

**MINUTES - FAMILY LAW COUNCIL
COUNCIL MEETING
Date: October 4, 2014
Place: Amway Hotel, Grand Rapids**

I. Administrative Matters

A. Chair Rebecca Shiemke called Council to order.

17 council members were present: Rebecca Shiemke, Carol Breitmeyer, Dick Halloran, Kent Weichmann, Robert Treat, Daniel Bates, Elizabeth Bransdorfer, J. Matthew Catchik, Jr., Christopher J. Harrington, Sahera Housey, Mathew Kobliska, Colleen Markou, Vanessa Moss-Wilson, Anthea Papista, Kristen Robinson, Gail Towne, Randall Velzen

Absent: Peter Kulas, Tina Johnson (Yost), Steven Reimheimer (excused), Amy Spillman (excused),

Ex-Officios & Former Council Members: Ross Stancati

Guests: Hon. Jon Van Allsburg, 20th Cir. Ct., Stephanie Benedict, adoption committee

B. All attendees introduced themselves

C. Chair Report - Rebecca Shiemke reported that she attended the chair orientation. She observed that although membership has increased, we should keep our membership committee active and engaged.

Rebecca moved, and it was seconded, that Council provide 13 scholarships to legal aid attorneys to attend the 2014 Family Law Institute for up to \$2500. Rebecca noted that Council has been providing scholarships for several years, recognizing that legal aid programs have limited funds for training and the Institute is a quality training. ICLE will offer scholarships at the lowest rate of \$170 per person. Carol Breitmeyer noted that this is one of Council's core missions and is supported by the budget. The motion passed 17-0.

D. Recording Secretary Report/Minutes - Bob Treat moved that we adopt the minutes from the 9-18-14 meeting. The motion was seconded and passed 17-0.

E. Treasurer's Report/Finance Committee – Dick Halloran moved that the council adopt the State Bar Financial Statements. The motion was seconded and passed 17-0. He indicated a new more user friendly format for financial statements for our use might be forthcoming soon. The suggestion was made that he be on the budget committee. He stated that official council business that is emailed to him should now go to richard.halloran@3rdcc.org. Comments were made about the

progress in budgeting, including increased revenue, decreased expenses and a considerably increased ending fund balance. Carol Breitmeyer was acknowledged for her work toward achieving this progress as past Treasurer.

II. Key Committees

- A. Amicus – Gail Towne, on behalf of the committee, requested the Council's support to file an amicus brief in re K. Farris, SC No. 147636, taking the COA dissent as the council's general position, consistent with the Sections's previous position in *In re Sanders*. A motion was made to support the committee's position, and passed 17-0. Gail also requested the Council's approval to file a brief in *Helton v Beaman*, SC 148927, in which various provisions of the Revocation of Paternity Act will be reviewed. A motion was made granting permission to file such brief, seconded and passed 17-0. Last, there was discussion about whether to continue to include the case summaries in the Journal. Most members felt it was an important addition, but noted there could be links to the e-journal or shorter summaries by topic.
- B. Court Rules – Committee Chair Mathew Kobliska provided an update on ADM File No. 2013-10 re proposed amendment to MCR 3.216, which would include the division of property as an appropriate subject for mediation. ADM File No. 2013-17 which would amend MCR 3.206 regarding limiting the court's ability to require one party to pay another party's attorney fees during divorce or separation proceedings of the parties. Mathew also reported that the committee is looking into how domestic relations cases could be captioned other than Plaintiff/Defendant. He announced that the committee was asked to consider the problem of accuracy of FOC referee hearings, and that the committee is going to look into the geographical scope of the problem, seek input, and explore court rule remedies.
- C. Legislation – Chair Kent Weichmann reported that there was no legislative committee meeting since the last one on September 11, 2104 after which a detailed report was given. He announced that SB 325, the Uniform Child Abduction Prevention Act (UCAPA) was approved out of committee and now will go to the House floor for a vote. He and Chair Shiemke acknowledged Bob Treat for his testimony at the committee hearing. Kent also reported that SB 981, which would limit how soon a party may be contacted after their spouse files for divorce and the amount of the fine for a violation, also has been approved out of the Senate and has now been referred to the House Committee on Families, Children and Seniors. He also reported that SB 1015, which the section opposes, and which would effectively prevent the court from modifying custody because of the power of a parent to file a stay, also has passed the Senate. Kent noted a need to find people willing to testify to congress on these important issues, especially over the next year and a half or so.

