

**COUNCIL OF TAXATION SECTION  
MINUTES OF REGULAR MEETING**

**September 16, 2010**

A regular meeting of the Council of the State Bar of Michigan Taxation Section was held on September 16, 2010 at 3:15 PM at the Inn at St. John's located at 44045 Five Mile Road, Plymouth, MI, Ronald T. Charlebois, Chairperson of the Taxation Section, presided.

**COUNCIL MEMBERS PRESENT**

Ronald T. Charlebois	Warren Widmayer
Gina M. Torielli	Gary Glenn
Lynn A. Gandhi	Gary Remer
Paul V. McCord	David B. Walters
Marjorie B. Gell	Michael Domanski
Jess A. Bahs	

**COUNCIL MEMBERS ABSENT**

John O'Hara	Wayne Roberts
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**COMMITTEE CHAIRPERSONS PRESENT**

Alex Domenicucci	Tom Shaevsky
Marla S. Carew	Peter Kulick

**COMMITTEE CHAIRPERSONS ABSENT**

George V. Cassar

**OTHERS PRESENT**

Deb Michaelian	Jeff Kirkey
Lorraine New	

Council Chairperson, Ronald T. Charlebois, called the meeting to order at approximately 3:15 PM. He noted that Wayne Roberts was unable to attend the meeting and asked Warren Widmayer to act as Secretary for the purpose of taking meeting minutes.

**MINUTES**

The Minutes of the June 17, 2010 meeting of the Council had been previously distributed. After minor corrections, the motion by Gina Torielli, seconded by Warren Widmayer, to accept the Minutes as revised was unanimously carried.

## TREASURER'S REPORT

Warren Widmayer provided his report as Treasurer. Warren discussed records reconciled through August 31 and also included expenses and revenues through September 15 that were not yet reconciled with State Bar records. He noted that the year to date deficit was approximately \$4,000 and that this would be greater after the Annual Meeting and final Professional Coordinator expenses were processed. This was much lower than the budgeted deficit of \$20,000. He noted that the committees spent approximately \$8,000 less than the \$12,000 budgeted for their use, accounting for about half of the difference.

A motion to approve the Treasurer's report was made by Gina Torielli, seconded by Chris Ballard, and unanimously approved.

## COUNCIL ACTIVITIES

1. Continuing Professional Education - After Hours Tax Law Series – Jeff Kirkey and Gary Glenn-

Jeff passed out and discussed the After Hours schedule.

2. 2010 and 2011 Tax Conference – John O'Hara and Gary Remer. John O'Hara was absent and Gary Remer provided John's budget to actual comparison for the 2010 conference together with a budget for the 2011 Tax Conference. Gary then discussed his attempts to line up a third \$5,000 major sponsor, and his attempts to confirm that our two major sponsors will continue. Gary also suggested some topical ideas for the committee breakout sessions. He then discussed the issues surrounding the potential webcast of the conference. Jeff Kirkey stated that webcast could be done without significant additional cost, and the video could be made available via archive. The concurrent breakout sessions could be made available immediately after the webcast. According to a recent survey, there is interest from outstate practitioners. Past history indicates that when a webcast is initiated at an annual conference, the in-person attendance does not drop significantly. Jeff mentioned the Intellectual Property Law Section's Annual Meeting experience, which did not drop when the webcast was initiated.

After considerable discussion, a motion by Warren Widmayer, seconded by David Walters, to webcast the 2011 conference in order to provide better service to our members was approved.

3. Tax Court Luncheon – David Walters. Dave reported that the next docket is expected to be in November and the next person in charge of this area will be tasked with arranging the next Tax Court luncheon.
4. Directory and Internet – Marjorie Gell. Marjorie reported that she had prepared a guide for the next Council member who handles both Directory and Internet.
5. Michigan Bar Journal Liaison – Paul McCord. Paul reported that the next Tax Issue is July of 2012. He met with the Michigan Bar Journal editors to discuss this.

