



## Section News

# Section Officer and Council Nominations

In accordance with Article 6, Section 1(d), of the Bylaws of the Section, the Nominations Committee presents the following slate for Section officer, delegate, and council member vacancies that will occur at the close of the current Association year. In addition, the Nominations Committee has recommended individuals to be appointed as assistant secretaries to the Real Property and Probate and Trust Divisions.

The Nominations Committee is chaired by Dennis I. Belcher of Richmond, Virginia. Vice-Chair is Philip Bagley III of Richmond, Virginia, and members are T. Randolph Harris of New York, Linda B. Hirschson of New York, and Ira J. Waldman of Los Angeles.

The current Section Chair-Elect, Kevin L. Shepherd, will automatically succeed Edward F. Koren as Chair of the Section at the close of the Annual Meeting scheduled for August 2005 in Chicago.

The election for officers and council members will be held at the annual Section business meeting on Saturday afternoon, August 6, at the Peninsula Hotel in Chicago.

The Nominations Committee unanimously nominates the following officers, council members, and Section delegate:

### Officers

*Chair-Elect:* Christine L. Albright

*Real Property Division Vice-Chair:*

Kathleen M. Martin

*Probate and Trust Division Vice-Chair:*

Steve R. Akers

*Finance and Corporate Sponsorship*

*Officer:* Roger D. Winston

*Secretary:* Tina Hestrom Portuondo

*Section Delegate to the House of*

*Delegates:* David K. Y. Tang

### Council

*Real Property Council*

Elwood F. Cahill Jr.

Michael J. Glazerman

Martin P. Miner

Roseleen Parker Rick

*Assistant Secretary:* Victoria de Lisle

*Probate and Trust Council*

Marc S. Bekerman

Thomas M. Featherston Jr.

Alan F. Rothschild Jr.

Barbara A. Sloan (to fill the one-year term created by the resignation of a Council member)

Linda S. Whitton

*Assistant Secretary:*

Terrence M. Franklin

### Summary of Section Activities

Kevin L. Shepherd

Venable LLP

Baltimore, Maryland

Automatic succession to Chair, term ending August 2006. Positions held in Section: Associate Articles Editor, Real Property Articles Editor, and Editor, *Probate & Property Magazine*; Chair, Real Property Division Advisory Board; Chair, Advisory Board; Member, Vice-Chair and Chair, Publications, CLE, and Planning Committees; Member, Committee on Committees and Technology Committee; Member, ABA Standing Committee on Publishing Oversight; Council Member; Section Vice-Chair, Real Property Division.

Christine L. Albright

Winston & Strawn

Chicago, Illinois

Nominated for Chair-Elect, term ending August 2006. Positions held in Section: Chair, Estate Planning and Drafting; Marital Deduction Committee; Chair, Tax Legislation and Regulation Committee; Co-Chair, Probate and Trust Division CLE Committee; Member, Section CLE, Publications, Nominations,

Diversity, Membership, Digital Signatures/E-Commerce, and Planning Committees; Group Chair and Supervisory Council Member, Estate Planning for Families and Other Beneficiaries Group; Section Representative, National Conference of Lawyers and Corporate Fiduciaries; Supervisory Council Member, Charitable Planning and Exempt Organization Group, Non-Tax Estate Planning Consideration Group, and International and Multistate Group; Co-Chair, Committee on Committees; Vice-Chair, Probate and Trust Division.

Kathleen M. Martin  
Malkerson Gilliland Martin LLP  
Minneapolis, Minnesota  
Nominated for second term as Section Vice-Chair, Real Property Division, term ending August 2006. Positions held in Section: Chair, Condemnation and Solo and Small Firm Practice

Committees; Co-Chair, Multijurisdictional Practice Committee; Member, Bylaws and Handbook, CLE, Membership, Planning, Decisions, Condemnation, Real Estate, and Mortgage Investment Committees Group; Section Liaison, ABA Commission on Women in the Profession and ABA Solo and Small Firms Committee; Member, ABA Standing Committee on Solo and Small Firm Practitioners and Lawyers Title Guaranty Funds; Council Member; Section Secretary.

