

MINUTES OF THE MAY 3, 2011, MEETING OF THE
MD STATE BAR ASSOCIATION ESTATE AND TRUST LAW SECTION COUNCIL

The Section Council met on Wednesday, May 3, 2011, at the Elkridge Furnace Inn, Elkridge, Maryland. The following Section Council members were present: Matthew Mace (Chair), Sharon Ritter (Chair-Elect), Eileen O'Brien (Secretary), Danielle Cruttenden, Anne Coventry, Deborah Cohn, Mary Beth Beattie, Mary Alice Smolarek, Dave Dembert, Ed Fee (Past Chair), Walter Childs, Rich Wright (Past Chair), Bob Young (Past Chair), John Cogar (Past Chair), and Michael Donnelly (Past Chair).

Excused Absences: Jon Eisner, Charles Abell, Frank Baldino

The meeting was called to order by Matthew Mace at 4:15 p.m. EST.

I. Minutes.

Minutes from the April meeting were unanimously approved and will be posted on the website.

II. Publications.

Mary Alice reported on the status of articles for the next issue of the newsletter.

III. Liaison with Registers of Wills and Orphan's Court Judges.

Sharon reported that Matthew will speak at the next MAJOC meeting. A joint meeting of the Judges and Registers is in the process of being scheduled.

IV. Website/Technology. Brian reported on a request for an update of the 2004 article on revocable trusts, to include situations where such trusts are advisable. The Section Council engaged in a lengthy discussion of the availability of forms on our Listserv. It was agreed that no one shall be allowed to post forms on our Section site or on the MSBA site without going through Brian.

V. Programs. No report in Frank's absence.

VI. Meetings.

Eileen will transition the responsibility for the annual Section dinner to Natalie.

VII. Probate Rules. There was no report in Allan's absence. Dave and Walter will follow up with Allan to see how best to arrange for reports on Rules changes in future.

VIII. Elder Law. Danielle reported on Jason Frank's continued interest in working with our Section to present a CLE program this fall on what serving as a Trustee entails.

IX. Study Group. Brian reported that he and Danielle will become the co-chairs of the study group and will attempt to structure the meetings as video-conferences, thus making the programs available to a larger audience and a larger pool of potential speakers. How this will affect county study groups was discussed, particularly the two programs currently taking place in Montgomery County.

X. Legislation.

Sharon reported that none of the passed bills have been signed recently by the Governor, though signing events are scheduled for May 10 and May 19. Discussion involved both current and future legislation:

1. MTA Act – SB745 and HB 750. The group discussed the next steps. Bob Enten will spearhead matters with Doug Nester. The nature and extent of summer study was discussed, as was the possibility of dealing with one chamber at a time, starting with selected Delegates. Both Senators and Delegates want to see a chart showing how the MTA changes existing Maryland law as well as how it differs from the UTC. Senator Frosh will be asked if he is aware of any opposition. The Section Council will meet in August to be ready for the next legislative session.

2. Proposed changes in Power of Attorney Act – SB 529 and HB 247. Additional changes are likely to be proposed.

3. Constitutional Amendment to require all Baltimore County Orphans' Court Judges to be Attorneys. – It was noted that this bill was opposed by the Baltimore County delegation.

4. SB 673 (attorneys' fees in contingency cases). This bill is in response to Courts with a backlog of small fee petitions relating to asbestos cases.

XI. New Business:

The Nominating Committee presented the following slate of officers for 2011-2012:

Chair: Sharon Ritter
Chair-Elect: Deborah Cohn
Secretary: Mary Beth Beattie

Eileen will continue as a regular Section Member for the coming year.

Extending the terms of the following members is recommended:

Charles
Mary Alice
Anne
Angela

The following new members are proposed:

Jay Eisenberg
Michael Davis

The meeting was adjourned at 5:45 p.m., after which the Section Council dinner took place.

Respectfully submitted,
Eileen D. O'Brien
Secretary