

**MINUTES OF THE MEETING OF THE COUNCIL
OF THE PROBATE AND ESTATE PLANNING SECTION**

**January 20, 2007 10:20 a.m.
University Club, East Lansing, Michigan**

- I. The meeting was called to order by the chair, Douglas A. Mielock, at 10:20 a.m.

- II. **A. Council Members Excused:** Shaheen I, Imami, and Robert Tiplady II

- B. Council Officers and Members Present:**

Douglas A. Mielock	Harold G. Schuitmaker
Lauren M. Underwood	George A. Cooney, Jr.
Nancy L. Little	Douglas A. Chalgian
Marilyn A. Lankfer	Daniel E. Cogan
Amy N. Morrissey	John R. Dresser
Rebecca A. Schnelz	Robin D. Ferriby
Richard J. Siriani	Sebastian V. Grassi, Jr.
James B. Steward	George W. Gregory
Thomas F. Sweeney	Mark K. Harder
Marlaine C. Teahan	Ellen Sugrue Hyman
Joan C. Von Handorf	

- C. Others Present:** Susan Allan, Cynthia Andrews, W. Josh Ard, Rebecca Bechler, Ronald Berridge, Chris Brown, Samuel D. Carpenter, Francine Cullari, Henry Grix, Carine Hails, Phil Harter, Meg Lentz, J. R. McGraw, Jean Mahjoory, Raj Malviya, Daniel Marsh, Lorriane New, Kurt A. Olson, Wendy Parr, Rebecca Schnelz, James B. Steward, Tess Sullivan, Robert Taylor, Derek A. Walters, and Elizabeth K. Woodruff

- III. **Introduction of Guests:** All attendees, including guests, introduced themselves.

- IV. **Secretary's Report:** The minutes of the December 9, 2006 meeting were approved, with the correction that Robert Tiplady, II was a "Members Present" and not an "Others Present", and Lauren M. Underwood was a "Council Officers Present" and not an "Others Present".

- V. **Treasurer's Report:** A preliminary budget was discussed.

- VI. **Chairperson's Report:**
Shirley Kaigler and Lisa Langton have resigned.

VII. Report of the Committee on Special Projects:

- Specialization Committee report to be in the next Agenda packet
- Amy N. Morrissey reported on Court Rules, which will be in the February 2007 packet (Please see attachments #1 and #2)
- A letter to the Supreme Court concerning Rules and Council proposals was going to be prepared to be signed by the Chairperson
- Douglas A. Chalgian made a motion, Sebastian V. Grassi, Jr. seconded, to approve Section 4.10 to 4.12, 7.04 to 7.06, 7.08 to 7.09 of the Uniform Trust Code. The vote was unanimous, the motion carried.

VIII. Standing Committee Reports

A. Internal Governance

1. **Budget** - *Harold Schuitmaker, chair*. In the future we are going to look at dues increase from \$30.00 to \$35.00.
2. **Bylaws** - *Marilyn K. Lankfer, chair*. No report
3. **Michael Irish Award** - *Brian V. Howe, chair*. No report
4. **Long-Range Planning** - *Lauren M. Underwood, chair*. No report
5. **Nominations** - *Henry M. Grix, chair*. Rebecca Schnelz was nominated to fill Lisa Langton's vacancy. Motion was made by George W. Gregory, seconded by Harold G. Schuitmaker. The vote was unanimous, the motion carried. Welcome, Rebecca!
6. **Relations with the State Bar** - *John R. Dresser, chair*. Francine Cullari and John R. Dresser reported on the Executive Director search.
7. **Annual Meeting** - *Lauren M. Underwood, chair*. The 2007 Annual Meeting will remain separate; perhaps in 2008 the Annual Meeting of the Council will coincide with the State Bar Annual Meeting. It was suggested that perhaps the Section have a booth at the State Bar Annual Meeting.

B. Education & Advocacy Services for Section Members

1. **Amicus Curiae** - *Mark K. Harder, chair*. Per attachment #3 (Rau/Vanconett Estate concerning a contract to make a Will), the Supremes did not consider our Amicus Brief.

