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## Selected Michigan Probate Law Research Resources

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# Selected Michigan Probate Law Research Resources

Over the past decade, attorneys have increasingly sought free electronic resources on the web to meet their research needs in order to control research costs. The need for free or low-cost access to legal materials is especially critical for solo practitioners and attorneys with smaller practices who live in areas without access to a law library or who may find the cost of commercial print and electronic resources prohibitive.

The web has developed into a reasonably reliable source of primary legal material for the United States at both the federal and state levels since most federal and state governmental units have set up websites that provide free access to current statutes and regulations and to case law for at least the past decade. While access to free primary legal material has improved, the Boolean search mechanisms provided for these resources still remains less sophisticated and less powerful than commercial electronic resources like Lexis and Westlaw.

Furthermore, secondary material such as commercially published treatises and loose-leaf services are generally not available free on the web. This means that attorneys in most practice areas, including probate and estate law, must still rely on a combination of research formats to conduct effective, accurate, and systematic research—print, web-based electronic resources, and sometimes CD-ROM.

This article focuses on selected print and web-based electronic resources for Michigan probate and estate practitioners, including commercial web-based electronic resources. The first part of this article covers primary sources for all attorneys, while the second part covers resources for probate and estate attorneys. Details are not provided for all commercial web-based products, but links to selected publisher websites where details may be found are provided.

## Free Web-Based Sources of Primary Law for Michigan

Primary legislative and administrative material for Michigan is readily available free on the web, saving practitioners the cost of purchasing these materials in print format. Michigan statutes and bills are available from the Michigan Legislature website at <http://michiganlegislature.org/>. This site provides the ability to search Michigan statutes by MCL number or full-text keyword searching. The *Michigan Administrative Code* and *Michigan Register* are both available from the Office of Regulatory Reform website at <http://www.michigan.gov/orr/0,1607,7-142-5698---,00.html>. Full-text searching of the *Code* and the *Register* is not possible at present; researchers must locate needed sections by browsing by department or rule number.

Court opinions for the Michigan Supreme Court and the Michigan Court of Appeals are available free from the Michigan Court of Appeals opinion search page at <http://courtofappeals.mijud.net/resources/opinions.htm>; the court website includes published opinions released since January 2001 and court of appeals unpublished opinions released since July 1996. The Michigan Courts site at <http://courtofappeals.mijud.net/resources/opinions.htm> also provides full-text access to the Court Rules, SCAO forms, and Model Civil Jury Instructions.

The State Bar of Michigan and the Institute of Continuing Legal Education (ICLE) provide links to all of the foregoing primary sources of Michigan law as well as to websites

for Michigan federal court opinions through the *Michigan Law Online* website created by ICLE. *Michigan Law Online* is available free to all licensed Michigan attorneys. Attorneys who have not yet obtained their free access may sign up for access at <http://www.icle.org/help/subscribe.htm>. One of the most valuable features of *Michigan Law Online* is that it also provides enhanced free access to Michigan Supreme Court and Court of Appeals decisions. *Michigan Law Online's* opinion archive provides full-text searching capability and includes Michigan Supreme Court opinions from 1942 to present, all published Michigan Court of Appeals decisions, and unpublished Michigan Court of Appeals decisions from 2003 to present. In addition, *Michigan Law Online* also provides the ability to “view Michigan decisions that cite” the cases retrieved by a search. This free resource should be invaluable to probate attorneys as well as attorneys in all other areas of practice.

## Selected Commercial Web-Based Electronic Resources for Probate and Estate Law Practitioners

The *ICLE Partnership* package is an attractive research option for Michigan probate and other practitioners. While *Michigan Law Online* provides free access to primary Michigan law for registered Michigan attorneys, the *ICLE Partnership* package is accessible by subscription only. Fees are established based on size of firm, making access to included resources affordable for solo practitioners and small law firms, who may opt to pay annually or monthly. Subscribers to the *ICLE*

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*Partnership* receive, among other things, access to online forms with commentary, ICLE seminar materials, and weekly e-mail alerts that provide updates on selected areas of law.

