

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING**

Date: 10/13/2018

Place: Crowne Plaza, Lansing, MI

I. Administrative matters

A. Call to Order/Quorum and Welcome

The Council was called to order by Bob Treat.

The following (19) council members and officers were present: Sean Blume, Matt Catchick, Jim Chryssikos, Christopher Harrington, Joe Hohler, Sahera Housey, Jennifer Johnsen, Shelley Kester, Mathew Kobliska, Peter Kulas-Dominguez, Michelle Letourneau-McAvoy, Vanessa Moss-Wilson, Anthea Papista, Randall Pitler, Steven Reinheimer, Amy Spilman, Robert Treat, Kent Weichmann, Donald Wheaton and Hon. Tina Yost.

Council members absent: Elizabeth Bransdorfer and Shon Cook.

Ex-Officio and former council members: Randy Velzen, Ross Stancati, and Elizabeth Sadowski.

Guests: Stephanie Johnson of Kandler Reed Khoury & Muchmore (KRKM), Melissa Kelleigh, Mark Crane, Liisa Speaker, Steven Heisler.

B. Introduction of Attendees

New counsel members: Michelle McAvoy-LeTourneau; Randall Pitler, Joe Hohler and Don Wheaton were welcomed.

C. Chair Report

1. The FLC Attendance policy was reviewed. No more than 2 unexcused absences per year.
2. The FLC Expense Reimbursement policy was reviewed. \$700 per person maximum per year. Reimbursement includes travel distances of 50 miles or more each way, and hotel reimbursement for one way travel of 100 miles or more one way.
3. Article Writing Policy was reviewed. Each council member is responsible to write one article during their term. Email articles to Amy Spilman and Anthea Papista, co-chairs of the Family Law Journal.
4. A special election will be held in November due to the resignation of Kent Weichmann. The special election will directly follow the Family Law

Institute at the Suburban Showplace in Novi, Michigan in November 2018. Those interested in running, please email your completed application form to Elizabeth Bransdorfer or Sahera Housey.

5. Bylaws. The Bylaws were generally discussed. All are encouraged to read the Bylaws and subsequent amendments which will be posted to the section website once collected. Section 4.3 affords the Chair all rights and privileges of Council membership during that term of office, including the right to vote. Proposed Bylaw amendments must be in writing, in the form of a Petition signed by at least 10 members at least 60 days prior to the annual meeting. Article IX.
6. Annual meeting. The FLC annual calendar was reviewed. The year concludes with the annual meeting in September, when new members are elected to fill expired council member terms. Reminder to attend the annual meeting, the last meeting, to avoid application of the attendance policy (no more than 2 unexcused). The first council meeting for the new term immediately follows the annual meeting, at which which officers are elected for the new term. This first council meeting counts towards attendance in the new term. See back of Meeting Agenda where dates and locations of all meetings for the term are listed.
7. Name plates for Council Members elected at the annual meeting will be ready for the November 2018 meeting.

D. Recording Secretary Report/Minutes

The September 2018 minutes will be circulated prior to the November meeting.

E. Treasurer's report:

Please submit your supporting receipts and expense reports to houseys@oakgov.com.

F. Corresponding Secretary Report

Chris Harrington is working with the State Bar for submission of monthly articles for the State Bar Journal. If you are interested in publishing an article or have any ideas, please contact Chris Harrington.

II. Key Committee Reports

A. Amicus-Ann Argiroff/Gail Towne

The committee is working on completion and filing of the *Dorco* amicus brief, council's position was previously adopted. (application of the statute of limitations in QDROS). The committee is evaluating a request for an amicus brief in *Ferris v McKay* (whether Lawyer GAL can be sued for legal malpractice).

The committee was invited to submit an amicus brief for *In re MGR*, minor (an adoption appeal).

B. Court Rules-Jenny Johnson/Peter Kulas-Dominguez

1. ADM File 2017-20. This is a proposed rule change on what orders constitute a final order appealable by right. A public administrative hearing was held by the S Ct on 9/20/2018. The Supreme Court limited appeals by right to only custody, legal custody and domicile, adopting the more restrictive COA position.

The committee recommends an article in the FLJ to create awareness about the rule change.

A motion was made by Chris Harrington and seconded for the committee to prepare correspondence on behalf of the FLC to the Supreme Court requesting that ADM file 2017-20 be reopened for public comment and to hold the order in abeyance for period of time.

