

Idaho State Bar  
Taxation, Probate & Trust Law Section  
Minutes of meeting of April 14, 2009

Attendees: John McGown, Ron Caron, Robert Aldridge, Nick Marshall, Donna Schuyler, Charlene Quade, Sandra Clapp, Paul Winward, Michael Thomas, William von Tagen, Peter Sisson, Scott Tschirgi, David Hyde, Richard M. Weber, David Cooper, Victoria Meier, Greg Powers, Brad Andrews, and Alan Harrison, Dennis Voorhees, John St. Clair, Hyrum Erickson, Pamela Massey, Mark McBride, Erick Shaner, Ed Cather, Judith Kish Ruud, Benjamin Worst and Pete Bredeson via speakerphone.

1. Call to order: meeting was called to order by John McGown, Chairperson, at noon at the Idaho State Bar Association offices. John introduced Brad Andrews, Idaho Bar Counsel.
2. Ethics Presentation by Brad Andrews: Brad discussed Ethics Rule 1.14 regarding issues pertaining to the representation of a client with diminished capacity.
3. Approval of Minutes from February 9, 2009 Meeting: John McGown asked for a motion to accept the minutes. The motion passed unanimously.
4. Committee Reports & Assignments:
  - a. Legislative Committee (TEPI) – Member: Robert Aldridge. Robert Aldridge briefly discussed issues in the Legislature during this session. Robert noted that issues involving Medicare and various tax issues are most likely to be addressed by the Legislature. Robert noted that TEPI has revised its meeting schedule and the group will meet every other month rather than monthly.

John McGown raised three (3) additional issues:

- (i) 2008 Idaho Form 66 did not contain the credit line for state taxes paid to another state by a trust or an estate. John noted that, under the statute, the credit applied to individuals only. John noted that this issue likely will be corrected by the Legislature (reference House Bill 232) and that the credit will apply to trusts and estates as well;
- (ii) There is a concern about 63-3026A(3)(a)(iv) broadly defining Idaho source income for resident estates and trusts.
- (iii) State Tax Commission is pursuing Trustees and/or Personal Representatives for the failure of beneficiaries to pay income taxes (reference Idaho Code § 63-3022L).

- b. Public Service Committee – Member: Victoria Meier. Victoria Meier has completed the Estate Planning brochure and Robert Aldridge has nearly completed the Conservatorship & Guardianship brochure. It was noted that Sandra Clapp is also preparing a brochure regarding living trusts. Victoria further noted that Law Day is coming up on May 1, 2009.
- c. CLE Committee – Member: Nick Marshall. Nick Marshall reminded everyone that the ISB Annual Meeting is in Boise on July 8-10, 2009 and that the Advanced Estate Planning Conference is in Sun Valley on September 11-12, 2009. Nick noted that Mary Kimmel from the IRS Boise Office has agreed to give a presentation at the ISB Annual Meeting to discuss issues pertaining to gift and estate tax return filings. Nick also noted that he would also be making a presentation at the ISB Annual Meeting to discuss estate planning issues related to retirement plan assets. Nick further noted that various speakers have committed, and others have yet to commit, to give presentations at the ISB Annual Meeting.
- d. Newsletter Committee – Member: Erick Shaner. Erick Shaner stated that he will contact John McGown to discuss the design and content of the Section Newsletter. John also reminded the members that the Section's issue of the Advocate is the August 2009 issue. General discussion took place about contributors to write articles for the issue. John noted that persons interested in writing an article for this issue of the Advocate should contact John immediately. The deadline to submit articles is May 1, 2009. Robert Aldridge noted that many counties are now requiring that parties complete a homeowner's exemption application, in addition to an affidavit, when they transfer their personal residence into a revocable trust. Sandra Clapp noted that Canyon County was not yet requiring the homeowner's exemption application. Robert noted that it would only be a matter of time until all counties required the filing of an application for such transfers.
- e. Tax Liaison – Members: John McGown & Robert Aldridge. John McGown informed the group that the Idaho IRS Practitioner Liaison Meeting is set for June 16, 2009 to be held in Room 384, from 9:00 a.m. to noon, at the Federal Building. Ron Caron reported favorably on the meeting he attended in November. A discussion was held about inviting Dan John, from the Idaho State Tax Commission, to give a 30 minute CLE.
- f. Probate and Guardian Form Book – Members: Joe Uberuaga, Jim Kaufman, Steve Alkire, Mel Fischer & Robert Aldridge. Robert Aldridge noted that committee continues to meet regularly and that the status is that the updated Guardianship and Conservatorship form book is about ½ completed.

5. Other Business:

- a. Budget. John McGown noted that the Section has roughly \$35,000 to \$40,000 in the reserve account at present.
- b. Strategic Plan. John McGown informed the group that a committee is being assembled, composed of the Tax Section's Governing Council, to devise a strategic plan for the Section's expenditure of its reserves. John noted that the committee will meet in the next couple of weeks to discuss. John will coordinate the date and time of the meeting. This committee will report back to the group with its proposal once completed.
- c. Idaho Legal Aid Services. John McGown included a letter and detailed grant request from Idaho Legal Aid Services requesting contributions from the Section to assist them with providing services to low income clients. This proposal will be addressed by the Strategic Plan committee.
- d. Young Lawyers Section. John McGown also referenced a letter, included with the agenda, from the Young Lawyers Section (YLS) requesting a contribution from the Section to assist the YLS in covering the costs of hosting its semi-annual welcome reception for the successful bar exam candidates of the July and February bar exams. This proposal will be addressed by the Strategic Plan committee.
- e. CLE for future Section Meetings. John McGown proposed that a CLE regarding the governance of charitable organizations that are the recipients of endowments. The group expressed interest in this subject.
- f. Attorneys Against Hunger Event (February 26, 2009). John McGown expressed his disappointment with the poor attendance by Section members at this event. The Strategic Plan committee will address this in their upcoming meeting.
- g. Law Day. John McGown reminded everyone that Law Day is fast approaching on May 1, 2009. John noted that the volunteer shifts start at 4:00 a.m. Anyone interested in the Call-In Program should call Heather McCarthy at 287-7700.

Meeting Adjourned 1:10 p.m. Next Section meeting scheduled for Tuesday, June 9, 2009.