

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

**February 15, 2019
Lansing, Michigan**

Minutes

I. Call to Order

The Chair of the Council, Marguerite Munson Lentz, called the meeting to order at 10:35 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 L.J.M. Skidmore, Secretary; Mark E. Kellogg, Treasurer; Christopher J. Caldwell; Kathleen M. Goetsch; Angela M. Hentkowski; Robert C. Labe; Michael G. Lichterman; Katie Lynwood; Raj A. Malviya; Melisa M.W. Mysliwicz; Richard C. Mills; Kurt A. Olson; Nathan R. Piwowarski; Christine M. Savage; Andrew W. Mayoras (via remote attendance); and Neal Nusholtz (via remote attendance). A total of 18 Council officers and members were present, constituting a quorum.
- C. The following ex officio members of the Council were present: Amy N. Morrissey; and Marlaine C. Teahan.
- D. The following liaisons to the Council were present: Susan L. Chalgian (SCAO); Jeanne Murphy (ICLE); and James P. Spica (Uniform Law Commission).
- E. Others present: Sandra Glazier; Ryan Bourjaily; Jim Ryan (Public Affairs Associates); Ken Silver; Paul Vaidya; Dan Hilker; David Sprague; Jacob Whiten; Joe Weiler; and Mike Shelton (via remote attendance).

III. Excused Absences

The following officers and members of the Council were absent: David P. Lucas, Vice Chair; Hon. Michael L. Jaconette; Lorraine F. New; James F. Anderton; Nazneen S. Hasan.

IV. Lobbyist Report – Public Affairs Associates

Jim Ryan of Public Affairs Associates reported that: (1) he met with Senator Lucido, chair of the Senate Judiciary Committee, regarding the Probate Council's top two priorities, EPIC omnibus bill and ART, and Senator Lucido is anxious to get such bills filed; and (2) the Michigan Probate Judges Association retained PAA as its lobbyist, and in the event of a conflict between the Probate Section and MPJA, PAA would represent the Section's interests as it is the firm's more longstanding client.

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 January 25, 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):

It was reported that the Divided and Directed Trusteeships Committee had been disbanded because its service was complete; there is an invitation in the materials to attend a telephone seminar on effective mediation preparation; the Section received a request to sponsor the Young Lawyers Summit in the amount of \$350; and the Section received a request for assistance with a mortgage lending webinar.

It was moved and seconded to approve the request to sponsor the Young Lawyers Summit in the amount of \$350. On voice vote, the Chair declared the motion approved.

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

It was reported that the Treasurer's Report is included in the materials.

D. Committee on Special Projects (Katie Lynwood):

Katie Lynwood reported on the discussion at the Committee on Special Projects meeting.

Nathan Piwowarski of the Legislative Development and Drafting Committee led a discussion on three issues: (1) MCL 700.3206 and "armed forces" definition; (2) standby guardian provisions of the EPIC omnibus bill; and (3) Spousal Lifetime Access Trusts. CSP will likely request a vote of the Council on these three issues at the March meeting.

Kathleen Goetsch of the Guardianship, Conservatorship, and End of Life Committee led a discussion on proposed modifications to the patient advocate designation statutes. CSP will likely request a vote of the Council on this issue at the March meeting.

VI. Other Committees Presenting Oral Reports

A. Court Rules, Forms, & Proceedings Committee

Melisa Mysliwec led a discussion on ADM File No. 2017-28, related to proposed Michigan Court Rule amendments intended to protect parties' confidential information. The committee's motion is:

The Section opposes ADM File No. 2017-28 in its current format but recognizes the need for protection of personal identifying information, especially as the court system moves toward universal e-filing.

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 18 in favor of the motion, 0 opposed to the motion, 0 abstaining, and 5 not voting.

B. Electronic Communications Committee

Michael Lichterman reported on the status of the new remote attendance technology.

C. Guardianships, Conservatorships & End of Life Committee

Kathleen Goetsch reported on the status of the work of the committee, including the fact that Senator Lucido has reintroduced SB 110, the guardianship visitation bill.

D. Membership Committee

Rob Labe reported on the status of the work of the committee, including membership initiatives related to the Drafting Seminar and the Probate Institute.

E. State Bar & Section Journals

Richard Mills reported on the status of the work of the committee, including the fact that Nancy Little is transitioning out of her de facto leadership role, after many years of service.

F. Tax Committee

Raj Malviya reported on a tax nugget, which was included with the meeting materials.

G. Amicus Curiae Committee

Mr. Mayoras reported that the Amicus Curiae Committee received a request for an amicus brief by counsel for Mr. Larry J. Winget and the Larry J. Winget Living Trust. Various persons recused themselves and left the room. After discussion, a motion was made to file an amicus brief on the position that a revocable living trust for the benefit of the settlor is not a separate legal entity from the settlor, which was supported. After discussion, the motion was not approved.

VII. Other Committees Presenting Written Reports Only

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

A. Tax Liaison (Neal Nusholtz)

VIII. Other Business

Marlaine Teahan on behalf of the Nominating Committee requested nominations for officers and members of the Probate Council, which will be submitted to the Council at its June meeting.

IX. Adjournment

Seeing no other matters or business to be brought before the meeting, the Chair declared the meeting adjourned at 12:12 p.m.

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