

**STATE BAR OF MICHIGAN
SECTION ANNUAL REPORT**

Bar Year: 2014-2015

Section Name: Probate and Estate Planning Section

Mission Statement: The purpose of this Section is to enhance and improve the practice and administration of law pertaining to probate; trust and estate planning, and administration; guardianships and conservatorships (including planning alternatives); and tax planning.

Officers and Council Members:

Officer	Name	Address	Telephone	Email
Chair	Amy N. Morrissey	Westerman & Morrissey, P.C. 345 S. Division Ann Arbor, MI 48104	734-995-9731	amorrissey@westermanpc.com
Chair-Elect	Shaheen I. Imami	Prince Law Firm 800 W. Long Lake Suite 200 Bloomfield Hills, MI 48302	248-865-8810	sii@probateprince.com
Vice-Chair	James B. Steward	Steward & Sheridan PLC 205 S. Main St. Ishpeming, MI 49849	906-485-6311	jamessteward@stewardsheridan.com
Secretary	Marlaine C. Teahan	Fraser Trebilcock Davis & Dunlap PC 124 W Allegan St Ste 1000 Lansing, MI 48933	517-377-0869	mteahan@fraserlawfirm.com
Treasurer	Marguerite Munson Lentz	Bodman PLC 1901 St. Antoine St Fl 6 Detroit, MI 48226	313-393-7589	mlentz@bodmanlaw.com

Member	Term Ends	Member	Term Ends
William J. Ard	2015*	Richard C. Mills	2016
Patricia M. Ouellette	2015*	Lorraine F. New	2016
James P. Spica	2015*	Geoffrey R. Vernon	2016
Rhonda M. Clark-Kreuer	2015	Christopher A. Ballard	2017*
David P. Lucas	2015	George F. Bearup	2017*
David L.J.M. Skidmore	2015	Nancy H. Welber	2017*
Susan M. Allan	2016*	Hon. Michael L. Jaconette	2017
Constance L. Brigman	2016*	Mark E. Kellogg	2017
Michele C. Marquardt	2016*	Raj A. Malviya	2017

*denotes second term

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Section Liaisons:

Liaison	Organization
Hon. Milton L. Mack, Jr.	Alternate Dispute Resolution Section
John R. Dresser	Business Law Section
Amy R. Tripp	Elder Law & Disability Rights Section
Patricia M. Ouellette	Family Law Section
Jeanne Murphy	ICLE
William J. Ard	Law Schools
Hon. David M. Murkowski	Michigan Probate Judges Association
Hon. Michael L. Jaconette	Michigan Probate Judges Association
Rebecca A. Schnelz	Probate Registers
Constance L. Brigman	SCAO
Michele C. Marquardt	SCAO
Rebecca A. Schnelz	SCAO
Rebecca A. Schnelz	Solutions on Self-Help Task Force
Richard J. Siriani	State Bar Board of Commissioners
George W. Gregory	Taxation Section

Section Committees: A list of Section Committees, their mission statements and members is attached.

Council Meeting Schedule:

Meeting Type	Date	Location
Section Council Meeting	October 24, 2014	Weber's Inn, Ann Arbor
Section Council Meeting	November 15, 2014	MSU University Club, Lansing
Section Council Meeting	December 13, 2014	MSU University Club, Lansing
Section Council Meeting	January 17, 2015	MSU University Club, Lansing
Section Council Meeting	February 14, 2015	MSU University Club, Lansing
Section Council Meeting	March 14, 2015	MSU University Club, Lansing
Section Council Meeting	April 11, 2015	MSU University Club, Lansing
Section Council Meeting	June 13, 2015	MSU University Club, Lansing
Section Council Meeting	September 12, 2015	MSU University Club, Lansing
Section Annual Meeting	September 12, 2015	MSU University Club, Lansing

Probate & Estate Planning Section Committees 2014-2015

Budget Committee

Mission: To develop the annual budget and to alert the Council to revenue and spending trends

Marlaine C. Teahan, Chair
Marguerite Munson Lentz
James B. Steward

Bylaws Committee

Mission: To review the Section Bylaws and recommend changes to ensure compliance with State Bar requirements, best practices for similar organizations and assure conformity of the Bylaws to current practices and procedures of the Section and the Council

Nancy H. Welber, Chair
Christopher A. Ballard
David P. Lucas

Planning Committee

Mission: To periodically review and update the Section's Strategic Plan and to annually prepare and update the Council's Biennial Plan of Work

