

STATE BAR OF MICHIGAN SECTION ANNUAL REPORT

Bar Year: 2014-2015

Section Name: Family Law Section

Mission Statement: The Family Law Section of the State Bar of Michigan provides education, information, and analysis about issues of concern through meetings, seminars, this site, public service programs, and publication of a newsletter. Membership in the Section is open to all members of the State Bar of Michigan.

Officers and Council Members:

Officer	Name	Address	Telephone	Email
Chair	Rebecca E. Shiemke	Ann Arbor, MI	(734) 998-6100 ext 127	rshiemke@mplp.org
Chair-Elect	Carol F. Breitmeyer	Detroit, MI	(313) 962-4600	breitmeyer@bcfamlaw.com
Secretary: Recording	Robert Treat, Jr	Taylor, MI	(734) 675-8207	bob.treat@hantzgroup.com
Corresponding	Kent L. Weichmann	Detroit, MI	(734) 997-9465	weichmannk@att.net
Treasurer	Hon. Richard B. Halloran	Detroit, MI	(313) 224-7430	Richard.Halloran@3rdcc.org

Member	Term	Member	Term
Daniel B. Bates	2015	Peter M. Kulas	2016
Christopher J. Harrington	2015	Anthea E. Papista	2016
Kristen L. Robinson	2015	Gail M. Towne	2016
Robert Treat, Jr	2015	Carol F. Breitmeyer	2017
Randall L. Velzen	2015	Hon. Richard B. Halloran	2017
Tina M. Yost	2015	Mathew Kobliska	2017
Kent L. Weichmann	2016	Colleen M. Markou	2017
Elizabeth K. Brandsdorfer	2016	Vanessa M. Moss-Wilson	2017
J. Matthew Catchick, Jr	2016	Steven D. Reinheimer	2017
Sahera G. Housey	2016	Rebecca E. Shiemke	2017
		Amy M. Spilman	2017

Council Meeting Schedule:

Please attach any additional information needed regarding Council meetings as an addendum.

Meeting Type	Date	Location
Annual Meeting	September 18, 2014	Grand Rapids, MI
Council Meeting	October 4, 2014	Grand Rapids, MI
Council Meeting	November 1, 2014	Novi, MI
Council Meeting	December 4, 2014	East Lansing, MI
Council Meeting	January 24, 2015	East Lansing, MI
Council Meeting	March 7, 2015	Ann Arbor, MI
Council Meeting	April 11, 2015	Novi, MI

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Council Meeting	May 2, 2015	Grand Rapids, MI
Council Meeting	June 6, 2015	Ann Arbor, MI
Council Meeting	September 12, 2015	Novi, MI

General Budget Information: The Family Law Section began the 2014-2015 Bar year in September 2014, with a budget surplus of approximately \$20,000. During the 2013-14 Bar year and continuing into the current year, Council made a concerted effort to decrease expenses in order to increase our fund balance. Beginning in January 2014, we converted the Family Law Journal from an expensive paper Journal to an electronic Journal. The effect was a savings of more than 50% in publication costs, while continuing the high quality of the Journal product. Our efforts have paid off as evidence by an increase in our fund balance to approximately \$143,000 in April 2015.

Events and/or Seminars:

Event or Seminar Title	Date	Location
Annual Meeting: Representing Unaccompanied Minors	September 18, 2014	Grand Rapids, MI
Family Law Institute (co-sponsor with ICLE)	November 13 & 14, 2014	Novi, MI
Mid-Winter Seminar	January 31-February 7, 2015	Mexico
Family Court Forum	June 5, 2015	Ann Arbor, MI
Mid-Summer Seminar	July 16-19, 2015	Boyne Mountain, MI

Legislative issues:

The Legislative Committee of Council includes: Kent Weichmann (chair), Barbara Kelly (co-chair), Randall Velzen, Robert Treat, Carol Breitmeyer, Sandra Glazier, Stephanie Benedict, Sahera Housey, Ross Stancati, James Chryssikos, Daniel Bates, Rebecca Shiemke, Christopher Harrington and Tina Yost. This committee meets every Thursday before each Council meeting.

