

**BYLAWS OF THE  
PROBATE AND ESTATE PLANNING SECTION  
OF THE STATE BAR OF MICHIGAN**

**ARTICLE I  
NAME AND PURPOSE**

**SECTION 1.** This Section shall be known as the Probate and Estate Planning Section of the State Bar of Michigan.

**SECTION 2.** The purpose of this Section shall be to enhance and improve the practice and administration of law pertaining to probate and estate planning by the study of statutes, cases, and procedures, by the consideration, drafting, and active support or opposition of proposed legislation; by the providing of advice to courts during the course of pending litigation; and by the sponsoring of meetings and institutes (together with publishing and disseminating pamphlets, brochures, a Journal of the Section and legal writings) as a means of educating members of the Bar and the public, all in connection with advancing the proper preparation of wills, trusts, tax returns, and other documents; the efficient administration of trusts as well as estates of decedents, minors, incompetents, and missing persons; and the advance planning for the orderly disposition of property, minimization of taxes, and well being of persons.

**ARTICLE II  
MEMBERSHIP**

**SECTION 1.** Active, inactive, law student, affiliate, and emeritus members of the State Bar of Michigan may become members of the Section by paying to the Section dues in an amount as may be determined from time to time by the Council, and shall become members of the Section for the current fiscal year. Thereafter, dues shall be payable in advance at the beginning of the fiscal year of the State Bar of Michigan. Any member of the Section whose annual dues shall be more than six months past due shall cease to be a member of this Section. Members enrolled and whose dues are paid shall constitute the membership of the Section. All lawyers admitted to practice in Michigan shall be considered members of the Section until the end of the fiscal year of the State Bar of Michigan following the year of their admission to practice and shall not be required to pay dues until after that time.

**SECTION 2.** Only active members of the State Bar of Michigan who are members of the Section shall be eligible to vote or hold office.

**ARTICLE III  
COUNCIL AND OFFICERS**

**SECTION 1.** There shall be a Council of the Section consisting of the Chairperson, Chairperson-Elect, Vice-Chairperson, Secretary and a Treasurer, together with 18 other members to be elected as hereinafter provided. Past Chairpersons shall also automatically remain as members of the Council so long as they maintain membership in the Section. However, past Chairpersons shall not be included in determining whether a quorum is present at any meeting and they shall have no right to vote on matters brought before the Council.

**SECTION 2.** The Chairperson, Chairperson-Elect, Vice-Chairperson, Secretary and Treasurer shall be nominated and elected in the manner hereinafter provided at each annual meeting of the Section to hold office for a term beginning at the close of the annual meeting at which they have been elected, and ending at the close of the next succeeding annual meeting of the Section, and until their successors shall have been elected and qualified.

**SECTION 3.** Subject to the provisions of the next sentence, six members of the Council shall be elected at each annual meeting of the Section for terms of three years. At the annual meeting in 2004 only, eight member of the council shall be elected, six of whom shall serve terms of three years, one of whom shall serve a term of two years, and one of whom shall serve a term of one year. (“Year” as herein used means a term beginning at the close of the annual meeting at which the Council member shall have been elected and ending at the close of the succeeding annual meeting of the Section.)

**SECTION 4.** No person shall be eligible for election other than as an officer if he/she has served without interruption for six consecutive years immediately preceding the term for which the election is held.

**SECTION 5.** No person who has served as Chairperson, Chairperson-Elect, Vice-Chairperson, Treasurer or Secretary without interruption for 2 consecutive terms shall be eligible for election to that office.

**SECTION 6.** The Council may appoint any member of the Section as an officer or councilperson to act until the next election in the event of death, disability, removal or resignation of any officer or councilperson.

#### **ARTICLE IV ELECTIONS**

**SECTION 1. NOMINATIONS.** The Nominating Committee shall submit nominations to the Section for the offices of Chairperson, Chairperson-Elect, Vice-Chairperson, Secretary, Treasurer and members of the Council, to succeed those whose terms will expire at the close of the forthcoming annual meeting at the regular meeting of the Council prior to the annual meeting, and to fill vacancies for unexpired terms existing at the time of such report at any other regular meeting of the Council.. The Nominating Committee shall continue to function as needed and report nominations to the Council to fill vacancies in the office of an officer or member of the Council in accordance with Article VI, Section 3. The Nominating Committee shall consist of the three immediately past Chairpersons of the Section, unless such committee shall be otherwise appointed by the Chairperson and the Chairperson-Elect.