Shaheen I. Imami, Chair

Nominating Committee *Mission: To annually nominate candidates to stand for election as the officers of the Section and members of the Council*

George W. Gregory, Chair
Mark K. Harder
Thomas F. Sweeney

Annual Meeting

Mission: To arrange the annual meeting at a time and place and with an agenda to accomplish all necessary and proper annual business of the Section

Shaheen I. Imami

Awards Committee

Mission: To periodically award the Michael Irish Award to a deserving recipient and to consult with ICLE concerning periodic induction of members in the George A. Cooney Society

Douglas A. Mielock, Chair
Robert D. Brower, Jr.
George W. Gregory
Phillip E. Harter
Nancy L. Little
Amy N. Morrissey

Committee on Special Projects

Mission: The Committee on Special Projects is a working committee of the whole of the Section that considers and studies in depth a limited number of topics and makes recommendations to the Council of the Section with respect to those matters considered by the Committee. The duties of the Chair include setting the agenda for each Committee Meeting, and in conjunction with the Chair of the Section, to coordinate with substantive Committee chairs the efficient use of time by the Committee

Christopher A. Ballard, Chair

Probate & Estate Planning Section Committees 2014-2015

Legislation Committee

Mission: In cooperation with the Section's lobbyist, to bring to the attention of the Council recent developments in the Michigan legislature and to further achievement of the Section's legislative priorities, as well as to study legislation and recommend a course of action on legislation not otherwise assigned to a substantive committee of the Section

William J. Ard, Chair
Christopher A. Ballard
Georgette E. David
Mark E. Kellogg
Sharri L. Rolland Phillips
Harold G. Schuitmaker

Amicus Curiae Committee

Mission: To review requests made to the Section to file, and to identify cases in which the Section should file, amicus briefs in pending appeals and to engage and oversee the work of legal counsel retained by the Section to prepare and file its amicus briefs

David L. Skidmore, Chair
Kurt A. Olson
Patricia M. Ouellette
Nazneen H. Syed
Nancy H. Welber

Probate Institute

Mission: To consult with ICLE in the planning and execution of the Annual Probate and Estate Planning Institute

James B. Steward

State Bar and Section Journals Committee

Mission: To oversee the publication of the Section's Journal and periodic theme issues of the State Bar Journal that are dedicated to probate, estate planning, and trust administration

Richard C. Mills, Chair
Nancy L. Little, Managing Editor
Melisa M. W. Mysliwec, Assoc. Editor

Citizens Outreach Committee

Mission: To provide for education of the public on matters related to probate, estate planning, and trust administration, including the publication of pamphlets and online guidance to the public, and coordinating the Section's efforts to educate the public with the efforts of other organizations affiliated with the State Bar of Michigan

Constance L. Brigman, Chair
Kathleen M. Goetsch
Katie Lynwood
Michael J. McClory
Neal Nusholtz
Jessica M. Schilling
Rebecca A. Schnelz, (Liaison to Solutions on Self-help Task Force)
Nancy H. Welber
Melisa M. W. Mysliwec
Nicholas Vontroba

Probate & Estate Planning Section Committees 2014-2015

Electronic Communications Committee

Mission: To oversee all forms of electronic communication with and among members of the Section, including communication via the Section's web site, the Section listserv, and the ICLE Online Community site, to identify emerging technological trends of importance to the Section and its members, and to recommend to the council best practices to take advantage of technology in carrying out the section's and Council's mission and work

William J. Ard, Chair
Stephen J. Dunn
Phillip E. Harter
Nancy L. Little
Amy N. Morrissey
Jeanne Murphy (Liaison to ICLE)
Neal Nusholtz
Michael L. Rutkowski
Serene K. Zeni

Ethics Committee

Mission: To consider and recommend to the Council action with respect to the Michigan Rules of Professional Conduct and their interpretation, application, and amendment

David P. Lucas, Chair
William J. Ard
J. David Kerr
Robert M. Taylor

Unauthorized Practice of Law and Multidisciplinary Practice Committee

Mission: To help identify the unauthorized practices of law, to report such practices to the appropriate authorities and to educate the public regarding the inherent problems relying on non-lawyers

Patricia M. Ouellette, Chair
William J. Ard
Raymond A. Harris
J. David Kerr
Robert M. Taylor
Amy Rombyer Tripp

