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

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

- Robin Ferribby
- 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
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 Mysliwiec
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 vendor 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