Several bills initiated by the Section became law during the 2014 legislative session: The Uniform Collaborative Law Act and the Parenting Coordination Act. The Section also helped refine the newly-enacted Genetic Parentage Act and the Summary Paternity and Support Act. Since January 2015, the Legislative Committee has reviewed 38 newly-introduced bills that impact the practice of domestic relations. The Section has taken positions on nearly all of those bills. Of note, the Section took a position on the Deployed Parents bills and was invited to work with the sponsor to address concerns raised by the Section. The Section continued its long opposition to a bill that would mandate equal physical custody with few exceptions. The Section also took positions opposing a bill to exclude veteran's disability benefits from consideration in a divorce, supporting most of a package of bills addressing domestic violence and supporting a bill requiring marriage equality. The Section was successful this legislative term with a reintroduction of a bill to prevent a practice

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referred to as “trolling” where attorneys search court databases for new divorce filings and sent direct solicitation for legal services to defendants, often before service, which can cause safety concerns for domestic violence survivors. The bill was re-introduced after time to consider the bill ran out in the legislature last term.

Court Rules & Ethics Committee:

Members include: Chris Harrington (co-chair), Mathew Kobliska (co-chair), Daniel Bates, Elizabeth Bransdorfer, Kent Weichmann, Lori Buitewig, Jennifer Johnsen, Amy Spilman, Kristen Robinson, Richard Halloran, Bob Treat and Andrew Littman.

The committee is working on a draft proposal to amend domestic relations court rules that address pleadings and captioning to replace our current captions of “plaintiff v defendant” with “in re the family of ...” The committee recommended – and the Section adopted – a position opposing a proposed amendment to MCR 7.215, which would significantly limit the ability to cite unpublished appellate decisions. The committee has also recommended that the same court rule be amended to permit sections and committees of the Bar request publication of an appellate decision. The Committee recommended support of amendments to MCR 3.215 that would result in improvements in some counties’ FOC hearing recordings. The Committee also plans to work with the Bar as it tackles the issue of unbundling legal services as part of the Bar’s Futures Committee.

Amicus Committee:

Members include: Anne Argiroff (co-chair), Gail Towne (co-chair), Elizabeth Bransdorfer, Judith Curtis, Trish Haas, Katherine Root, Kent Weichmann, Liisa Speaker and Saraphoena Koffren.

This committee met on a number of occasions, primarily to wrestle with the legal issues raised in the Supreme Court’s invitation to the Section to file an amicus brief in *Helton v Beaman*, Docket No. 148927. Ultimately, the Amicus Committee drafted an amicus brief for the Section on the four issues raised by the Court. The Court ultimately issued an order in lieu of an opinion, which was consistent with the Section’s position.

In honor of the Court of Appeals 50th anniversary, Sections were asked to identify the most significant decision affecting the section. The Amicus Committee solicited suggestions from the Section, discussed those submitted and provided a list to Council – which chose *Hanaway v Hanaway*, 208 Mich App 278 (1995), the pivotal case recognizing the partnership theory of marriage, and *Vodvarka v Grasmeyer*, 259 Mich App 499 (2003), the seminal case articulating the appropriated threshold standards applicable to modification of custody orders.

The Committee worked with Court Rules Committee reviewing proposed amendments to MCR 7.215 in ADM File NO. 2014-09 regarding the citation of unpublished Court of Appeals decisions, and in proposing broader opinion publication standards. Finally, the Amicus Committee continues to draft summaries of significant appellate family law decisions, which are published monthly in the [Family Law Journal](#).

