202 (Harman) Duty to Report, Trustee Notification HAND
 - i) AB 229 (Calderon) Principal and Income; Marital Deduction LERA
3. INCOME & TRANSFER TAX (10 min.) HAYES
- a) SB 1415 (Walters) Prop. Tax; inter-county base year
 - b) SB 1416 (Walters) Inc. Tax; capital gains
 - c) AB 2735 (De Leon) Prop. Tax; exclusion
 - d) AB 1806 (Hagman) Sale of principal residence
 - e) AB 230 (Calderon) - Property Tax, Trusts HAYES
 - f) SB 1152 (Kehoe) Income taxation RICHARDS
 - g) SB 2640 (Arambula) Sales and use tax
4. LITIGATION (5 min.) SALLUS/BAER
- a) SB 1041 (Harman) Rev. Trusts; hearsay exception SALLUS
 - b) AB 1723 (Lieu) Hearsay exception; unavailability of witness SALLUS
 - c) SB 1038 (Harman) Powers of attorney; standard of care MATULICH/CRICKARD
 - d) SB 117 (Waters) Judgment; interest BAER
 - e) SB 1206 (Aanestad) Judgment; interest
 - f) AB 1894 (Monning) Motion disqualify judge

- g) AB 2119 (Tran) Deadline computation
- h) AB 2227 (Villines) Attorney fee; contingent contract
- i) AB 2271 (Silva) Probate; appeals; trusts LODISE
- j) AB 2619 (Block) Elder abuse; earnings assignment

5. ESTATE PLANNING (10 min.) ITO

- a) SB 1395 (Alquist) Organ donations; DMV KOHLMANN
- b) AB 2237 (Eng) Contract to make gift to charity CARDUCHI
- c) AB 2282 (Miller) Electronically notarized signature
CARDUCHI
- d) AB 1986 (Silva) Statutory wills; execution CRICKARD
- e) AB 724 (DeVore) TOD deeds ITO
- f) AB 898 (Lieu) Notaries SCHENONE
- g) AB 1132 (Jones) Vehicle registration; organ
donation RICHARD
- h) AB 2700 (Ma) Domestic partners PROUTY

VI. ESTATE PLANNING (Part Two)

- A. Estate of Powell (20 min.) RICHARDS

VII. TRUST AND ESTATE ADMIN. (25 min.) CRICKARD

- A. Section 16350 Hasso v. Hasso project (20 min.) SCHENONE
- B. SB 1117 Postjudgment Interest (5 min.) CRICKARD
- C. Conforming Prob. & Calif. Ltd. Partnership Law (N.R.) SCHENONE

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|-------------------------------------|---|-----------------|
| D. | Updating Intestacy Laws (N.R.) | BURNS |
| E. | Statutory Confirmation of Fiduciary Authority re
Non-Probate Assets (N.R.) | LAMPING |
| F. | Kwok Committee | |
|
Sunday session 9:00 a.m. | | |
| VIII. | EDUCATION (50 min.) | SCHENONE |
| A. | Legal Education for 2011 and Beyond (45 min.) | SCHENONE |
| B. | Webinar programs | GERSON |
| C. | State Bar Annual Meeting Programs | KOHLMANN |
| D. | E-News | LAMPING |
| E. | Your Legal Rights | SCHROFF |
| IX. | ETHICS (2 min.) | JAECH |
| 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 | |
| X. | INCAPACITY (10 min.) | COREY |
| A. | Proposed B&P §6068.5 | LERA/EPSTEIN |
| B. | Using Trust Funds to Pay Conservator's Fee's
(Prob. C. §§ 2646, 2647) | MATULICH |
| C. | NCCUSL - "UAGPPRA" | STERN |
| XI. | LITIGATION (30 min.) | BAER and SALLUS |
| A. | Trustee removal (Prob. C. § 15642) | |

- B. Probate Code section 15804 (Virtual Representation) BAER
- C. Revisions to Probate C. §§ 1000, 1021
- D. New Cases of Interest ZABRONSKY
- XII. MEMBERSHIP AND MARKETING (3 min.) SCHROFF
 - A. List of Potential New Section Members
- XIII. EDUCATING SENIORS (10 min.) LEE
 - A. Plan of Action for 2009 - 2010
- XIV. INCOME, PROPERTY, AND TRANSFER TAX (10 min.) HAYES
 - A. Extension of Parent-Child Exclusion PROUTY
- XV. NCCUSL (1 min.) HOWARD
- XVI. CLRC (5 min.) BAER
 - A. Winans and SB 105
- XVII. CONFERENCE OF DELEGATES (45 min.) SALLUS
- XVIII. QUARTERLY (5 min.) BROWN
 - A. Fall issue
 - B. Winter issue deadline
 - C. Spring issue deadline
 - D. Summer issue deadline
- XIX. NEW BUSINESS
 - A. ABA House of Delegates (5 min.) SALLUS
- UPCOMING ATTRACTIONS
 - A. June 5 meeting - State Bar Offices - 180 Howard Street
 - B. July meeting?

C. Annual meeting - Monterey - Sept. 23 - 26

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