Court Rules, Procedures and Forms Committee

Mission: To consider and recommend to the Council action with respect to the Michigan Court Rules and published court forms, and the interpretation, use, and amendment of them

Michele C. Marquardt, Chair
(Liaison to SCAO for Estates & Trusts Workgroup)
James F. ("JV") Anderton
Constance L. Brigman (Liaison to SCAO for Guardianship, Conservatorship, and Protective Proceedings Workgroup)
Rhonda M. Clark-Kreuer
Phillip E. Harter
Michael D. Holmes
Shaheen I. Imami
Hon. Michael L. Jaconette
Hon. David M. Murkowski
Rebecca A. Schnelz (Liaison to SCAO for Mental Health/Commitment Workgroup)
David L. Skidmore

Probate & Estate Planning Section Committees 2014-2015

Updating Michigan Law Committee

Mission: To review, revise, communicate and recommend Michigan's trusts and estates law with the goal of achieving and maintaining leadership in promulgating probate laws in changing times

Geoffrey R. Vernon, Chair
Robert P. Tiplady, II, Vice Chair
Susan M. Allan
Howard H. Collens
Georgette David
Shawn Eyestone
Mark K. Harder
Shaheen I. Imami
Robert Labe
Henry P. Lee
Marguerite Munson Lentz
Michael G. Lichterman
Sueann Mitchell
Kurt Olson
Nathan Piwowarski
James P. Spica
Robert Tiplady

Insurance Ad Hoc Committee

Mission: To recommend new legislation related to insurability and the administration of irrevocable life insurance trusts

Geoffrey R. Vernon, Chair
Stephen L. Elkins
Mark K. Harder
James P. Spica
Joseph D. Weiler, Jr.

Membership Committee

Mission: To strengthen relations with Section members, encourage new membership, and promote awareness of and participation in Section activities

Raj A. Malviya, Chair
Christopher J. Caldwell
Nicholas R. Dekker
Daniel A. Kosmowski
Katie Lynwood

Julie A. Paquette
Nicholas A. Reister
Marlaine C. Teahan
Joseph J. Viviano

Artificial Reproductive Technology Ad Hoc Committee

Mission: To review the 2008 Uniform Probate Code Amendments for possible incorporation into EPIC with emphasis on protecting the rights of children conceived through assisted reproduction

Nancy H. Welber, Chair
Christopher A. Ballard
Keven DuComb
Robert M. O'Reilly
Lawrence W. Waggoner

Real Estate Committee

Mission: To recommend new legislation related to real estate matters of interest and concern to the Section and its members

George F. Bearup, Chair
Jeffrey S. Ammon
William J. Ard
Stephen J. Dunn
David S. Fry
Mark E. Kellogg
J. David Kerr
Michael G. Lichterman
David P. Lucas
Katie Lynwood
Douglas A. Mielock
Melisa M. W. Mysliwicz
James T. Ramer
James B. Steward

Probate & Estate Planning Section Committees 2014-2015

Transfer Tax Committee

Mission: To monitor developments concerning Federal and State transfer taxes and to recommend appropriate actions by the Section in response to developments or needs

Lorraine F. New, Chair
Robert B. Labe
Marguerite Munson Lentz
Geoffrey R. Vernon
Nancy H. Welber

Guardianship, Conservatorship, and End of Life Committee

Mission: To monitor the need for and make recommendations with respect to statutory and court rule changes in Michigan related to the areas of legally incapacitated individuals, guardianships, and conservatorships

Rhonda M. Clark-Kreuer, Chair
Katie Lynwood, Vice Chair
William J. Ard
Michael W. Bartnik
Raymond A. Harris
Phillip E. Harter
Michael J. McClory
Richard C. Mills
Kurt A. Olson
James B. Steward

Specialization and Certification Ad Hoc Committee

Mission: To make recommendations to the Section with respect to the creation and implementation of a program that recognizes specialization and certification of specialization in the fields of probate, estate planning, and trust administration

James B. Steward, Chair
William J. Ard
Wendy Parr Holtvluwer
Patricia M. Ouellette
Sharri L. Rolland Phillips

Daniel D. Simjanovski
Richard J. Siriani
Serene K. Zeni

Charitable and Exempt Organization Committee

Mission: To educate the Section about charitable giving and exempt organizations and to make recommendations to the Section concerning Federal and State legislative developments and initiatives in the fields of charitable giving and exempt organizations