Adoption Committee:

Members of the Adoption Committee include: Stephanie Benedict (chair), Herbert Brail, Luran Howard, Dion Roddy, Teri Rosenzweig, Ken Rathert, Joanne Lax, Keela Gracey, Donna Medina, Mark Pellecchia, and Jennifer Grahek. The Adoption Committee worked with the Legislature through the Committee on Families, Seniors and Children on amendments to the Adoption Code to allow out of court consents and releases, bringing Michigan into line with the vast majority of others states. The Committee assisted with drafting, reviewing and testifying on behalf of the legislation

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and assisted with drafting new forms. The Committee hopes to work in the future on issues related to the Indian Child Welfare Act.

Alternative Dispute Resolution Committee:

Members of this committee include: Randall Velzen (co-chair), Gail Towne (co-chair), Zena Zumeta, Deb Berecz, Rebecca Shiemke, Veronique Liem, Toni Raheem, Bill Caprathe, Nina Abrams, Robin Omer, Colleen Markou, Mary Lovik, and Veronica Thronson. The committee meets the third Thursday of each month, excluding summer months.

The ADR Committee created a new domestic violence subcommittee and added new members with expertise in the area. The Committee is investigating the use, or non-use, of the SCAO domestic violence screening tool recommended for use in all cases referred to mediation. The committee plans to hold listening sessions with mediators about the tool, beginning with a session at the ADR Section's annual meeting in October and the ICLE Family Law Institute in November. The committee has been invited to participate in the SCAO committee reviewing the history and future of ADR in Michigan and hopes to be part of another committee setting protocols for the Parenting Coordination statute. On behalf of the Section, the committee was instrumental in the drafting and passage of the Uniform Collaborate Law Act.

Domestic Violence Committee:

Members include: Daniel Bates (chair), Hon. Richard Halloran, Steve Reinheimer, Kent Weichmann, Rebecca Shiemke, and Ashley Lowe. This committee began a collaboration with the State Bar of Michigan Domestic Violence Committee to assist with that committee's submission of articles related to domestic violence to the Council's Family Law Journal. The committee also reviewed and submitted comments to Council regarding a package of domestic violence related bills proposed by Senator Warren.

Family Law Journal:

The newly formed editorial board for the Family Law Journal includes: Anthea Papista (chair), Amy Spilman, James Chryssikos, Daniel Bates, Lisa Damphousse, Sahera Housey, Shelley Spivack, Colleen Markou, and Ryan O'Neil. The Board has achieved the following goals: 1) Developed protocols and procedures for the electronic Journal which includes article submission, coordinating advertisers, family law related announcements and notifications. 2) Developed protocols for article formatting, citations, and best practices for editing. 3) Published a "custody and support" special issue edited by Sahera Housey, Amy Spilman, and Shelley Spivack. 4) Increased the variety of articles and authors. 5) Developed a broader network of potential authors.

This has been an exciting and productive year for the Journal. The success is attributable to the collective efforts of the Editorial Board, which has worked tirelessly to improve the Journal's quality and the scope of authors and issues. The Board continues to strive to enhance quality and broaden the variety of authors and hopes to explore relationships law school professors as contributing authors and enhancing advertising opportunities.

Journal Advertising Committee:

Kristin Robinson works closely with the Family Law Journal Committee to ensure the Journal is well supported by appropriate and useful advertisements. Her work includes: soliciting advertisers for individual ads as well as increasing sponsor of the Great Lakes Honor Roll, creating advertisements, proof readings ads before publication, billing and collecting fees, and working to increase advertising revenue for the Journal.

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Membership Committee:

Members include: Steven Reinheimer (co-chair), Elizabeth Sadowski (co-chair), Christopher Harrington (co-chair), Matthew Catchick, Vanessa Moss-Wilson and Hon. Richard Halloran. As a result of the hard work of this committee, membership in the Family Law Section now stands at 2,945. Significant accomplishments of the committee include: increased section membership by 3,000 from the previous year, drafted a “welcome letter” for all new Section members, investigated and proposed by-law amendments to permit free membership to law students and reduce free membership to new attorney members from two years to one year, promote membership through vendor tables at the Family Law Institute and the Young Lawyers Summit and providing a speaker at the Young Lawyers event.

