

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

September 17, 2011  
University Club  
Lansing, Michigan

**Minutes**

**1. Call to Order**

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

**2. Attendance**

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

Doug Chalgian, Chair	Meg Lentz
George Gregory, Chair Elect	Hon. David Murkowski
Mark Harder, Vice Chair	Hon. Darlene O'Brien
Tom Sweeney, Secretary	Patricia Ouellette
Amy Morrissey, Treasurer	Rebecca Schnelz
Susan Allan	Rick Siriani
Josh Ard	James P. Spica
Constance Brigman	James Steward
Ellen Sugrue Hyman	Rob Tiplady
Shaheen Imami	

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

Robin Ferriby  
David Kerr  
Bob Taylor  
Marlaine Teahan

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

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

John Bos  
Hon. Phillip Harter

Nancy Little  
Michael McClory  
Harold Schuitmaker  
Susan S. Westerman

**E. Others in Attendance**

Christopher Ballard	Mark Lang
Karl Barr	Michael Lichterman
Becky Bechler (10:30 am)	Katie Lynwood
Brittany D.W. Catterick	Tom McKenney
Lynn Chard	Rick Mills
Rhonda Clark	Jeanne Murphy
Dan Cogan	Melissa Mysliwicz
Keven DuComb	Lorraine New
Kathleen Goetsch	Sharri L. Rolland Phillips
Jill Goodell	Tess Sullivan
Fred Hoops	Nancy Welber
Steve L. Jones	Geoffrey Vernon

**3. Internal Governance**

**A. Minutes of June 11, 2011 Meeting of the Council**

Minutes of the June 11, 2011, meeting of the Council had been previously distributed with the Agenda for the meeting. Upon motion by Jim Steward with support from George Gregory, the minutes were approved by a unanimous vote of 19 council members present.

**B. Treasurer Report**

Amy Morrissey had previously distributed a financial report through July 31, 2011 (**Attachment 1**). Ms. Morrissey indicated that the fund balance as of the end of July 2011 was approximately \$200,352. There were no questions.

**C. Chairperson's Report**

Doug Chalgian reported that the new Board of Commissioners liaison to the Council is Edward Hartunian. Tom Sweeney indicated Mr. Hartunian was unable to attend the September meeting but he invited him to attend the October meeting in Troy, Michigan

**D. Report of the Committee on Special Projects**

Doug Chalgian asked Jim Steward and Rick Siriani for the CSP report on its September 17, 2011 meeting.

1. With respect to ADM file 20002-24 dated July 19, 2011 and the email from Dawn Evans asking for consent, Josh Ard had been asked to circulate a draft letter for discussion at the October meeting and prior to the November 1, 2011 deadline for comment.

2. Estate Recovery Administrative Developments and Legislature. There were comments regarding: (a) Michigan's recent use of an outside vender to recover assets; (b) pending legislation to expand estate recovery options to non-probate assets and possibly making Michigan a lien state; (c) possible making pre-existing retirement funds exempt; and (d) exempting pre-existing long term insurance policies. It was noted that the Elder Law Section is actively addressing these issues.

3. Elder Abuse Legislation. There was discussion regarding SB 464 concerning elder abuse. Following discussion on this proposed legislation, ex officio member, John Bos, seconded by Judge Murkowski, moved that the Council support the legislation provided that the requirement for a guardian ad litem to report the amount of a proposed ward's assets in a report be eliminated or modified. The motion was approved by a vote of 18 in favor and one abstention.

4. It was reported that a substitute for SB 92 had been suggested to the House judiciary committee. A meeting with a committee representative is being scheduled.

#### **E. Other Committee Reports**

1. Legislation.

Becky Bechler, the Section's lobbyist, reported on current legislative priorities including those that are of particular interest to the Council and the Section.

2. ICLE

Lynn Chard and Jeanne Murphy reported on ICLE's plans to move towards an interactive website for the Section which would contain more content, more opportunity to interchange and both a "vetted" section based on existing law or rules and a "non-vetted" section for opinion and commentary as part of an "online community." The Council members and other Section members expressed support for the direction being proposed by ICLE, which would build on its recent project to digitize the Probate Journal, EPIC Questions and Answers and Probate Reviews. The ICLE representatives indicated that new proposals regarding these possible added on services might be as much as a year away.

3. POLST.

Connie Brigman reported that POLST Committee had not yet resolved the wording issues and that when it does, that wording would be brought to the Council for review.

4. Probate Appeals.

It was reported that the proposed court rule change to direct all probate appeals to the Court of Appeals will not be considered by the Administrative Council of the Supreme Court until January 2012. Judge Murkowski reported that he believed the Circuit Court Judges Association was supportive of the change.

5. Lorraine New reported that the IRS has recently released and then revised and released directions regarding filing of 2010 estate and gift tax returns and related due date matters. She suspects there will be more changes.

6. Verification of Funds.

It was noted that some banks are directing such requests from brokers to central offices which may be outside Michigan.

**F. Adjournment**

There being no other business brought before the Council, upon motion by Shaheen Imami, seconded by Tom Sweeney the meeting was adjourned at 11:50 a.m.

Respectfully submitted

Thomas F. Sweeney  
Secretary