

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

**March 8, 2019
Lansing, Michigan**

Minutes

I. Call to Order

The Chair of the Council, Marguerite Munson Lentz, called the meeting to order at 11:32 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 P. Lucas, Vice Chair; David L.J.M. Skidmore, Secretary; James F. Anderton; Kathleen M. Goetsch; Nazneen S. Hasan (via remote attendance); Angela M. Hentkowski; Robert C. Labe; Michael G. Lichterman; Katie Lynwood; Raj A. Malviya; Melisa M.W. Mysliwicz; Richard C. Mills (via remote attendance); Lorraine F. New (via remote attendance); Kurt A. Olson; and Nathan R. Piwowarski (via remote attendance). A total of 17 Council officers and members were present, constituting a quorum.
- C. The following ex officio members of the Council were present: Douglas G. Chalgian; and Susan S. Westerman.
- D. The following liaisons to the Council were present: Susan L. Chalgian (SCAO); Hon. David M. Murkowski (Michigan Probate Judges Association); and Jeanne Murphy (ICLE).
- E. Others present: Laura Brownfield; Sandra Glazier; John Roy Castillo; Paul Vaidya; Diane Huff; Warren Krueger; Alex Stratilatov; Ryan Bourjaily; Joe Weiler; and Dan Hilker.

III. Excused Absences

The following officers and members of the Council were absent: Christopher J. Caldwell; Hon. Michael L. Jaconette; Mark E. Kellogg, Treasurer; Christine M. Savage; Andrew W. Mayoras; and Neal Nusholtz.

IV. Lobbyist Report – Public Affairs Associates

Public Affairs Associates provided a written report, which is attached hereto.

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 February 15, 2019 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. Chair's Report (Marguerite Munson Lentz):

The Chair reported on various legislative matters, as well as her upcoming attendance at the Brunch for Bars on April 7, 2019.

C. Treasurer's Report (Mark E. Kellogg):

It was reported that the Treasurer's Report is included in the materials.

D. Committee on Special Projects (Katie Lynwood):

Katie Lynwood reported on the discussion at the Committee on Special Projects meeting.

The committee's first motion is:

To add the revised definition of "armed forces" (MCL 700.3206(14)(a)) included in the CSP materials, to the EPIC amendments omnibus legislation.

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 17 in favor of the motion, 0 opposed to the motion, 0 abstaining, and 6 not voting.

The committee's second motion is:

To add the revised versions of MCL 700.7103 and 700.7506, as included in the CSP materials, to the EPIC amendments omnibus legislation.

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 17 in favor of the motion, 0 opposed to the motion, 0 abstaining, and 6 not voting.

The committee's third motion is:

To add to the EPIC amendments omnibus legislation the standby guardian sections, as included in the CSP materials, with the following revisions: (1) in MCL 700.531new(2), add "nominated" before "standby guardian;" and (2) in MCL 700.531new(4), add "in writing" after "notify the court and interested persons."

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 17 in favor of the motion, 0 opposed to the motion, 0 abstaining, and 6 not voting.

The committee's fourth motion is:

To add to the EPIC amendments omnibus legislation the revised MCL 700.5506(1) ("2nd Alternative" version) as included in the CSP materials.

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 17 in favor of the motion, 0 opposed to the motion, 0 abstaining, and 6 not voting.

The committee's fifth motion is:

To add to the EPIC amendments omnibus legislation a revised MCL 700.5507(2), providing: "A patient advocate designation may also include instructions about how the patient advocate is to make decisions."

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's sixth motion is:

The Section votes to add to the EPIC amendments omnibus legislation the revised MCL 700.5508, as included in the CSP materials, with the following revision to (4)(b): "Attending medical professional' means a medical professional who has primary responsibility for the treatment and care of the patient."

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.

VI. Other Committees Presenting Oral Reports

A. Court Rules, Forms, & Proceedings Committee

Melisa Mysliwec led a discussion on ADM File No. 2018-19, noting that the Section's prior comments were followed in the proposed revisions to MCR 5.131. See her memorandum attached to these minutes. On behalf of the committee, Ms. Mysliwec also made the following motion:

To authorize the committee to submit to the State Bar the rationale for its previously submitted comments to the proposed e-filing rules.

The motion was seconded. On voice vote, the Chair declared the motion approved.

VII. Other Business

Sandra Glazier reported that Sen. Lucido had reintroduced his proposed legislation regarding visitation of vulnerable adults. The Chair advised that the Legislation Development and Drafting Committee would be taking up such matter.

VIII. Adjournment

Seeing no other matters or business to be brought before the meeting, the Chair declared the meeting adjourned at 12:01 p.m.

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

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