AGENDA FOR TEXCOM MEETING
TRUST AND ESTATES SECTION, STATE BAR OF CALIFORNIA
SATURDAY, JUNE 5, 2010
SAN FRANCISCO – STATE BAR OFFICES

"Miss Dugan, will you send someone in here who can distinguish right from wrong?"

The Assembly Judiciary Committee considers
Texcom's proposal to amend Business & Professions Code Section 6068.

AGENDA FOR EXECUTIVE MEETING
TRUST AND ESTATES SECTION, STATE BAR OF CALIFORNIA
SAN FRANCISCO - JUNE 5, 2010

I. WELCOME — **HORTON**

II. REPORTS OF CHAIR AND SECTION ADMINISTRATOR
(20 Min.)

A. Approval of Minutes of the April 23 - 25, 2010, Meeting — **HORTON**

B. Report of the Chair — **HORTON**
- **1. Legislative style manual**

C. Report of Vice Chair — **LODISE**
- **1. Finances**
- **2. 2010 - 2011 meetings**

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

E. Report from the Council of State Bar Sections — **TONG**

III. ESTATE PLANNING — **ITO**
(35 Min.)

A. Repeal of Rule Against Perpetuities - Redux — **HAYES**

B. Estate of Powell — **RICHARDS**

IV. LEGISLATION — **COREY/EHRMAN**
(5 Min. – see below for time for bills by subcommittee)

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** **SALLUS**
(Prob. C. §§ 1000 and 1022) (T&E - 2010-10)

T&E proposals awaiting approval by BOG

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

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

3. **Directed Trusts** **HAYES**
(T&E 2011-3)

4. **Section 16350 Hasso v. Hasso project** **SCHENONE**
(T&E 2011-4)

5. **Clients with diminished capacity** **STERN/LODISE**
(B&P §6068)(T&E 2011-5)

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 Mins.)

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)	AB 1738 (Tran) Domestic violence, decedent victim	

2. TRUSTS & ESTATE ADMINISTRATION
(5 Mins.)

a)	SB 893 (Harman) - Decedent's estates; publication of notice	PROUTY

b) **SB 1217 (Correa) Calif. warrants; gov. employees RICHARDS**

c) **AB 2020 (Fletcher) Paternity**

d) **AB 355 (Ammiano) Sister State Personal Representative SCHENONE/CRICKARD**

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

f) **SB 202 (Harman) Duty to Report, Trustee Notification HAND**

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

3. **INCOME & TRANSFER TAX HAYES**
(5 Mins.)

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 1494 (Committee) Parent-child exemption CRICKARD**

4. **LITIGATION SALLUS/BAER**
(5 Mins.)

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 1206 (Aanestad) Judgment; interest

e) AB 1894 (Monning) Motion disqualify judge

f) AB 2119 (Tran) Deadline computation

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

h) AB 2271 (Silva) Probate; appeals; trusts — LODISE

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

5. ESTATE PLANNING — ITO
(5 Mins.)

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 signatur — CARDUCHI

d) AB 1986 (Silva) Statutory wills; execution — CRICKARD

e) AB 724 (DeVore) TOD deeds — ITO

f) AB 898 (Lieu) Notaries — SCHENONE

V. TRUST AND ESTATE ADMIN. — CRICKARD
(15 Mins.)

A. Trustee Notice of Proposed Action — KOHLMANN

B. SB 1117 Postjudgment Interest — CRICKARD

C. Conforming Prob. & Calif. Ltd. Partnership Law — SCHENONE

D. Updating Intestacy Laws — BURNS

E. Statutory Confirmation of Fiduciary Authority re

	Non-Probate Assets	**LAMPING**
F.	**Kwok Committee**	
VI.	**EDUCATION** **(20 Mins.)**	**SCHENONE**
A.	**Legal Education for 2011 and Beyond**	**SCHENONE**
B.	**Webinar programs**	**GERSON**
C.	**State Bar Annual Meeting Programs**	**KOHLMANN**
D.	**E-News**	**LAMPING**
E.	**Your Legal Rights**	**SCHROFF**
VII.	**ETHICS** **(5 Mins.)**	**JAECH**
A.	**Proposed Rule of Prof. Conduct 1.14**	**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**	
VIII.	**INCAPACITY** **(10 Mins.)**	**COREY**
A.	**NCCUSL - "UAGPPRA"**	**STERN**
B.	**Green v. Superior Court**	**LEE**
C.	**Judicial Council Proposal 10-40** **(Continuing education for guardian of person)**	**MATULICH**
D.	**Judicial Council Proposal 10-41** **(Duties of Conservator)**	**MATULICH**
IX.	**LITIGATION** **(15 Mins.)**	**BAER and SALLUS**

A.	Trustee removal (Prob. C. § 15642)	
B.	Probate Code section 15804 (Virtual Representation)	BAER
C.	Revisions to Probate C. §§ 1000, 1021	SALLUS
D.	New Cases of Interest	ZABRONSKY

X. MEMBERSHIP AND MARKETING
(5 Mins.)

XI. EDUCATING SENIORS — LEE
(5 Mins.)

A. Plan of Action for 2010 - 2011

XII. INCOME, PROPERTY, AND TRANSFER TAX — HAYES
(10 Mins.)

A. Extension of Parent-Child Exclusion — PROUTY

XIII. NCCUSL - N.R. — HOWARD

XIV. CLRC — BAER
(10 Mins.)

A. SB 105 - Donative Transfer Restrictions — HORTON

B. Creditor's rights in non-probate transfers — BAER

XV. CONFERENCE OF DELEGATES — SALLUS
(1 Min.)

A. Resolution 06-01-2010

B. Resolution 06-03-2010 — ZABRONSKY

C. Resolution 06-04-2010 — LODISE

D. Resolution 06-05-2010 — SCHENONE

E. Resolution 06-06-2010

F. Resolution 03-02-2010 — GREEN

XVI. QUARTERLY **BROWN**
(5 Mins.)

A. Fall issue

B. Winter issue

C. Spring issue deadline

D. Summer issue deadline

XVII NEW BUSINESS
(10 Mins.)
Legislative fix for federal estate hiatus revisited **EHRMAN**

UPCOMING ATTRACTIONS

A. July meeting?

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

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