Minutes of the Probate and Trust Section Meeting

May 30, 2013

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

1. At 12:05 p.m. the meeting came to order.

2. Reviewed and Approved Minutes of January 17, 2013 meeting.

3. Committee Reports
   a. Legislative Committee – Layne Rushforth reported that SB307 died in the Assembly Judiciary Committee. For the next legislative session, Layne and others on the committee recommended:

   (1) Break legislative proposals into separate bills so that non-controversial provisions will be less likely to die.

   (2) Obtain stronger sponsorship from both houses, particularly from Judiciary Committee members.

   (3) Identify persons or groups who have concerns with our bills and seek to reach acceptable compromises.

   (4) Make an effort to review all bills to determine whether they affect trusts and estates so that committee can timely react.

   (5) Coordinate efforts with lobbyists from banks and other potential supporters.

Layne also reported on AB 378 which sought to create creditor’s exception to the spendthrift act for spousal and child support. Although the bill died this session, it is likely to be the subject of renewed effort next session.
Layne and Julia Gold will report to the Section at the next meeting on additional suggestions on how to proceed during the next legislative session.

b. Certification Committee – Dana Dwiggins was not present, but should update section in a future meeting.

c. Publication Committee – Jonathan Reed reported that the committee was prepared to act as gatekeeper for trust and estate articles that are to be submitted to the Nevada Bar Journal and for articles that members wish to post on the website. Brad Richardson indicated he was preparing an article on appeals in Title 12 and Title 13 proceedings and would be willing to make a presentation to the section on this topic at a future meeting. A discussion was also held about using our website to blog regarding outstanding issues, such as legislative issues, as they occur.

d. Amicus Curiae Committee – Doug Clark reported that the committee had filed its brief in the Bethurem matter in mid-April 2013 regarding undue influence issues. Doug also noted that the committee was unable to respond to the Supreme Court’s invitation in the Monzo case due to lack of interest.

e. Pro Bono Committee – Kristin Tyler reported that efforts were being made to train intake staff at the Legal Aid Center of Southern Nevada as to whether trust and estate matters were appropriate for pro bono representation. Kristin also reported that an Ask-A-Lawyer event involving trust and estate lawyers was being planned with the Legal Aid Center for the fall.

4. Treasurer’s Report
Tim Riley reported that the section had $45,094.40 available to fund our activities, including:

(a) ListServ
(b) Meetings
(c) Travel
(d) Seminars
(e) Annual Bar meeting appearances
(f) Lobbyists
(g) Certification

5. New Business

Mark Solomon reported that Lori Wolk had requested that he poll the members about a document automation proposal the State Bar was looking at to automate documents for Court filings. After discussion, the section felt that trust and estate forms have already been standardized to the extent practical, and that it was not interested in further automation.

6. General Discussion

Tim Riley notified the section that Brent Keefe had left Nevada and would not be available to step up as Chairman of the section starting at our next meeting for the following two years. Mark Solomon proposed and the section agreed that it was important that a Northern Nevada section member assume the chairmanship. Accordingly, the section voted that Tim Riley shall so serve, Elizabeth Brickfield will be the Vice Chair, and a new Secretary and Treasurer will be elected at the next meeting.

7. Meeting adjourned.