6. Michigan Tax Lawyer – Lynn M. Gandhi. Lynn reported that the Fall issue is at the printer. The amicus brief on the *Klooster* case will be added to this issue. She expects that this issue will be published by the 30<sup>th</sup> of September.
7. Federal and State Legislation and Public Policy Liaison – Paul McCord. Paul stated there is a lot of uncertainty as to what will occur in the State lame duck session. He also discussed the *US vs Barr* 6<sup>th</sup> Circuit case relating to the ability of the government to invade a tenancy by the entirety and the *Klooster* case and the Section's amicus brief filed in that case.
8. Membership Outreach Coordinator – David Walters. Dave thanked those who participated in the outreach activities last year and stated that U of D is next in line for an outreach activity.

Ron Charlebois raised the idea of exchanging liaisons with the Young Lawyer's Section. He had attended a meeting of that Section and reports that they expressed interest in such an arrangement. Gina indicated that no motion or Bylaws change is needed to add a Liaison Report to future meeting agendas.

9. Annual Chairpersons' Dinner – David Walters. Dave reported that 46 people are coming to the dinner portion of the meeting, He was hoping for more due to the draw of the national speaker, Lee Shepard. He also thanked Deb Michaelian for all her assistance.
10. Grant Program – David Walters. Dave reports that all grant money was issued.

#### PROBATE AND ESTATE PLANNING SECTION LIAISON REPORT – Lorraine New

Lorraine reported that the Probate Section just reactivated after the summer break and that George Gregory was elected as chair.

#### STATE BAR OF MICHIGAN LIAISON REPORT

The liaison was absent and did not provide a report.

IRS AREA COUNSEL LIAISON REPORT – Robert D. Heitmeyer Neither Rob nor Eric were present.

PROGRAM FACILITATOR REPORT Deb indicated she had nothing to report.

#### COMMITTEE ACTIVITIES

##### Business Entities – Alex Domenicucci

Alex reported that an October 1 meeting is planned at which the codification of the economic substance doctrine and other recent tax developments of interest to business will be discussed. The speaker will be Mark Sutton from Plante Moran. There also was discussion of web and video conferencing, possibly at law firm offices.

Employee Benefits – Thomas Shaevsky

Tom stated that he has planned an October 21 meeting joint with MACPA at MSU Management Education Center in Troy involving two DOL speakers, one from Detroit and one from Washington, D.C.

Estates and Trusts – George Cassar

George was absent and did not provide a report.

Practice and Procedure – Peter Kulick

Peter will work toward setting up a Practice and Procedure meeting.

State and Local – Marla S. Carew

In July they had their Lansing event with good turnout from the Tax Tribunal's office and the Attorney General's office.

International Law – Michael Domanski

Mike reported that he is working with Eric Skinner to plan a follow-up to the Tax Conference presentation on offshore bank accounts in the next 6 weeks.

Ron moved , seconded by Gina, that whatever steps are appropriate to formally establish an International Tax Committee for the Section be proposed at the next meeting. Motion adopted.

**OLD BUSINESS**

No old business was discussed.

**NEW BUSINESS**

**INVITATION TO FILE AMICUS BRIEF**

See Paul's report above.

**JUDICIAL CROSSROADS TASK FORCE RESPONSES**

Ron reported that this task force, in June, was about to propose a new Business Court that would not have jurisdiction over tax issues involving businesses. The Section is engaged in a cost-benefit study under a cost-sharing relationship with the State Bar relating to the efficiencies of different judicial forum structures and whether the Section's proposal is revenue neutral, since the State's fiscal condition is such an overriding concern. The Taxation Section's response is under consideration by the task force.

There being no further business, upon motion duly made by Gina Torielli, seconded by Dave Walters and unanimously approved, the meeting was adjourned at approximately 4:45 PM.

Respectfully submitted,

Warren J. Widmayer  
Acting Secretary

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