

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

JANUARY 15, 2011  
University Club  
Lansing, Michigan  
REVISED

**Minutes**

**1. Call to Order**

The Chair of the Section, Doug Chalgian called the meeting to order at 9:00 a.m.

**2. Attendance**

**A.** The following officers and members of the Council were in attendance:

Doug Chalgian, Chair	Meg Lentz
George Gregory, Chair Elect	Hon. Darlene O'Brien
Tom Sweeney, Secretary	Patricia Ouellette
Amy Morrissey, Treasurer	Rebecca Schnelz
Susan Allan	Rick Sirini
Constance Brigman	Bob Taylor
Shaheen Imami	Marlaine Teahan
David Kerr	Rob Tiplady

**B.** The following officers and members of the Council were absent with excuse:

Josh Ard  
Hon. David Murkowski  
James Steward  
Mark Harder  
Ellen Sugrue Hyman  
Robin Ferriby  
James P. Spica

**C.** The following officers and members were absent without excuse:

None

**D.** The following ex-officio members of the Council were in attendance:

Hon. Phillip Harter

John E. Bos  
James H. LoPrete  
Susan S. Westerman

**E. Others in Attendance**

Christopher Ballard	Steve Jones
Stephan Brey	Rhonda Clark Kreuer
Brittany Catterick	Michael Lichterman
John Dresser	David P. Lucas
Steve Dunn	Marta A. Manildi
Larry Ferguson	Rick Mills
Kathleen Goetsch	Jeanne Murphy
Timothy Goodnow	Amy Tripp
Mike Jaconette	Derek A. Walters

**3. Internal Governance**

**A. Minutes of December 18, 2010 Meeting of the Council**

Minutes of the December 18, 2010, meeting of the Council had been previously distributed with the Agenda for the meeting. Upon motion by Doug Chalgian with support from George Gregory, the minutes were approved by a unanimous vote of the sixteen council members present.

**B. Treasurer Report**

Amy Morrissey distributed a financial report through November 30, 2010 (**Attachment 1**). Ms. Morrissey indicated that the fund balance as of the end of August, 2010 was approximately \$242,365 and that membership dues received through November 30, 2010 were \$104,202 of the budgeted \$115,950.

**C. Chairperson's Report**

Doug Chalgian and others briefly discussed initial reactions to the modification to the estate, gift and generation-skipping transfer taxes that became law on December 17, 2010. Doug Chalgian asked that the ad hoc tax committee that developed HB 6197 that was signed by the Governor on December 10, 2010 as PA 224 of 2010, be reconstituted. He requested the committee study what changes should be made as a result of the December 17, 2010 federal transfer tax law changes.

Doug Chalgian asked the Committee on Special Projects to report on the discussion at its meeting involving MRPC 1.15A.

**D. Report of the Committee on Special Projects**

Rick Siriani reported on the presentation by Jim LoPrete and Howard Linden regarding unintended consequences of the new MRPC rule 1.15A. Doug Chalgian asked if they would be willing to join a new ad hoc committee of Council members to study the issue and to develop a proposal for the Council to consider. Doug Chalgian appointed Tom Sweeney as chair and asked him to add two or three Council Members to the committee.

**E. Legislation**

Doug Chalgian asked the Section's lobbyist, Becky Bechler, to report on what to expect in the new legislative session. She reported on the new Judiciary Committee chairs in the Michigan House and Senate. She also reported that the estimated state budget deficit for the fiscal year beginning October 1, 2011 had been increased from \$1.4 billion to \$1.8 billion which will impact both expense and revenue legislation. She also suggested that the Michigan Business Tax surcharge was likely to be repealed and that the Governor had proposed its repeal and replacement with a six percent corporate tax. She said she would check on the viability of a statute of repose.

**4. Reports of Ongoing Active Committees Involving Special Projects and Active Committees**

**A. Probate Appeals and Jurys**

Marlaine Teahan reported that the Probate Judges Association expressed support for the elimination of any appeals to the Circuit Court and that support had been requested from the Rules Committee of the Court of Appeals. The possibility of having joint resolutions from several affected constituencies supporting elimination of the remaining probate appeals to the Circuit Courts, would increase the likelihood that the Supreme Court would view this proposed change favorably.

**B. ICLE**

Jean Murphy reported on its plan's for Judge Harter's website and possible technological advances to make it available to Section members.

**C. Specialization**

Doug Chalgian reported that Jim Steward had requested that the March, April and June meetings commence at 8:30 a.m., so that the CSP could devote substantial time to the subject of specialization. It was agreed that the CSP would commence at 8:30 a.m. for these three meetings.

**D. Guardianships and Conservatorships**

Connie Brigman lead a discussion regarding the issues involving guardians signing DO NOT RESUSCITATE orders and several different opinions were expressed regarding possible legislation.

**E. Probate Institute**

In connection with early planning for the 2012 Probate Institute, Tom Sweeney requested that Council members forward any ideas for subjects in the next three months.

**F. Probate Court Rules**

Marlaine Teahan discussed a proposed change to Michigan Court Rule 5.208, contained in ADM File 2009-29, regarding deletion of the decedent's last known address in a notice to creditors. Following discussion of the change and the possible due process issues involved, upon motion by Marlaine Teahan, supported by Doug Chalgian, the council approved the proposed change by the unanimous vote of all 16 Council members present.

**5. Adjournment**

The meeting adjourned at 11:55 a.m.

Respectfully submitted

Thomas F. Sweeney  
Secretary