

President's Message

Happy Belated Holidays and my hopes for a Happy and Prosperous New Year in 2012. As we look forward to 2012, we are anticipating some excellent programs, and want to give advance notice about a major event we will be co-hosting with the East Bay Community Foundation for our April joint meeting with East Bay and Tri-Valley Councils. We anticipate a very large draw for a nationally acclaimed speaker from U.S. Treasury Department *if we can put all the pieces together*. It is possible we will be meeting at another location to handle the demand we anticipate for this event. Save the date - April 18, 2012. More to come on this later.

On the legislative front, we continue to be frustrated with Congress. The debacle surrounding the extension of unemployment benefits and payroll tax cuts show how dysfunctional our Congress has become. We still have no clear vision of the future of the estate tax. Planning for using the 5 million gift tax exemption before the end of 2012 is truly worrisome. The expectation of not being subject to a clawback provision rumored through our professions is a little help, but estate liquidity at the second death will be key. Don't cancel those life insurance policies just yet. Some clients are borrowing against cash value to keep policies in force to buy time until there is some clarity in the future of the estate tax.

Look at your contact list to see if there are potential members, and

"Using Trust Protectors in California"

Please join us January 18, 2011 to hear **Philip J. Hayes** of Bessemer Trust speak on trust protectors. Using a trust protector in a trust document has become a popular tool for the drafting attorney although the concept of a trust protector has been around for awhile. California trustors include trust protectors in their trusts to (pick one or more): oversee, direct, remove, and/or replace trustees.

Very little California case law addresses the nature of the trust protector and the interplay with the trustee. Is the trust protector a fiduciary? An agent? A dupe? Does using a trust protector shield the trustee from liability? While the Uniform Trust Code and other states have attempted to address these issues by statute, California has not. Is it time to clear up this up? Philip Hayes thinks so. In fact he is the author of proposals to revise and add a chapter to the California Probate Code currently before the California legislature.

January 18, 2012

*Lafayette Park Hotel
3287 Mt. Diablo Blvd.
Lafayette*

*6:00 P.M. Wine and Registration
6:30 P.M. Dinner and Speaker*

**Cost: \$40.00 dinner (preregister)
\$45.00 (at the door)**

*Reservations and cancellations must
be received by Monday,
Jan 16th at 1:30 p.m. to be assured of
a reservation.*

Please send your check today!

or

Pay with a credit card online

<http://www.123signup.com/calendar?Org=epcdv>

or

call Bonni at:

925.686.4819

invite them as a guest for one of our upcoming programs. See you on January 18.

*Bruce H. Coblentz, CPA
President 2011-2012*

Philip J. Hayes is a Managing Director and Fiduciary Counsel for Bessemer Trust. He works with attorneys and other advisors to develop generational wealth transfer plans for Bessemer clients. Before joining Bessemer Trust, Philip practiced as an estate planning attorney in Pasadena and San Francisco.

Philip is the former Executive Editor of the *California Trusts and Estates Quarterly*, the official publication of the Trusts and Estate Section of the California State Bar, and a former member of the Executive Committee of the Trusts and Estates Section of the California Bar.

Join us on January 18th!

Next Meeting

*February 15, 2011
Trent Kiziah*