

Mid-Year Judicial Council Forms Update

There were significant changes to the Judicial Council Forms (JCFs) and they affected every ProDoc volume containing those forms. The JCF changes included in this update are effective July 1, 2009 so be sure to install this update. Additionally, we made significant changes to our Lipman's Wills & Trusts volume. The changes include the following:

- **Family Law** – We added 11 JCFs, including eight Fee Waiver forms, and updated 18 JCFs, including seven Domestic Violence forms. We also added eight local court forms and updated 76 local court forms. We deleted the discontinued JCF *FW-004, Order on Application for Waiver of Additional Court Fees and Costs*.
- **Lipman's Wills & Trusts** - See page 2 for information about the extensive changes to this volume.
- **Probate** – We updated the *MC-025, Attachment to Judicial Council Form* throughout the volume, as well as 12 local court forms.
- **Litigation** – We added 10 JCFs, including eight Fee Waiver forms and two Appeals forms. We also updated 16 JCFs including *SUM-100, Summons* and *SUBP-002, Civil Subpoena (Duces Tecum) for Personal Appearance*. We deleted the discontinued JCF *FW-004, Order on Application for Waiver of Additional Court Fees and Costs*.
- **Guardianships** – We added JCF *GC-210APF, Attachment to Petition for Appointment of Guardian - Professional Fiduciary* and updated three JCFs, including the *GC-210, Petition for Appointment of Guardian of Minor*. We also added one mandatory local form.
- **Conservatorships** – We added JCF *GC-310APF, Attachment to Petition for Appointment of Conservator - Professional Fiduciary* and updated three JCFs, including the *GC-310, Petition for Appointment of Probate Conservator*. We also updated one local court form.
- **Criminal Law** – We updated four JCFs, including the *CR-161, Criminal Protection Order other than Domestic Violence*.
- **Juvenile Law** – We updated two JCFs, including the *MC-025, Attachment to Judicial Council Form* throughout the volume.
- **Landlord Tenant** – We updated three JCFs, including the *SUM-130, Summons - Unlawful Detainer - Eviction* and the *MC-025, Attachment to Judicial Council Form* throughout the volume.
- **Attorney-Client Matters** – We updated two JCFs, including the *MC-025, Attachment to Judicial Council Form* throughout the volume.
- **Court Names and Addresses Updated** – We updated the court names and/or addresses for numerous courts. We provide these to you in a default format for you to save you time. However, we are finding that many of the hundreds of California courts change more often than we expected—and it is a challenge to keep them current.

You can modify the name and address during the assembly process if needed. We also ask that you let us know as soon as you see an incorrect court name and address. Please call us at 800-759-5418 and select option 0 to do so.

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Install this Update before July 1, 2009

This update contains Judicial Council Forms changes that are effective July 1, 2009. Please be sure to install it prior to this date so you don't forget to do so later.

But, since the changes are not effective until July 1, 2009 be sure not to install this update too early.

Your ProDoc Installation Key Code IS on the Shipping Envelope

You will need a 20-character **Key Code** to install this update. You'll find it on the envelope in which the CD shipped. We strongly encourage you to keep the shipping envelope in a safe place so you have your Key Code available when you install the update.

LSI Importer Change

We discontinued the auto run of the LSI Importer from the ProDoc CD for this update.

However, the LSI Importer is still available on the CD itself. It will be installed to the Support folder in your ProDoc directory and it will still be available as a web download from our website.

If you have previously run the Importer, you should not need to do so again. But, if you wish to run it again, look for the Importer icon on your computer desk top.

Lipman's Wills & Trusts

We made numerous changes and enhancements to this volume, including:

- 1. Comprehensive Will and Revocable Trust forms removed** - We removed them because their complexity made it impossible for users to view all of the Will and Revocable Trust forms in ProDoc before drafting them.
- 2. Renamed Comprehensive Revocable Trusts to Blind Trusts** - Blind Trusts more clearly reflects the nature of these forms. The primary purpose of a Blind Trust is to provide your clients with a means to have someone other than themselves manage their financial and other business affairs.
- 3. Added Supplemental Needs Trusts and Retirement Benefits Trusts** – We added these to all of the simple Will forms and all of the simple Revocable Trust forms. We also modified the transmittal letters to include a longer discussion of the SNTs.
- 4. Improved the Codicil forms** - You can now add as many changes as you like (formerly, you were limited to 4 changes) and you can also now delete a section from your client's will in addition to changing and adding a section.
- 5. Added specific bequest option to Will and Revocable Trust forms** – You can give away one or more pieces of non-homestead real estate. The bequests of real estate can be: (a) a house with an address, (b) a cooperative apartment, or (c) a farm or ranch. You can add an unlimited number of these bequests to each document. This was not added to the Blind Trusts.
- 6. Added option relating to “Five or Five” Powers** – In all of the Husband and Wife forms that create bypass and marital trusts, when adding a five or five power, you can now specify whether or not you want the power to be exercisable by a legal representative or an agent acting under a power of attorney.
- 7. Added more flexibility for compensation to the executors and trustees** - Separate questions regarding the payment of compensation to executors and trustees provide for more flexibility for different types of compensation.
- 8. One-lung /Clayton marital trust option added** - We added this option to four Will forms and six Revocable Trust forms. A “gateway” question has been added asking how you want to draft the forms. You have five options: (1) Bypass only; (2) QTIP and Bypass; (3) Disclaimer Bypass; (4) One-lung Marital; and (5) Clayton Marital. The names of several forms were changed to reflect these new drafting options. Read more about these trusts below.
- 9. New option for drafting termination of a small trust** - Now you have the option to draft this section in several different ways, or to leave it out altogether.
- 10. New option for naming a Family Trust** - You now have the option to decide what name to use for the bypass trust. Previously, this trust was always called the Family Trust. Now, you will be able to call it either the Bypass Trust, the Credit Shelter Trust, or the Family Trust.

More about One-Lung and Clayton Marital Trusts

A **One-Lung Marital Trust (OLMT)** option leaves your client's entire estate to a single marital trust. The executor will be permitted to make a partial QTIP election, with the result that part of the QTIP trust will not qualify for the marital deduction.

Property over which a QTIP election is not made will be held in a separate trust. The OLMT offers greater flexibility than the Disclaimer Bypass Trust (DBT) because the decision to make a QTIP election does not need to be made until 15 months have elapsed following your client's death, whereas a disclaimer must be made within nine months with a DBT. However, the non-QTIP trust will have the same terms as the QTIP trust, and it will only benefit the surviving spouse.

A **Clayton Marital Trust (CMT)** option also leaves your client's entire estate to a single marital trust. The executor will be permitted to make a partial QTIP election, and any property that does not qualify for the marital deduction will pass to a separate bypass trust, the terms and beneficiaries of which can be different than the QTIP marital trust.

Like the OLMT, the CMT offers greater flexibility than the DBT because the decision to make a QTIP election does not need to be made until 15 months have elapsed following your client's death. However, a disclaimer must be made within 9 months with the DBT.