

**ANNUAL MEETING OF THE MEMBERS OF THE
PROBATE AND ESTATE PLANNING SECTION
OF THE STATE BAR OF MICHIGAN**

September 20, 2019

NOTICE OF ANNUAL MEETING OF THE MEMBERS

The Annual Meeting of the Members of the Probate and Estate Planning Section will be held on Friday, September 20, 2019, immediately following the conclusion of the Committee for Special Projects of the Probate Council. It is anticipated that the Meeting of the Members will start at approximately 10:15 am. The meeting will be held at the University Club of Michigan State University, located at 3435 Forest Road, Lansing, Michigan 48909.

AGENDA

- I. Call to Order
- II. Minutes of September 8, 2018, Annual Meeting of the Section--Attachment 1
- III. Chairperson's Report
- IV. Treasurer's Report—Attachment 2
- V. Election of Council Officers and Members--Attachment 3 (Nominating Committee's Report). Note that nominations were closed at the June 14, 2019 Meeting.
- VI. Other Business
- VII. Adjournment of Annual Meeting of Section Membership

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Annual Meeting of the
Probate and Estate Planning Section
of the
State Bar of Michigan

September 8, 2018
Lansing, Michigan

Minutes

I. Call to Order

The Chair of the Section, Marlaine Teahan, called the Annual Meeting of the Probate and Estate Planning Section to order at 10:20am. All in attendance were asked to sign an attendance sheet. The following Section members were in attendance:

Marlaine C. Teahan, Marquerite Munson Lentz, David P. Lucas, David L.J.M. Skidmore, J.V. Anderton, Ernsie Augustin, Aaron Bartell, Daniel W. Borst, Ryan Bourjaily, Robert D. Brower, Jr., Susan Chalgian, Rhonda M. Clark-Kreuer, Georgette David, John R. Dresser, Kathleen M. Goetsch, George W. Gregory, Angela M. Hentkowski, John Hohman, Jim Hughesian, Robert B. Labe, Michael G. Lichterman, Nancy L. Little, Adam Lowen, Katie Lynwood, Alex Mallory, Raj A. Malviya, Andy Mayoras, Douglas A. Mielock, Richard C. Mills, Jeanne Murphy, Lorraine F. New, Neal Nusholtz, Kurt A. Olson, Nathan R. Piwowski, Christine M. Savage, Ken Silver, James P. Spica, Paul Vaidya, and Joe Weiler.

II. Minutes of the September 9, 2017 Annual Meeting of the Section

The minutes of the September 9, 2017 Annual Meeting of the Section were attached to the combined Agenda for the Annual Meeting and the September Council Meeting, which Agendas were posted to the Section's web page prior to the meeting. It was moved and seconded to approve such Minutes as posted and presented at the meeting. On voice vote, the Chair declared the motion approved.

III. Chairperson's Report - Marlaine Teahan

Ms. Teahan gave the Chair's report, which was attached to the combined Agenda for the Annual Meeting and the September Council Meeting, which Agendas were posted to the Section's web page prior to the meeting. Ms. Teahan also reported that the Hon. Michael Jaconette, a member of the Council, had informed the Chair that Judge Jaconette was seeking appointment to the Michigan Court of Appeals, and the Chair asked that those who were interested could express their thoughts about such appointment; David P. Lucas reported that he had the contact information for such contact. The Chair also highlighted section 2. of the Chair's report regarding appointment of a Section member to the SCAO's Probate Forms Committee.

IV. Treasurer's Report - David L.J.M. Skidmore

Mr. Skidmore gave the Treasurer's report to the meeting, notifying the meeting that the Council had authorized, for Section amicus briefs, the use of a total of \$71,000 from the annual budget and the amount

that the Council had set-aside for amicus briefs, leaving approximately \$21,000 in the Section's set-aside, and that such use was consistent with the State Bar's request that such funds be utilized. Mr. Skidmore asked that those entitled to reimbursement from the Council's budget for expenses incurred submit such requests for reimbursement within 45 days of the date that such expenses were incurred.

