Minutes of the Probate and Trust Section Meeting

January 17, 2013

Held at the office of McDonald Carano Wilson LLP in Las Vegas

And McDonald Carano Wilson LLP in Reno

1. At 12:10 p.m. the meeting came to order.

2. Reviewed and Approved Minutes of September 27, 2012

3. Committee Reports

   a. Legislative Committee – Layne Rushforth not present - discussed written report of the legislative committee, dated January 11, 2013, and is incorporated herein.

   b. Certification Committee – no report.

   c. Publication Committee – Jonathan Reed – colloquy regarding general invitation for members to submit articles for publication consideration in both the Nevada Lawyer and the State Bar of Nevada’s website. The Probate and Trust Section has its own section on the website for publication of articles.

   d. Rules Committee – Discussion was held regarding the revision of the Second and Eighth Judicial District Court Rules. Mark Solomon proposed a sub-committee meeting regarding the same to occur on February 21, 2013 or February 28, 2013. Discussion regarding intent to have a draft of revised rules by then. Discussed the possibility of having a drop box set up for suggested revisions. Mark Solomon noted that during the September 27, 2012 meeting, Layne Rushforth agreed to set up such a drop box.

   e. CLE Committee – Announcements of upcoming CLE courses:

      i. On May 17, 2013, the Northern Nevada Estate Planning Council is sponsoring a half-day CLE class for 4 hours of credit.
ii. Towards the end of April, the Wealth Council of Nevada Forum is
sponsoring a CLE class addressing issues that arise in law practices that
handle both estate planning and elder law cases.

f. Certification Committee – no report.

g. Civil Practice Manual Update Committee – no report.

4. Proposal of adding two new committees

a. Amicus Curiae Committee

i. Discussion regarding the Supreme Court of Nevada’s request for an
amicus curiae brief from the Section for the In the Matter of the Estate of
Arlan Edward Bethurem (Case No. 57749) appeal.

1. The Supreme Court has ordered supplemental briefing from both
appellant and respondents on the issue of undue influence. The
Supreme Court has requested the same from the Probate and Trust
Section.

2. Assuming the respondent’s supplemental brief is filed on January
24, 2013, the amicus curiae brief would be due February 25, 2013.

ii. Request for volunteer chairperson of such committee was made.

iii. Mark Solomon moved for the creation of the Amicus Curiae Committee,
seconded, approved.

iv. Mark Solomon moved to nominate Jeff Whitehead and Doug Clark as co-
chairs, seconded, approved.

v. Brad Richardson and Dorothy Houghton also assigned to committee.
vi. Current briefs on file with the Supreme Court will be forwarded to the co-chairs.

b. Pro Bono Committee

i. Kristin Tyler - Discussion regarding Legal Aid Center of Southern Nevada's request for help screening trust and probate cases.

   1. Legal Aid is not equipped to effectively screen potential probate and trust cases. Would like the Section to help implement a screening process.

   2. Discussion regarding the possibility of Section members participating in "Ask a Lawyer" events.

ii. Discussion regarding Washoe County’s access to legal aid.

iii. Call for volunteers for the Pro Bono Committee:

   1. Howard Roitman

   2. Alice Denton

   3. Brian Egan

   4. Alex LeVeque

   5. Mark Solomon

   6. Steve Mayfield

iv. Mark Solomon moved to create Pro Bono Committee and to nominate Kristin Tyler as its chair, seconded, approved.


6. New Business / General Discussion

   a. Dan Goodsell – discussed case involving asset protection trust.
b. Jason Cassady – discussed possibility of the Section sponsoring a public service announcement on the unauthorized practice of law and related dangers.
   i. Passed out local advertisements of non-lawyers offering estate planning.
   ii. Agreed to begin a dialogue to the State Bar of Nevada regarding the issue and will report back at the next meeting.

7. Meeting adjourned at 1:04 p.m.