



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

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RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

March 20, 2008

Hon. Ellen Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 3092
Sacramento, California 95814

Subject: SB 1264 (Harman), as introduced - Support
Hearing: Senate Judiciary Committee – April 8, 2008

Dear Senator Corbett:

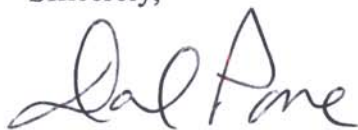
The Judicial Council supports SB 1264, which revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments beginning January 1, 2010.

The Judicial Council supports SB 1264 because the bill will reduce the number of declaratory relief petitions that are being filed with the courts. As the California Law Revision Commission (CLRC) noted in its background study, “[e]xisting law governing no contest clauses is complex and uncertain in its operation. That uncertainty leads to over-reliance on the declaratory relief procedure, to protect beneficiaries from any chance of unexpected forfeiture.” These declaratory relief actions are time consuming and burdensome for the courts. The council notes that a CLRC survey identified the cost and delay associated with declaratory relief proceedings as one of the most common and serious problems with no contest clauses. By limiting the scope of these declaratory relief actions, SB 1264 will reduce their frequency, which will save time and costs for both litigants and the courts.

Hon. Ellen Corbett, Chair
March 20, 2008
Page 2

For these reasons, the Judicial Council supports SB 1264.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Pone", written in a cursive style.

Daniel Pone
Senior Attorney

DP/op

cc: Members, Senate Judiciary Committee
Hon. Tom Harman, Member of the Senate
Mr. Brian Hebert, Executive Secretary, California Law Revision Commission
Ms. Gloria Megino Ochoa, Deputy Chief Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Caucus Office of Policy
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research



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May 9, 2008

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: SB 1264 (Harman), as amended April 15, 2008 - Support
Hearing: Assembly Judiciary Committee – June 10, 2008

Dear Assembly Member Jones:

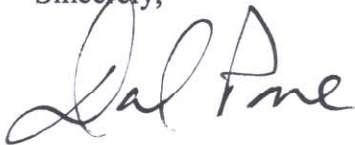
The Judicial Council supports SB 1264, which revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments beginning January 1, 2010.

The Judicial Council supports SB 1264 because the bill will reduce the number of declaratory relief petitions that are being filed with the courts. As the California Law Revision Commission (CLRC) noted in its background study, “[e]xisting law governing no contest clauses is complex and uncertain in its operation. That uncertainty leads to over-reliance on the declaratory relief procedure, to protect beneficiaries from any chance of unexpected forfeiture.” These declaratory relief actions are time consuming and burdensome for the courts. The council notes that a CLRC survey identified the cost and delay associated with declaratory relief proceedings as one of the most common and serious problems with no contest clauses. By limiting the scope of these declaratory relief actions, SB 1264 will reduce their frequency, which will save time and costs for both litigants and the courts.

Hon. Dave Jones, Chair
May 9, 2008
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Daniel Pone
Senior Attorney

DP/op

cc: Members, Assembly Judiciary Committee
Hon. Tom Harman, Member of the Senate
Mr. Brian Hebert, Executive Secretary, California Law Revision Commission
Ms. Leora Gershenzon, Counsel, Assembly Judiciary Committee
Mr. Mark Redmond, Senior Consultant, Assembly Republican Caucus Office of Policy
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research



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Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

July 3, 2008

Hon. Arnold Schwarzenegger
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: SB 1264 (Harman) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council supports SB 1264, which revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments beginning January 1, 2010.

The Judicial Council supports SB 1264 because the bill will eliminate declaratory relief petitions that are currently being filed with the courts. As the California Law Revision Commission (CLRC) noted in its background study, "[e]xisting law governing no contest clauses is complex and uncertain in its operation. That uncertainty leads to over-reliance on the declaratory relief procedure, to protect beneficiaries from any chance of unexpected forfeiture." These declaratory relief actions are time consuming and burdensome for the courts. The council notes that a CLRC survey identified the cost and delay associated with declaratory relief proceedings as one of the most common and serious problems with no contest clauses. By eliminating these declaratory relief actions, SB 1264 will save time and costs for both litigants and the courts.

For these reasons, the Judicial Council requests your signature on SB 1264.

Sincerely,

Daniel Pone
Senior Attorney

DP/ljb

cc: Hon. Tom Harman, Member of the Senate
Mr. Brian Hebert, Executive Secretary, California Law Revision Commission
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research