

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

**December 15, 2018
Lansing, Michigan**

Minutes

I. Call to Order

The Chair of the Council, Marguerite Munson Lentz, called the meeting to order at 10:23 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; Christopher A. Ballard, Chair Elect; David P. Lucas, Vice Chair; David L.J.M. Skidmore, Secretary; Mark E. Kellogg, Treasurer; James F. Anderton; Christopher J. Caldwell; Kathleen M. Goetsch; Angela M. Hentkowski; Hon. Michael L. Jaconette; Michael G. Lichterman; Katie Lynwood; Raj A. Malviya; Andrew W. Mayoras; Richard C. Mills; Melisa M.W. Mysliwec; Lorraine F. New; Neal Nusholtz; Kurt A. Olson; Nathan R. Piwowarski; and Christine M. Savage. A total of 21 Council officers and members were present, constituting a quorum.
- C. The following ex officio members of the Council were present: Robert D. Brower, Jr.; George W. Gregory; and Douglas A. Mielock.
- D. The following liaisons to the Council were present: Susan L. Chalgian (SCAO); John R. Dresser (Business Law Section); and James P. Spica (Uniform Law Commission).
- E. Others present: Ryan Bourjaily; Robert Nemzin; Aaron Bartell; Mike Shelton; Jacob Whiten; Warren Krueger; Georgette E. David; Ken Silver; and Joe Weiler.

III. Excused Absences

The following officers and members of the Council were absent: Robert C. Labe; and Nazneen S. Hasan.

IV. Lobbyist Report – Public Affairs Associates

Becky Bechler of Public Affairs Associates reported that (1) HB 6129, 6130, and 6131, the divided and directed trusteeship bills, were moved to the floor of the Senate; and (2) HB 5362 and 5398, the certificate of trust bills, were en route to the Governor. Other bills of interest to the Probate Section will be reintroduced in the next legislative session.

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 November 17, 2018 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. Treasurer's Report (Mark E. Kellogg):

It was reported that the Budget Committee is working on the annual budget, having received the final audited financials from the State Bar, and that the expense reimbursement form was included in the meeting agenda materials.

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

It was reported that an updated list of chairs and members of the Council's committees, and an updated list of liaisons to the Council, were included in the meeting agenda materials. It was reported that a bill tracker report was included in the meeting agenda materials. It was reported that correspondence from the SBM Board of Commissioners regarding non-fee generating cases was included in the meeting agenda materials.

D. Committee on Special Projects (Katie Lynwood):

Katie Lynwood reported on the discussion at the Committee on Special Projects meeting. Aaron Bartell and Nathan Piwoworski reported on proposed "prebate" legislation.

VI. Other Committees Presenting Oral Reports

A. Amicus Curiae Committee

Andrew Mayoras reported that a request for an amicus brief from the Section has been requested in *In Re Rhea Brody Trust*, a matter in which leave to appeal is being sought from the Michigan Supreme Court. The committee's motion is:

The Probate and Estate Planning Section declines to authorize the preparation and filing of an amicus brief in the matter before the Michigan Supreme Court, captioned, *In Re Rhea Brody Trust*.

The Chair stated that since an application for consideration was made, the vote of the Council should be recorded. Following discussion, the Chair called the question, and the Secretary recorded the vote of 21 in favor of the motion, 0 opposed to the motion, 0 abstaining, and 2 not voting. The Chair declared the motion approved.

B. Electronic Communications Committee

Michael Lichterman reported regarding a proposal to permit section members to attend meetings electronically. The committee's motion is:

The Probate and Estate Planning Section authorizes the expenditure of \$150 per month for audio equipment rental from the University Club and \$15 per month for conference call services from Zoom for the remaining 6 meetings of the fiscal year.

Following discussion, the Chair called the question, and the Secretary recorded the vote of 21 in favor of the motion, 0 opposed to the motion, 0 abstaining, and 2 not voting. The Chair declared the motion approved.

C. Guardianships, Conservatorships, & End of Life Committee

Kathleen Goetsch reported on the status of legislation of interest to the section.

D. Probate Institute

David Lucas reported on preparations for the 2019 ICLE Probate Institute.

E. Tax Committee

Raj Malviya provided a musical tax nugget, and Neal Nusholtz provided a non-musical tax nugget.

VII. Other Committees Presenting Written Reports Only

The Chair stated that there were written reports from the following committees:

A. Legislation Development & Drafting Committee

B. Divided and Directed Trusteeships Ad Hoc Committee

VIII. Other Business

The Chair noted that the meetings would switch to Fridays as of the next meeting date (January 25, 2019).

IX. Adjournment

Seeing no other matters or business to be brought before the meeting, the Chair declared the meeting adjourned at 11:30 a.m.

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