

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

**April 19, 12:00 p.m.
University Club, East Lansing, Michigan**

- I. The meeting was called to order at 12:00 p.m. by the Chair, Lauren M. Underwood
- II. **A. Council Members Excused:** Richard J. Sirani, Robert P. Tiplady
- B. Council Officers and Members Present:**
Lauren M. Underwood Nancy L. Little
Harold G. Schuitmaker Douglas G. Chalgian
George W. Gregory
- C.** Susan M. Allan Shaheen I. Imami
W. Josh Ard Marilyn A. Lankfer
Daniel E. Cogan Amy N. Morrissey
John R. Dresser Rebecca A. Schnelz
Robin D. Ferriby James B. Steward
Hon. Kathryn A. George Thomas F. Sweeney
Mark K. Harder Marlaine C. Teahan
Ellen Sugrue Hyman
- Others Present:** Constance L. Brigman, Samuel D. Carpenter, Rhonda M. Clark-Kreuer, Kevin Cotter, Christopher L. Edgar, Honorable Phillip E. Harter, J. David Kerr, Daniel P. Marsh, Douglas A. Mielock, Michael S. McClory, Jeanne Murphy, Honorable David M. Murkowski, Lorraine F. New, Patricia M. Ouellette, Valerie L. Rice, Carol A. Sewell, James P. Spica, Teresa S. Sullivan, Bob Taylor, Amy R. Tripp, Derek A. Walters
- III. **Introduction of Guests:** All attendees, including guests, introduced themselves.
- IV. **Secretary's Report:** Motion was made by Daniel E. Cogan, supported by Robin D. Ferriby to approve the minutes. Motion passed.
- V. **Treasurer's Report:** George W. Gregory presented the Treasurer's report. **(See Attachment 5)**
- VI. **Chairperson's Report:** No Report
- VII. **Report of the Committee on Special Projects:** No Report.
- VIII. **Standing Committee Reports**

A. Internal Governance

1. **Budget** – *George W. Gregory, chair*. No report.
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*.
6. **Relations with the State Bar** - *John R. Dresser, chair*. No report.
7. **Annual Meeting** - *Lauren M. Underwood, chair*. No report.

B. Education & Advocacy Services for Section Members

1. **Amicus Curiae** - *Mark K. Harder, chair*. No report.
2. **Continuing Education & Annual Probate Institute** - *Nancy L. Little, chair*. Harold G. Schuitmaker reported on the Probate Institute and again thanked the Community Foundation of Southeast Michigan for their financial support for national speakers.
3. **Section Journal** - *Nancy L. Little, chair*.
4. **State Bar Journal** - No report.
5. **Pamphlets** - *Ellen Sugrue Hyman, chair*. No report.
6. **Electronic Communication** - *John R. Dresser, chair*. No report.
7. **Committee on Special Projects** – *Amy N. Morrissey/Richard J. Siriani, co-chairs*: No report.

C. Legislation and Lobbying

1. **Legislation** - *Harold Schuitmaker and John R. Dresser, co-chairs*: Amy N. Morrissey reported from the Rule Against Perpetuities Committee on proposed House Bill 4602 and

asked for a Council vote in support. The vote to support House Bill 4602 passed with 19 supporting, none opposing and one abstaining. **(See Attachment 6)**

Daniel P. Marsh, Chair of the Uniform Power of Attorney Act Committee reported on movement of House Bill 4180 which would adopt a form of the Uniform Power of Attorney Act in Michigan and indicated that hearings are scheduled on this bill. The Council voted to oppose House Bill 4180 by a vote of 19 to zero with one abstaining.

2. **Michigan Trust Code** - *Mark K. Harder, chair*. See Minutes from Joint Meeting of the Council and Committee on Special Projects.
3. **Statute of Repose** - *John A. Scott*. No report.

D. Ethics, Professionalism and Standards

1. **Ethics** - *Marilyn A. Lankfer, chair*. No report.
2. **Unauthorized Practice & Multidisciplinary Practice** - *Thomas F. Sweeney, chair*. No report.
3. **Specialization and Certification** - *Shaheen I. Imami and Richard A. Shapack, co-chairs*: No report.
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** - No report.

F. Practice Issues, Related Areas & Liaisons

1. **Charitable Giving/Exempt Organizations** - *Robin D. Ferriby, chair*. No report.
2. **Estate Gift Tax** - *George W. Gregory, chair*. No report.
3. **Real Property Tax Issues** - *George W. Gregory, chair*. No report

4. **Guardianships and Conservatorships** - *Douglas G. Chalgian, chair*: No report.
5. **Business Law and Business Section Liaison** - *John R. Dresser, chair*
6. **Court Rules and Forms** - *Harold Schuitmaker*: No report.
7. **Elder Law/Elder Law Section Liaison** – *W. Josh Ard*:
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 Committee/ Tax Section Liaison** – *Lorraine F. New*: Lorraine F. New reported on the tax section and provided a tax nugget. **(See Attachment 7)**
11. **State Bar Liaison** - *Francine Cullari*: No report.
12. **Trust/Michigan Bankers Association Liaison** - *Daniel E. Cogan*: No report.
13. **Michigan Probate Judges** – No report.

IX. Other Business: Chairperson Lauren M. Underwood reminded the Council that a special meeting has been scheduled for 9:00 a.m., May 17, 2008 at which time further discussion regarding the trust code will take place.

X. Hot Topics:

XI. Adjournment - the meeting was adjourned by Chair Lauren M. Underwood.

Respectfully submitted,

Douglas G. Chalgian