

**STATE BAR OF MICHIGAN
FAMILY LAW COUNCIL**

MINUTES

Date: January 9, 2021
Location: Zoom
Time: Networking 9:00 a.m.; Meeting 9:30 a.m.

I. Administrative Matters

A. Call to Order/Quorum

The council was called to order by Chair Elect, Chris Harrington, at 9:32 a.m. Sahera Housey -Chairperson appeared by phone.

B. Introduction of Council Members

The following (21) council members were present: Sean Blume, Matt Catchick, James Chryssikos, Shon Cook, Christopher Harrington, Steven Heisler, Joe Hohler, III, Jennifer Johnsen, Shelley Kester, Peter Kulas-Dominguez, Michelle Letourneau-McAvoy, Anthea Papista, Randall Pitler, Kristen Robinson, Liisa Speaker, Gail Towne, Randy Velzen, Donald Wheaton, and Hon. Tina Yost Johnson.

The following council members were absent: Amy Spilman and Viola King.

Ex-Officio, former council members, liaisons, non-council member committee chairs, and lobbyists present: Anne Argiroff, Kristina Bilowus, Elizabeth Bransdorfer, Stephane Johnson, Mat Kobliska, Joshua Pease, Steve Reinheimer, Dion Roddy, Elizabeth Sadowski, Kent Weichmann, Ross Stancati and Amy Yu.

Guests present: Peter Conway, Roquia Draper, Stephanie Witucki, Katelyn Schaffer, Erika Salerno, Janet McDuffey, Simone Sprague, Theresa Rose, Melissa Kelleigh, Keela Johnson, Alexander Sheldon-Smith, Bill Callahan, Kathleen Allen, Erin Magley, Kate Larlee, Matthew DeLange, Jeff Kirkey, Alicia Storm, and Robert Hotchkiss.

C. Chair Report (Chris Harrington on behalf of Sahera Housey)

- Section webinar. The section is hosting a webinar on Covid-19 provisions, with Sahera Housey and Shelley Kester moderating and several panelists. The webinar will cover child custody, parenting time, and child support

provisions It will occur via zoom on February 9, 2021 from 3 pm – 5 pm. The webinar is free to section members.

D. Recording Secretary Report/Approval of Minutes (Liisa Speaker). Liisa circulated council meeting minutes for the December 5, 2020 meeting. Liisa moved to approve, seconded by Shelley Kester. **Passed unanimously. 19-0-0.**

E. Corresponding Secretary. (Kristen Robinson). No report.

F. Treasurer's Report (Shelley Kester). Shelley circulated the October and November financial reports. Shelley reported that the section paid the ICLE invoices. Shelley moved and Don Wheaton seconded to approve the Treasurer's Report. **Passed unanimously 19-0-0.**

II. Key Committee Reports

A. Amicus – Anne Argiroff/Gail Towne. Gail reported that there are three cases pending in the Supreme Court with amicus briefs from the Family Law Section, all on mini oral argument on application. There was a delay in releasing the poll, but Rachel Gruetzner will be circulating soon. The *Foster* case is back in the Supreme Court and the committee will meet later in January 2021 to discuss. Liz Bransdorfer reported that the Supreme Court is also considering a single party consent recording statute. Liisa Speaker will share materials on that single party consent case.

B. Court Rules – Jenny Johnsen/Peter Kulas-Dominguez. Peter reported.

1. **ADM 2020-17.** The use of restraints on juveniles in court proceedings. The committee did not feel the Section would need to take a position on this ADM because juveniles in the courtroom does not arise very often in family law cases and particularly juveniles who need to be restrained.
2. **Electronic service of process.** The committee discussed how to handle service of new cases, service of motions, and other areas where the courts have not kept up with the electronic era. The committee is exploring potential court rule proposals.
3. **Domestic relations summons.** Another area of concern is the initial summons requirement particularly when there are in pro pers. The committee is exploring potential court rule proposals.
4. **Custody and parenting threshold.** Some courts are referring matters to the referee without making a threshold finding or conducting an evidentiary hearing without having made a threshold finding. The committee is looking into whether to modify MCR 3.213. **Peter moves to adopt the recommendation**

of the committee to a create work group to explore amending the court rule, Steven Heisler seconded. A lengthy discussion ensued about what the court rule might look like and other concerns that practitioners and referees had about the current process, and other issues to keep in mind as the committee works on the proposed court rule, including the applicability of MCR 2.116 to the threshold decision. Motion passed 18-0-1.

