



Report on Public Policy Position

Name of Section:

Probate & Estate Planning Section

Contact Person:

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Bill Number:

HB 4752 (Sheltrown) Probate; guardians and conservators; decisions regarding withdrawal of life-prolonging treatment; prohibit spouse with conflict of interest from making. Amends sec. 5310 of 1998 PA 386 (MCL 700.5310).

Date position was adopted:

June 18, 2005

Process used to take the ideological position:

Subcommittee discussed, debated, then voted

Number of members in the decision-making body:

18

Number who voted in favor and opposed to the position:

18 in favor

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

The sections opposes House Bill 4752 .

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-HB-4752>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:**Arguments for the position:**

The Probate Council is opposed to HB 4752 because: (1) it negates an informed decision under a lawful Patient Advocate, (2) it negates priority for Guardianship and, (3) it creates needless litigation.

It would cause conflict between EPIC and a written directive of a medical power, and it would cause needless litigation.

Arguments against the position (if any):

None.

If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.

None.

Fiscal implications of the recommended policy to the State Bar of Michigan:

None.

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

The regulation and discipline of attorneys

The improvement of the functioning of the courts

The availability of legal services to society

The regulation of attorney trust accounts

- ✓ The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller- permissible explanation: