

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

Friday, January 16, 2026

Held remotely via Zoom

Minutes

I. Commencement (Nathan R. Piwowarski)

A. Call to Order and Welcome

Chairperson **Nathan R. Piwowarski** called the regular meeting of the Council to order at 11:06 a.m. and welcomed those attending via Zoom. He noted that the meeting was being recorded via Zoom solely for the purpose of preparing the minutes and that the recording would be deleted after the minutes were approved.

B. Attendance

Melisa M. W. Mysliwicz conducted a roll call of Zoom participants.

The following officers and members of the Council were present remotely via Zoom:

1. Nathan R. Piwowarski, Chairperson
2. Richard C. Mills, Chairperson-Elect
3. Christine M. Savage, Vice Chairperson
4. Melisa M. W. Mysliwicz, Secretary
5. Angela M. Hentkowski, Treasurer
6. J.V. Anderton
7. Ernschie Augustin
8. Daniel W. Borst
9. Susan L. Chalgian
10. Georgette E. David
11. Patricia E. Davis
12. Daniel S. Hilker
13. Kathleen A. Martone
14. Alexander S. Mallory
15. Nicholas A. Reister
16. Michael D. Shelton
17. Joseph J. Viviano
18. David Sprague
19. Rebecca K. Wrock

Others present remotely via Zoom:

1. Becky Bechler (Public Affairs Associates)
2. Jonathan Beer
3. Theresa Castle (Administrative Assistant)
4. Dustin S. Foster
5. Brianne M. Gidcumb
6. Trent Harris
7. J. David Kerr
8. Amanda Filizetti Knaffla
9. Robert B. Labe
10. Peter Langley (Public Affairs Associates)
11. David W. Lentz
12. Marguerite Munson Lentz (Ex Officio)
13. Michael Lichterman
14. David P. Lucas (Ex Officio)
15. Katie Lynwood (Ex Officio)
16. Andrew W. Mayoras
17. Austin McKee
18. Hon. David M. Murkowski
19. Rachael M. Sedlacek (ICLE)
20. Elizabeth M. Seifker
21. Mitchell Sickon
22. Kenneth F. Silver
23. James P. Spica (Ex Officio)
24. James B. Stewart (Ex Officio)

C. Excused Absences

The following were noted as excused:

1. Sandra D. Glazier
2. Warren H. Krueger
3. Elizabeth Luckenbach
4. Hon. Sara A. Schimke

D. Approval of Agenda

The Chair reviewed the agenda included in the meeting materials. No additions or changes were requested, and the agenda was accepted as presented.

II. Monthly Reports

A. Lobbyist's Report (Public Affairs Associates)

Becky Beckler and Pete Langley of Public Affairs Associates reported that the Legislature has returned to session with a light calendar expected to focus primarily on budget matters. They summarized ongoing budget activity, related litigation, and upcoming key dates for the Revenue Estimating Conference, the Governor's budget address, and the State of the State.

They also discussed draft legislation under consideration by Representative Leitner related to the Uniform Adult Guardianship and Protective Proceedings Act and requested preliminary feedback from the Section prior to introduction. Legislative challenges in advancing bills between the House and Senate were noted.

B. Minutes of Prior Council Meetings (Melisa Mysliwicz)

Secretary Mysliwicz directed Council to the draft minutes included as **Attachment 1**. A correction was noted to the spelling of Brien Heckman's name (B-R-I-E-N). Upon motion duly made and seconded, the December 12, 2025, minutes were approved as corrected.

C. Chair's Report (Nathan Piwowarski)

Chair Piwowarski reported that most updates had been delegated to committee reports. He noted receipt of a communication from the State Bar of Michigan regarding the Legal Services Corporation's scope of acceptable pro bono services in probate matters. After brief discussion, Council expressed no objection to continuation of the existing scope.

D. Treasurer's Report (Angela Hentkowski)

Treasurer Hentkowski reported that current financial statements were included in the meeting materials and were self-explanatory. She also noted that an updated Section Expense Reimbursement Form reflecting the increased IRS mileage rate for 2026 is now in effect. No formal action was required.

III. Committee Reports

A. Committee on Special Projects (Dan Hilker)

Mr. Hilker reported that the Committee continues its review of draft statutes currently under consideration.

B. Amicus Curiae (Andy Mayoras)

Mr. Mayoras summarized the Committee's report regarding a request for an amicus brief in *Duchene v Spicer*. He reviewed the factual background, the Court of Appeals' unpublished decision, and the Committee's recommendation against authorizing an amicus brief at this stage due to the case's fact-specific nature and limited anticipated impact.

Council discussion followed regarding the scope and application of MCL 700.1205(3), including whether the EPIC fraud discovery rule applies to undue influence claims. Mr. Spica made a motion, seconded by Mr. Piwowarski, to authorize submission of an amicus curiae brief supporting the application for leave to appeal with the position that MCL 700.1205(3) applies to allegations of undue influence, and as such, the statute of limitations that should have been applied is that set forth in the statute, i.e. two years from the discovery of the undue influence. Discussion included timing and procedural considerations. This vote was taken as a public policy position. 17 voted in support, 1 opposed, 0 abstentions, and 5 did not vote. The motion prevailed and the public policy position was adopted. Mr. Mayoras then made a motion that the brief be co-authored by Elizabeth M. Siefker and James P. Spica. The motion prevailed by voice vote in support.

