

**Probate and Estate Planning Section
State Bar of Michigan**

NOTICE OF MEETING

Saturday, October 22, 2005

**9:00 a.m. Committee on Special Projects
10:15 Council Meeting**

There will be a meeting of the Committee on Special Projects on **Saturday, October 22, 2005** at the University of Michigan Student Union, Ann Arbor, Michigan, beginning at 9:00 a.m., followed by a Meeting of the Council of the Probate and Estate Planning Section at 10:15 a.m.

*Please return the confirmation card enclosed with this mailing to
Michael J. McClory to indicate whether or not you will attend.*

Nancy L. Little
Secretary

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

**September 23, 2005
9:00 a.m.**

**University Club
East Lansing, Michigan**

- I. **Call to Order**
- II. **Excused Absences:** Nancy Little, Harold Schuitmaker, Amy Morrissey, Robin Ferriby.
- III. **Introduction of Guests**
- IV. **Secretary's Report/Minutes of the Council Meeting of June 18, 2005.** The minutes were approved unanimously.
- V. **Treasurer's Report:** No report.
- VI. **Chairperson's Report** - Hon. Phillip Harter reported that the committee regarding the Conservatorship rules was formed and did meet with the Michigan Probate Judge's Association. The committee consisted of Joan VonHandorf, Doug Chalgian, Ev Zack, Judge Harter, and Amy Morrissey. The meeting was productive and resulted in a compromise on all rules except two, and the groups have agreed to disagree on those two rules. Judge Harter requested and received authority to sign a joint letter with the Michigan Probate Judges sending the amended rules to the Supreme Court. The Supreme Court will determine the outcome on the two remaining rules.
- Judge Harter further reported that John Martin is changing his professional focus and has accepted a position at Ohio Northern University, which will begin in January of 2006. He will be sorely missed, the profession owes him much respect and the Council and Section owe him a debt of gratitude. John Martin was presented with a plaque acknowledging his unselfish devotion and distinguished service.
- VII. **Committee on Special Projects Report** - George A. Cooney/Christopher Edgar. No report.
- VIII. **Standing Committee Reports**
- A. **Internal Governance.**
1. **Budget** - Lauren M. Underwood and Nancy L. Little. No report.
 2. **Bylaws** - Marilyn Lankfer. No report.
 3. **Michael W. Irish Award** - Brian V. Howe. No report.
 4. **Strategic Planning** - Michael J. McClory. No report.
 5. **Nominations** - John A. Scott. No report.
 6. **Relations with the State Bar** - John Dresser. No report.
 7. **Annual Meeting** - Michael J. McClory. No report.
- B. **Education & Advocacy Services for Section Members**
1. **Amicus Curiae** - Mark K. Harder reported with an update on Sorkowitz case: the Supreme Court accepted our brief, there is no schedule yet on oral argument. The Traxler case was remanded after briefs were accepted and oral argument heard. Two additional amicus requests were made, and it was determined that neither presented a significant question of law sufficient for us to participate by submitting an amicus brief.
 2. **Continuing Education & Annual Probate Seminar** – Lauren M. Underwood reported that plans have begun for the seminar and ideas for topics and speakers are welcome.

3. **Section Journal** - Mary Hinniker reported that publication continues on schedule and that the new issue going in the mail now.

4. **State Bar Journal** - Sebastian V. Grassi reported that he continues to provide information, and that in the future would consider advertising our annual institute.

5. **Pamphlets** - Kenneth L. Seavoy reported that we have changed where pamphlets located on website for easier access.

6. **Electronic Communication** - Josh Ard requested that we put the COLA adjusted statutory allowances on the website.

C. **Legislation & Lobbying**

1. **Legislation** - John Martin reported that he has testified before the House Judicial Committee on the technical corrections to EPIC, HB 4968, which passed unanimously. There are hearings scheduled tentatively in October before the Senate. He anticipates that the bill will "sail through".

2. **Uniform Trust Code** - Mark K. Harder had no report.

3. **Statute of Repose** - John A. Scott will follow up with Becky Bechler on the status of this proposed legislation.

D. **Ethics, Professionalism and Standards**

1. **Ethics** - Thomas F. Sweeney. No report.