V. Election of Council members and officers

Ms. Teahan reported that the report of the Section's Nominating Committee was attached to the combined Agenda for the Annual Meeting and the September Council Meeting, which Agendas were posted to the Section's web page prior to the meeting.

The following were nominated as officers of the Council for a one-year term, beginning on October 1, 2018:

Chairperson Elect:	Christopher A. Ballard
Vice Chairperson:	David P. Lucas
Secretary:	David L.J.M. Skidmore
Treasurer:	Mark E. Kellogg

The following were nominated as members of the Council for a second three-year term, beginning on October 1, 2018:

Christopher J. Caldwell
Kathleen M Goetsch
Katie Lynwood

The following were nominated as members of the Council for an initial three-year term, beginning on October 1, 2018:

Angela M. Hentkowski
Melisa M.W. Mysliwicz
Neal Nusholtz

If Mark E. Kellogg is elected as Treasurer, then the Committee nominates James ("JV") F. Anderton to serve the balance of Mr. Kellogg's term as a member of the Council, which ends on the last day of the fiscal year of the Section (September 30) in 2020. Mr. Anderton will thereafter be eligible for election to two three-year terms as a member of the Council.

The Committee nominates Andrew W. Mayoras to serve the balance of Geoffrey R. Vernon's term as a member of the Council, which ends on the last day of the fiscal year of the Section (September 30) in 2019. Mr. Mayoras will thereafter be eligible for election to two three-year terms as a member of the Council.

It was moved and seconded to elect the Section officers and Council members as nominated. On unanimous voice vote, with no votes against the motion and no abstentions, the Chair declared such individuals elected as Council officers and members.

VI. Other Business

The Chair noted that Rhonda M. Clark-Kreuer's term as a Council member would end at the end of the Section's 2018 fiscal year, and the Chair warmly thanked Ms. Clark-Kreuer for all of her work for the Section, the Council, and as Chair of the Section's Guardianship, Conservatorship, & End of Life Committee. The Chair noted that 23 legislative bills had been submitted to the State Legislature from such Committee during Ms. Clark-Kreuer's tenure as Chair, and that such Committee has been very action in work relating to the Section's and the Council's work in these areas of practice. The Chair awarded Ms. Clark-Kreuer an "Energizer Bunny" award for all of Ms. Clark-Kreuer's work, and the Section applauded Ms. Clark-Kreuer.

The Chair noted that, pursuant to the Section's Bylaws, Marguerite Munson Lentz will assume the office of Chair of the as of the end of the Section's Annual Meeting, and the Chair presented Ms. Munson Lentz with a Council gavel. The Chair congratulated Ms. Munson Lentz on assuming such office, and stated to the meeting that the Chair has found Ms. Munson Lentz to be pragmatic, that she understands issues facing the Council and the Section, that she is a very good listener, and that she will be a great Chair. Ms. Munson Lentz accepted the Council gavel, and thanked Ms. Teahan for Ms. Teahan's service as Chair, and all of the work that Ms. Teahan has performed for the Council and for the Section.

VII. Adjournment

Seeing no other matters or business to be brought before the meeting, the Chair declared the meeting adjourned at 10:38 am.

Respectfully submitted,
David P. Lucas, Secretary

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Probate and Estate Planning Council 2019 Annual Meeting

Treasurer's Annual Report – Fiscal Year October 1, 2018 through September 30, 2019

The projections indicate that the Section will have net income of approximately \$20,000 for the fiscal year ending September 30, 2019. The budget reflected a proposed deficit of (\$43,375.00) for the fiscal year due primarily to a budgeted amount of \$55,000 for preparation of Amicus Curiae Briefs for the year. Actual costs through September are \$1,281. There will most likely be additional costs for the current brief which will carry over into the next fiscal year. Active membership for the Section is down approximately 284 members compared to August 31, 2018. This accounts for the reduction in dues of \$3,585 from what was reflected in the budget for the fiscal year. It is projected that the Section will end with a fund balance of approximately \$193,000 and the Amicus Reserve will end with a balance of approximately \$18,000.

