

**COUNCIL OF TAXATION SECTION
MINUTES OF REGULAR MEETING
January 10, 2008**

A regular meeting of the Council of the State Bar of Michigan Taxation Section was held on January 10, 2008 at 9:00 AM at the offices of Warner Norcross & Judd in Southfield, Michigan. Jay A. Kennedy, Chairperson of the Taxation Section, presided.

COUNCIL MEMBERS PRESENT

Jay A. Kennedy	John O'Hara
Jess A. Bahs	Warren Widmayer
Ronald T. Charlebois	Marjorie Gell
Gina M. Torielli	Joan R. Dindoffer
Wayne Roberts	Michael Domanski
Aaron H. Sherbin	Lynn M. Gandhi
David Walters	

COMMITTEE CHAIRPERSONS PRESENT

Marko Belej, Business Entities
Douglas Stein, Estates and Trusts
Lisa Zimmer, Employee Benefits
Paul McCord, State & Local

COUNCIL MEMBERS ABSENT

Frederick H. Hoops III (on honeymoon)

COMMITTEE CHAIRPERSON ABSENT

Jeff Freeman, Practice and Procedure

OTHERS PRESENT

Deb Michaelian, Program Facilitator
Mary Hiniker, ICLE
Lorraine New, Probate Section Liaison

Council Chairperson, Jay Kennedy, called the meeting to order at 9:00 AM. Jay noted the great attendance at this meeting.

A. **MINUTES.**

The Minutes of the last meeting of the Council had been previously distributed. The Minutes were accepted by unanimous vote, after the motion of Aaron Sherbin, as seconded by

Jess A. Bahs.

B. TREASURER'S REPORT AND BUDGET.

Ron Charlebois submitted a Treasurer's report for the period from October 1 through November 30, 2007. The report indicated cash of \$149,584.99 on hand at the end of period. He reported that dues revenue is coming in faster than normal, but otherwise there was nothing unusual in the financials. A motion to approve the Treasurer's report was made by Doug Stein, seconded by Jay Kennedy, and unanimously approved.

C. COUNCIL ACTIVITIES.

Jay Kennedy asked for reports and was advised of the following:

1. After Hours Tax Law Series – John O'Hara. John O'Hara and Mary Hiniker were present and made an oral report. There are two more After Hours Seminars left in 2007-2008. John encouraged members to submit ideas for next year's seminars. Mary distributed a written report of registrations and attendance for the Series to date. Mary announced that ICLE would extend five free registrations to students from each law school to attend seminars in person. Students should contact ICLE to register. Joan Dindoffer will assist in getting the word out to the schools.

2. Continuing Professional Education. Paul McCord and Mary Hiniker reported on upcoming CPE events. They reported that ICLE had scheduled a half day session on the new Michigan Business Tax for February 7, 2008. They distributed a schedule of speakers for the course. Mary indicated five students from each law school could attend this event in person for free.

3. 2008 Tax Conference – Frederick H. Hoops, III. Fred was not present, but sent a written report. Sam Starr and Ira Shepherd will speak at the plenary session. Fred also indicated he is still following up to obtain a sponsor in addition to the two current ones. Fred needs the names of breakout session speakers from committee chairs upon his return on January 17th.

4. 2009 Tax Conference – Marjorie Gell. Marjorie arrived after this point in the meeting. Jay Kennedy indicated there is nothing yet to report on the 2009 meeting. Deb Michaelian indicated Council should secure a date now, because St. John's schedule is filling fast. The Probate Section already has secured its 2009 date in May.

5. Tax Court Luncheon – Warren Widmayer. Warren was present and reported that the Tax Court luncheon held on October 30th in honor of Judge Carolyn P. Chiechi was a success. There were 22 students and 41 attorneys at the event. Judge Chiechi sent several nice notes of appreciation for the luncheon. The next divisional docket is during the week of June 23rd with Judge Diana Krupka. The next small claims docket is April 14th, but this is a bad time for tax professionals, so no luncheon would be scheduled.

6. Directory – David Walters. David was present and sent a written report. He reported that once information from the State Bar becomes available in 2008, the directory information will be updated.

7. Michigan Bar Journal Liaison – John O’Hara. John posted an announcement for the summer conference in the Section Briefs column of the next Bar Journal. He will post announcements every month, using items from the Section’s on-line calendar of upcoming events, so committee chairs are encouraged to post their events as soon as possible.

8. Michigan Tax Lawyer – Lynn Gandhi. Lynn was in attendance and made an oral report. The galleys for the next issue of the *Tax Lawyer* are in the editing process. She still needed some reports for the columns to be included in this coming issue. The publication date is expected to be January 15th.

9. Internet – David Walters. David was present and also sent a written report. He met with Deb and Gina to transition responsibility for internet matters. Clean-up items from year end are in progress and should be posted to the web site soon.

10. Federal and State Legislation and Public Policy Liaison – Wayne Roberts. Wayne was present and made an oral report regarding the federal AMT patch legislation, the State services tax repeal, and new Revenue Administrative Bulletins regarding final year SBT filings.

11. Membership Outreach Coordinator – Joan Dindoffer. Joan was present and also made a written report. The meet-and-greet event at MSU on October 22nd included 15 law students, six Section members, plus Professors Halloran and Storrs. There was a lively question and answer session. The event cost \$116.28. She reported that all six law schools were represented among the 22 students who attended the October 30th Tax Court luncheon.

Meet-and-greet luncheons are scheduled for Wayne Law School for January 17th, and in mid-February at Ave Maria, immediately preceding one of the tax classes there. She plans to schedule an event at Cooley for late spring, as well as an event with the Law Students’ Section and/or the Young Lawyers’ Section.