Steve R. Akers  
Bessemer Trust Co. NA  
Dallas, Texas  
Nominated for first term as Section Vice-Chair, Probate and Trust Division, term ending August 2006. Positions held in Section: Vice-Chair, Co-Chair, and Chair, Corporate Sponsorship Committee; Co-Chair, Task Force

on Chapter 14 Proposed Regulations, Probate and Trust Division CLE Committees; Chair and Vice-Chair, Lifetime Transfers Committee; Member, Membership, Publications, Planning, Continuing Legal Education, Bylaws, and Handbook Committees; Assistant Secretary, Probate and Trust Division Council; Council Member; Finance and Corporate Sponsorship Officer.

Roger D. Winston  
Linowes & Blocher, LLP  
Bethesda, Maryland  
Nominated for first term as Finance and Corporate Sponsorship Officer, term ending August 2006. Positions held in Section: Chair, Common Interest Community Associations and Development and Financing of Condominium Projects Committees; Member, Special Committee on Affordable

Housing; Chair, Managing Editor, and Editor Emeritus, Books and Media Committee; Member, Publications, CLE, Nominations, and Planning Committees; Member, Homeowners, Community and Common Interest Community Associations Committee; Co-Chair, Committee on Committees; Council Member; Assistant Finance and Corporate Sponsorship Officer.

Tina Hestrom Portuondo  
University of Miami School of Law  
Coral Gables, Florida

Nominated for first term as Section Secretary, term ending August 2006. Positions held in Section: Member, Publications, CLE, Probate Advisory Board, Nominations, Coordination of Governmental Submissions, and Planning Committees; Supervisory Council Member; Member, Task Force on Estate and Gift Tax Reform; Chair and Co-Chair, Probate and Trust Division CLE Committee; Member, ABA Standing Committee on

Continuing Legal Education of the Bar; Council Member.

David K. Y. Tang  
Preston Gates & Ellis LLP  
Seattle, Washington

Nominated for first term as Section Delegate to the House of Delegates, term ending August 2008. Positions held in Section: Chair, Foreign Investment in U.S. Real Estate; Chair, Vice-Chair, and Member, Nominations Committee; Member and Vice-Chair, Membership Committee; Member, Bylaws Committee; Chair, Task Force on Affordable Housing; Council Member; Member and Co-Chair, Leadership Development Initiative Task Force; Member and Chair, Planning Committee; Member and Chair, Publications Committee; Member, Technology Committee; Chair and Vice-Chair, CLE Committee; Member, Digital Signature and E-Commerce Committee; Member, Multijurisdictional Practice Committee; Section Chair.

### Real Property Division Council

Elwood F. Cahill Jr.  
Sher Garner Cahill Richter Klein & Hilbert, L.L.C.  
New Orleans, Louisiana

Nominated for first full term as Council Member, Real Property Division, term ending August 2008. Positions held in Section: Member, Leadership Development Initiative; Member, Remedies and Miscellaneous Clauses Committee; Vice-Chair, Surveys Committee; Young Lawyers Division Liaison to Section; Section Liaison to ALI-ABA Committee on Continuing Professional Education, Bridge the Gap Real Estate Training Module; Section Liaison to American Congress on Surveying and Mapping (ACSM); Member and Chair, Membership Committee; Member and Chair, Diversity Committee; Member, Real Property Division Advisory Board; Council Member.



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Michael J. Glazerman  
Burns & Levinson LLP  
Boston, Massachusetts  
Nominated for first term as Council Member, Real Property Division, term ending August 2008. Positions held in Section: Vice-Chair, Commercial Leasing Committee; Chair, Condition of the Premises Committee; Chair, Office Leasing Committee; Member, Design and Construction Committee; Articles Editor, *Probate & Property* Magazine; Member, Planning Committee, Committee on Committees, and Corporate Sponsorship Committee.

Martin P. Miner  
Holland & Knight LLP  
New York, New York  
Nominated for first term as Council Member, Real Property Division, term ending August 2008. Positions held in Section:

Chair, Rent and Options Committee; Chair, Industrial and Warehouse Leasing Committee; Member, Committee on Committees, Real Property Division Advisory Board, Publications Committee, Nominating Committee, and Community Outreach Committee.

