



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

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 18, 2010

Hon. Tom Harman
Member of the Senate
State Capitol, Room 3070
Sacramento, California 95814

Subject: Senate Bill 1041 (Harman), as introduced - Support

Dear Senator Harman:

The Judicial Council supports SB 1041, which provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her revocable trust, is not made inadmissible by the hearsay rule.

The probate courts are seeing an increasing number of disputes regarding revocable trusts. The existing hearsay exception for out of court statements regarding wills assists the probate courts in resolving evidentiary disputes in that area, and the rationale underlying the exception applies equally in the revocable trust context. The Judicial Council believes that courts should have discretion to consider such hearsay statements, which will enhance their overall ability to resolve disputes involving revocable trusts and better protect the rights of the trust beneficiaries.

For these reasons, the Judicial Council supports SB 1041.

Sincerely,

Daniel Pone
Senior Attorney

DP/ljb

cc: Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Kirsten Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research
Mr. Larry Doyle, Lobbyist, Conference of California Bar Associations



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April 22, 2010

Hon. Ellen Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 5108
Sacramento, California 95814

Subject: SB 1041 (Harman), as introduced - Support
Hearing: Senate Judiciary Committee – May 4, 2010

Dear Senator Corbett:

The Judicial Council supports SB 1041, which provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her revocable trust, is not made inadmissible by the hearsay rule.

The probate courts are seeing an increasing number of disputes regarding revocable trusts. The existing hearsay exception for out of court statements regarding wills assists the probate courts in resolving evidentiary disputes in that area, and the rationale underlying the exception applies equally in the revocable trust context. The Judicial Council believes that courts should have discretion to consider such hearsay statements, which will enhance their overall ability to resolve disputes involving revocable trusts and better protect the rights of the trust beneficiaries.

Hon. Ellen Corbett

April 22, 2010

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For these reasons, the Judicial Council supports SB 1041.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pone", with a stylized, cursive script.

Daniel Pone
Senior Attorney

DP/ljb

cc: Members, Senate Judiciary Committee

Hon. Tom Harman, Member of the Senate

Ms. Tara Welch, Counsel, Senate Judiciary Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Mike Petersen, Consultant, Senate Republican Office of Policy



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Director, Office of Governmental Affairs

June 4, 2010

Hon. Mike Feuer, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: SB 1041 (Harman), as amended May 6, 2010 - Support
Hearing: Assembly Judiciary Committee – June 15, 2010

Dear Assembly Member Feuer:

The Judicial Council supports SB 1041, which provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her revocable trust, is not made inadmissible by the hearsay rule.

The probate courts are seeing an increasing number of disputes regarding revocable trusts. The existing hearsay exception for out of court statements regarding wills assists the probate courts in resolving evidentiary disputes in that area, and the rationale underlying the exception applies equally in the revocable trust context. The Judicial Council believes that courts should have discretion to consider such hearsay statements, which will enhance their overall ability to resolve disputes involving revocable trusts and better protect the rights of the trust beneficiaries.

For these reasons, the Judicial Council supports SB 1041.

Sincerely,

Daniel Pone
Senior Attorney

DP/ljb

cc: Members, Assembly Judiciary Committee
Hon. Tom Harman, Member of the Senate
Mr. Drew Liebert, Chief Counsel, Assembly Judiciary Committee
Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research
Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy
Mr. Larry Doyle, Lobbyist, Conference of California Bar Associations