QDRO Committee:

Members include: Robert Treat (chair), Joseph Cunningham, Nancy Keppelman and Rebecca Shiemke. The QDRO committee works closely with the QDRO Pro Bono Program of the State Bar. This program connects legal aid attorneys in need of a QDRO or EDRO for a low income divorce client, with volunteer attorneys who will draft a QDRO at no cost. The program is an important service to the legal aid community. The first three listed members of this committee actively accept pro bono QDRO cases from the State Bar and additionally have made themselves available to any legal aid attorney with pension-related questions.

Seminars:

Mid-Summer Seminar:

The co-chairs of the mid-summer seminar, Traci Rink and Elizabeth Bransdorfer, had an outstanding success with the 2014 seminar at Boyne Mountain. Topics included: the intersection of probate and divorce, mental health issues, marriage equality update, updates on the new Uniform Collaborative Law Act and the parenting coordination statute. The 2015 mid-summer seminar will return to Boyne Mountain July 16-19, 2015, and sessions will include: mediation of high conflict financial issues, property update,, trust and estate issues, using GALs and parenting coordinators, threshold issues for changing custodial arrangements and hopefully an update on the US Supreme Court decision in the marriage equality cases.

Mid-Winter Seminar:

Long-time solo chair of the mid-winter seminar, Judith O'Donnell, once again planned an exciting, scenic and educational seminar in Mexico from January 31-February 7, 2015. As in past seminars, outstanding speakers were on hand. The 2016 seminar planning is already underway and will be taking place at a beautiful resort in Puerto Rico. After countless years of service to Council, Judith has announced her plans to retire as the mid-winter chair and planner. She has turned the reins over to Kristen Robinson who is in the midst of learning all she can from Judith's years of experience.

Family Court Forum:

Committee members include: Barbara Kelly (chair), Margaret Nichols, Naomi Woloshin, Carlo Martina, Ellen Taylor, Edward Gold, Elizabeth Sadowski, Loren Gold, Bill Lynch, Jack Haynes, Pamela Ludolph, Richard Roane, Meri Stowe, Linda Hallmark, and Hon. Archie Brown. This committee works tirelessly to plan the annual Family Court Forum, an interdisciplinary, day-long conference focused on a specific legal issue with relevance to attorneys, mediators, mental health practitioners and financial planners. This year the Forum is scheduled for Jun 5, 2015 and the topic is cultural differences in family law cases and there are nearly 240 people signed up to attend. The Forum is very popular as evidenced by the increasing number of people who accept the free

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invitation to attend. This year the committee used electronic invitations for the first time, which created a significant savings in time and expense.

Awards, Scholarships and Recognitions:

On November 13, 2014, at the 13th annual Family Law Institute, the Section presented the Blaine B. Johnson Jr. award posthumously to John Mills to honor his devotion to continuing legal education as well as his commitment to the Family Law Section. His wife, Kathy Mills, was on hand to accept the award on John's behalf.

Additionally, the Section recognized the efforts of Michigan's legal aid attorneys who represent those unable to afford legal services by providing 13 scholarships to legal services attorneys to attend the Family Law Institute at no cost. The Section has been committed to this effort for the past several years and hopes to continue it.

Recommendations for next Council:

For the remainder of the 2015-16 Bar year and into the 2015-16 year, Council hopes to update and modernize the webpage for the Section as a result of the Bar's recent launch of its new format for all Bar entities. A re-vitalized website will benefit current members and encourage new membership. Along with the website, Council plans to increase its presence on social media with increased use of its facebook page. Finally, Council has plans to launch a new award recognizing the commitment of judges who serve on the family court.