

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

*Friday, January 15, 2021 @ 10:20 AM
REMOTE MEETING ONLY*

Minutes

I. Call to order and Welcome: *Chairperson David Lucas called the meeting to order at 10:20 AM noting that the meeting was being recorded and that the resulting recording is to be deleted once the minutes of the meeting have been submitted by the Secretary and accepted by the Council.*

II. Zoom Roll Call Confirmation of Attendees

A. The following officers and members of the Council were “present” (by remote):

- 1. David P. Lucas, Chairperson*
- 2. David L.J.M. Skidmore, Chairperson Elect*
- 3. Mark E. Kellogg, Vice Chairperson*
- 4. James P. Spica, Secretary*
- 5. Katie Lynwood, Treasurer*
- 6. Kurt A. Olson*
- 7. Neal Nusholtz*
- 8. Nathan R. Piwowarski*
- 9. Christopher J. Caldwell*
- 10. Kenneth F. Silver*
- 11. Nazneen S. Hasan*
- 12. James F. Anderton*
- 13. Melisa M.W. Mysliwiec*
- 14. Kathleen M. Goetsch*
- 15. Daniel S. Hilker*
- 16. Georgette E. David*
- 17. Warren H. Krueger, III*
- 18. Robert B. Labe*
- 19. Andrew W. Mayoras*
- 20. Christine Savage*
- 21. David D. Sprague*
- 22. Angela M. Hentkowski*

B. It was noted that a quorum was “present.”

C. Others “present”:

*Stephen J. Dunn
Christine Caswell
Rebecca Bechler (Public Affairs Associates)
James Ryan (Public Affairs Associates)
Daniel Simjanovski
David Lentz*

J. David Kerr
Jeanne E. Murphy (Institute of Continuing Legal Education (ICLE))
John T. McFarland
Kathleen A. Cieslik
Kenneth E. Tiews
Lanore Grantham
Marguerite Munson Lentz
Marlaine C. Teahan
Melissa Z. El-Johnson
Hon. Michael L. Jaconette
Michael J. McClory
Michael D. Shelton
Michael P. Witzke
Michael G. Lichterman
Nancy Little
Neal J. Marchand
Pamela Munderloh
Rebecca Gorbitt
Robert P. Tiplady
Rebecca Wrock
Sandra D. Glazier
Susan L Chalgian
Andrea Neighbors (Administrative Assistant)

III. Excused Absence: *Richard C. Mills*

IV. Lobbyist Report (Public Affairs Associates (PAA)): *Becky Bechler reported that:*

- A. The Speaker of the Michigan House will shortly announce committee assignments.*
- B. Rep. Graham Filler is expected to continue as Chair of the House Judiciary Committee; Sen. Rodger Victory will likely Chair the Senate Judiciary Committee.*
- C. Sen. Tom Barrett is willing to sponsor the Council's TOD legislation.*
- D. Rep. Filler has already put in Legislative Service Bureau (LSB) requests for two of the four "Omnibus package" bills and asked that a House Democrat put in the other two requests.*
- E. Becky will facilitate a listserv for Council members interested in a list of bills that have been identified as possibly being of interest to the section.*

V. Monthly Reports

- A. Minutes of Prior Council Meeting:** *Secretary Jim Spica reported having received notice of a typographical error in the spelling of David Sprague's surname in the*

minutes of the December Council meeting (Attachment 1 to the 1/15/2021 Council agenda) and asked for a motion to accept the minutes with that correction.

It was so moved by David Sprague, and seconded by Nathan Piwowarski, whereupon the corrected minutes were accepted without objection.

B. Chairperson's Report: *Chairperson David Lucas reported that:*

- 1. Rick Mills is recently engaged, and congratulations have been extended from the Council.*
- 2. The Liaisons list on page five of the meeting materials is not the updated list, which David will get out soon; the Plan of Work is on page six of the materials; the Committee List beginning on page seven of the materials is still a work in progress because some committee chairs have yet to certified their rosters.*
- 3. Sections members who wish to join a Council committee should contact the chair of the relevant committee or David.*

C. Treasurer's Report: *Treasurer Katie Lynwood reported that:*

- 1. The 2019–2020 financial report and monthly reports for October and November 2020 are included in Attachment 2 to the 1/15/2021 Council agenda together with an update to the IRS milage reimbursement rate.*
- 2. Council members who would like to contribute to the Hearts and Flowers fund should send a check payable to Katies' law firm, Buhl, Little, Lynwood & Harris, PLC, to Katie at her firm's address.*