Roseleen Parker Rick  
Troutman Sanders LLP  
Richmond, Virginia  
Nominated for second term on Council, Real Property Division, term ending August 2008. Positions held in Section: Chair, Use Exclusive and Radius Clauses and Specialized Leases Committees; Vice-Chair and Member, Diversity Committee; Section Liaison, ABA Commission on Racial and Ethnic Diversity in the Profession.

Victoria de Lisle  
Locke Liddell & Sapp LLP  
New Orleans, Louisiana  
Recommended appointee for first term, Assistant Secretary, Real Property Division, term ending August 2006. Positions held in Section: Vice-Chair and Chair, Housing for the Elderly Committee; Member, Membership, Nominations, and Planning Committees; Chair and Vice-Chair, Senior Housing and Assisted Living Committee; Group Vice-Chair, Residential, Multifamily and Special Use Group.

**Probate and Trust  
Division Council**

Marc S. Bekerman  
Meltzer, Lippe, Goldstein &  
Breitstone, LLP  
Mineola, New York  
Nominated for first term on

Council, Probate and Trust Division, term ending August 2008. Positions held in Section: Vice-Chair and Co-Chair, Probate and Trust Division CLE Committee; Vice-Chair and Chair, Non-Tax Issues in Planning and Administration of Estates and Trusts Committee; Vice-Chair, Administration and Distribution of Trusts and Estates Including Investments, Small Estates, Trusts and Guardianships Committee; Member, CLE Committee; Group Vice-Chair, Special Division Activities Group; Member, Community Outreach Committee.

Thomas M. Featherston Jr.  
Baylor University School of Law  
Waco, Texas  
Nominated for second term on Council, Probate and Trust Division, term ending August 2008. Positions held in Section: Chair and Vice-Chair, Special Problems of Community Property Owners Committee; Chair and Co-Chair, Lifetime Transfers: Non-Tax Issues Committee; Co-Chair, Drafting for Lifetime and Testamentary Transfers Committee; Co-Supervisory Council Member, Special Probate and Trust Division Activities Group; Articles Editor, *Probate & Property Magazine*.

Alan F. Rothschild Jr.  
Hatcher, Stubbs, Land, Hollis & Rothschild  
Columbus, Georgia  
Nominated for second term on Council, Probate and Trust Division, term ending August 2008. Positions held in Section: Chair, Co-Chair, and Vice-Chair, Significant Developments in Probate and Trust Case Law Committee; Co-Chair and Member, Technology and Economics Committee; Co-Chair, Public Information and Web Content Committee; Co-Supervisory Council Member, Investment and Financial Planning Group; Member,

Membership, Nominations, Planning, and Technology Committees; Assistant Secretary, Probate and Trust Division.

Barbara A. Sloan  
McLaughlin & Stern LLP  
New York, New York  
Nominated to fill the one-year term created by a vacancy, term ending August 2006. Positions held in Section: Co-Chair, Committee on Committees; Member, Section Advisory Board; Assistant Secretary, Probate and Trust Division.

Linda S. Whitton  
Valparaiso University School of Law  
Valparaiso, Indiana  
Nominated for second term on Council, Probate and Trust Division, term ending August 2008. Positions held in Section: Vice-Chair and Member, Long Term Health Care Issues, Including Special Needs Trusts Committee; Chair, Health Care Decisions Committee; Chair, Law Reform Study Committee; Member, Membership Committee and Section Advisory Board.

Terrence M. Franklin  
Sacks, Glazier, Franklin & Lodise  
Los Angeles, California  
Recommended appointee for first term, Assistant Secretary, Probate and Trust Division, term ending August 2006. Positions held in Section: Chair, Attorneys Partnering with Non-Lawyers Committee; Section Liaison to ABA Section on Dispute Resolution; Chair, Ethics and Malpractice Committee; Section Liaison to ABA Task Force on Attorney Client Privilege; Group Vice-Chair, Practice Management Group; Member, CLE and Diversity Committees. ■

## Letters to the Editor

I am responding to the article entitled *Community Property Across State Lines* by Karen Boxx, included in the January/February 2005 issue. The opening premise, stated in the second paragraph, that for “community property to exist, there must be a valid marriage” is incorrect. In California, beginning with a change to the law (AB 205) that went into effect on January 1, 2005, registered domestic partners can acquire community property. Because of legislation making the rights and responsibilities provided by AB 205 retroactive (AB 2580), community property may have been acquired by persons who registered as domestic partners with the state of California as early

as January 1, 2000. Although at this point these new laws have been well publicized to attorneys practicing in California, I’m afraid that attorneys practicing in other community property states near California may have no idea that they need to ask questions about whether clients are registered domestic partners as well as whether they are married.

