

STATE BAR OF MICHIGAN
FAMILY LAW COUNCIL

MINUTES

Date: 15 January 2022
Location: Zoom - Virtual
Time: 9:30 a.m.

I. Administrative Matters

- A. Chair Chris Harrington called the meeting to Order at 9:32 a.m. A Quorum was present, starting with 20 Council Members in attendance. (Matt Catchick apparently was stuck in the McDonalds drive-thru, and arrived during the introduction of Council members.)
- B. Introductions of Attendees:
 - 1. Council Members Present: Shelley Kester (Chair-Elect), Liisa Speaker (Corresponding Secretary), Kristen Robinson (Treasurer), Don Wheaton (Recording Secretary), Sean Blume, Steve Reinheimer, Gail Towne, Josh Pease, Jim Chryssikos, Keela Johnson, Randy Pitler, Alicia Storm, Randy Velzen, Amy Spilman, Kristen Wolfram, The Hon. Tina Yost-Johnson, Peter Kulas-Dominguez, Amanda Shelton, Steve Heisler, Jenny Johnsen, and Matt Catchick.
 - 2. Council Members Absent: none
 - 3. Council Members Excused: none
 - 4. Ex-Officio, Former Council Members, Liaisons, Non-Council Member Committee Chairs, and Lobbyists present: Stephanie Johnson (Lobbyist), Liz Bransdorfer (former Chair), Sahera Housey (former Chair), Mat Kobliska (former Council Member), Amy Yu (former Chair), Joseph Hohler III (former Council Member), Traci Rink (former Chair), Anne Argiroff (former Council Member), Dion Roddy (Adoption Committee Chair), and Liz Sadowski (former Chair, listserv Mom).
 - 5. Guests: Lindsey DiCesare (ICLE), Karen Willard, Peter Conway, Christine Piatkowski, and Erin Magley (Referee – Ottawa County).
- C. Chair Report – Chris Harrington
 - 1. Chris suggested that if COVID-19 numbers continue to go the wrong direction, we will continue to meet remotely. Be aware and watch for email notifications because the situation is in flux. Our January 2022 meeting scheduled for the Novi Doubletree resulted in no financial impact, as the hotel waived all charges due to COVID-19.
 - 2. Chris reminded us to reach out to our legislators on the pending 50/50 custody bill.
 - 3. The Michigan Bar Journal will feature Family Law in February 2023, with four to five articles and a “welcome” introductory article. If you are interested in preparing an article, submit your ideas to Chris and he will coordinate with Amy Spilman and Anthea Papista of the *Family Law Journal*. Chris noted that a couple of “big items” may or may not be “ripe” for addressing in the Journal.
 - 4. Chris raised the issue of the filing status/backlog in Wayne County Circuit Court, with filings from late October/early November only now being processed. He opened the matter for discussion and will establish an ad hoc committee to provide assistance. Anecdotes from several Council members and participants and discussion followed.

- D. Recording Secretary Report: The Minutes from the 4 December 2021 Meeting had been circulated. **Motion:** Don Wheaton moved their approval and Liisa Speaker seconded. The minutes will be corrected to reflect Peter was an excused absence. **Vote: 20-0-1 (Kulas-Dominquez).** Don also requested all Council members get with Steve Heisler to make sure their emails are included in the Council short list for distribution of materials and other items (e.g., Zoom links, Council Packet, etc.).
- E. Corresponding Secretary Report: No report.
- F. Treasurer's Report: Kristen Robinson received from the State Bar the first three months (Oct-Dec 2021) trial balance. She spotted four to five mischaracterization of accounts/how things were applied, and we were charged for an extra e-blast we didn't use. She will have the Bar make the corrections and present the report at the next meeting. Also, reimbursement requests must be submitted within 45 days of their occurrence.

