

First Supplement to Memorandum 93-16

Subject: Study L-608 - Deposit of Estate Planning Documents With Attorney

David Long, Director of Research for the State Bar, called to say the State Bar would have no objection to requiring the notice of transfer of estate planning documents to include a question whether the transferring attorney is transferring any documents to a court clerk. This question could be answered "yes" or "no," and only one character would be required to store the answer in the State Bar's computer system. A "no" answer would eliminate unnecessary searching of clerks' files. A "yes" answer would not indicate which clerks received documents, but would alert a person searching to the need to make that search.

The staff recommends revising Section 733 in the draft of the Recommendation attached to the basic memorandum as follows:

§ 733. Notice to State Bar

733. (a) An attorney transferring one or more documents ~~to another attorney~~ under Section 732 shall mail notice of the transfer to the State Bar of California. The notice shall contain the name of the depositor, the date of the transfer, the name, address, and State Bar number of the transferring attorney, and whether any documents are transferred to an attorney, the name, address, and State Bar number of the attorney to whom the documents are transferred, and whether any documents are transferred to a superior court clerk.

(b) The State Bar shall record only one notice of transfer for each transferring attorney. The State Bar shall prescribe the form for the notice of transfer. On request by any person, the State Bar shall give that person information in the notice of transfer. At its sole election, the State Bar may give the information orally or in writing.

Assembly Member Horcher has agreed to carry this bill.

Respectfully submitted,

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