



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3368

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE

*Chief Justice of California
Chair of the Judicial Council*

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

March 30, 2017

Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 2032
Sacramento, California 95814

Subject: SB 333 (Anderson), as introduced - Support
Hearing: Senate Judiciary Committee – April 4, 2017

Dear Senator Jackson:

The Judicial Council is pleased to support SB 333, which makes a number of clarifying changes to existing law that will give courts more flexibility in modifying and terminating trusts. Among other things, SB 333 specifies that the court may limit the class of beneficiary whose consent is needed to compel the modification or termination of a trust and clarifies further that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination.

The Judicial Council notes that trusts routinely contain boilerplate spendthrift provisions. Even when the administrative costs may outweigh the benefits of a trust, courts cannot currently terminate a trust where there is a spendthrift provision, which prevents creditors from obtaining the interest of a beneficiary in the trust. SB 333 eliminates the existing bar against termination, and gives courts the flexibility to consider whether there is a spendthrift provision in the trust as a factor when deciding whether or not to terminate a trust. The clarifying changes in the law that would be enacted through SB 333 should enhance the court's ability to provide a more efficient delivery of justice in overseeing and administering trusts.

Hon. Hannah-Beth Jackson

March 30, 2017

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For these reasons, the Judicial Council supports SB 333.

Should you have any questions or require additional information, please contact Daniel Pone at 916-323-3121.

Sincerely,

Mailed on March 30, 2017

Cory T. Jaspersen

Director, Governmental Affairs

CTJ/DP/jh

cc: Members, Senate Judiciary Committee
Hon. Joel Anderson, Member of the Senate
Ms. Marisa Shea, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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CORY T. JASPERSON
Director, Governmental Affairs

June 2, 2017

Hon. Mark Stone, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: SB 333 (Anderson), as introduced - Support
Hearing: Assembly Judiciary Committee – June 13, 2017

Dear Assembly Member Stone:

The Judicial Council is pleased to support SB 333, which makes a number of clarifying changes to existing law that will give courts more flexibility in modifying and terminating trusts. Among other things, SB 333 specifies that the court may limit the class of beneficiary whose consent is needed to compel the modification or termination of a trust and clarifies further that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination.

The Judicial Council notes that trusts routinely contain boilerplate spendthrift provisions. Even when the administrative costs may outweigh the benefits of a trust, courts cannot currently terminate a trust where there is a spendthrift provision, which prevents creditors from obtaining the interest of a beneficiary in the trust. SB 333 eliminates the existing bar against termination, and gives courts the flexibility to consider whether there is a spendthrift provision in the trust as a factor when deciding whether or not to terminate a trust. The clarifying changes in the law that would be enacted through SB 333 should enhance the court's ability to provide a more efficient delivery of justice in overseeing and administering trusts.

Hon. Mark Stone

June 2, 2017

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For these reasons, the Judicial Council supports SB 333.

Should you have any questions or require additional information, please contact Daniel Pone at 916-323-3121.

Sincerely,

Mailed June 2, 2017

Cory T. Jaspersen

Director, Governmental Affairs

CTJ/DP/jh

cc: Members, Assembly Judiciary Committee
Hon. Joel Anderson, Member of the Senate
Ms. Leora Gershenzon, Deputy Chief Counsel, Assembly Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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TANI G. CANTIL-SAKAUYE
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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

June 23, 2017

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: SB 333 (Anderson) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on SB 333, which makes a number of clarifying changes to existing law that will give courts more flexibility in modifying and terminating trusts. Among other things, SB 333 specifies that the court may limit the class of beneficiary whose consent is needed to compel the modification or termination of a trust and clarifies further that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination.

The Judicial Council notes that trusts routinely contain boilerplate spendthrift provisions. Even when the administrative costs may outweigh the benefits of a trust, courts cannot currently terminate a trust where there is a spendthrift provision, which prevents creditors from obtaining the interest of a beneficiary in the trust. SB 333 eliminates the existing bar against termination, and gives courts the flexibility to consider whether there is a spendthrift provision in the trust as a factor when deciding whether or not to terminate a trust. The clarifying changes in the law that would be enacted through SB 333 should enhance the court's ability to provide a more efficient delivery of justice in overseeing and administering trusts.

Hon. Edmund G. Brown, Jr.

June 23, 2017

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For these reasons, the Judicial Council requests your signature on SB 333.

Should you have any questions or require additional information, please contact Daniel Pone at 916-323-3121.

Sincerely,

Mailed June 23, 2017

Cory T. Jasperson
Director, Governmental Affairs

CTJ/DP/jh

cc: Hon. Joel Anderson, Member of the Senate
Mr. Saul Bercovitch, Attorney, State Bar of California
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California