D. Budget Committee: *Committee Chair Jim Spica reported that the proposed 2020–2021 budget (Attachment 3 to the 1/15/2021 Council agenda) contains the following changes from the 2019–2020 budget, all of which were previewed to the Council in the December 2020 Council meeting.*

- 1. The annual lobbying expense is increased (at the Council's instance, in recognition of a newly intensified working relationship with PAA) from \$30,000 to \$36,000.*
- 2. An increase in the budget item for the MPEP Journal from \$12,300 to \$13,200.*
- 3. An increase in the Amicus Committee budget from \$20,000 to \$25,000 based on an unweighted five-year average of past spending.*

4. *The Amicus reserve to be moved to the general fund.*

Jim moved adoption of the proposed budget on behalf of the Budget Committee, and after a voice vote by Council members, the Chairperson declared that the motion was unanimously approved.

E. Guardianship, Conservatorship, & End of Life Committee: *Committee Chair Kathy Goetsch reported on a proposal from the Elder Abuse Task Force for a new court rule that would specifically acknowledge that an individual subject to a guardianship, conservatorship, or a protective order after a final order of the court has been entered has the right to an appeal and that he or she has a need-based right to appointed counsel.*

F. Committee on Special Projects (CSP): *Committee Chair Nathan Piwowarski reported that CSP recommend that Council do both of the following:*

1. *Adopt a special voting procedure according to which motions to be voted on by Zoom polling must be proposed either in language copied and pasted from the zoom chat before being read aloud or just orally (purely oral motions being labeled sequentially, e.g., CSP Oral Motion #1, CSP Oral Motion #2, CSP Oral Motion #3 . . . ; or Council Oral Motion #1, Council Oral Motion #2, etc.) and requiring voting members, when casting a vote by means of Zoom polling, to use the "reactions" function, "yes/no" votes, or a similarly "public" contemporaneous signification of the vote being cast unless the Chair has acceded to a timely request for a secret ballot.*

Nathan Piwowarski made the motion on behalf of CSP; Chairperson Lucas asked for a voice vote on the completion of which, he declared that the motion had carried.

2. *Adopt a public policy position in favor of the legislative proposals in Exhibit 2D of the 1/15/2021 CSP agenda and the "Draft 6" that amended Exhibit 2E of the 1/15/2021 CSP agenda as recited (as well as being shown on the screen) during the CSP meeting, with the understanding that the committee will be adding materially similar "vessel" and "off-road vehicle" provisions to the NREPA; authorize the Chair of the Legislation Development and Drafting Committee to make technical alteration to the draft legislation while working with the LSB and*

bill sponsor; and authorize the Council Secretary to submit a public policy position in favor of House or Senate bills implementing the proposals listed above (without any additional vote by the Council).

Nathan Piwowarski made the motion on behalf of CSP; the Secretary recorded a vote of 18 in favor of the motion, 0 opposed, 1 abstaining, and 4 not voting; Chairperson Lucas declared the motion carried and the resolution approved.

VI. Written Report Only:

- A. Secretary (Jim Spica): Documents Received—Attachment 5 to the 1/15/2021 Council agenda*
- B. Tax Liaison (Neal Nusholtz)—Attachment 6 to the 1/15/2021 Council agenda*
- C. State Bar & Section Journals (Rick Mills/Nancy Little)—Attachment 7 to the 1/15/2021 Council agenda*

VII. Other Business:

- A. Legislation Monitoring & Analysis Committee Chair Dan Hilker reported that:
 - 1. SBs 0464, 0465, and 0862 have passed as 0344 of 2020.*
 - 2. SB 0798 did not pass.*
 - 3. HB 5795 did not pass.*
 - 4. HB 5419 did pass.*
 - 5. HB 4260 did not pass.**
- B. Mark Kellogg reported that the Probate and Estate Planning Institute 61st Annual Seminar will be virtual on May 20th and 21st. There will be “live streaming,” but there will also be access to the recording.*
- C. Sandy Glaizer requested information regarding the prospect for permanent remote witnessing and remote notarization legislation. David Lucas, Jim Spica, and Nathan Piwowarski commented.*

VII. Adjournment: *There being no other business before the Council, the Chair declared the meeting adjourned at 11:20 AM.*

Respectfully Submitted,

James P. Spica, Secretary

The next Council meeting will be held on Saturday, February 20, 2021. Attendance will be by remote only (via Zoom), pre-registration required.