Respectfully submitted,

Mark E. Kellogg, Treasurer

September 20, 2019

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**Report of the Nominating Committee
To the Probate & Estate Planning Council of the State Bar of Michigan
June 14, 2019**

The Nominating Committee of the Probate and Estate Planning Section of the State Bar of Michigan consists of Shaheen I. Imami, James B. Steward, and Marlaine C. Teahan.

The Committee reminds the Council and Section that under Sections 4.2.3 and 5.2 of the Section's By-Laws the incumbent Chairperson Elect assumes the office of Chairperson upon the conclusion of the Section's annual meeting. Therefore, the Committee does not nominate a candidate for Chairperson of the Section, and the incumbent Chairperson Elect Christopher A. Ballard, will succeed to the office of Chairperson without action by the Committee, Council or Section.

The Committee met and pursuant to Section 4.1 of the Section By-Laws, the Committee nominates the following individuals for the positions shown opposite their names:

Chairperson Elect	David P. Lucas
Vice Chairperson	David L.J.M. Skidmore
Secretary	Mark E. Kellogg
Treasurer	James P. Spica

For the Council for a second three-year term:

Robert C. Labe
Richard C. Mills
Nathan R. Piwowarski
Nazneen S. Hasan

For the Council for an initial three-year term:

Andrew W. Mayoras
Kenneth F. Silver

Andrew W. Mayoras was elected to serve the balance of Geoffrey R. Vernon's term as a member of the Council, which ends on the last day of the fiscal year of the Section in 2019. If elected again, Mr. Mayoras still will be eligible for election to another three-year term as a member of the Council.

The Committee nominates Kenneth F. Silver to fill the seat of Lorraine F. New, who is term-limited after serving two consecutive three-year terms.

Finally, the Committee wants to make the Council aware that the criteria used by the Committee was consistent with those approved in June 2011 (a copy of which is attached). The Committee is aware that the change in the meeting days from Saturdays to Fridays and the expansion of remote attendance are not expressly considered in those criteria. As such, the Committee chose not to penalize or distinguish candidates if

meeting attendance dropped because of the day change or if the candidates regularly participated in meetings remotely. However, the Committee believes that the value of face-to-face, in-person meetings for the business of the Council, and the broader Section, cannot be overstated. Our practice area, unlike many others, is intensely personal, and the Committee believes the same is true for the Council. In preparing the nominations slate for 2019-2020, the Committee discovered that some candidates, especially those in the judiciary or with litigation practices, are unable to participate in Friday meetings with any regularity, even with the option of remote attendance, because of employment demands. Therefore, it appears to the Committee that Council risks permanently losing probate judges, probate litigation attorneys, and others whose regular work day demands frequently prevent weekday attendance. While the Committee understands, and in many ways appreciates, the changes implemented by the Council to encourage broader and easier participation, the Committee also does not want to sacrifice the qualities that make the Council special – and we dare say, unique – when compared to the other sections of the State Bar of Michigan. As a result, the Committee encourages the Council to critically and objectively analyze those recent changes, with an emphasis on maintaining the quality of the Council's work. For its part, and going forward, the Committee believes that greater weight should be given to in-person attendance, than to remote-attendance, when other factors are equal, and in-person attendance for offices and committee chairs should be the norm, unless a very good reason exists for not being able to attend in person. As a result, the Committee intends to work on amending the criteria approved in June 2011 to more accurately reflect these concerns and the role of technology in the conduct of the Council's business.

Respectfully submitted on behalf of the Nominating Committee,



Shaheen I. Imami, Chair