The *ICLE Partnership* also includes step-by-step guides called "How-To Kits" that provide guidance on basic transactions in a variety of areas of law, including probate and estate law. The subscription fee also includes 40 law courses per year, and subscribers to the online package receive discounts on ICLE print treatises. Over the next few years, ICLE will begin to provide full-text online access to its treatises through the *ICLE Partnership*; the first estate and probate law treatises are anticipated sometime in 2005. Details about this resource are available at [http://www.icle.org/scriptcontent/ICLE\\_index.cfm?section=home](http://www.icle.org/scriptcontent/ICLE_index.cfm?section=home).

*LexisONE* ([www.lexisone.com](http://www.lexisone.com)) provides free searchable access to the last five years of state and federal court opinions and U.S. Supreme Court decisions from 1790 to present. *LexisONE* bills itself as "the Resource for Small Law Firms." In addition to providing free access to the latest five years of cases for Michigan and other states, *LexisONE* also permits practitioners to search for cases within its topical case law libraries such as "Estate Planning and Probate Law Cases" on a pay-as-you-go basis; practitioners may sign up and pay online using a credit card. *LexisONE* also has a multitude of different option packages to provide access to *LexisNexis* and online *Shepard's* citators to small law firms and solo practitioners. There are also flat rate packages by the day, week, or month for access to "Practice Area Research Materials." Estate and probate law are not listed as separate packages, but estate law materials and cases are included in the tax law area and to a lesser extent under elder law. The tax law library also includes access to secondary material, including the *Restatement of Trusts 2d*, *Scott on Trusts* and PLI Estate Planning material, as well as to primary federal and state cases and laws. Detailed contents of the practice area and other packages, including *Shepard's*, are available from the *LexisONE* website <http://www.lexisone.com/>.

*WestlawPRO* is Westlaw's low-cost, fixed monthly-fee plan for small law firms and solo practitioners. Subscribers may sign up

for access to legal material for specific jurisdictions, practice areas, news sources, and other information categories; unfortunately, estate and probate law is not a topical option at this time. Westlaw also provides access on a pay-as-you-go basis using a credit card; this method provides access to the estate and probate law material included in Westlaw, as well as to KeyCite. For details on Westlaw subscription possibilities, go to <http://web2.westlaw.com/signon/default.wl?bhcp=1&newdoor=true> and click on "subscription options."

Commerce Clearing House (CCH) publishes a host of web-based and CD-ROM material for probate and estate attorneys. CCH products are especially strong in the area of tax and financial planning, and there are a multitude of CD-ROM and software products, as well as web-based resources for probate and estate planning practitioners. For example, the web-based *CCH Estate Planning Expert Library*, which is available on the *CCH Tax Research Network*, includes access to estate planning treatises, primary source materials, and practice aids for "client counseling, research and planning, drafting, compliance, and litigation." While CCH products may be more costly than some other options, it may be worthwhile for practitioners to check with CCH to see what kinds of content customization and pricing options are available for small law firms and solo practitioners. For details on CCH web-based and other estate and probate law products, check the CCH web page and search for internet products at <http://tax.cchgroup.com/default>.

### Print Resources for Michigan Probate Practitioners

In the area of probate and estate law, the leading secondary sources for Michigan probate and estate law continue to be the print treatises published by the Michigan Institute of Continuing Legal Education, although there are valuable resources provided by other publishers included below. Detailed tables of contents for the ICLE treatises are available from the ICLE website at [http://www.icle.org/store/catalog\\_book\\_probate.cfm](http://www.icle.org/store/catalog_book_probate.cfm).

#### Books

*Estate Administration in Michigan*, rev. 4th ed. by George A. Cooney, Michael G. Cum-

ming, and Elaine M. Cohen. Ann Arbor, Mich.: Institute of Continuing Legal Education, c2000-. One volume updated by loose-leaf releases; includes forms and index.

