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If an employee spouse is near to eligible for retirement, consider *Gillmore* alternatives—offensively or defensively!

1. Be sure to include a provision in the Judgment or Decree which provides the nonemployee with benefit accrual information on an annual basis, as well as direct access to plan information re the participant's benefits.
2. Get expert help (actuary or economist who works in this field) to see whether a proposed *Gillmore* election would be beneficial to you client.
 - a. Actuary can project lost benefits due to lost years of pension payments and COLAs thereon.
 - b. Actuary can project lost benefits due to pay increases that nonemployee spouse won't share if *Gillmore*.
 - c. Expert can review plan terms for optimum election date. Note that in some instances, Nevada PERS eligibility dates can make the benefit catapult in value by adding one more year of service.
 - d. Expert can quantify loss of spousal support because it will likely be supplanted \$ for \$. (*Gillmore* case footnote 428.)
3. Reminder: Don't waive spousal support for a client who is potential victim of *Gillmore*.
4. Don't "buy" the whole pension plan for your near-to-retirement client if your client's retirement could cause client's spousal support obligation to be increased. (Get a Waiver).

The Gillmore Check Up