

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

**March 17, 2007 10:30 a.m.
University Club, East Lansing, Michigan**

- I. The meeting was called to order by the chair, Douglas A. Mielock, at 10:30 a.m.
- II. **A. Council Members Excused:** John R. Dresser, Sebastian V. Grassi, Jr., Hon. Phil Harter, and George A. Cooney, Jr.
- B. Council Officers and Members Present:**
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|---------------------|-------------------------|
| Douglas A. Mielock | Nancy L. Little |
| Lauren M. Underwood | Harold Schuitmaker |
| Douglas A. Chalgian | Michael J. McClory |
| Daniel E. Cogan | (Past Chair Non-Voting) |
| George W. Gregory | Amy N. Morrissey |
| Mark K. Harder | Rebecca A. Schnelz |
| Ellen Sugrue Hyman | James B. Steward |
| Shaheen I. Imami | Marlaine C. Teahan |
| Marilyn A. Lankfer | Robert P. Tiplady II |
| | Joan C. Von Handorf |
- C. Others Present:** Cynthia S. Andrews, Josh Ard, Rebecca Bechler, Ronald A. Berridge, Hon. Kathryn George, Michael Holmes, J. R. McGraw, Hon. Milton Mack, Jean Mahjoory, Bill Millard, Raj A. Malviya, Michele Marquardt, Jeanne Murphy, Lorriane New, Kurt A. Olson, Patricia Ouellette, Wendy Parr, Valerie L. Rice, Christine Savage, Tess Sullivan, Derek A. Walters, Elizabeth K. Woodruff
- III. **Introduction of Guests:** All attendees, including guests, introduced themselves.
- IV. **Secretary's Report:** The minutes of the February 17, 2007 meeting were approved, as amended.
- V. **Treasurer's Report:** No report
- VI. **Chairperson's Report:**
- Discussed Attorney Jim Howlett's letter re: tax proposals
 - Lorriane New is the Tax Section Liaison
 - Court Rule 7.306 was discussed

VII. Report of the Committee on Special Projects:

- No position taken yet on Estate Recovery
- A motion was made by James Steward, seconded by Robert Tiplady, to oppose Senate Bill 314; a vote was taken: 17 yes, zero no, no abstentions
- Motion was made by George Gregory, seconded by Shaheen Imami, to support the State Bar in opposition to the two percent (2%) Service Tax; a vote was taken: 17 yes, zero no, no abstentions
- Motion was made by Marilyn Lankfer, seconded by Dan Cogan, to approve the UTC Section 1005 with modifications, 1006, 1009 as presented, and 1007 as modified; a vote was taken: 17 yes, zero no, no abstentions.

VIII. Standing Committee Reports

A. Internal Governance

1. **Budget** - *George A. Cooney, Jr., chair*. Members discussed the cost savings with an E-Journal and dues increase
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*. Strategic plan will be implemented
5. **Nominations** - *Henry M. Grix, chair*. No report
6. **Relations with the State Bar** - *John R. Dresser, chair*. No report
7. **Annual Meeting** - *Lauren M. Underwood, chair*. The annual meeting was discussed; it will be held September 22, 2007 in Lansing. Regarding the annual Estate Planning Institute, in Traverse City, it was suggested we hire busses to and from the speakers dinner. A motion was made by Mark Harder, seconded by Amy Morrissey, to donate \$200.00 from the Hearts and Flowers fund to the Cherry Capital Cycle Club; the vote in favor was unanimous.

AT 11:05 A.M., TO AVOID EVEN THE APPEARANCE OF A CONFLICT OF INTEREST, DOUG MIELOCK, ROBERT TIPLADY AND MARK HARDER EXCUSED THEMSELVES AND LEFT THE ROOM AND LAUREN UNDERWOOD MODERATED THIS PORTION OF THE MEETING.

B. Education & Advocacy Services for Section Members

1. **Amicus Curiae** - *Mark K. Harder, chair*. Ellen Hyman will file an Amicus Brief with the Court of Appeals; questions to be Briefed are: (1) what is a contested matter under Section 7207, (2) what is a bone fide controversy, and (3) is geography alone a reason to remove a trustee.

DOUG MIELOCK, ROBERT TIPLADY AND MARK HARDER RETURNED AND DOUG MIELOCK RESUMED MODERATING THE MEETING.

2. **Continuing Education & Annual Probate Institute** - *Nancy L. Little, chair*. On schedule
3. **Section Journal** - *Nancy L. Little, chair*. On schedule
4. **State Bar Journal** - *Sebastian V. Grassi, Jr., chair*. No report
5. **Pamphlets** - *Ellen Sugrue Hyman, chair*. Two pamphlets have been completed
6. **Electronic Communication** - *John R. Dresser, chair*. No report
7. **Committee on Special Projects** - *George W. Gregory and Doug G. Chalgian, co-chairs*: No further report

Judge Milton Mack addressed the group concerning the Michigan Probate Judge's position on ABM 2005-37. A motion was made by Mike McClory, seconded by Shaheen Imami to support the Michigan Probate Judge's Association's comments of February 14, 2007. Those comments state that 5.410 should not be adopted in its present form, but either should be modified as stated in the comments or returned to the Michigan Probate Judge's Association and the Probate and Estate Planning Council for further rewrite.

C. Legislation and Lobbying

1. **Legislation** - *Harold Schuitmaker and John R. Dresser, co-chairs*: No further report

THE MEETING WAS ADJOURNED AT 12:25 P.M., AND THE FOLLOWING AGENDA WAS NOT DISCUSSED.

2. **Michigan Trust Code** - *Mark K. Harder, chair*.

3. **Statute of Repose** - *John A. Scott.*

D. Ethics, Professionalism and Standards

1. **Ethics** - *Marilyn A. Lankfer, chair.*
2. **Unauthorized Practice & Multidisciplinary Practice** - *Thomas F. Sweeney, chair.*
3. **Specialization and Certification** - *Shaheen I. Imami and Richard A. Shapack, co-chairs:*
4. **Practice Management** - *Richard J. Siriani, chair.*

E. Administration of Justice

1. **Contested and Uncontested Probate Proceedings** - *Amy N. Morrissey, chair.*
2. **Uniformity of Practice** - *Sebastian V. Grassi, Jr. and Joan Von Handorf, co-chairs:*

F. Practice Issues, Related Areas & Liaisons

1. **Charitable Giving/Exempt Organizations** - *Robin D. Ferriby, chair.*
2. **Estate Gift Tax** - *George W. Gregory, chair.*
3. **Real Property Tax Issues** - *George W. Gregory, chair.*
4. **Guardianships and Conservatorships** - *Douglas G. Chalgian, chair.*
5. **Business Law and Business Section Liaison** - *John R. Dresser, chair.*
6. **Court Rules and Forms** - *Harold Schuitmaker and Joan Von Handorf, co-chairs:*
7. **Elder Law/Elder Law Section Liaison** - *Josh Ard:*
8. **Family Law/Family Law Section Liaison** - *Patricia M. Ouellette:*

9. **Real Property Law/Real Property Section Liaison** - *Richard Shapack*.
10. **Tax Section Liaison** - *Shirley A. Kaigler*.
11. **State Bar Liaison** - *Francine Cullari*.
12. **Trust/Michigan Bankers Association Liaison** - *Daniel E. Cogan*.
13. **Michigan Probate Judges** -

IX. Other Business:

X. Hot Topics:

XI. Adjournment

Respectfully submitted,

Harold Schuitmaker