

2002-2003 ANNUAL REPORT
PROBATE & ESTATE PLANNING SECTION

The Probate and Estate Planning Council began a strategic-planning process in 2001-2002 which Henry Grix, in preparation for his ascendancy to the chair in September 2003, has continued. The real work of the Council during 2002-2003 was implementation of a number of the objectives outlined in the Section's strategic plan.

- Uniform Principal and Income Act. John Martin has chaired the Uniform Principal and Income Act Committee with Henry Grix and Jim Gamble (one of the national experts on the Uniform Principal and Income Act). The area of controversy that had stymied consensus was the inclusion in many states of a unitrust provision not found in the Act itself. The Committee reached a compromise with the Michigan Bankers Association Trust Council Committee, which includes the opportunity to convert to a unitrust without mandating one rate. It does, however, allow a professional trustee to adopt a policy for the conversion of a trust to a unitrust.

The proposal to the legislature will include technical amendments to EPIC we have both acknowledged are needed. The Council has hired Public Affairs Associates as our lobbyist to work with the legislature to enact both proposals. It is hoped that both pieces of legislation will be enacted at the same time in 2003.

- Michigan Probate and Estate Planning Journal. At the beginning of the year, a special committee consisting of Lauren Underwood, Henry Grix, Mike Love, and Nancy Little worked with the Institute of Continuing Legal Education to improve the Journal, specifically with respect to its timing, number of issues, and content. The result is a contract with I.C.L.E. that is a confirmation of that commitment and our education partnership with I.C.L.E. Nancy Little is the chair of the Journal Committee, which is always interested in receiving ideas and articles.
- Uniformity of Practice. Sebastian Grassi was appointed to chair the committee this year with the following mission:

Develop a strategy for determining local practice issues as a first step to improve uniformity of practice.

As luck would have it, one of the Council's regular attendees, Joan Von Handorf, was embarrassed when she appeared in a Probate Court where six months before, the standard petition was accepted for the commencement of an estate. This time, the standard form was rejected because the Court had developed its own form. Fearing this might happen again, Joan called all of the Probate Courts asking for any special forms they use. She received over 40 forms. From this experience, several things happened:

- Sebastian and Joan presented a program on Uniformity of Practice at the Registers Annual Meeting.
- I.C.L.E. has joined the project and will create an alliance with the Probate Registers to share information on the I.C.L.E. website to help lawyers understand local practice issues, reduce mistakes, and cut down on questions to the Courts.

- Joan has authored an article for the Journal, which will appear later this year, and the forms that Joan found will be accessible through the I.C.L.E. website.
- Certification. Specialization and certification have been issues for the Council for years. It shows in our mission statement:

To lead all Michigan probate and estate planning lawyers in developing the highest quality of professionalism and practice for the benefit of the public, the bench, the bar, and practitioners.

Rich Shapak is the chair of our committee which worked with Lynn Chard of I.C.L.E. to examine three approaches to certification and specialization:

- I.C.L.E. could offer a certificate of completion for a designated number of I.C.L.E. courses completed within a three-year period.
- I.C.L.E. could offer a certificate of completion for a two-week, intensive series of advanced classes including planning and drafting assignments.
- The State Bar could create an ABA-approved certification program with required testing, annual dues, and ongoing continuing legal education requirements resulting in certification as an estate planning specialist.

The Council and I.C.L.E. agreed to co-sponsor the first approach and to undertake additional research on the third approach by the September 20 annual meeting.

- Listserve. Section members have often inquired whether we have a listserve. Now, thanks for John Dresser, chair of our Technology Committee, Josh Ard of Cooley Law School, who has agreed to serve as administrator of the Listserve, and the State Bar, the Section Listserve is up and running. Section members can sign up by going to the Probate and Estate Planning Section portion of the michbar.org website and following the instructions. Based on the questions already presented on the Listserve, it is clear that every section member now has mentors all over the state.
- Strategic Planning. Henry Grix has continued the strategic-planning process, which will again be the focus of the annual meeting of the Section on Saturday, September 20, at the University Club in East Lansing. We have added an "Advisory Board" to attend and participate in the process to make certain that we have a cross section of interests and participants. More importantly, the process is open to all section members as a way to create a focus for the Council for the coming year.

Respectfully submitted,
Dirk Hoffius
Chairperson