

AGENDA FOR EXECUTIVE MEETING
TRUST AND ESTATES SECTION, STATE BAR OF CALIFORNIA
March 5, 2011
9:30 am-3:30 pm



"Your case is pretty weak. I suggest preëemptive legislation"

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March 5, 2011
9:30 am-3:30 pm

- I. WELCOME, REPORTS OF CHAIR, SECTION ADMINISTRATOR, AND NOMINATING COMMITTEE (20 min.)
 - A. Welcome LODISE
 - B. Approval of Minutes of the November 6, 2010, Meeting LODISE
 - C. Report of the Chair LODISE
 - 1. Work room clean up
 - 2. Retreat Topics
 - D. Report of Vice Chair COREY
 - 1. Finance report
 - 2. 2012 Retreat
 - E. Report of the Section Liaison ORLOFF
 - 1. Expense reimbursement
 - F. Report from the Council of State Bar Sections TONG
 - G. Nominating Committee HORTON

- II. LEGISLATION EHRMAN/MATULICH
 - A. Review of legislation BERCOVITCH/WEIDEMAN
(10 min.)
T&E proposals approved
 - 1. Appointment of counsel for proposed conservatee (Prob. C. § 1470) (T&E - 2010-06) LEE
 - 2. Collection of small estates (Prob. C. §§ 13050, 13100, 13101, 13151, 13152, 13154, 13200, 13600, 13601, 13602)(T&E - 2010-8)
AB 1305
 - 3. Statutory form power of attorney (Prob. C. §§ 4260, 4264, 4401) (T&E - 2010-9)
AB 1082
 - 4. Hearing procedures (prob. C. §§ 1000, 1022) (Lit. - 2010)

5. Elective Administration of Decedent's Estate
(New Article 10 to Division 7, Part 2, Chapter 4)
(T&E 2011-1)
6. Disposition of decedent's remains; conservator
(Health & Safety Code §§ 7100 et seq.)
(T&E 2011-2)
7. Section 16350 Hasso v. Hasso project
(T&E 2011-4)
8. Repeal of Rule Against Perpetuities
9. Directed Trustee Statute

T&E Proposals Pending Approval

1. Nomination of Personal Rep. by Non-Resident
(T&E 2012-11)

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 Mark with copies to Chair Lodise, 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/
(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

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|----|---|----------|
| 1. | INCAPACITY (60 min.) | MATULICH |
| | a. Bills of Interest and Spot Bills | |
| | b. AB 40 (Yamada) Elder Abuse reporting | DURSTON |
| | c. AB 458 (Atkins) Guardianship | LEE |

- d. AB 594 (Yamada) Dal Dept of Aging and Adult Services
LODISE
- e. AB 793 (Eng) Insurance producers: reverse mortgages
MATULICH
- f. AB 997 (Wagner) Professional Fiduciaries
MATULICH
- g. SB 33 (Simitian) Elder and Dependent adult abuse
COREY
- h. SB 180 (Corbett) Consumer transactions:
public social services: unreasonable fees
LERA
- i. SB 382 (Liu) Developmental services:
Regional centers: complaints
BELTRAN
- j. SB 411(Price) Home Care Services Act of 2011
BELTRAN
- k. SB 542(Price) Professions and vocations:
Regulatory boards
MATULICH
- l. SB 590 (Calderon) Life insurance
MATULICH
- m. SB 715 (Committee on Insurance)
Annuity transactions
MATULICH
- n. AB 1293 (Blumenfield) Elder abuse:
Theft or embezzlement; forfeiture
LEE
- o. AB 518 (Wagner) Elder and dependent adult
abuse: mandated reporters
LODISE
- p. AB 905 (Pan) Disposition of Remains: authorized
agent
LEE
- q. SB 558 (Simitian) Elder and Dependent adults:
abuse or neglect: damages
MATULICH
- 2. TRUSTS & ESTATE ADMINISTRATION
(20 min.)
CRICKARD
 - a. AB 1305 (Huber) Decedent's Estates/Small Estates
KOHLMANN
 - b. AB 4 (Miller) Human Remains & Hydrolysis
LAMPING
 - c. SB 6 (Calderon) Real Estate Appraisals and
Valuation
ROISMAN
 - d. AB 659 (Silva)-Vital Records
LAUTH

- e. SB 413 (La Malfa) - Disposition of Human Remains
LAMPING
 - f. SB 495 (Fuller)- Unclaimed Property
PROUTY
3. INCOME & TRANSFER TAX (10 min.) PHARIES
- a. AB 188 (Block) Prop. Tax Exemption
BURNSTEIN
 - b. AB 218 (Wieckowski) Estate tax and sales and use tax
BURNSTEIN
 - c. AB 244 (Perea) Property Taxation
ROISMAN
 - d. AB 448 (Ammiano) Prop. Tax change in ownership
CARCHIDI
 - e. AB 703 (Gordon) Prop. Taxation: welfare exemption: nature resources and open-space lands
CARCHIDI
 - f. AB 1006 (Roisman) Taxation: FTB Stat. of limitations: Burden of proof
ROISMAN
 - g. AB 1239 (Furutani) Personal income tax rates
PHARIES
 - h. SB 342 (Wolk) Income taxation: abusive avoidance transactions: voluntary compliance initiative
PHARIES
 - i. SB 507 (DeSaulnier) Property taxation: change in ownership statement
BURNSTEIN
4. LITIGATION (20 min.) SALLUS/BAER
- a. AB 141 (Fuentes) Jurors: electronic communications
STROH
 - b. AB 158 (Halderman) Civil actions: damages
BURNS
 - c. AB 238 (Huber) Civil procedure: discovery: objections
GREEN
 - d. AB 328 (Smyth) Inverse condemnation: comparative fault
BROWN
 - e. AB 332 (Butler) Elder Abuse
BROWN