Mr. Mayoras also circulated the Michigan Supreme Court's Order as well as the Michigan Court of Appeals opinion in *In re Sherrod Estate*, requesting submission of an amicus brief by the Section.

C. Annual Meeting (Nathan Piwowarski)

No report.

D. Awards (Katie Lynwood)

No Report.

E. Budget (Melisa Mysliwicz)

No Report.

F. Bylaws (David Lucas)

No Report. Matters referred to committee by the chair. Committee hopes to get something to the chair by next week.

G. Charitable and Exempt Organizations (Rick Mills for Rebecca Wrock)

No Report. Next meeting is Thursday the 29th at 10:00

H. Citizens Outreach (Kathleen Goetsch)

No Report.

I. Court Rules, Forms, and Proceedings (Patricia Davis & Georgette David)

Committee requested electronic vote, regarding proposed amendments MCR 2.106. Vote conducted 19 supporting, 0 opposing, 4 non-voting. No further report.

J. Electronic Communications (Susan Chalgian)

No report.

K. Ethics and Unauthorized Practice of Law (Alex Mallory)

Next meeting Friday at 8:30. No further report.

L. Guardianship, Conservatorship, and End of Life (Sandra Glazier)

Council discussed proposed guardianship jurisdiction legislation, including prior Section review of similar proposals and the need to ensure consistency with historical analysis and previously adopted positions before providing feedback to legislative sponsors. No action was taken.

M. Legislation Development and Drafting (Rob Tiplady & Rick Mills)

No report.

N. Legislation Monitoring and Analysis (Mike Shelton)

No report.

O. Legislative Testimony (Dan Hilker)

No report.

P. Membership (Ernschie Augustin)

No report.

Q. Nominating (Mark Kellogg)

Mr. Spica noted that the committee would like to see some data regarding attendance. No further report.

R. Planning (Nathan Piwowarski)

No Report. Mr. Piwowarski noted no meeting on Monday. Committee will reschedule next meeting.

S. Probate Institute (Chris Savage)

The schedule is final and available on the Section website. Registration is open and currently exceeds last year's pace; additional attendance is encouraged, including an optional add-on seminar on partnership taxation. No Further Report.

T. Real Estate (Angela Hentkowski)

Ms. Hentkowski reported on House Bills 5152 and 5153. The Real Estate Committee recommended and Ms. Hentkowski moved that Council adopt a public policy position opposing both bills due to concerns regarding restrictions on the assignability of redemption rights and surplus proceeds, overbreadth, and limited effectiveness. The motion was supported by Mr. Stewart. 14 voted in support, 0 opposed, 0 abstentions, and 9 did not vote. Council adopted a public policy position opposing House Bills 5152 and 5153.

U. State Bar and Section Journals (Melisa Mysliwiec)

A draft PDF was received from ICLE and is under review. Council members can expect to receive it in the coming week. No Further Report.

V. Tax (J. V. Anderton)

No Report.

W. Assisted Reproductive Technology (Nancy Welber)

No report.

X. Electronic Wills (Kathleen Martone)

No report.

Y. Fiduciary Exception to the Attorney-Client Privilege (Warren Krueger)

No report.

AA. Premarital Agreements (Chris Savage)

No report.

BB. Trust Accounts (Elizabeth Luckenbach)

A recent meeting was held with Representative Wozniak's office and representatives of the Michigan Bankers Association. The discussion was productive, and a redline proposal is expected to be circulated to the committee in February. Participants noted that the parties appear close to agreement.

CC. Uniform Community Property Disposition at Death Act (James Spica)

No report.

DD. Uniform Guardian, Conservatorship, and Protective Arrangements Act

The committee has met twice and begun a comprehensive review of the statute, identifying issues for later section-by-section analysis. Meetings will generally be held on the first and third Thursdays of each month beginning at noon, with the next meeting scheduled for February 5. Additional participation is welcomed.

EE. Undue Influence (Ken Silver)

No Report beyond what was discussed at CSP. Ms. Glazier provided an Article from Trusts & Estates Magazine on the topic (**Attachment 1**) as well as a UI Law Review article on the New Undue Influence (**Attachment 2**).

FF. Uniform Fiduciary Income and Principal Act (James Spica)

It was reported that the Unitrust bill has passed the House but remains in committee in the Senate. If Senate floor activity resumes, the bill is expected to be released for a vote. No Further report.

GG. Various Issues Involving Death and Divorce (Dan Borst & Sean Blume)

No report.

IV. Good of the Order

There was no additional business.

V. Adjournment

There being no further business, Mr. Piwowarski adjourned the regular Council meeting at 12:32 p.m.

Respectfully submitted,

Melisa M. W. Mysliwiec, Secretary
Probate & Estate Planning Section Council
State Bar of Michigan