

Information Resources for the Michigan Probate and Estate Planning Practitioner

(The Obvious and the Sometimes Overlooked)

By Marlene Coir

A core collection of a Michigan probate and estate planning library would include resources such as *Trust Administration in Michigan*, *Estate Administration in Michigan*, the *Michigan Probate Sourcebook*, and similar titles published by the Institute of Continuing Legal Education (ICLE), the primary publisher of practical legal treatises in Michigan. An annotated list of available titles can be found at the ICLE website.¹ Two additional sources that would be considered part of a core collection are *Michigan Probate* by John B. Payne and *Planning for Estates and Administration in Michigan (HOOPS)* by Frederick K. Hoops, both published by West and available in print or online through Westlaw. These and other print and electronic resources appear in an excellent annotated guide to Michigan probate and estate planning research that was published in the December 2004 issue of the *Michigan Bar Journal*.²

Useful national treatises include *Scott on Trusts* and *Anderson's Estate Planning Forms and Clauses* published by Lexis, and *Trusts and Trustees* (also known as *Bogert*) published by West. These three multivolume sets are also available as online databases. *Handling Federal Estate and Gift Taxes* by Myron Kove and James M. Kosakow and *International Income Tax and Estate Planning* by William H. Newton III are two West titles covering all aspects of estate taxation; both are available in print and online. Howard M. Zaritsky's *Tax Planning for Family Wealth Transfers* is published by another Thomson Reuters company and is also available online through Westlaw. A LexisNexis counterpart is *Planning for Large Estates* by Douglas Freeman and Stephanie Rapkin. This treatise is available in print and online through the Lexis research system.

In addition to these well-known (and expensive) texts, there is an abundance of free online resources and very specific titles from practice-orientated commercial sources such as the National Business Institute (NBI), government and organization websites, and educational facilities in this state and elsewhere. NBI publications often provide practical and timely information on very specific areas of law. Such titles as *Top 10 Estate Planning Techniques* or *The Probate Process From Start to Finish*, both updated in 2009,³ may provide the needed overview of a topic or act as a springboard for additional research on an issue. Other titles provide updated discourses on narrowly defined probate and estate planning issues from a practitioner's point of view. It should be noted that NBI publications are usually course materials prepared by attorneys considered to be experts in their fields, but the printed works are not edited for content or form.

Academic law libraries often have prepared research guides available through their online catalogs. These reference sources usually contain descriptions of the included titles and provide instructions on how to most effectively use the listed resources.

The University of Michigan Law School Law Library has produced and posted a very useful and informative guide for researching the history of Michigan legislation.⁴ The guide provides tips on searching for legis-

lative history when limited information is known about the statute or bill being researched. It also furnishes links to the appropriate legislative websites for conducting particular types of searches.

The Thomas M. Cooley Law School library catalog contains links to a number of research guides that have been prepared and are maintained by the school's law librarians. These contain annotated bibliographies of print resources as well as links to subject-related websites. Guides of interest to the probate and estate planning bar include *Estate Planning, Probate, Wills & Trusts* and *Estate Planning Classes Bibliography*. Another guide that may be of interest to law practitioners and researchers in general is *Michigan Major Legal Web Sources*.⁵

Academic library sites also provide free sources of information on relevant federal law. Useful and well-maintained resources include Cornell Law Library's estate planning and estate tax web pages,⁶ and the estate planning and federal tax research guides found at the Georgetown Law Library website.⁷

Primary legal materials for Michigan can be found at the official legislative and court websites for the state. The legislature posts Michigan statutes, bills, and legislative history from 1995 forward. Legislation can be searched in many ways, including by bill number, public act number, MCL (Michigan Compiled Laws) section, or keyword.⁸ The

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website offers basic and advanced search templates for ease of access. It is also possible to link to the MCL sections affected by passage of the bill you are researching.

Michigan Court of Appeals and Supreme Court opinions from 2006 forward (1996 for unpublished opinions) are available through the courts' official website.⁹ Opinions may be searched by full text or docket number or by choosing from a number of fixed fields. When using the fixed-fields option, it is possible to search by the case type assigned to matters on appeal. A case-type search can quickly uncover opinions in categories such as constructive trust, cy pres, determine heirs/devisees, estate assets, federal estate tax, guardianship, inheritance tax, interpret will/trust, oral contract affecting will, probate fees and expenses, and wrongful death distribution. Michigan also has an online digest of opinions entitled *The Michigan Appellate Digest*,¹⁰ which indexes all published Court of Appeals and Supreme Court decisions since 1992. The opinions may be searched by pre-assigned topics and subtopics. A simple term search can also be executed at the subtopic search page.