**SECTION 2. ELECTIONS.**

- A. Vacancies. When there is only one candidate nominated for a vacancy, that election shall be held by voice vote at the meeting during which the nomination has been made. When there is more than one candidate nominated, the election shall be held at the next regular council meeting where the Chairperson may conduct that election by voice vote, or may direct another method of conducting the election, such as a show of hands, paper ballot or other method.
  
- B. Annual Meeting. All nominations, including nominations from the floor, for the offices of Chairperson, Chairperson-Elect, Vice Chairperson, Secretary, Treasurer and members of the Council, to succeed to those whose terms will expire at the close of the forthcoming annual meeting shall be made at the regular meeting of the Council prior to the annual meeting. The election for such offices and Council members shall be held at the annual meeting, where the Chairperson may conduct that election by voice vote, or may direct another method of conducting the election, such as a show of hands, paper ballot or other method.
  
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## **ARTICLE V DUTIES OF OFFICERS**

**SECTION 1. CHAIRPERSON.** The Chairperson shall preside at all meetings of the Section and of the Council. The Chairperson shall formulate and present at each Annual Meeting of the State Bar of Michigan a report of the work of the Section for the then past year. The Chairperson shall perform such other duties and acts as usually pertain to such officer's office.

**SECTION 2. CHAIRPERSON-ELECT.** Upon the death, resignation or during the disability of the Chairperson, or upon such officer's refusal to serve, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term except in the case of the Chairperson's disability and then during so much of the term as the disability continues. The Chairperson-Elect shall automatically succeed to the office of the Chairperson the day after the annual meeting succeeding the annual meeting at which the Chairperson-Elect is elected.

**SECTION 3. VICE-CHAIRPERSON.** Upon the death, resignation, or during the disability of both the Chairperson and the Chairperson-Elect, or upon the refusal of both to serve, the Vice-Chairperson shall perform the duties of the Chairperson and the Chairperson-Elect until either of them is again able to serve in such officer's elected capacity, to the end of the termination of the respective terms of each.

**SECTION 4. SECRETARY.** The Secretary shall be the custodian of all books, papers, documents, and other property of the Section except money. Such officer shall keep a true record of the proceedings of all meetings of the Section and of the Council. With the Chairperson, such officer shall prepare a summary or digest of the proceedings of the Section at its annual meeting for publication in the Annual Report of the State Bar of Michigan, after approval by the

Commissioners of the State Bar of Michigan. Such officer, in conjunction with the Chairperson, as authorized by the Council, shall attend generally to the business of the Section.

**SECTION 5. TREASURER.** The Treasurer of the State Bar of Michigan will be the custodian of all funds and will keep a record of all monies received and disbursed and report thereon to the Council or Treasurer of the Section whenever requested. The Treasurer of the Section shall not be responsible for such funds but shall transmit a financial report for presentation to the membership of the Section annually.

**SECTION 6. TREASURER.** The Treasurer shall sign any application for and execute any bond as may be requested by any officer of the Section and/or member of the Council pursuant to any resolution duly adopted for any bond for the purpose of protecting the monies of the Section. Any cost or premium for such bond, however, shall not be borne by the Treasurer, but shall be an expense of the Section and paid from the funds of the Section. The Treasurer shall submit a financial report regularly.

## **ARTICLE VI DUTIES AND POWERS OF THE COUNCIL**

**SECTION 1.** The Council shall have general supervision and control of the affairs of the Section subject to the Supreme Court Rules Concerning the State Bar of Michigan and the Bylaws of the State Bar of Michigan and the Bylaws of the Section. It shall authorize all commitments or contracts which shall entail the payment of money and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section.

**SECTION 2.** The Council may authorize the Chairperson, with the Chairperson-Elect, to appoint committees and their chairpersons from Section members to perform such duties and exercise such powers as the Council may direct. The Chairperson, on direction from the Council, shall remove any chairperson or member from such committees and fill vacancies on such committees created by removal or resignation.

