

**Meeting of the Council of the  
Probate and Estate Planning Section of the  
State Bar of Michigan**

**April 12, 2019  
Lansing, Michigan**

**Minutes**

I. Call to Order

The Chair of the Council, Marguerite Munson Lentz, called the meeting to order at 10:33 a.m.

II. Introduction of Guests

- A. Meeting attendees introduced themselves.
- B. The following officers and members of the Council were present: Marguerite Munson Lentz, Chair; David P. Lucas, Vice Chair; David L.J.M. Skidmore, Secretary; Mark E. Kellogg, Treasurer; Christopher J. Caldwell; Kathleen M. Goetsch (via remote attendance); Angela M. Hentkowski (via remote attendance); Hon. Michael L. Jaconette; Robert G. Labe; Michael G. Lichterman; Katie Lynwood; Raj A. Malviya; Richard C. Mills; Melisa M.W. Mysliwiec; Lorraine F. New (via remote attendance); Kurt A. Olson; Nathan R. Piwowarski; Christine M. Savage; James F. Anderton; Neal Nusholtz; Andrew W. Mayoras; and Nazneen S. Hasan (via remote attendance). A total of 22 Council officers and members were present, constituting a quorum.
- C. The following ex officio members of the Council were present: Michael J. McClory; and Susan S. Westerman.
- D. The following liaisons to the Council were present: Susan Chalgian; Jeanne Murphy; and Patricia M. Oullette.
- E. Others present: Rebecca K. Wrock; Ryan Bourjaily; David Sprague; Angela Wetherby; Stephen Dunn; Warren Kreeger; Ken Silver; Joe Weiler; Diane Huff; Dan Hilker (via remote attendance); Sandy Glazer (via remote attendance); Ken Seavoy (via remote attendance); and Sam Auxoll (via remote attendance).

III. Excused Absences

The following officers and members of the Council were absent: Christopher A. Ballard, Chair Elect.

IV. Lobbyist Report – Public Affairs Associates

Becky Beckler of Public Affairs Associates provided a verbal report. Drafts of the EPIC omnibus amendments legislation are being reviewed by Nathan Piwowarski. Drafts of the ARP and voidable transactions legislation should be back in the next few weeks. After the drafts are reviewed and approved, the legislation will be introduced. There was also discussion about the vulnerable adults legislation and how quickly it is likely to move.

V. Monthly Reports

A. Minutes of Prior Council Meeting (David L.J.M. Skidmore):

It was moved and seconded to approve the Minutes of the March 8, 2019 meeting of the Council, as included in the meeting agenda materials and presented to the meeting. On voice vote, the Chair declared the motion approved.

B. Chair's Report (Marguerite Munson Lentz):

The Chair reported on: (1) Nathan Piwowarski and Nazneed Hasan's appointment to the Elder Abuse Task Force; (2) a request for participation in the SBM Lawyer Referral Service; and (3) the updated committee and liaison lists.

It was moved and seconded to approve payment of \$200 from the Hearts and Flowers fund for the cycling tour at the 2019 Probate Institute. On voice vote, the Chair declared the motion approved.

C. Treasurer's Report (Mark E. Kellogg):

The Treasurer reported on the year to date budget and reminded members to timely submit reimbursement requests.

D. Committee on Special Projects (Katie Lynwood):

Katie Lynwood reported on the discussion at the Committee on Special Projects meeting. She reported that Nathan Piwowarski led a discussion on the new proposed vulnerable adult legislation, and it was proposed to create an ad hoc committee to consider this legislation. She reported that Andy Mayoras's lawyer-drafter committee sought input whether to expand the proposed legislation to non-lawyers, and that the consensus on that question was "no."

Regarding the Safe Families for Children Act (discussion led by Kathy Goetsch), the committee's motion is:

To amend the Safe Families for Children Act, MCL 722.1551 et seq., by adding the phrase "under this act" to Sections 9(3), 11(a) and (b), and 13(2), as noted in the meeting materials.

The Chair stated that since this would be a public policy position of the Section, the vote of the Council would have to be recorded. Following discussion, the Chair called the question, and the Secretary recorded a vote of 22 in favor of the motion, 0 opposed to the motion, 0 abstaining, and 1 not voting.

VI. Other Committees Presenting Oral Reports

A. Court Rules, Forms, & Proceedings Committee

Melisa Mysliwec reported that there is a committee memorandum in the materials regarding the Michigan Supreme Court's Order in ADM File No. 2002-37, adopting amendments to several court rules to accommodate e-filing.

B. Fiduciary Exception to the Attorney-Client Privilege Ad Hoc Committee

Warren Kreeger gave a report on the status of the committee's work.

C. Guardianships, Conservatorships, & End of Life Committee

Kathy Goetsch gave a report on two legislative proposals which were not related to the Section and which did not merit public policy positions from the Section.

D. Legislative Development and Drafting Committee

Nathan Piwowarski noted that there is a report from the committee in the meeting materials.

E. Tax Committee

Raj Malviya gave a report on two tax bills pending before Congress.

VII. Committees Presenting Written Reports (included in the meeting agenda materials)

A. State Bar & Section Journals

B. Taxation Section Liaison

VIII. Other Business

Angela Hentkowski reported that 4 requests had been received for the 2 Probate Institute registrations which the Section had available to give away.

It was moved and seconded to pay up to \$730 (i.e., 2 x \$365) to pay for two additional registration scholarships. On voice vote, the Chair declared the motion approved.

Michael Lichterman reported that the Listserv archives had been successfully transferred to SBM Connect.

Michael McClory reported that mandatory e-filing in probate courts is coming, but for attorneys only.

IX. Adjournment

Seeing no other matters or business to be brought before the meeting, the Chair declared the meeting adjourned at 11:18 a.m.

Respectfully submitted,  
David L.J.M. Skidmore, Secretary

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