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First Supplement to Memorandum 86-81

Subject: 1987 Legislative Program

Attached to this supplementary memorandum is a copy of a letter from the Los Angeles County Bar Association's Probate and Trust Law Section Executive Committee. The letter contains recommendations to the Commission for probate matters to be included in the Commission's 1987 legislative program.

Respectfully submitted,

Nathaniel Sterling  
Assistant Executive Secretary

**Los Angeles County  
Bar Association**

**Probate and Trust Law Section**

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September 29, 1986

Nat Sterling  
California Law Revision Commission  
4000 Middlefield Road, #D-2  
Palo Alto, California 94303-4739

Re: Numbering New Sections and Setting Priorities  
in Regard to December Probate Bill

Dear Nat:

Since my letter to you of September 17, 1986, the Executive Committee of the Probate and Trust Law Section has met and considered that letter.

First, we are in favor of a December bill which incorporates all those matters which are ripe for submission to the legislature. We understand that many of the provisions will clarify or improve the law. We would prefer no delay in enacting those provisions.

Second, only in cases of conflicting numbers should revision be made to the numbering of sections unaffected by the bill.

Third, the December bill should include all of the following studies:

1. Opening Estate Administration
2. Independent Administration
3. Distribution and Discharge
4. Creditor Claims and Payment of Debts
5. Definitions
6. Inventory and Appraisal
7. Estate Management
8. Accountings

The first 4 have been in Tentative Recommendation form for some time. Comments should have been received by now and they are ripe for review of those comments. Items 5 and 6 were substantially completed at the last meeting and should be ready to distribute as Tentative Recommendations after the October meeting at the latest. Item 7 is important to the overall scheme

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of things. It has received extensive review. It should be ripe for approval as a Tentative Recommendation after the October meeting. Item 8 would require rescheduling "Accountings" for October instead of November.


While there are other studies ripe for a December bill, we believe they are less important than the eight listed above. We believe they should only receive consideration at a meeting or inclusion in the bill after the eight priority items have been addressed. Studies that fall in this category include.

- A. Public Administrators & Public Guardians
- B. Determining Class Membership
- C. Administration of Estates of Missing Persons
- D. Abatement
- E. Appeals
- F. Nonresident Decedent
- G. Marital Deduction Gifts

Finally, there is a third category of material -- Studies which still need further detailed consideration before they are ready for distribution as Tentative Recommendations. Among matters that should receive prompt attention are those relating to Notices; Compensation, Commissions and Fees; and Rules of Procedure. These are important matters which should be completed as soon as possible. The Tentative Recommendations in these areas are likely to elicit a lot of comments. For that reason, they should not be precipitously rushed.

Obviously, it is up to the Commission to set its own priorities and to decide on the timing of these matters. However, since the Commission has asked the opinions of the Bar, our Executive Committee has made these recommendations.

Sincerely,

  
Valerie J. Merritt

VJM:la

cc: Andrew S. Garb, Esquire  
Richard Stack, Esquire  
James V. Quillinan, Esquire  
James D. Devine, Esquire