Individual trial courts may also provide online access to substantive and procedural law. One example is the Calhoun County Probate Court website, which provides a wealth of information on the probate process. Using a question-and-answer format, the site also provides specific information on the Estates and Protected Individuals Code of Michigan and the amendments provided by the new Michigan Trust Code.¹¹

At the commercial level, Findlaw's Estate Planning and Probate site offers a narrative discussion as well as links to substantive law and regulations.¹² The Findlaw databases are published and maintained by Thomson Reuters, which also owns Westlaw. The websites of individual law firms may also provide access to current information on specific areas of practice. The Michigan Estate Planning Lawyer Blog¹³ and Michigan Estate Planning BlogSpot¹⁴ are two of several blogs maintained by probate and estate planning practitioners.

The State Bar of Michigan Probate and Estate Planning Section website offers a wealth of useful and timely information. The winter 2009 issue of the section's on-

line journal is devoted to the new Michigan Trust Code.¹⁵ The section has also posted an overview of the code written by the Michigan Trust Code Committee Chairperson Mark K. Harder.¹⁶

Michigan attorneys no longer have free access to ICLE resources; however, State Bar members can now use Casemaker, which offers online state and federal legal libraries and a forms library. The Michigan library contains caselaw, statutes, Attorney General opinions, rules, and the administrative code. All databases can be searched using Boolean-like terms and connectors. Webinar training is available, and manuals can be found at the Casemaker "help" tab.

If you need assistance accessing print or online resources, help may be available at a law library. If it is inconvenient to contact a law library, contacting the local public library may provide the needed resource or additional contact information. A list of law libraries¹⁷ and a list of public libraries¹⁸ with law collections can be found at the State Bar of Michigan website. ■

Marlene Coir received her library science degree (MSLS) and JD from Wayne State University. She is a reference librarian at Thomas M. Cooley Law School, where she has taught computer-assisted legal research classes, including one tailored to estate planning, for more than six years. A member of the State Bar of Michigan since 1990, she presently sits on the State Bar Committee on Libraries, Legal Research, and Legal Publications.

FOOTNOTES

1. The ICLE online store can be accessed at <<http://www.icle.org/modules/store/>>. All websites cited in this article were accessed March 25, 2010.

2. Garavaglia, *Selected Michigan Probate Law Research Resources*, 83 Mich B J 42 (December 2004), available at <<http://www.michbar.org/journal/pdf/pdf4article785.pdf>>.
3. Belen, et al., *The Probate Process From Start to Finish* (Eau Claire, WI: National Business Institute, 2009); Barr, et al., *Top 10 Estate Planning Techniques* (Eau Claire, WI: National Business Institute, 2009).
4. University of Michigan Law School Law Library, *Sources of Legislative History for Michigan* <<http://www.law.umich.edu/library/students/research/Pages/default.aspx>>.
5. Thomas M. Cooley Law School Law Library, *Cooley Research Guides* <http://www.cooley.edu/library/research_guides/index.htm>.
6. Cornell University Law School Legal Information Institute, *Estate Planning Search* <<http://www.law.cornell.edu/search/index.html?query=estate%20planning>>; and *Estate Tax* <http://topics.law.cornell.edu/wex/estate_tax>.
7. Georgetown Law Library, *Title Listing of Research Guides* <http://www.ll.georgetown.edu/research/browse_guides_title.cfm>.
8. Michigan Legislature, *Home Page* <[http://www.legislature.mi.gov/IS\(f3uozk55wruuev45eqolvrjm\)/mileg.aspx?page=Home](http://www.legislature.mi.gov/IS(f3uozk55wruuev45eqolvrjm)/mileg.aspx?page=Home)>.
9. Michigan Court of Appeals, *Court Opinions Search* <<http://coa.courts.mi.gov/resources/opinions.htm>>.
10. Michigan Court of Appeals, *Michigan Appellate Digest* <<http://coa.courts.mi.gov/Digest/DigestLaunchPage.jsp>>.
11. Calhoun County Courts, *EPIC Questions and Answers—Menu* <<http://courts.co.calhoun.mi.us/epic0000.htm>>.
12. See <http://estate.findlaw.com/>.
13. Michigan Estate Planning Lawyer Blog <<http://www.michiganestateplanninglawyerblog.com/>>.
14. Michigan Estate Planning BlogSpot <<http://michiganestateplanning.blogspot.com/>>.
15. State Bar of Michigan, *Michigan Probate and Estate Planning Journal* (Winter 2009), available at <<http://michbar.org/probate/pdfs/winter2009.pdf>>.
16. Harder, *The Michigan Trust Code: An Overview*, available at <http://michbar.org/probate/pdfs/MTCstatusreport_0906.pdf>.
17. State Bar of Michigan, *Links to Selected Michigan Law Libraries* <<http://www.michbar.org/generalinfo/libraries/lib4.cfm>>.
18. State Bar of Michigan, *Public Libraries with Law-Related Collections* <<http://www.michbar.org/resources/lawrelated.pdf>>.