Lorraine F. New, Chair
Christopher A. Ballard
Michael W. Bartnik
William R. Bloomfield
Robin D. Ferriby Richard C. Mills

Fiduciary Exception to Attorney Client Privilege Ad Hoc Committee

Mission: To review the statutes, case law, and court rules of Michigan and other jurisdictions concerning the scope of the Attorney Client Privilege for communications between trustees and their counsel and if necessary or appropriate, to recommend changes to Michigan law in this area

George F. Bearup, Chair
Kalman G. Goren
Shaheen I. Imami
David G. Kovac
Michael J. McClory
David L. Skidmore
Serene K. Zeni

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General Budget Information (as of April 30, 2015)

Budget Item	Actual 2014-2015	Budget 2014-2015
Revenue:		
Membership Dues	\$ 115,465.00	\$ 115,000.00
Publishing Agreement	\$ 650.00	\$ 650.00
Total Revenue	\$ 116,115.00	\$ 115,650.00
Disbursements:		
Section Journal	\$ 7,900.00	\$ 12,225.00
Chairperson's Dinner/plaques	\$ 7,067.51	\$ 7,000.00
Travel	\$ 9,138.35	\$ 18,500.00
Lobbying	\$ 17,500.00	\$ 30,000.00
Meetings	\$ 6,552.88	\$ 15,000.00
Long Range Planning	\$ 0.00	\$ 1,000.00
Support for Annual Institute	\$ 14,000.00	\$ 14,000.00
Amicus Briefs	\$ 0.00	\$ 10,000.00
Seminars	\$ 4,000.00	\$ 4,000.00
Solo and Small Firm Institute scholarships for Section members	\$ 0.00	\$ 1,000.00
Solo and Small Firm Institute general support	\$ 0.00	\$ 1,500.00
Electronic Communications	\$ 668.96	\$ 2,825.00
Other	\$ 138.78	\$ 1,100.00
Membership Activities	\$ 586.16	\$ 4,000.00
	\$ 67,552.64	\$ 122,150.00
Net Increase (Decrease)	\$ 48,562.36	\$ (6,500.00)

	Beginning of FY 2014-15	FY to Date
General Fund Balance	\$ 186,741.33	\$ 235,303.69
Amicus Fund (reserve)	\$ 35,423.50	\$ 35,423.50
Total Fund	\$ 222,164.83	\$ 270,727.19

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Events and/or Seminars:

The Section has a strong partnership with ICLE and co-sponsors a significant number of seminars on a variety of estate planning and administration topics each year. The Section continues to co-sponsor the Probate Certificate Program with ICLE in an effort to assist practitioners in developing proficiency in probate and estate planning practice. The Section does not offer any seminars independent of ICLE. Seminars are offered live and via webcast. The Section has enhanced its outreach to Section members through Section social/networking events developed by its newly formed Membership Committee.

Event or Seminar Title	Date	Location
Natalie Choate: Estate & Distribution Planning for Retirement Benefits	November 18, 2014	Plymouth, MI
Digital Assets: What Now?	November 18, 2014	Plymouth, MI
Estate Planning for Same-Sex Marriages	December 18, 2014	Plymouth, MI
Drafting Estate Planning Documents, 24 th Annual	January 22, 2105 February 12, 2015	Grand Rapids, MI Plymouth, MI
Fundamentals of Estate Administration	February 26, 2015	Plymouth, MI
Undue Influence: Probate Litigation Perspective	April 20, 2015	webcast
Estate Planning for Retirement Assets	April 30, 2015	Detroit, MI
Estate Planning for Intellectual Property Assets	April 30, 2015	webcast
Experts in Estate Planning: The Role of the Attorney Throughout the Lifecycle of a Trust	May 6, 2015	Acme, MI
55 th Annual Probate & Estate Planning Institute	May 7-9, 2015	Acme, MI
Speakers' Dinner for 55 th Annual Probate & Estate Planning Institute	May 8, 2015	Black Star Farms
Membership Social Event	May 8, 2015	Smith, Haughey, Rice & Roegge Traverse City, MI
55 th Annual Probate & Estate Planning Institute	June 19-20, 2015	Plymouth, MI
Probate & Estate Planning Certificate Program	ongoing	Various
Drafting an Estate Plan for an Estate Under \$5M	June 24, 2015	Plymouth, MI

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Legislative issues:

Legislative efforts are a priority of the Section. The Section is both proactive and responsive to legislative efforts and employs Public Affairs Associates, of Lansing, as its lobbyist.

