



*"Now read me the part again where I disinherit everybody."*

**AGENDA FOR EXECUTIVE MEETING  
TRUST AND ESTATES SECTION, STATE BAR OF CALIFORNIA  
SEPTEMBER 26, 2010**

- I. WELCOME** **HORTON**

  - A. Welcome to new members**

- II. REPORTS OF CHAIR, SECTION ADMINISTRATOR, AND NOMINATING COMMITTEE**  
**(20 mins.)**

  - A. Approval of Minutes of the June 5, 2010, Meeting** **HORTON**
  - B. Report of the Chair** **HORTON**
    - 1. Proposal for legislative style manual**
    - 2. Vote on holding meetings in 2010-2011 in "off-site" locations**
  - C. Report of Vice Chair** **LODISE**
    - 1. Finance report**
    - 2. Revised roster**
    - 3. Meeting calendar**
  - D. Report of the Section Liaison** **ORLOFF**
    - 1. Expense reimbursement**
  - E. Report from the Council of State Bar Sections** **TONG**
  - F. Nominating Committee**

- III. LEGISLATION** **COREY/EHRMAN**  
**(20 mins.)**

  - A. Review of legislation** **BERCOVITCH/WEIDEMAN**

**T&E proposals approved**

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) (Lit. - 2010)**

**T&E proposals before BOG November 18 - 20 in SF**

1. **Elective Administration of Decedent's Estate  
(New Article 10 to Division 7, Part 2, Chapter 4)  
(T&E 2011-1)** **KOHLMAN**
2. **Disposition of decedent's remains; conservator  
(Health & Safety Code §§ 7100 et. seq.)  
(T&E 2011-2)** **LEE**
3. **Section 16350 Hasso v. Hasso project  
(T&E 2011-4)** **SCHENONE**
4. **Repeal of Rule Against Perpetuities** **HAYES**
5. **Directed trustee statute** **HAYES**

**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 new Chair Lodise, new Vice-Chair Corey and Chair(s) of the Legislation Committee and not directly to a member of the legislative staff or author.**
4. **Online Bill Tracking legislative information:**  
[www.leginfo.ca.gov/](http://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 276 (Harman) Nonprobate Transfers, Com. Prop. |
|----|--|

- SCHENONE**
- b) **SB 202 (Harman) Duty to Report, Trustee Notification** **HAND**
  - c) **AB 229 (Calderon) Principal and Income; Marital Deduction** **LERA**
  - d) **SB 893 (Harman) - Decedent's estates; publication of notice (spot bill)** **PROUTY**
  - e) **SB 1217 (Correa) Calif. warrants; gov. employees** **RICHARDS**
  - f) **AB 2020 (Fletcher) Paternity** **LAMPING**
- 3. INCOME & TRANSFER TAX** **HAYES**  
(10 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 2640 (Arambula) Sales and use tax**
  - g) **SB 1494 (Committee) Parent-child exemption**
- 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 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

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 signature CARDUCHI
- d) AB 1986 (Silva) Statutory wills; execution CRICKARD
- e) AB 724 (DeVore) TOD deeds ITO
- f) AB 898 (Lieu) Notaries SCHENONE

IV. ESTATE PLANNING

ITO

(5 mins.)

A. Estate of Powell

RICHARDS

V. TRUST AND ESTATE ADMIN.

CRICKARD

(30 mins.)

A. Comments on Revised Uniform LLC Act

SCHENONE

	B.	Nomination of Personal Representative by Non-resident	LAMPING
VI.		EDUCATION	SCHENONE
		(15 mins.)	
	A.	34 <sup>th</sup> Annual Fall Program	SCHENONE
	B.	October 26, 2010 International Estate Planning	ITO
	C.	Webinar programs with Integrated Video	SCHENONE/GERSON
	D.	State Bar Annual Meeting Programs	KOHLMANN
	E.	E-News	LAMPING
	F.	Your Legal Rights	SCHROFF
VII.		ETHICS	JAECH
		(5 mins.)	
	A.	Proposed Rule of Prof. Conduct 1.14	LODISE/STERN
VIII.		INCAPACITY	COREY
		(20 mins.)	
	A.	Guardianship Venue Proposal Before Judicial Council	LEE
	B.	Death of Co-conservator	LODISE/STERN
	C.	Fees for Guardian ad Litem in Elder Abuse Actions	N.R.
IX.		LITIGATION	BAER and SALLUS
		(15 mins.)	
	A.	Hearing Procedures	SALLUS
	B.	Probate Code section 15804 (Virtual Representation)	BAER
	C.	Uniformity of Trial Rules	SALLUS
	D.	New Cases of Interest	ZABRONSKY
X.		MEMBERSHIP AND MARKETING	SCHROFF
XI.		EDUCATING SENIORS	LEE
		(10 mins.)	

- A. **Update on Presentations and Trained Attorneys**
  - B. **Funding for upcoming year**
    - 1. **State Bar Foundation Grant**
    - 2. **Request for Further Texcom Funding**
  - C. **Putting off Further Educational Sessions for 2010**
  - D. **One Potential Education Session for 2011**
  - E. **Website with Content**
  - F. **Non-Texcom Members of Educating Seniors Committee**
  - G. **Restricting Ability of Attorneys who are Licensed to Sell Annuities from Serving on Educating Seniors Panel**
- XII. INCOME, PROPERTY, AND TRANSFER TAX** **HAYES**  
(5 mins.)
- A. **Extension of Parent-Child Exclusion** **PROUTY**
- XIII. NCCUSL** **HOWARD**  
(15 mins.)
- A. **Uniform Transfer-on-death Deed**
  - B. **Uniform Adult Guardianship Act**
  - C. **Uniform Insurable Interests Relating to Trusts Act**
  - D. **Model Tribal Legislation on Probate Transfers of Interests in Real Property**
- XIV. CLRC** **BAER**  
(15 mins.)
- A. **Non-probate Transfers: Creditor Claims and Family Protection** **BAER**
  - B. **SB 105 - Donative Transfer Restrictions** **HORTON**
- XV. CONFERENCE OF DELEGATES** **SALLUS**  
(20 mins.)

- 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**  
(5 mins.)

BROWN

- A. Spring issue
- B. Summer issue deadline
- C. Fall issue

**XVII NEW BUSINESS**

- A. Proposal to Amend Donative Transfer Restriction Transfer to Require Transferor Acknowledge Signature and Thumb Print on Certificate of Independent Review Review
- B. Other new business
- C. Passing the gavel.

**UPCOMING ATTRACTIONS**

- A. Next meeting
- B. 34<sup>th</sup> Annual Fall Program, November 5, 2010, at LAX Marriott Hotel
- C. International Estate Planning, October 26, 2010, at Rosewood Sand Hill Hotel, Menlo Park