*Estates and Protected Individuals Code: with reporter's commentary*, 2004 ed by John H. Martin, reporter for the EPIC Drafting Committee, Council of the Probate and Estate Planning Section, State Bar of Michigan. Ann Arbor, Mich.: Institute of Continuing Legal Education, c2004-. 627 p.; includes forms, index, and probate court rules.

*Informal Estate Proceedings in Michigan*, rev. 3rd ed by Joe C. Foster, Jr. and Everett R. Zack. Ann Arbor, Mich.: Institute of Continuing Legal Education, c2000-. One volume updated by loose-leaf releases; includes forms and index.

*Michigan Estate Planning Handbook*, Rev. ed, edited by Fredric A. Sytsma and Elaine M. Cohen; with contributions by Diane L. Bernick... [et al.]. Ann Arbor, Mich.: Institute of Continuing Legal Education, c2001-. One volume updated by loose-leaf releases; includes forms, CD ROM with forms, and index.

*Michigan Probate* by John B. Payne. St. Paul, Minn.: Thomson—West, c1981-. *The Practice Systems Library* series. One volume updated by loose-leaf releases. Includes forms and index.

*Michigan Probate Benchbook*, prepared for the State Court Administrative Office, a division of the Michigan Supreme Court, by the Institute of Continuing Legal Education. Ann Arbor, Mich.: Institute of Continuing Legal Education, c2003-. One volume updated by loose-leaf releases; includes forms and index.

*Michigan Probate Litigation: a Guide to Contested Matters*, 2nd ed., edited by Gerald J. Supina and Elaine M. Cohen. Ann Arbor, Mich.: Institute of Continuing Legal Education, c2001-. One volume updated by loose-leaf releases; includes forms, CD-ROM with forms, and index.

*Michigan Probate Sourcebook*, 3rd ed. Ann Arbor, Mich.: Institute of Continuing Legal Education, c2000-. Three volumes updated by looseleaf releases; includes forms and index.

*Michigan Revocable Grantor Trusts*, 2d ed, edited by Richard C. Lowe. Ann Arbor,

Mich.: Institute of Continuing Legal Education, c2000-. One volume updated by loose-leaf releases; includes forms, CD-ROM with forms, and index.

*Planning for Estates and Administration in Michigan*, by Frederick K. Hoops, Frederick K. Hoops III, and Daniel S. Hoops. St. Paul, Minn.: West Group, 1983-. *Michigan Practice Library* series. Multiple volumes updated by pocket supplements, replacement volumes and looseleaf volume.

*Trust Administration in Michigan*, edited by Catherine A. Jacobs, Robin D. Ferriby, Elaine M. Cohen. Ann Arbor, Mich.: Institute of Continuing Legal Education, c1999-. One volume updated with loose-leaf releases; includes forms, CD-ROM with forms, and index.

#### Book Chapters

Chapter 3: "Basic Estate Planning and Drafting" by John Harvey Martin. In *Michigan Basic Practice Handbook*, 5th ed., vol. 1. Ann Arbor, Mich.: Institute of Continuing Legal Education, c2001-.

Chapter 4: "Administering Decedents' Estates" by John Harvey Martin. In *Michigan Basic Practice Handbook*, 5th ed., vol. 1. Ann Arbor, Mich.: Institute of Continuing Legal Education, c2001-.

Chapters 4-6: "Estate Planning: Wills, Trusts, Gifts." In *Michigan Legal Forms*, v. 3, Wesley P. Hackett, general ed. St. Paul, Minn.: West Group, c1993-.

Chapter E: "Estate Planning" by J. Thomas MacFarlane. In *Michigan Lawyers Manual*, v. \*. St. Paul, Minn.: West Group, 1964-.

Chapter F: "Administration of Estates" by Susanne Vasic and Glen L. Borst. In *Michigan Lawyers Manual*, v. \*. St. Paul, Minn.: West Group, 1964-. ◆

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