The Section submitted public policy positions concerning the following legislation and/or Court Rules:

The Section **opposed** SB 465 (S-1) Draft 2 and SB 466 (S-1) Draft 1, as well as the proposed companion amendment to the "Security Freeze Act," in part because the proposed legislation has not been sufficiently reviewed and analyzed to ensure that the core concepts expressed by these Bills will actually result without causing unintended and undesirable changes to current Michigan guardian and conservator laws.

The Section **supported with amendments** HB 5366 – HB 5370, SB 0293 concerning fiduciary access to digital assets. While the Section supported these bills in concept, we believe that fiduciary access to digital assets is best accomplished in a standalone bill, rather than in various Michigan statutes. The Section drafted a proposed "Fiduciary Access to Digital Assets Act" which is based upon the Uniform Law Commission's act of the same name.

The Section **opposed** changes to MCR 7.215© proposed in ADM 2014-09 concerning the treatment of unpublished opinions.

The Council's proposed changes to Michigan Court Rules contained in ADM 2013-29, supported during the previous Council term were adopted by the Supreme Court.

Furthermore, the Section sought to influence and support the following legislation:

The Council drafted and proposed to the Michigan Legislature amendments to MCL 211.27a concerning relief from property tax uncapping in common estate planning transactions.

The Council drafted and proposed to the Michigan Legislature a Qualified Dispositions in Trust Act (otherwise known as domestic asset protection trusts) which would allow an individual grantor to protect certain dispositions in trust from particular creditor attachment.

The Council continues to support a stand-alone Fiduciary Access to Digital Assets Act which was drafted and approved by Council in the prior fiscal year.

The Council continues to support legislation that would restructure appeals from Probate Court.

The Section has an interest in and has been or continues to be engaging in discussion on the following:

Legislation that, under certain circumstances, would provide exculpation of trustees of life insurance trusts from liability related to the administration of life insurance policies held in the trust, which would be a proposed amendment to MCL 700.1513

Legislation to address issues of succession in matters involving artificial reproductive technology

The concept of pre-death probate of wills and trusts

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Modernizing the definition of tenants by the entirety property in Michigan and extending such protection to trusts

The concept of community property trusts

Other Activities/Information:

- Sebastian V. Grassi, a former Council Member and prolific author, was awarded the Section's prestigious Michael W. Irish Award for his many contributions to the Section and to his community. Past recipients of the Michael W. Irish award are now posted on the Section's website.
- Amendments to the Section Bylaws were adopted at the Section Annual Meeting September 6, 2014 and were subsequently approved by the Board of Commissioners. The new Bylaws update the Section's mission statement, the terms for Section Council Officers consistent with the fiscal year, the criteria for Section membership, and the procedure for future Amendment of the Bylaws, among other changes.
- The Section's Citizens' Outreach Committee updated several of the Section's pamphlets and is working on a substantial revision to pamphlet content as it explores a web-based informational tool for the public on probate and estate planning matters.
- The Section voted to provide one-time support to the Solo and Small Firm Institute which will be held in October 2015
- The Section's Court Rules and Forms Committee continues to review and draft proposed improvements to SCAO forms.
- The Section continues to produce a Journal tri-annually with articles of interest to Section members. The Section transitioned to a solely electronic version of the Journal in December.
- The Section continues to review the Estates and Protected Individuals Code for possible amendments.
- The Section's newly established Membership Committee implemented several initiatives to build relationships with current Members and attract new Members. The Membership Committee held a networking event in Traverse City in May for new attorneys, new Members to the Section, non-Members and those desiring greater involvement in the Section. The Section also held a vendor booth at the annual Probate & Estate Planning Institute in May to disseminate Section information and anticipates having a booth at the SBM Annual meeting in the Fall.
- The Section established a "Join a Committee" link on Section webpage to encourage involvement of Section Members in Section legislative and leadership activities
- The Section sent its Chair Elect and Vice Chair to State Bar Leadership Forum in June 2014. It will send its Chair Elect and Vice Chair to the Forum in June 2015.

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The Section's Membership dues will not increase in the 2015-2016 fiscal year.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Amy Morrissey', is written over the printed name.

**Amy Morrissey
Chairperson**