

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

June 11, 2011
University Club
Lansing, Michigan

Minutes

1. Call to Order

Due to the absence of the Chair and Chair elect, the Vice chair, Mark Harder, called the meeting to order at 10:05 a.m.

2. Attendance

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

Mark Harder, Vice Chair	Meg Lentz
Tom Sweeney, Secretary	Darleen O'Brien
Amy Morrissey, Treasurer	Rick Siriani
Susan Allan	James P. Spica
Josh Ard	Bob Taylor
Constance Brigman	Marlaine Teahan
Ellen Sugrue Hyman	Rob Tiplady
David Kerr	

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

Doug Chalgian, Chair
George Gregory, Chair Elect
Robin Ferriby
Shaheen Imami
Hon. David Murkowski
Patricia Ouellette
Rebecca Schmelz
James Steward

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

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

Douglas Mielock
Harold Schuitmaker

E. Others in Attendance

J.V. Anderson	Katie Lynwood
Christopher Ballard	Tom McKenney
Karl Barr	Rick Mills
Brittany Catterick	Jeanne Murphy
Keven DuComb	Lorraine New
Steve Dunn	Nick Reister
Kathleen Goetsch	Tess Sullivan
Jill Goodell	Amy Tripp
Valerie Lafferty	Brittany Walker
Mark Lang	Derek A. Walters
Michael Lichterman	Rachel Zapczynski

3. Internal Governance

A. Minutes of April 16, 2011 Meeting of the Council

Minutes of the April 16, 2011, meeting of the Council had been previously distributed with the Agenda for the meeting. Upon motion by Meg Lentz with support from Darlene O'Brien the minutes were approved by a unanimous vote of all 15 council members present.

B. Treasurer Report

Amy Morrissey distributed a financial report covering March and April, 2011 (**Attachment 1**). Ms. Morrissey indicated that the fund balance as of the end of August, 2010 was approximately \$223,686 and that dues revenue was 101% of the budgeted amount.

C. Chairperson's Report

There was no Chairperson's Report.

D. Report of the Committee on Special Projects

Rick Siriani reported that due to Jim Steward's absence, the ongoing discussion on specialization would be continued at the next CPS meeting in September.

Rick Siriani also reported that the Committee on Special Projects had discussed a proposed form for Physicians Order for Life Sustaining Treatment ("POLST"). Following a discussion upon motion by Connie Brigman, seconded by Amy Morrissey an unanimously approved by the 15 council members present, the POLST draft as presently drafted was conditionally approved.

Rick Siriani also reported on the CSP discussions regarding ADM File No. 2011-05 regarding proposed changes to Rule 1.1, 1.7, 1.4, 1.16(a) and 3.2. David Kerr

then discussed recommendations of the committee. Upon motion made by David Kerr and seconded by Meg Lentz, and unanimously approved by a vote of all 15 council members present, the Council approved the draft positions statement, attached to these minutes, regarding the proposed changes to the Michigan Rules of Professional Conduct included in ADM File No 2011-05, provided that the position statement, with appropriate edits for format presentation, grammar, typography and spelling be made before presentation.

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

A. Legislation

1. Meg Lentz reviewed the proposed changes to the substitute for SB 92 to be presented to the House Judiciary Committee. Two minor corrections on page 3 (line 24) and page 5 (line 15) were made to the draft. Following the discussion upon motion by Meg Lentz, and a second by Josh Ard, the 15 members of the present Council unanimously approved the revised draft for forwarding to the Section's lobbyist for submission to the legislature.

2. Tom Sweeney reviewed the proposed changes including a minor wording change to the draft provided in advance to MCLA 700.2723 based on the Virginia revisions to its similar legislation. Upon motion by Tom Sweeney, seconded by Rick Siriani, the Council by vote of 14 of the 15 Council members in favor with one abstention, approved the draft for forwarding to the Section's lobbyist for submission to the legislature.

B. Transfer on Death Deed

Josh Ard discussed issues involved regarding transfer on death deeds as well as a possible transfers on death automobile titles, including issues regarding creditor's rights. Upon motion by Marlaine Teahan, seconded by Rick Siriani, and unanimously carried by the 15 Council members present, it was agreed that the Transfer on Death Deed would become a working project.

C. Nomination Committee Report

In accordance with article IV of the Bylaws, Doug Mielock, on behalf of the nominations committee of Doug Mielock, Nancy Little and Harold Schuitmaker, reported on its nominations for the five chair positions and six three year council terms beginning October 1, 2011. There were suggestions that in the future the opportunity to serve on the council and the criteria considered be publicized in advance to Section members. There were no nominations from the floor. Following discussion the report and following nominations were approved by a vote of 14 members present along with two members not present but who had voted in advance by writing. There was one abstention. The names of nominees will be submitted for approval voted at the annual meeting of the Section in September, as follows:

Officers

Chairperson George W. Gregory
Chairperson Elect Mark K. Harder
Vice Chairperson Thomas F. Sweeney
Secretary Amy N. Morrissey
Treasurer Shaheen I. Imami

Second 3 year Term

Hon. David M. Murkowski

J. David Kerr

Robert M. Taylor

First 3 Year Term

Christopher A. Ballard

George F. Bearup

Nancy A. Welber

D. SB 404, 405 and 406

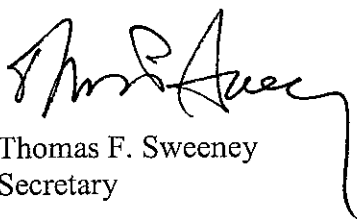
Amy Tripp discussed three bills introduced earlier in the week regarding estate recovery for beneficiary payments. She indicated the Elder Law Section was opposed to all three. Among the questions raised were: (a) Are the proposed changes administratively workable? (b) Will the changes be effective in carrying out the intended purpose and (c) Will the changes respecting spousal interests promote divorce? Several council members said they would abstain since the legislation was not available for review prior to the meeting. Upon motion made by Meg Lentz, seconded by Rob Tiplady and approved with nine members in favor and five abstaining of the fourteen members then present, (one member left the meeting prior to the vote), the Council voted to oppose SB 404 in its present form. Upon motion by Josh Ard, supported by Rob Tiplady, and approved by eleven members with three abstentions among the fourteen members then present, the Council voted to oppose SB 404 in its present form.

E. Jeanne Murphy reported that the contract between ICLE and the Section, regarding ICLE's hosting of a website for certain information as previously approved, had been signed.

7. **Adjournment**

Upon motion and second and unanimous approval, the meeting was adjourned at 11:55 a.m.

Respectfully submitted



Thomas F. Sweeney
Secretary