II. Key Committee Reports

- A. *Legislative:* Did not meet and has no report. Stephanie Johnson noted that the Legislature is coming back in session starting 1/17/22 and that the dedicated family law proposal and skinny bill are being drafted for legislative introduction. Randy Velzen noted the caliber of members on the subcommittee on premarital and marital agreements that met once so far and expects to conclude meetings soon and generate a report to be considered in March.
- B. *Amicus:* Their report was circulated with the Council packet. Anne Argiroff noted that the Committee has one action item: amendments to the Court Rules for appellate briefing. The Committee recommends asking for modifications to the amendments for domestic relations cases, as detailed in their report. **Motion:** Gail Towne moved and Sean Blume seconded approving the Amicus Committee's proposal for amendments to MCR 7.212 and to further recommend that the word count for reply briefs be extended to 3500 words. **Vote: 21-0-0.**
- C. *Court Rules:*
 - 1. Jenny Johnsen reported that there was a lot on their agenda but few action items. ADM 2021-07, regarding amending MRPC 1.8 regarding arbitration clauses in fee agreements, was discussed. **Motion:** Jenny Johnsen moved and Peter Kulas-Dominguez seconded a motion for the section to support adoption of this amendment. Steve Heisler suggested a friendly amendment to include only consumer clients, and not corporate clients. It was not accepted. Discussion followed. **Vote: 8-12-1.** (Abstention: Liisa). Motion fails. **Motion:** Liisa Speaker moved and Gail Towne seconded to adopt the recommendation with modifications to the ADM proposal, so that rather than requiring independent counsel to review the arbitration provision in the agreement, require the arbitration provision to explicitly state the rights and responsibilities of each party to the arbitration provision with the State Bar creating and supplying standard/approved language. **Vote: 17-4-0.**
 - 2. Jenny described that the committee took no position on ADM Files 2021-28 (personal identifying information), ADM File 2021-47 (juvenile jurisdiction waiver and transfer of juvenile prisoners) and ADM 2021-26 & ADM 2021-42 (raise State Bar dues). Discussion regarding the issue of the Bar having taken away services, but wanting to

- raise dues, and similar concerns. **Motion:** Tina Yost-Johnson moved and Matt Catchick seconded that the Section oppose ADM 2021-26 & ADM 2021-42. Further spirited and thoughtful discussion followed. **Vote: 10-10-1** (Abstention: Jim). Chris Harrington, Chair, breaks ties and he voted No, but expressed we should request accountability for what the increase covers and expressing the concern about loss of services. Motion fails. **Motion:** Sean Blume moved and Jim Chryssikos seconded to support ADM 2021-26 & ADM 2021-42 with a request for accountability for what the increase covers and expressing the concern about loss of services. **Vote: 18-3-0.**
3. Jenny moved and Tina seconded supporting ADM 2021-38, establishing a Committee on Diversity, Equity, and Inclusion in the Michigan Judiciary. **Vote: 21-0-0.**
 4. Jenny also mentioned that the custody threshold subcommittee is reworking its original 'game plan' for further action.
- D. *Dedicated Family Law:* Tina Yost-Johnson reported the committee had a good meeting with some tasks to be accomplished, including getting family court plans from SCAO; they are checking to see what information will be released to the committee/section. The family court bill is still in the legislative drafting stage and talking points are being refined, too. We have two members on the judicial qualifications committee and they are very active and working hard for our objectives. Liisa has finished her book, *Kids Caught in the Middle*, and an intern from Albion College is assisting with obtaining and distilling the statistics of what judges are being reversed, as well as selecting cases with very glaring results of misapplied law. Liz Sadowski and Rebecca Shiemke will be investigating an access to justice issue regarding costs of transcripts (esp. where Judges won't entertain objections to referee recommended orders until the transcript is prepared) and GALs (no funding for those appointed for *pro per* matters, where GALs often are really needed), and creation of a fund for transcript fees and GAL fees. [Amy Spilman left the meeting during this report.]

III. Standing Committee Reports

- A. *Adoption:* Dion Roddy said the committee has not met since its last report and continues to have concerns about the processing delays in Wayne County.
- B. *ADR/Collaborative:* No report.
- C. *Annual Meeting:* No report, but Shelley is working on it.
- D. *CLE/ICLE:* No report. Liz Bransdorfer expects soon to get an invitation for the planning meeting for the Family Law Institute next fall.
- E. *Domestic Violence:* Rebecca Shiemke submitted a report that was circulated with the Council packet.
- F. *Family Court Forum:* Chris and Sahera Housey have determined there are not enough resources and time, and much effort to expend, to have one in 2022. They are looking to reboot it in June 2023, as there is strong interest in getting it reestablished. If you'd like to be on this committee to assist, please let Chris or Sahera know.