**SECTION 3.** The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the offices of the Vice-Chairperson, Secretary or Treasurer, or, in the event of a vacancy in both the office of Chairperson and Chairperson-Elect, then in the office of Chairperson. Members of the Council and officers shall serve until the close of the next annual meeting of the Section, at which the vacancies shall be filled for the remainder of their respective terms by a special election conducted concurrently with the regular elections as provided in Article IV herein.

**SECTION 4.** A quorum of the Council shall consist of a majority of the officers and elected members. A quorum being present, the Council shall act on the affirmative vote of a majority of those present at any meeting.

**SECTION 5.** Members of the Council, when personally present at a meeting of the Council, shall vote in person, but when absent may communicate their vote, in writing, upon any proposition, to the Secretary and have it counted, with the same effect as if cast personally at such meeting.

**SECTION 6.** The Chairperson of the Section at any time may, and upon the request of any member of the Council shall, submit or cause to be submitted in writing, to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted, by communicating their vote thereon, in writing over their respective signatures, to the Secretary, who shall record upon his minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such written and signed votes. If the recorded votes of a majority of the members of the Council shall be in favor of such proposition, or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council.

**SECTION 7.** The Council shall designate the time and place of its regular meetings. Special meetings may be called upon notice by the Chairperson or upon written request to the Secretary of any 5 members of the Council. Council and committee meetings may be held by a telephone conference or by other similar communications equipment through which all persons participating in the meeting may communicate with the other participants. All participants will be advised of the communications equipment, and the names of the participants in the conference will be divulged to all participants. Such participation will constitute presence in person at the meeting.

**SECTION 8.** Any member of the Council (except Past Chairpersons) who shall be absent without having been excused by the Chairperson at three consecutive meetings of the Council shall be deemed to have resigned and the vacancy thereby created shall be filled by the Council.

**SECTION 9.** The powers of the Council will include the power to act to further the purposes of the Section, including the power to consider, draft, and actively support or oppose proposed legislation through committees or agents consistent with the Bylaws of the State Bar of Michigan.

## **ARTICLE VII SECTION MEETINGS**

**SECTION 1.** The annual meeting of the Section shall be held during the Annual Meeting of the State Bar of Michigan, in the same city or place as such Annual Meeting of the State Bar of Michigan, or at such other place and time as may be arranged by the Council, with such program and order of business as may be arranged by the Council.

**SECTION 2.** Special meetings of the Section may be called by the Chairperson upon approval of the Council at such time and place as the Council may determine.

**SECTION 3.** The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

## **ARTICLE VIII MISCELLANEOUS PROVISIONS**

**SECTION 1.** The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

**SECTION 2.** All bills incurred by the Section before being paid shall be approved by the Treasurer, except those of the Treasurer, which shall be approved by the Chairperson or the Chairperson elect, or otherwise as the Council shall direct, and checks for all disbursements shall be signed by an officer of the State Bar of Michigan, or someone designated by the State Bar Commissioners.

**SECTION 3.** No salary or compensation shall be paid to any officer, councilor or member of a committee.

**SECTION 4.** These Bylaws shall become effective upon the approval thereof by the Commissioners of the State Bar of Michigan and by the Section in the same manner provided in Article IX for their amendment.

**SECTION 5.** All printing for the Section or for the Council or any committee of the Section shall be done under the supervision of the Executive Secretary of the State Bar of Michigan.

## **ARTICLE IX AMENDMENTS**

**SECTION 1.** These Bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been submitted to the Council for its recommendation; further, that no amendment so adopted shall become effective until approved by the Commissioners of the State Bar of Michigan.

**SECTION 2.** Any proposed amendment shall be submitted in writing to the Council in the form of a motion by an officer or member of the Council or by a petition by at least 10 other members of the Section. The Council shall consider the proposed amendment and shall prepare recommendations thereon which recommendations, together with a complete and accurate text of said proposed amendment, shall be published in the Michigan Bar Journal or the Journal of the Section at least 15 days prior to the annual meeting of the Section at which it is to be voted upon.

Adopted September 14, 1955

Amended 10/14/94

Amended 9/22/00

Amended 9/27/02

Amended 9/15/03

Amended 7/23/04 Effective 9/11/04

Amended 1/21/05

Dues increase effective 6/9/06

Dues increase effective 6/19/07