Council discussed procedural irregularities, problematic application of the new rule, e.g. custody motion titled as a parenting time motion, among other issues. The Appellate practice section may also communicate to the Supreme Court on the rule change.

Council voted 19 unanimously in favor of this motion.

2. A 53 page proposal containing a series of rule changes effecting e-filing is being reviewed by the committee and will be addressed at the next meeting.
3. ADM 2018-03. The Supreme Court used much of the language suggested by the Collaborative Divorce committee adopted by council in its integration of collaborative law into the state's trial court system. The council had an impact.

C. Legislation-James Chryssikos/Randy Velzen

1. HB 6233. Bill to amend MCL 551, sections 2, 3 and 9 to remove language that marriage is a civil contract between a man and a woman and to make the act gender neutral, but remaining prohibition against marrying relatives. Gender neutral. **Motion by Jim Chryssikos, and seconded to support the bill. Discussion. Motion passed 19 unanimously in favor.**
2. HB 6234. Bill to remove the prohibition of same sex marriage from foreign marriage act, to recognize valid marriages from other state between two individuals. **Motion by Jim Chryssikos and seconded to support the bill. Discussion held. Motion passed 19 unanimously in favor.**

3. HB 6235. Bill to amend secret marriage act to remove reference to “a person of the opposite sex” and other minor revisions. **Motion by Jim Chryssikos, seconded to support the bill. Approved 19 unanimously in favor.**
4. House Joint Resolution LL: Resolution to amend the state constitution to remove the constitutional prohibition of same sex marriage and civil unions and put on ballot for statewide vote. Motion by Jim Chryssikos, support by Kent Weichmann to support the bill. Discussion of pros/cons of putting the issue on the ballot in light of the Supreme Court decision of Obergefell. The issue would not be on the ballot until 2020. **Motion by Jim Chryssikos and seconded, to support the HJR LL. Motion passed, 17 in favor, no opposed, 2 abstain.**
5. HB 6229. A bill to permit 2nd parent adoption of 2 unmarried persons. Section supported the bill prior to Obergefell, then after questioned whether needed 2 married to adopt. Motion to oppose HB 6229 by Jim Chryssikos, second by Kent Weichmann. Discussion held of unique fact pattern. LGBTQ committee not in favor of creating separate classes, same treatment as heterosexual peers.

Motion to oppose HB 6229 by Jim Chryssikos and seconded. Motion passed. 16 in favor, no opposed, 3 abstain.
6. HB 6409. A bill to authorize secular celebrants to solemnize marriages with training. Previously took no position on bill to permit city managers to solemnize marriages. Legislative committee recommended not taking a position on this bill. No vote taken.
7. Secret Marriage Act. Council previously supported proposing legislation to prohibit child marriage under age 18 under Secret Marriage Act. Discussion Senator Emmons supportive but may term out. Council may consider finding another legislator to advance this legislation if not advanced prior to the election.
8. Post Judgment Arbitration. Council previously voted 19/0/1, in support of post judgment arbitration of personal property. A proposed bill has been approved by Council. Stephanie suggested finding a sponsor once committee assignments are made in January 2019.
9. HB 4691. Committee had questions about the bill’s status, next steps regarding alternate bill. Discussion tabled to Alternate Custody bill discussion on Agenda.

D. Alternate Custody Proposal-Barb Kelly

1. Finalization of form of Simple Bill.

Stephanie Johnson provided a legislative status report and provided recommendations.

Motion by Sahera Housey and seconded to add to previously approved simple bill the presumption that it is in the best interests of a child to have a strong relationship with both parents, as presently contained in the parenting statute, SCAO to include the additional language in the Summons notice provisions.

Lengthy discussion held.

Motion passed, 18 in favor. 1 opposed in present form, no abstentions. Motion passes.

2. Motion by Sahera Housey and seconded to circulate approved simple bill as amended to all stakeholders to gauge support. Discussion held.

Motion passed 18, 1 opposed, no abstentions.

3. The next Legislative Committee meeting will be held November 8, 2018 at 4:30 p.m.

4. Committee is discussing the Senate Bill 4751, the Klint Kesto Bill on prenuptial agreements.

III. Standing Committee Reports

A. Adoption-Dion Roddy

No report.

B. Alternative Dispute Resolution-Gail Towne

No report.

C. Alternative Family-Peter Kulas-Dominguez

No report.

D. Annual Meeting-Liz Bransdorfer

9/26/2019 is the tentative date for the SBM Family Law Section annual meeting

E. CLE/ICLE-Liz Bransdorfer

F. Collaborative Law-Jim Chryssikos/Randy Pitler

Randy Pitler will be the new chair of the Collaborative Law Committee going forward.