12. Annual Meeting/Past Chairperson’s Dinner – Warren Widmayer. Warren was present and made an oral report. Jay will pick a date in September for the annual meeting, steering clear of the Jewish holidays and State Bar annual meeting. Council agreed to continue to hold the event at the Meadowbrook Country Club.

13. Grant Program Joan Dindoffer. Joan presented a written report. She will make an announcement regarding the 2008 grant application program by the end of January, with a goal of awarding grants and making a presentation or announcement of awards at the Annual Tax Conference in May. Letters will be sent to last year’s recipients. She asked for confirmation of the amount budgeted, which is \$10,000 – less the \$1,500 sponsorship already awarded for the Accounting Aid Society’s 35th Anniversary Dinner Gala and Fundraiser.

14. International Committee – Michael Domanski. Mike was present and gave an oral report. The After Hours seminar on January 29th has an international tax theme. He is soliciting interest among those who previously expressed interest in forming an International Tax Committee, to see if they would attend a sequel or prequel to that event.

D. COMMITTEE ACTIVITIES.

Jay A. Kennedy then asked for reports and was advised of the following:

1. Business Entities – Marko Belej. Marko was present and made an oral report. He is planning a meeting on February 6th, with Mike Indenbaum as the speaker. The topic will be disregarded entities and corporate transactions.

2. Employee Benefits – Lisa Zimmer. Lisa was present and she also submitted a written report. On November 27, 2007, the Committee held its annual joint meeting and dinner with the Michigan Employee Benefits Conference at Red Run Golf Course. The speaker was William Sweetname, formerly of the Office of Tax Policy at the U.S. Department of Treasury. He discussed the new cafeteria plan regulations.

3. Estates & Trusts – Douglas Stein. Doug was present and he made an oral report about the Committee's upcoming meeting.

4. Practice and Procedure - Jeffrey Freeman. Jeff was not present and he did not submit a written report.

5. State and Local – Paul V. McCord. Paul was present and he reported on the Committee's planned meeting February 5th, "What every tax lawyer should know about UPAP." On March 20th, the committee will meet with representatives of the Michigan Department of Treasury for a question and answer session.

E. PROBATE AND ESTATE PLANNING SECTION LIAISON REPORT.

Lorraine New was present and filed a written report on recent activities of the Probate and Estate Planning Section. This Section is continuing to discuss issues concerning durable powers of attorney. Work on the proposed Michigan Uniform Trust Code is also proceeding with the entire package to be completed by this spring. The next Section meeting is January 19th in Lansing.

F. STATE BAR OF MICHIGAN LIAISON REPORT.

Lambro Niforos was unable to attend and sent no written report.

G. IRS AREA COUNSEL LIAISON REPORT.

Eric Skinner and Rob Heitmeyer were not present as IRS Liaison.

H. PROGRAM FACILITATOR REPORT – DEBORAH L. MICHAELIAN.

Deb indicated that she had nothing to report at the present time.

I. OLD BUSINESS.

1. Michigan Tax Conference. Wayne Roberts reported that there were almost 600 attendees the first day and 400 the second, making it one of the largest state tax conferences in its first year of existence. About 15-20% of attendees were from the Taxation Section. MICPA/SBAM cooperation was very good. Next year's conference will be held on November 5-6, 2008 at the Rock Financial Center in Novi. The Council consensus was to continue to co-sponsor the conference.
2. ICLE Collaboration on Education Programs. Mary Hiniker reported that Jeff Kirkey from ICLE had a conference call with committee chairs regarding video conference meetings. ICLE provided a list of new dates for possible piggybacking of committee meetings on existing ICLE meetings. The State and Local Committee is scheduled to do a video meeting on March 20th. Another option is for committees to broadcast from ICLE's Ann Arbor classroom facility.
3. Ejournal Updates, Section E-newsletter. John O'Hara and Deb Michaelian reported they have the newsletter template from the Business Law Section's e-newsletter. The State Bar has offered to format a newsletter for the Section at a cost of \$150 each. John and Deb are collaborating on a recommendation on how to get the newsletter compiled. Deb recommends she format the newsletter, rather than using the State Bar to do so.

John mentioned the Section should get its important dates onto the State Bar's E-Journal calendar section, too. Council agreed to include bigger events, but not every committee meeting.

4. Calendar. Jay asked committee chairs to update the calendar with their events.
5. State Bar Leadership Conference. Jay reported on his meeting January 18th with the other Section chairs. He said he made good contacts that are bearing fruit for the Taxation Section.
6. National Association of State Bar Tax Sections Conference. Jess Bahs attended the meeting held last autumn. 60% of State Bar Tax Sections regularly attend this event. So far, the Michigan Section has the most detailed and advanced Journal and conference brochures. Jess will circulate materials to Council regarding the educational sessions.

J. NEW BUSINESS.

1. Section Positions on RAB's and Pending Legislation. Jay recommended the Council form an ad hoc committee to discuss the issue of whether the Section should change its policy on commenting on pending substantive tax law matters. The Council agreed and Jay appointed Jess Bahs, Paul McCord, Aaron Sherbin and himself to the committee with a charge that the committee report to Council at its next meeting. The committee was asked to report back on what the other Sections and Associations do in this regard.

2. Joint Task Force on FLP/MBT Issues. There is an ad hoc committee with Lorraine New and Lynn Gandhi as members from the Probate and Taxation Sections, respectively. They will be working in 2008 to deal with the patch necessary to avoid bringing family limited partnerships into the new Michigan Business Tax.

There being no further business, upon motion by Warren Widmayer, seconded by Gina Torielli and unanimous approved, the meeting was adjourned at approximately 11:02 AM.

Respectfully submitted,

Gina M. Torielli
Secretary