C. Legislation –Jim Chryssikos/Randy Velzen. No report.

III. Standing Committee Reports

A. Adoption – Dion Roddy. Dion reported that the committee continues to work on revisions of MCL 710.45.

B. ADR/Collaborative – Randy Pitler. Randy reported meeting about domestic violence screening rules for ADR.

C. Annual Meeting – Chris Harrington. Chris reported there is not any firm plans, but we have saved September 18, 2021 in Lansing.

D. CLE/ICLE – Shon Cook/Liz Bransdorfer. Jeff Kirkey reported that the 2020 Family Law Institute was posted for viewing. ICLE is beginning to plan the 2021 Institute and will remain at Suburban Collection Showcase on November 18-19, 2021.

E. Dedicated Family Court – Tina Yost-Johnson/Liz Bransdorfer. No report.

F. Domestic Violence – Rebecca Shiemke. Kent Weichmann reported that the committee is meeting with the ADR committee next week and is following the *Pohlman* case in the Supreme Court.

G. Family Court Forum – Sahera Housey. No report.

H. Family Law Journal – Anthea Papista/Amy Spilman. No report.

I. Family Law Journal Advertising – Sean Blume. No report.

J. Family Support – Kent Weichmann/Carlo Martina. Kent reported that he circulated an informational report for the Post-Majority support work group.

K. Member Education and Public Relations – Shelley Kester/Liisa Speaker. Shelley reported that the committee is putting on the covid-19 provisions webinar. Shelley would like all council members to send her a photo for marketing purposes.

L. Membership – Steve Reinheimer/Steve Heisler. No report.

M. Midwinter/Midsummer – Kristen Robinson/Liz Bransdorfer/Steve Reinheimer. No report on Midwinter. Shon and Steve reported that they have narrowed down the mid-summer seminar for weekend of July 22 or July 29 at Crystal Mountain. The section will be required to submit a deposit of \$750. **Don Wheaton moved to approve the expenditure of \$750 for the Crystal Mountain deposit, and Liisa seconded. Motion passed 18-0-1.**

N. Political Action Committee – Matt Catchick. Matt reported our current balance and acknowledged recent contributors. There was discussion that PAC not support Michigan legislator who did not support the democratic process of certifying the electoral votes, which generated some discussion and Council was reminded that PAC is separate and council does not have a say in how the money is allocated. Matt further reminded that each council member is expected to donate each year. It must be a personal check. PAC checks should be sent to: Attn: Stephanie Johnson, KJL, 124 West Allegan, Suite 1700, Lansing, MI 48933.

O. QDRO/Taxation - Bob Treat. No report.

P. Listserv/Website - Elizabeth Sadowski/Steve Heisler. Steve reported that the committee is meeting with the Executive Committee about changes to the website. Viola King needs to be added to the website and the council listserv.

IV. Ad Hoc Committees/ Liaison

A. SCAO Child Support – Kent Weichmann/Carlo Martina. Kent reported that the committee will report in 4 years.

B. SCAO Forms – Amy Yu/Gail Towne. Amy reported that the only time SCAO creates forms is when they are required to by court rules, and otherwise uniformly reject forms that are not required.

C. SCAO Parenting Time Guidelines – Shelley Kester/Liz Bransdorfer. Shelley reported that the guidelines are almost complete. Liz reported that she is expecting something from SCAO in the near future.

D. Children's Law Section - Josh Pease. No report.

E. Committee on Civil Procedure & Courts (position available). No report.

F. LGBTQA Section - Peter Kulas-Dominguez. Peter reported that the Michigan Supreme Court judicial conference is occurring in May and the LGBTQA section is putting together a proposal to present at that conference on cultural

competency and anti-bias education.

G. Probate and Estate Planning Section - Anthea Papista/Patricia Ouellette. No report.

H. State Bar Board of Commissioners - Kristina Bilowus. Kristina has a meeting later in January and they have received the reports from the Family Law Section.

I. Young Lawyers. Kristina reported that they are preparing for their conference in the Fall.

V. Announcements/New Business.

- Shelley reported that there is a new mileage reimbursement rate.
- The next meeting is March 6, 2021.

VI. Adjournment.

Motion to adjourn by Steven Heisler moved and Randy Velzen seconded. Motion approved unanimously. The meeting concluded at 11:17 a.m.

Respectfully submitted,

Liisa Speaker,
Recording Secretary.