2. **Continuing Education & Annual Probate Institute** - *Nancy L. Little, chair*. Everything is scheduled for the Annual Institute.
3. **Section Journal** - *Nancy L. Little, chair*. The Winter issue is in the mail.
4. **State Bar Journal** - *Sebastian V. Grassi, Jr., chair*. Authors are lined-up for the October 2007 Journal.
5. **Pamphlets** - *Ellen Sugrue Hyman, chair*. There are two new pamphlets due back February 9, 2007.
6. **Electronic Communication** - *John R. Dresser, chair*. Everyone is invited to look at the website.
7. **Committee on Special Projects** - *George W. Gregory and Doug G. Chalgian, co-chairs*: Report on the new subcommittee for Uniform Power of Attorney legislation, House Bill 4180. (Please see attachment #4)

C. Legislation and Lobbying

1. **Legislation** - *Harold Schuitmaker and John R. Dresser, co-chairs*: No report
2. **Michigan Trust Code** - *Mark K. Harder, chair*. No further report
3. **Statute of Repose** - *John A. Scott*. Please see attachment #5.

Secretary's note: House Bill 4111 Statute of Limitations and Statute of Repose for actions against architects, engineers, and construction contractors has been reintroduced.

D. Ethics, Professionalism and Standards

1. **Ethics** - *Marilyn A. Lankfer, chair*. No report
2. **Unauthorized Practice & Multidisciplinary Practice** - *Thomas F. Sweeney, chair*. There is a Consent Decree against "We the People". (Please see attachment #6)
3. **Specialization and Certification** - *Shaheen I. Imami and Richard A. Shapack, co-chairs*: Report to be made at the February meeting.

4. **Practice Management** - *Richard J. Siriani, chair*. No report

E. Administration of Justice

1. **Contested and Uncontested Probate Proceedings** - *Amy N. Morrissey, chair*. No report
2. **Uniformity of Practice** - *Sebastian V. Grassi, Jr. and Joan Von Handorf, co-chairs*: The Committee will meet at lunch following this meeting.

F. Practice Issues, Related Areas & Liaisons

1. **Charitable Giving/Exempt Organizations** - *Robin D. Ferriby, chair*. Reported on changes in tax laws, and advised she has money for National Speakers on charitable giving.
2. **Estate Gift Tax** - *George W. Gregory, chair*. A tax nugget information was passed out. (Please see attachment #7)
3. **Real Property Tax Issues** - *George W. Gregory, chair*. Transfer tax was discussed.
4. **Guardianships and Conservatorships** - *Douglas G. Chalgian, chair*. No report - see House Bill 4189
5. **Business Law and Business Section Liaison** - *John R. Dresser, chair*. A business law seminar is in the planning stage.
6. **Court Rules and Forms** - *Harold Schuitmaker and Joan Von Handorf, co-chairs*: No report
7. **Elder Law/Elder Law Section Liaison** - *Josh Ard*: There is some progress being made on a single point of entry system - possible developments concerning long term qualified care and anti-nursing home insurance.
8. **Family Law/Family Law Section Liaison** - *Patricia M. Ouellette*: No report
9. **Real Property Law/Real Property Section Liaison** - *Richard Shapack*: No report

10. **Tax Section Liaison** - *Shirley A. Kaigler*: In the wake of Shirley's resignation, a new Chairperson is being sought.
11. **State Bar Liaison** - *Francine Cullari*: Report given mentioning, again, the Citizen Lawyer series that is ready for the Bar Journal. Also, some members may be interested in nominations for State Bar awards (see attachment #8)
12. **Trust/Michigan Bankers Association Liaison** - *Daniel E. Cogan*: The Michigan Bankers Association will co-operate with the Probate Committee on Uniform Trust Code.
13. **Michigan Probate Judges** - No report, however, please see attachments #9 and #10.

IX. Other Business:

- Douglas A. Chalgian reported on his new ICLE book.
- Terms of Council Members are attached (#11).

X. Hot Topics: None

XI. Adjournment - the meeting was adjourned at 12:07 p.m..

Respectfully submitted,

Harold Schuitmaker