- G. *Family Law Journal*: No report. Chris reminded everyone of their duty to write at least one article for the Journal during their respective terms.
- H. *Family Law Journal Advertising*: ADR Section reached out regarding advertising and Sean gave them sage advice. Ads and revenues continue to increase.
- I. *Family Support*: No report.
- J. *Member Education and Public Relations*: The committee submitted a report that was circulated with the Council packet. The committee is now populated and energized with many members, and they are asking for a page in the *Journal* to promote members in the Section who are doing the work of the Section (e.g., committee and Council members) to give them more recognition. They are working on updating their committee webpage and urged everyone to look at their respective committee webpages and update their information.
- K. *Membership*: No action items, but Steve R. said to brace ourselves for a big report at the March meeting: “just you wait.” We currently have 2,607 members in the Family Law Section.
- L. *Midwinter/Midsummer*: Kristen R. reported the flights have been changed 6-7 times, with an overnight in Miami on the way back, along with other challenges with the current COVID-19 situation and other travel issues. She promised to take photos at mid-winter and submit them to the FLJ, too, and reminded that there are classes at the conference. Steve R. reported that the midsummer is tentatively scheduled for August 11-14 at Crystal Mountain (thanks to wedding bookings), concern over kids in sports but otherwise would have to cancel and that was not a viable option. **Motion**: Steve R. moved and Don seconded to approve a \$750 deposit to be paid to Crystal Mountain to secure the dates, subject to State Bar approval. **Vote: 20-0-0**. Liz B. reminded that we approved her negotiating with Mission Point and paying deposits if she could get the contracts the way she wants. 2023’s was fine, but 2024’s was higher and Liz didn’t want to risk the Section being on the hook for thousands of dollars for minimum commitments when on the island two years in a row (fearing less attendance in year two). Liz is looking at 2023 and 2025 instead, and negotiating with Mission Point. **Motion**: Don moved and Tina seconded approving Liz B. to negotiate with Mission Point for 2023, and for 2023 and 2025, and to approve two \$2,500 deposits for securing dates, subject to State Bar approval. Discussion followed. **Vote: 17-3-0**.
- M. *Political Action Committee*: Matt reported out the current balance. The PAC recently contributed to Stephanie Chang’s fundraiser. Matt also called out Jenny Johnsen and Liz Bransdorfer for making the best lawyers in Grand Rapids list and opined why Randy V. was not included.
- N. *QDRO/Taxation*: No report.
- O. *Technology/Social Media*: Steve H. moved and Don seconded to add a free list to the listserv server for the family law judges to have their own listserv and for the dedicated family law committee to have its own listserv, at no cost if the JTC approves the Judges’ list, and modify rates for additional lists for \$25 monthly for one list, \$10 for additional lists. Josh pointed out that this Motion requires at least 2/3 vote as it modifies an earlier decision. **Vote: 19-0-1** [Tina]. Steve reported we currently have 1,063 emails on our general ListServ,

and he is working on a full Section list so that we can avoid the costs of e-blasts into the future.

IV. Ad Hoc Committees

- A. SCAO Child Support: No report
- B. SCAO Forms: Amy reported that their next meeting is 17 March and requested anyone who has a problem with a SCAO form to contact her, or to CourtFormsInfo@courts.mi.gov. In response to some suggestions and discussion, Amy reminded everyone that SCAO only creates forms required under a statute or Court Rule.
- C. Shared Parenting: No report.
- D. GAL/LGAL: Josh reported this committee had its first committee meeting the day before. The committee is comprised of outstanding and committed folks and is focusing on updating and overhauling the training for GALs/LGALs, and how that would look.

V. Liaison Reports

- A. Children's Law Section: No report.
- B. Committee on Civil Procedure and Courts: No report. Our Bylaws say we are supposed to have a liaison from this Committee, but Liz B. says she hasn't seen one for the 12-13 years she has been involved with Council. Perhaps amend Bylaws?
- C. LGBTQA Section: Peter reported that this Section is again presenting to MJI – Judges and Court Administrators. Amanda reported that the Section filed its amicus brief in *Rouch World* to try to get the broadest definition of “sex” as is possible.
- D. Probate and Estate Planning Section: No report.
- E. State Bar Board of Commissioners: No report. The person named as our liaison is no longer on the Board of Commissioners.

VI. New Business

Tina mentioned a couple of bills that have been passed regarding establishment of a confidential address and would like Court Rules Committee to consider them, particularly with respect to postal service issues. Steve H. suggested that the committee consider service other than through USPS. Email service was discussed and clarification of the Court Rules.

Steve R. noted that he is currently appearing in seven circuit Courts and only one is requiring an in-person appearance for everything, and not using Zoom “to the greatest extent possible.” Chris encouraged him to do some legwork and perhaps this could turn into Council business.

Liz Sadowski asked if anyone thought it would be beneficial to have a contingent for 3 March 2022, Legislative Day. [Kristen Robinson and Steve Reinheimer left the meeting.] Chris asked Liz to work with Stephanie regarding what legislators will be a part of this and then target whomever might be your legislator.

VII. Announcements

Gail noted that there's an open seat in the 9th Circuit. Amanda is running for 6th Circuit. And there may soon be an open seat in the 17th Circuit. [Kristen Wolfram left the meeting.] [Tina left the meeting.]

VIII. Adjournment

Tina moved to adjourn, Randy V. seconded, and the meeting adjourned at 12:31 p.m.