



## Report on Public Policy Position

**Name of Section:**

Probate and Estate Planning Section

**Contact Person:**

Henry Grix

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**Other:**

amicus curiae brief in the Matter of Ervin Estate v. Bank One

**Date position was adopted:**

December 13, 2003

**Process used to take the ideological position:**

Discussion at Council meetings on October 25, 2003 and again on December 13, 2003.

**Number of members in the decision-making body:**

20

**Number who voted in favor and opposed to the position:**

16 in favor

1 opposed

3 members absent

**FOR SECTIONS ONLY:**

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

*If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.*

**Position:**

Council does not intend to take a position on the facts of the case, but rather wants to advocate against what Council fears might be overbroad judicial construction of Michigan Rule of Professional Conduct 1.7 at a time when such rule is under consideration for revision. The Probate and Estate Planning Council already has advocated a change to the commentary on such rule as the State Bar Representative Assembly and the Supreme Court consider revisions to such Rule of Professional Conduct. The Council authorized the filing of a brief that will urge that any decision be limited to the facts or the case.

**The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:**