Carlo Martinez and CPIM are advertising collaborative training on the SBM Family law section website. FLC authorized email blasts re: the Collaborative training.

G. Domestic Violence-Rebecca Shiemke

No report.

H. Family Court Forum-Barb Kelly

No report.

I. Family Law Journal-Anthea Papista/Amy Spilman

Amy Spilman reported that the committee is circulating assignments. Anyone interested in submitting an article should contact Anthea Papista and Amy.

Anthea and Amy were recognized and thanked for their efforts on the FLJ.

J. Mid-Winter/Mid-Summer Seminars-Kristen Robinson/Liz Bransdorfer

No report.

K. Political Action Committee-Matt Catchick

Matt Catchick reported that the PAC has a balance of approximately \$30,980.

Each council member is expected to donate once per year to the PAC.

Discussion of contributions as recommended by PAC liaison, Stephanie Johnson.

Recommendation to solicit contributions at Family Law Institute.

Discussion of donation envelopes at tables.

Stephanie Johnson and Marcy of KRKM are working on details to permit electronic payments.

L. QDRO/Taxation-Bob Treat/Joe Cunningham

No report.

M. Technology/Social Media/Website-Liz Sadowski/Peter Kulas-Dominguez

Elizabeth Sadowski reported that the rules for electronic service will be put on the list serve for comment. Revision to the current rule allows attorneys to serve each other via email, and expands to include text messaging.

Elizabeth Sadowski and Peter Kulas-Dominguez will update the State Bar Website FLC committee chair, contact information and meeting date information. Committee Chairs are asked to forward the information for their Committees to Elizabeth and Peter.

IV. Ad Hoc Committees

N. SCAO Forms Committee-Amy Yu/Gail Towne/Kent Weichmann

No report.

Recommendation to send inquiries about SCAO form changes to their website to be placed on the SCAO Agenda.

O. Twenty Year Review-Richard Halloran/John Schrot/Tina Yost

New Committee members include Elizabeth Sadowski, Chris Harrington Committee will be working on proposed legislation for one judge family court while HB 4691 being addressed.

C. PR Committee: Matt Kobliska motioned to dissolve the PR Committee. Discussion held. Second by Bob Treat. **Motion passed to dissolve PR Committee passed unanimously. 19/0/0.**

V. Announcement/New Business

1. Tina Yost Johnson inquired if court rules would look at elimination of newspaper publication rules. Stephanie identified potential opposition to elimination of publication by newspaper.
2. Liz Sadowski inquired about the benefit of having a Liaison to the Governor for FLC.

3. Sahera Housey recommended that reservations for the 1/5/2019 meeting in Grand Rapids be made early because of holidays, and the weekend before school starts.
4. Matt Catchick and council saluted Randy Velzen on his election as President of the Grand Rapids Bar Association.
5. Birthday announcements for Sean Blume and Ross Stancati. Contact Sean Blue for details to attend his 50th birthday celebration in Rochester, Michigan if interested in attending.
6. Liz Sadowski suggested the creation of an Immigration committee.
7. Tina Yost Johnson explained next weeks Little Black Dress Initiative next week, to bring attention to domestic violence and poverty.
8. Don Wheaton announced that the Boy Scouts are having Scouting for Food, for community food donations.
9. Mark Crane offered additional discussion on HJR LL.

Motion to Adjourn by Sahera Housey, 2nd by Chris Harrington. Motion passed unanimously.

NEXT MEETINGS

Friday, November 16, 2018, Suburban Collection Showplace, Novi, immediately following the Family Law Institute, approximately 1:00 p.m.

Saturday, December 1, 2018, Weber's Inn, Ann Arbor, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Saturday, January 5, 2019, Amway Grand Plaza, Grand Rapids, Breakfast 9:00 a.m., Meeting 9:30 a.m.

No February meeting – Mid Winter Conference

Saturday, March 2, 2019, Crowne Plaza, Lansing, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Saturday, April 6, 2019, Weber's Inn, Ann Arbor, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Saturday, May 4, 2019, Weber's Inn, Ann Arbor, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Saturday, June 8, 2019, Weber's Inn, Ann Arbor, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Thursday, Saturday, September 26, 2019 (tentative) Suburban Collection Showcase, Novi, (during SBM NEXT Annual Meeting 2019, which is September 25-27)