

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

**January 19, 2007, 11:30 a.m.
University Club, East Lansing, Michigan**

I. The meeting was called to order at approximately 11:30 a.m. by the chair, Lauren M. Underwood

II. **A. Council Members Excused:**

Robin D. Ferriby	Nancy L. Little
Sebastian V. Grassi, Jr.	James B. Steward
Hon. Kathryn A. George	Robert P. Tiplady

B. Council Officers and Members Present:

Lauren M. Underwood	George W. Gregory
Harold Schuitmaker	Douglas G. Chalgian

W. Josh Ard	Marilyn A. Lankfer
Daniel E. Cogan	Douglas A. Mielock
John R. Dresser	Amy N. Morrissey
Mark K. Harder	Rebecca A. Schnelz
Ellen Sugrue Hyman	Richard J. Siriani
Shaheen I. Imani	Thomas F. Sweeney
	Marlaine C. Teahan
	Joan C. Von Handorf

C. Others Present:

Susan M. Allen	Daniel P. Marsh
Cynthia S. Andrews	Hon. David M. Murkowski
Ronald A. Berridge	Jeanne Murphy
Samuel D. Carpenter	Lorraine F. New
Kevin M. Cotter	Patricia M. Quelette
Henry M. Grix	Valerie L. Rice
Hon. Phillip E. Harter	Tonya Schuitmaker
Stephen W. Jones	Carol A. Sewell
Mark E. Kellogg	James P. Spica
Kenneth E. Konop	Teresa S. Sullivan
J. David Kerr	Derek A. Walters

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

Mr. Jim Spica a guest attorney representing Greenleaf Trust Company led a discussion regarding statutory changes to the rule against perpetuities as currently proposed before the legislature. Mr. Spica explained that the proposal is for an outright repeal of the rule as it relates to personal property held in trust with certain exceptions which exceptions are designed to avoid the so-called “Delaware Tax Trap” and with a 360 year wait and see.

Mr. Spica indicated that he would continue discussion of the rule against perpetuities during the lunch.

- IV. Secretary’s Report:** The minutes of the December 8, 2007 meeting were approved with some modifications recognizing that Lorraine F. New is the Liaison to the Tax Section and also recognizing that the Treasurer’s report was presented at the last Council meeting.

- V. Treasurer’s Report:** Treasurer George W. Gregory provided the Treasurer’s report.

Chairperson’s 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.* No report.
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*.
3. **Section Journal** - *Nancy L. Little, chair*. No report.
4. **State Bar Journal** - *Sebastian V. Grassi, Jr., chair*. 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*:

The issue of the Uniform Power of Attorney Act Committee was addressed at the Council meeting with an agreement that Ms. Underwood would schedule a telephone conference with Ms. Beckler, the lobbyist, to discuss the status of this legislation.

Amy N. Morrissey led a discussion of bills to rescind the dower rights in Michigan, House Bills 5587 and 5588. Attorney Patricia M. Quelette indicated that the family law section does not support the repeal and that she would work to schedule a telephone conference between members of the probate section and the family law section to see if some agreement could be reached on this matter.

2. **Michigan Trust Code** - *Mark K. Harder, chair*.
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** - *Sebastian V. Grassi, Jr. and Joan Von Handorf, co-chairs*: Co-chair Joan Von Handorf reported on the Uniformity of Practice Committee and some new forms coming as a result of new Court rules.

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 and Joan C. Von Handorf, co-chairs*:
7. **Elder Law/Elder Law Section Liaison** – *W. Josh Ard*: for another meeting
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** – *Lorraine F. New* :
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:

X. Hot Topics:

XI. Adjournment - the meeting was adjourned by Chair Lauren M. Underwood at 12:00 p.m.

Respectfully submitted,

Douglas G. Chalgian