f.	AB 354 (Silva) Estates and Trusts: Property: wrongful taking	SALLUS
g.	AB 367 (Smyth) Elder Abuse: reporting	BURNS
h.	AB 518 (Wagner) Elder and Dependent Abuse: mandated reporters	BURNS
i.	AB 556 (Wagner) Punitive damages	CARCHIDI
j.	AB 1062 (Dickinson) Arbitration: appeals	CARCHIDI
k.	AB 1067 (Huber) Civil procedure: orders	EPSTEIN
l.	AB 1108 (Nielsen) Litigation costs: court rules	EPSTEIN
m.	AB 1293 (Blumenfeld) Elder Abuse: theft or embezzlement: forfeiture	LAMPING
n.	SB 558 (Simitian) Elder and dependent adults: abuse or neglect: damages	LAMPING
o.	SB 586 (Pavley) Banks and Credit Unions: signature stamps	STROH
p.	SB 603 (Berryhill) Frivolous litigation: sanctions	SALLUS
q.	SB 717 (Walters) Elder or dependent abuse	BAER
r.	SB 731 (Committee on Judiciary) Civil actions	BAER
5.	ESTATE PLANNING (20 min.)	ITO
	AB 75 (Hill) Notaries	SCHENONE
	AB 699 (Wagner) Nonprobate Transfers (TOD)	BURNSTEIN
	AB 857 (Jones) State: gifts of real & personal property	ROISMAN
	AB 1082 (Gatto) Powers of Attorney: statutory form	HOWARD
	AB 1217 (Fuentes) Assisted reproductive technology	PROUTY
	SB 236 (Anderson) California Public Records Act	CARCHIDI
	SB 261 (Harman) Child custody: deceased parent (to incap?)	ITO
	SB 273 (Harman) Multiple-party accounts	PROUTY

	6. EDUCATING SENIORS (5 min.)	LEE
III.	ESTATE PLANNING (40 min.)	ITO
	A. Estate of Powell (20 min.)	RICHARDS
	B. Probate Code 21140 Project with CLRC (5 min.)	PHARIES/ROISMAN
	C. Certificate of Independent Review Project (5 min.)	SCHROFF/DURSTON
	D. Attorney Representation – Butler v. State Bar (10 min.)	LAUTH
	E. Insurable Interest Problem (Chawla case)(N.R.)	HOWARD
	F. NCCUSL-Revocable TOD Deeds (N.R.)	ITO/BURNSTEIN
IV.	TRUST AND ESTATE ADMIN. (20 min.)	CRICKARD
	A. Comments on Revised Uniform LLC Act (N.R.) SB 323 (Vargas)	SCHENONE
	B. Kwok Legislative Proposal	RICHARDS
V.	INCOME, PROPERTY, AND TRANSFER TAX (N.R.)	PHARIES
VI.	EDUCATION (30 min.)	SCHENONE
	A. Solo Summit-June	SCHENONE
	B. Quarterly Program of Northern Trust	ITO
	C. Webinar Series on Estate Planing (20 min.)	SCHENONE
	D. Webinar	GERSON
	E. State Bar Annual Meeting Programs	KOHLMANN
	F. E-News -Bill Reports	LAMPING

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| | G. | Your Legal Rights | SCHROFF |
| | H. | Facebook | |
| | I. | Expanded Mailing List | SCHENONE |
| VII. | | EDUCATING SENIORS
(15 min.) | LEE |
| | A. | District 1 Presentations | WILKERSON |
| | B. | Elks Lodge Presentations | MATULICH |
| | C. | New Member | BURNS |
| | D. | Coordination with Office of Legal Services | |
| | E. | AG Working Group Transition Team | |
| | F. | Public Interest Clearing House | |
| | G. | Legislation | STERN |
| VIII. | | INCAPACITY (10 min.) | MATULICH |
| | A. | Guardianship Venue Proposal Before Judicial Council | LEE |
| | B. | Death of Limited Co-Conservator | BELTRAN/LODISE |
| | C. | Fees for Guardian ad Litem in Elder Abuse Actions | BURNS |
| | D. | Lowrie/Lichter | TONG |
| | E. | Uniform Adult Guardianship Act | STERN |
| IX. | | LITIGATION (15 min.) | BAER and SALLUS |
| | A. | Hearing Procedures | SALLUS |
| | B. | Probate Code section 15804 (Virtual Representation) (N.R.) | BAER |
| | C. | Uniformity of Trial Rules | SALLUS |
| | D. | New Cases of Interest | ZABRONSKY |

- X. CLRC
 - A. Non-probate Transfers: Creditor Claims and Family Protection BAER
 - B. Clean up Registration on Probate Code 21360 BAER
- XI. QUARTERLY (5 min.) BROWN/HOWARD
 - A. Summer Issue
 - B. Fall Issue Deadline
 - C. Winter Issue
- XII. ETHICS KOHLMANN
(2 min.)
 - A. Report on RRC BERCOVITCH
- XIII. MEMBERSHIP AND MARKETING SCHROFF
(2 min.)
- XIV. NCCUSL (N.R.) HOWARD
 - A. Uniform Transfer-on-death Deed ITO
 - B. Uniform Insurable Interests Relating to Trusts Act HOWARD
- XV. CONFERENCE OF CALIFORNIA BAR ASSOCIATIONS (N.R.) SALLUS
- XVI. NEW BUSINESS

UPCOMING ATTRACTIONS

- A. **Next meeting April 15-17, 2011, Retreat, Balboa Bay Club, Newport Beach**