DC BAR
DISTRICT OF COLUMBIA BAR
Estates, Trusts and Probate Law Section

1250 H Street NW
Sixth Floor
Washington, DC
20005-5937

202-626-3463
FAX 202-626-3453
www.dcbar.org/sections

Sections EventLine
202-626-3455

Section Web Site Address:
www.dcbar.org/estates

Committees:
Community Outreach
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PUBLIC STATEMENT OF THE ESTATES, TRUSTS AND PROBATE LAW SECTION ON THE UNIFORM TRUST CODE, D.C. BILL 15-234

The Estates, Trusts, and Probate Law Section of the District of Columbia Bar endorses enactment of the proposed D.C. consensus version of the Uniform Trust Code, drafted and reviewed by leaders of the District of Columbia trusts and estates bar and attached hereto, rather than enactment of the Uniform Trust Act of 2003, Bill 15-234, as introduced. The Estates, Trusts and Probate Law Section is composed of approximately 1,000 members and the consensus version is the product of an effort of preeminent local attorneys who practice in the trusts and estates field that commenced over five years ago. The Estates, Trusts and Probate Law Section endorsed the D.C. version of the Uniform Trust Code developed by the leaders of the District of Columbia trusts and estates bar that was offered as a substitute to Bill 14-211, introduced in the last Council session. The Estates, Trusts and Probate Law Section again endorses the version of the legislation developed by the leaders of the District of Columbia trusts and estates bar that proposes amendments to the Uniform Trust Code drafted by the National Conference of Commissioners on Uniform State Laws that make stylistic changes; expand and further refine terms and definitions; clarify and simplify the persons to whom and the matters on which a trustee must report; eliminate rules of construction that generate ambiguities and contradictions; provide protections for a trustee who after giving notice takes prescribed actions where the beneficiary fails to object; and eliminate provisions that are controversial and contrary to existing District of Columbia law.

The views expressed herein represent only those of the Estates, Trusts and Probate Law Section of the District of Columbia Bar and not those of the District of Columbia Bar or its Board of Governors. Members of the Steering Committee of the Estates, Trusts and Probate Law Section of the District of Columbia Bar are Susan G. Blumenthal, Calvin H. Cobb, III, Robert A. Gazzola, Ron Landsman, John M. Lynham, Jr., Anne Meister, Barbara R. Miller, Julia L. O'Brien, and Kimberly M. Turner.

Respectfully submitted,

John M. Lynham, Jr.