Sondra J. Allphin  
Temmerman & Cilley, LLP  
San Jose, California

### **Moving? Changing Firms Retiring?**

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Please do not send changes of address to the editors.

### Join a Section Group/Committee

Our Section is unique in that we comprise two divisions, Real Property and Probate and Trust. These divisions are broken down into high-level groups and further broken down into issue-specific committees.

Group activity provides much of the basis for our high-quality educational programs and articles in our publications, this magazine and the *Real Property, Probate and Trust Journal*. Some of our groups work on legislative issues on the national and state levels.

If you are a member of the Section, and do not belong to a group or committee, you are not taking full advantage of the opportunities afforded by the Section. Group membership is free of charge to all Section members.

Once you sign up for a group, you may wish to then sign up for more specific subject matter committees within the group, a couple of which are highlighted below. These smaller committees are working bodies, and the larger groups accept members on an informational basis.

RPPT members can now join committees online at [www.abanet.org/rppt/join](http://www.abanet.org/rppt/join). You will need your membership number, which you can find on your membership card or mailing label. If you have any questions about joining a committee online, contact the Section office at (312) 988-5651 or e-mail [rppt@abanet.org](mailto:rppt@abanet.org).

For the complete *Guide to Committees*, including group and committee descriptions, please visit our web site at [www.abanet.org/rppt](http://www.abanet.org/rppt).

This issue's committee highlights:

#### Probate and Trust Division— Nonqualified Deferred Compensation

This committee concentrates on issues relating to nonqualified deferred compensation, including methods of funding nonqualified deferred compensation arrangements; the emerging trends in the executive compensation, stock-based compensation arrangements; and estate planning for executive compensation programs. The committee prepares comments on legislation and regulations, publishes information for Section members on these topics, and participates in or sponsors Section CLE programs.

Co-Chairs: W. Scott Magargee III and Avery E. Neumark.  
Vice-Chair: Stephen Walter Skonieczny.  
Web site: [www.abanet.org/rppt/cmtes/pt/f5/home.html](http://www.abanet.org/rppt/cmtes/pt/f5/home.html).

#### Real Property Division— Condemnation

The committee monitors judicial and legislative developments in eminent domain law and provides programming and publications on condemnation issues.

Check out recent activities and postings on the committee's web site.  
Chair: Michael Rikon.  
Vice-Chair: Joseph T. Waldo.  
Web site: [www.abanet.org/rppt/cmtes/rp/c2/home.html](http://www.abanet.org/rppt/cmtes/rp/c2/home.html). ■

### Five-Year National Health Care Decisions Week Campaign a Success

National Health Care Decisions Week 2004 marked the fifth and final year of the Section's initiative to educate the public about the important topics of health care advance directives and organ and tissue donation. The initiative was funded by the Health Resources and Services Administration of the U.S. Department of Health and Human Services and was co-sponsored by the American Medical Association, National Medical Association, and National Bar Association. Aggregate participation totals for the program reveal that during the five-year campaign over 90 bar associations hosted programs for more than 13,000 attendees.

Although the funding for Section sponsorship has now concluded, bar associations that wish to continue

public education programs can obtain organ and tissue donor cards at no charge from the Health Resources and Services Administration of the U.S. Department of Health and Human Services (contact Venus Walker at [vwalker@hrsa.gov](mailto:vwalker@hrsa.gov)). The Section will also be happy to provide complimentary copies of our organ and tissue donation brochure, *A Legacy for Life* (available in both English and Spanish) while quantities last. Please contact the Section office at [rppt@abanet.org](mailto:rppt@abanet.org) or (312) 988-5824.

The Section wishes to thank all those who sponsored National Health Care Decisions Week programs for the commitment and hard work that made the campaign a resounding success. ■