

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

**January 25, 2019
Lansing, Michigan**

Minutes

I. Call to Order

The Chair of the Council, Marguerite Munson Lentz, called the meeting to order at 10:15 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 (via telephone); Mark E. Kellogg, Treasurer; James F. Anderton; Christopher J. Caldwell (via telephone); Kathleen M. Goetsch; Nazneen S. Hasan (via telephone); Angela M. Hentkowski; Robert B. Labe; Michael G. Lichterman (via telephone); Katie Lynwood; Richard C. Mills; Lorraine F. New (via telephone); Kurt A. Olson; and Christine M. Savage. A total of 16 Council officers and members were present, constituting a quorum.
- C. The following liaisons to the Council were present: Susan L. Chalgian (SCAO); John R. Dresser (Business Law Section); Jeanne Murphy (ICLE); and James P. Spica (Uniform Law Commission).
- D. Others present: Ryan Bourjaily; Sandra D. Glazier; Paul Vaidya; Joe Weiler; Warren H. Krueger; Mark J. DeLuca and Josh Ard.

III. Excused Absences

The following officers and members of the Council were absent: David P. Lucas, Vice Chair Hon. Michael L. Jaconette; Raj A. Malviya; Andrew W. Mayoras; Melisa M.W. Mysliwiec Neal Nusholtz; and Nathan R. Piwowski.

IV. Lobbyist Report – Public Affairs Associates

Jim Ryan of Public Affairs Associates discussed the reintroduction of bills of interest to the Probate Section in the current legislative session. Senator Lucido will sponsor the EPIC omnibus bill and may sponsor the ART bill.

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 December 15, 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):

The Treasurer gave a report on the Probate Section's budget for the current fiscal year.

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

The Chair reported on invitations from other SBM sections to the Probate Section to participate in certain initiatives, accomplishments in the past legislative session, and proposed legislation in the current session.

It was moved and seconded to extend the agreement between the Probate Section and ICLE regarding payment for the EPIC/MTC commentary authored by John Martin and Mark Harder, as included in the meeting agenda materials and presented to the meeting. On voice vote, the Chair declared the motion approved.

D. Committee on Special Projects (Katie Lynwood):

Katie Lynwood reported on the discussion at the Committee on Special Projects meeting. The committee desires to include an additional statutory amendment in the EPIC Omnibus legislation when it is reintroduced in the current legislative session. The committee's motion is:

The Probate and Estate Planning Section supports amending MCL 554.531(3) to increase the limit from \$10,000 to \$50,000 for a transfer by a third party (other than a personal representative, trustee, or conservator) to a custodian under the Uniform Transfers to Minors Act, 1998 PA 433, MCL 554.521 et seq.

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 16 in favor of the motion, 0 opposed to the motion, 0 abstaining, and 7 not voting.

The committee is considering revisions to the statutes governing patient advocate designations and will make a further report on this matter in the future. The committee is considering whether to propose adoption of the Uniform Premarital and Marital Agreements Act and will make a further report on this matter in the future.

VI. Other Committees Presenting Oral Reports

A. Budget Committee

David Skidmore reported that the committee has prepared a proposed budget for fiscal year 2018-2019. It was moved and seconded to approve the FY 2018-2019 budget. On voice vote, the Chair declared the motion approved.

B. Court Rules, Forms & Proceedings Committee

Susan Chalgian reported on SCAO's response to the public policy position previously taken by the Probate Section regarding certain proposed amendments to the Michigan Court Rules. SCAO has made changes to its proposed amendments to the Court Rules in response to the Probate Section's public policy position. However, SCAO is still proposing to amend MCR 5.307(A) to create a new obligation to file the Inventory with the Court, contrary to MCL 700.3706(2). The committee's motion is:

The Probate and Estate Planning Section opposes amending Michigan Court Rule 5.307(A) to require that the inventory be filed with the probate court, because it is contrary to MCL 700.3706(2).

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 16 in favor of the motion, 0 opposed to the motion, 0 abstaining, and 7 not voting.

C. Guardianships, Conservatorships, & End of Life Committee

Kathleen Goetsch reported that the committee is considering revisions to newly enacted legislation regarding appointment of an agent for children. The committee will have a further report in the future.

D. Membership Committee

Rob Labe reported that there will be a networking lunch at the annual drafting seminar.

E. Tax Committee

Rob Labe provided a tax nugget.

VII. Other Committees Presenting Written Reports Only

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

A. Electronic Communications Committee

B. Legislation Development & Drafting Committee

C. Divided and Directed Trusteeships Ad Hoc Committee

The Chair state that the Diviided and Directed Trusteeships Ad Hoc Committee is now disbanded since its work is finished.

VIII. Adjournment

Seeing no other matters or business to be brought before the meeting, the Chair declared the meeting adjourned at 11:15 a.m.

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