1. Call to Order: The Chair of the Section, Marlaine C. Teahan, called the meeting to order at 9:19 am.

2. Introduction of Guests and attendance.
   a. meeting attendees introduced themselves
   b. The following officers and members of the Council were present:
      Marlaine C. Teahan, Chair
      Marguerite Munson Lentz, Chair Elect
      Christopher A. Ballard, Vice Chair
      David P. Lucas, Secretary
      David L.J.M. Skidmore, Treasurer
      Christopher J. Caldwell
      Rhonda M. Clark-Kreuer
      Angela M. Hentkowski
      Mark E. Kellogg
      Robert B. Labe
      Michael G. Lichterman
      Katie Lynwood
      Raj A. Malviya
      Richard C. Mills
      Melisa M.W. Mysliwiec
      Lorraine F. New
      Kurt A. Olson
      Nathan R. Piwowarski
      Christine M. Savage
      Geoffrey R. Vernon
      A total of 20 Council officers and members were present, constituting a quorum

3. Absences
   a. The following members of the Council were absent with excuse:
      Kathleen M. Goetsch
      Nazneen Hasan
      Michael L. Jaconette

   b. The following officers and members of the Council were absent without excuse:
      none
c. The following ex-officio members of the Council were present:
   George W. Gregory
   Amy N. Morrissey

d. The following liaisons to the Council were present:
   Susan Chalgian
   Jeanne Murphy
   James P. Spica

e. Others present:
   Aaron Bartell
   Rebecca Bechler
   Georgette David
   Dan Hilker
   Sueann Mitchell
   Neal Nusholtz
   Jim Ryan
   Ken Silver

4. Minutes of December 16, 2017 Meeting of the Council: it was moved and seconded to approve the
   Minutes of the December 16, 2017 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.

5. Treasurer’s Report - David Skidmore: Mr. Skidmore reviewed his Report, which was included as a
   supplement to the agenda materials. Mr. Skidmore noted the 2018 mileage reimbursement rate,
   stated that he had received contributions to the Council’s Hearts and Flowers Fund, and encouraged
   Council members and Officers to consider an annual contribution.

6. Chair’s Report – Marlaine C. Teahan: The Chair reviewed the Chair’s Report which was included with
   the meeting agenda materials, including (i) that the Hon. Milton Mack, Jr. had notified the Chair that
   he is not able to continue as one of the Council’s liaison to the Alternative Dispute Resolution
   Section, but would like to continue to be involved in Section matters—the Chair thanked Judge
   Murkowski for his service and asked for volunteers and recommendations to act as the Council’s
   Liaison to the Alternative Dispute Resolution Section; (ii) that Rep. Lucido would like the Council to
   take up the development of legislation regarding visitation of adults who are not the subject of a
   guardianship order, so that incapacity does not have to be alleged in order to provide for family
   visitation and access.

   it was moved and seconded that the matter of developing legislation that will allow
   a Court to order visitation of a shut-in adult (with capacity) by petitioners who
   would like to visit with the adult and by those of the adult’s choosing, and to
address SB 2713, be referred to an ad hoc committee with the number of members of such committee to be designated by the Chair, and the members of such committee to be appointed by the Chair.

The Council discussed the motion; George Gregory suggested that such a committee seek input from the Elder Law Section (Liaison Angela Hentkowski) and Family Law Section (Pat Oulette). Following discussion, on voice vote, the Chair declared the motion approved. The Chair appointed Geoff Vernon as the Chair of the Ad Hoc Committee on Visitation of Shut-In Adults, and the Chair will designate the number and members of other members of such Committee at a later date.

The Chair continued the review of the Chair’s report, including (i) that the Council’s officers had concluded that the Council would not financially sponsor, based on Council policy not to financially sponsor affinity bar association events, the Michigan Women’s Lawyers celebration of 100th anniversary at an event on April 27, 2018, but the Council’s officers encouraged Section members and Council members to attend and support such event; and (ii) a request from the Membership Committee for more members to assist with planning. During the Chair’s Report, Mr. Spica told the Council that he had talked to Representative Lucido about legislation regarding certificates of trust existence and addressing In re Jajuga. Mr. Spica also told the Council that he had met with Representative Kesto about the Divided and Directed Trusteeship legislation, and was told that the legislation would likely take the form of three bills.

7. Committee Reports

a. Committee on Special Projects - Geoff Vernon: Mr. Vernon reported that the Committee on Special Projects had discussed the Legislation and Development Committee’s proposed EPIC Omnibus Legislation. The Committee’s materials including the proposed EPIC Omnibus Legislation is included in the Council agenda meeting materials. The Committee’s motion is:

The Probate and Estate Planning Section supports the Legislation and Development Committee’s EPIC Omnibus Legislation, in the form presented to the Council.

