1. Call to Order

The Chair of the Section, George Gregory called the meeting to order at 10:45 a.m.

2. Attendance

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

   George Gregory, Chair                         Meg Lentz
   Mark Harder, Chair Elect                      Hon. David Murkowski
   Tom Sweeney, Vice Chair                      Pat Ouellette
   Amy Morrissey, Secretary                    Rebecca Schnelz
   Shaheen Imami, Treasurer                     Jim Spica
   Susan Allan                                  Jim Steward
   Josh Ard                                     Ellen Sugrue-Hyman
   George Bearup                                 Robert Taylor
   Constance Brigman                            Nancy Welber
   David Kerr

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

   Chris Ballard                               Hon. Darlene O’Brien
   Marlaine Teahan                             Rob Tiplady

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

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

   Robert D. Brower                            Phillip E. Harter
   Michael S. McClory
3. Internal Governance

A. Minutes of December 17, 2011 Meeting of the Council

Minutes of the December 17, 2011, meeting of the Council had been previously distributed for the meeting. Upon motion by Connie Brigman with support from Tom Sweeney, the minutes were approved by a unanimous vote of all Council members present.

B. Treasurer Report

Shaheen Imami discussed the financial report through November 30, 2011, previously distributed with the Agenda for the meeting (Attachment 1).

Upon audit, there was a positive $300 adjustment to the 2010-11 fiscal year end balance due to an expense item being moved to fiscal year 2011-12. Fiscal year 2010-11 had an ending balance of $183,512. Mr. Imami indicated that the fund balance as of the end of November 30, 2011 was approximately $272,205.

Discussion was held concerning the contribution by the Section to cover a portion of the cost of transportation for the wine tour that is part of the activities held in Acme in May in connection with the annual Probate and Estate Planning Institute. Tom Sweeney moved that the required cost of participation for the wine tour be raised from $10 to $15 per person; Shaheen Imami supported. Council unanimously approved.

C. Chairperson’s Report

George Gregory welcomed special guest, JoAnn Hathaway, the Practice Management Advisor for the State Bar of Michigan (SBM), who attended today’s meeting to talk about Adobe Connect and conferencing software options.

Mr. Gregory announced that he has designated Nancy Little as the password protector to work with the State Bar of Michigan in developing password protection for the Section Journal.
Mr. Gregory also announced that the February 18 meeting of the Committee on Special Projects will commence at 8:30 a.m. to allow ample time for a full agenda.

Mr. Gregory discussed an email sent from Bruce Timmons of the House Judiciary Committee to the Council regarding concerns with SB 92 (powers of attorney) and asking for the Section’s input. Mr. Gregory referred the email to Meg Lentz as chair of the Power of Attorney Committee with instructions to work through Becky Bechler to formulate a response, noting that many of Mr. Timmons’ questions and concerns about the legislation are similar to those of our Section.

D. Standing Committee Reports

1. Committee on Special Projects

Jim Steward moved that the Council support proposed language in “LSB 0475’11 Draft 1” (circulated with the meeting materials prior to the meeting) concerning modifications to MCL 211.7dd that would include a present beneficiary of a trust in the definition of owner for purposes of the Michigan principal residence exemption; David Kerr supported the motion. A hand vote of Council members present was taken: 19 in support; 0 opposed, 0 abstaining; 4 absent.

Jim Spica reported on the history and purposes of decanting and introduced the Decanting Committee’s draft proposal of revisions to the Powers of Appointment Act of 1967, which would allow for the exercise of a fiduciary power of appointment to distribute assets from one trust to another trust under certain circumstances and for specific purposes. Part of the language includes proposed amendments to the effective date provisions. The decanting discussion will continue at a future CSP meeting.

2. Pamphlets

Ellen Sugrue-Hyman reported that she had included 3 draft revised pamphlets in the supplemental materials for the January meeting (Probate Administration, Durable Power of Attorney, and Acting for Adults Who Become Incapacitated). Ms Sugrue-Hyman requested help with the Medicaid planning pamphlet; Melisa Mysliwiec volunteered to assist.

3. ListServe/Electronic Communication/Technology

Josh Ard reported that the SBM has switched over to a new vendor and platform for the ListServe. He noted that there are a lot of administrative changes. The ListServe is more robust. The SBM will be removing people from the list who haven’t paid dues.

JoAnn Hathaway from the SBM presented on conferencing software, which included a demonstration of Adobe Connect. Ms. Hathaway noted that Adobe
Connect is conferencing software that provides powerful functionality at a good price. The software allows for three types of participants – the host, participants, and viewers, with viewers having limited participation. Ms. Hathaway demonstrated breakout sessions: a discussion pod, collaboration pod, and a sharing pod. The software can record and archive meetings. Participants at the meeting can vote. The host can keep access to meeting open for as long as host wants. Documents can be attached as downloads. The host can share a screen, documents, and whiteboards. This can complement a teleconference call, or have audio streaming through Adobe Connect.

Current pricing for Adobe Connect is $425 per subscription year, with $100 set up and training costs. Subscribers can host as many meetings desired throughout the year and can host up to 99 participants at a time. The teleconferencing fee is an additional cost of $.04/min. There is an audio-connect and webcam feature.

4. Unauthorized Practice and Multidisciplinary practice

Bob Taylor reported that members of the UPL Committee will meet with the Attorney General’s office in February.

5. Court Rules, Procedures and Forms

Hon. David Murkowski reported that efforts to end the bifurcation of appeals have been signed off by all parties who were working on the project. The Supreme Court will take up the issue January 25. There will be a 4-month comment period, followed by public comment. Judge Murkowski reported that Marlaine Teahan has been in communication with the Appellate Section of the SBM concerning our Section’s efforts in this regard.

E. Ad Hoc Committees

1. Updating Michigan Estate/Trust Law

Shaheen Imami reported that the Committee is running proposals past the Michigan Banker’s Association and will then present the proposals to CSP for comment.

2. Online Guidance for Non-Lawyers

Rebecca Schnelz reported that she had a phone conference with the online research library contact person to discuss how our website might be of assistance.

3. Decanting

See Jim Spica’s report under the Committee on Special Projects.
4. Guardianships, Conservatorships and End of Life

Connie Brigman reported that Spectrum Health has pulled out of coalition working on changes to the Do Not Resuscitate Procedures Act. Ms. Brigman continues to work on gaining approval from those in the coalition as to the Section’s approved draft version of the DNRPA; there may be changes.

Regarding the family consent statutes, Ms. Brigman reported that there is some overlap between the family consent statutes and the Patient Advocate statute as some provisions are the same. The Committee will meet again and follow up with recommended changes.

F. Specialty Areas and Liaisons

1. Probate Registers

Rebecca Schnelz reported that the Section’s Online Guidance for Non-Lawyer’s Committee has been contacting Probate Registers about the website.

2. Business Law/Liaison to Business Law Section

John Dresser reported that there is movement to create a business court within the circuit court of each county; Macomb County and Kent County have created pilot projects. Subject matter includes contract, employment, environmental, among others, all on a fast track. The Michigan Economic Development Corporation (MEDC), through collaboration with Business Law Section, is communicating with lawyers in the State of Michigan who are working with those who want to start a business. The Nonprofit Corporation Committee is also looking very carefully at overhauls to nonprofit corporation law.

3. Family Law/Liaison to Family Law Section

Pat Ouellette reported that the Family Law Section meets on January 28.

G. Adjournment

There being no other business brought before the Council, Mark Harder moved to adjourn; Judge Murkowski supported. The meeting was adjourned at 11:48 a.m.

Respectfully submitted,

Amy Morrissey
Secretary