2. **Unauthorized Practice & Multidisciplinary Practice** - Dawn Miller from the State Bar updated us on the new code; there are administrative hearings on September 29th before the Supreme Court. She further reported that trust kit seminars are ongoing and have been successful and well attended. Anyone who wants to be involved should call Victoria Kremski, Dawn Miller or Katherine O'Connell. A new brochure has been produced on how to select a lawyer.

3. **Specialization & Certification** - Richard A. Shapack. No report.

4. **Practice Management** - Richard J. Siriani. Reported that briefs have been filed in the inventory case against Oakland County and the case is waiting for oral argument.

E. **Administration of Justice**

1. **Contested and Uncontested Probate Proceedings** - Amy Morrissey. No report.

2. **Uniformity of Practice** - Sebastian V. Grassi/Joan VonHandorf. Joan VonHandorf reported that the proposed court rules have been submitted for publication, and Joan will represent us at the September 29th public hearing. This Committee will meet after the November council meeting.

F. **Practice Issues, Related Areas & Liaisons**

1. **Charitable Giving/Exempt Organizations** - Robin D. Ferriby. No report.

2. **Transfer Tax** - George Gregory. Sebastian Grassi reported that there have been changes liberalizing the predeceased parent rule of the generation skipping transfer tax, and that contribution limits for charitable contributions to Katrina victims have been lifted.

3. **Guardianships and Conservatorships** Douglas A. Chalgian. No report.

4. **Business Law/Liaison to Business Law Section** - John Dresser. No report.

5. **Tax/Tax Section Liaison** - Shirley Kaigler. No report.

6. **Family Law/Family Law Liaison** - Pat Ouellette. No report.

7. **Real Property Law/Real Property Section Liaison** - Richard Shapack. Reported that he has spoken with Bill Acker of Real Prop Section regarding the issue of the cap being lifted when property is transferred to a revocable trust. He will be working with them regarding going to the tax tribunal for clarification, and if necessary developing legislation.

8. **Elder Law/Liaison to Elder Law Section** - Douglas A. Chalgian. No report.

9. Trust Institutions and Liaison with Michigan Bankers Association - Teresa Sullivan/Daniel E. Cogan. No report.

10. Liaison to Court Rules and Forms Committee - Harold Schuitmaker. No report.

11. State Bar Liaison - Kim Cahill. No report.

12. Law School Liaison - Josh Ard. No report.

IX. Other Business

X. Hot Topics

IX. Adjournment. The meeting was adjourned at 10:00.

**MINUTES OF THE ANNUAL MEETING OF THE
PROBATE & ESTATE PLANNING SECTION
OF THE STATE BAR OF MICHIGAN**

**September 23, 2005
10:00 a.m.**

**University Club
East Lansing, Michigan**

- I. Call to Order**
- II. Introduction of Participants.**
- III. Opening Remarks** were made by Hon. Phillip A. Harter.
- IV.** Presentation of Plaque was made to Judge Harter, the outgoing chair, by Michael McClory, the incoming chair.
- V. Election of Officers for the 2005-2006 term.** Elected unanimously were Michael J. McClory, chair, Douglas A. Mielock, Chair-Elect, Lauren M. Underwood, Vice Chair, Nancy Little, Secretary, Harold Schuitmaker, Treasurer.
- VII. Election of Council Members.** Council members unanimously elected to serve a three-year term were Robin Ferriby (1st term), Richard Siriani (1st term), John Dresser (2nd term), Mark Harder (2nd term), Dan Cogan (2nd term), Shaheen Imami (1st term).
- VIII. Passing of the Gavel.**
- IX. Nominating Committee.** John A. Scott reported that the Nominating Committee has met and nominates Lisa Langton to fill the vacancy left by Harold Schuitmaker's election to Treasurer. John also thanked Fred Rolf, who is leaving the Council, for his many years of dedicated service and his contribution to the section and the Council.
- X. Bylaws Committee.** Marilyn Lankfer reported on the bylaws change that has been properly noticed and published, which eliminates the \$25 cap on dues and generally makes the bylaws more consistent with the state bar general bylaws. The motion was unanimously passed to accept these changes.
- XI. Adjournment.**