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 the vote of 19 in favor of the motion, 0 opposed to the motion, 0 abstain, and 4 not voting. The Chair declared the motion approved.

b. Electronic Communications Committee - Mike Lichterman: Mr. Lichterman reported that the Committee thinks that it is in the best interest of the Section to move from the Section’s Listserv to SBM Connect as the means of communicating on issues and questions by members of the Section. Mr. Lichterman reported the many reasons for such move,
including (i) that the technology on which the Listserv is based is older technology that works now, but will probably not be available over the long term, so it is prudent to move before moving is much more difficult and expensive; (ii) the number of vendors to provide service for such technology is likely to be substantially reduced; (iii) the membership in SBM Connect is updated immediately, by the State Bar, so the amount of time engaged in this activity will be substantially reduced, and the accuracy of such membership is likely to be increased; (iv) “communities” can be established for special purpose communications; (v) “libraries” can be established for sharing documents; (vi) policing the communications will be substantially reduced since only Section members may use SBM Connect, the State Bar is responsible for compliance with Bar policies must be followed. The Committee’s motion is:

The Probate and Estate Planning Section endorses and adopts the communications between Members of the Section based on the SBM Connect system, as described in the Electronic Communications Committee’s report, in the form presented to the Council, and directing the Committee to implement such system change, commencing June 1, 2018, and granting the Committee the authority to make non-substantive changes to the report.

The Council discussed the motion; suggestions were made to develop a list of frequently asked questions, provide easy directions on how to access the State Bar information about SBM Connect and tutorials for use of SBM Connect, provide a sufficient term of transition from the Listserv to SBM Connect, and assure that the Listserv archives are preserved. Following further discussion, on voice vote, the Chair declared the motion approved and noted that the motion was unanimously approved by the Council. The Chair asked Mr. Lichterman and the Electronic Communications Committee to proceed with the implementation of the Committee’s report and the Section’s resolution.

c. Tax Committee - Raj Malviya: Mr. Malviya noted the Tax Nugget included with the agenda materials, and reported on the federal government closure, changes to the CPI definition, reviewing estate planning documents with clients. Lorraine New reported on the federal gift tax, and Mr. Malviya reported on possible clawback due to future reductions in exemption amounts.

d. Court Rules, Forms, & Proceedings Committee - Melisa Mysliwiec: Ms. Mysliwiec gave updates on HB 5073, HB 4752, HB 4821, HB 4822, and e-filing implementation delay. The Chair noted that a workgroup had been established, and that the Chair had requested to be included in the workgroup. Rebecca Bechler, the Section’s lobbyist, reported that there were no other legislation issues that affected the Section at this time.

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e. State Bar & Section Journals Committee - Rick Mills: Mr. Mills gave a report on the upcoming probate-themed November State Bar Journal. Articles may include divided and directed trustee ships, domestic asset protection trusts, Jajuga, and Mardigian. Mr. Mills stated that the positive things that the Section does for Section members (such as master lawyers for new practitioners and amicus filings) will be highlighted. The Chair asked that Mr. Mills update the Council with deadlines for submission of articles.

8. Written Reports Without Oral Presentation - The Chair noted the several reports that were included with the agenda materials.

9. Other Business
   a. George Gregory presented a written report which is attached to these Minutes.
   b. The Chair reported on HB 5415, specifically the definition of marriage, and requested that the Real Estate Committee review this legislation.
   c. Mark Kellogg reported on HB 3905 regarding change in principal residence if an owner is in a nursing home. The Council discussed the report, including that the lease of a residence while the owner is in a nursing home is a common practice to maintain the home. The Chair asked that the Committee address the issue of lease of a principal residence in this instance.
   d. Amy Morrissey reported that, on behalf of the Nominating Committee, she was requesting suggestions for individuals to be nominated for election to the Council, and encouraged submission of names to the Committee. The Chair asked that the Committee make its request for suggestions on SBM Connect.
   e. The Chair highlighted the MIRS Bill Hound Report that was included with the agenda materials. The Chair noted that the Bill Hound subscription would give the Council and Committees the ability to follow legislation which affects the Council and its Committees.
   f. Christine Savage reported that she anticipated that there would be a report on HB 4959 to the February Council meeting.
   g. The Chair reminded Council members to clarify that they are (if directed by the Council), or are not, representing the Section when discussing legislative positions of the Section.
   h. Ms. Bechler reported that Representative Bida is working on the community property trust act.
   i. Meg Lentz reported that the tenancy by the entireties trust legislation seems to be stalled.
There was no other business offered or requested.

10. Adjournment: seeing no other matters or business to be brought before the meeting, the Chair declared the meeting adjourned at 11:26 am.

Respectfully submitted,
David P. Lucas, Secretary