III. Standing Committee Reports

- A. Alternative Dispute Resolution – Randy Velzen reported that the committee continues to consider the many issues under this broad area.
- B. Alternative Family – On behalf of Peter Kulas, there are 5 lower court decisions finding state bans on gay marriage awaiting word on whether the US Supreme Court will grant leave.
- C. Annual Meeting – Rebecca Shiemke announced that the annual meeting will be October 7-9, 2015, at the Suburban Collection, Novi
- D. CLE/ICLE – Elizabeth Bransdorfer voiced support for continued scholarship admissions to the annual Family Law Institute this year, for FOC referees and judges in the certain amount estimated.
- E. Domestic Violence – Co-Chairs Dan Bates and Sahera Housey announced that they held their first meeting, at which the primary topic was raising awareness on the subject, including attorney recognition of the existence of domestic violence. The suggestion was made to dedicate a special issue of the Family Law Journal (“FLJ”) to the subject. After considerable discussion Section Chair Shiemke requested the FLJ Committee to consider options discussed. Judge Van Allsberg suggested two items on the topic: a screening tool to help automate the process of identifying the existence of domestic violence, and also looking into the possibility of using court rules SCAO to deal with the problem.
- F. Family Court Forum – no report
- G. Family Law Journal – Anthea Papista reported the committee would be paying attention to the timing and submission of articles, as well as screening authors and editing content.
- H. Family Law Journal Advertising – Kristin Robinson stated the committee would be paying attention to screening of, and seeking of, advertisers and sponsors, and also mentioned keeping up contributors to the Great Lakes Honor Roll. She also stated that if anyone wants to know what to say to a potential sponsor, she can provide a brief comment to encourage sponsorship.
- I. Family Support – Kent Weichmann reported that he and Carlo Martina are working on this, that things are just getting rolling, and that any comments should be sent to him and Carlo. It is requested that the comments be for clarifications only, but artfully worded clarifications could lead to constructive ideas considered.
- J. Membership – Christopher Harrington reported that at last measurement our membership has increased to 2,800. Chris reports that mailers have gone out to new members. He may consider revising the mailers.
- K. Mid-Winter/Mid-Summer Seminars

- a. Mid-Winter – Judith O'Donnell - will be in Mexico January 31-February 7, 2015.
- b. Mid-Summer – Elizabeth Bransdorfer/Traci Rink – Liz reports that Boyne was a big success. This year she anticipates attendance of about 40, though Boyne was about 60. She and Traci are working on having a theme, which is likely to be Jimmy Buffet's music. She and Traci will be looking for speakers who can tie in a family law topic to a Jimmy Buffet song, and of course sponsors.
- L. Political Action Committee – Ross Stancati announced that Neil Colman will no longer be on the committee. Ross is accepting non corporate checks, and they should now go to Ross's address instead of Neil's.
- M. QDRO/Taxation – no report
- N. Technology/Website – no report

IV. Ad Hoc Committees

- A. Social Media Committee – no report
- B. SCAO Forms Committee – no report

V. Announcements/New Business

Judge Van Allsburg briefly discussed the non-public nature of sealed files, and also the possibility of a form of ex parte communication occurring if a judge sees a case specific post on a listserv, where only one of the attorneys is on the listserv.

VI. Future Council Meetings

All council meetings will begin at 9:30 a.m., with a breakfast buffet starting at 9:00 a.m.

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| November 1, 2014 | Novi – Double Tree Hilton Hotel |
| December 6, 2014 | East Lansing - Kellogg Center |
| January 24, 2015 | East Lansing - Kellogg Center |
| March 7, 2015 | Ann Arbor - Weber's Inn |
| April 11, 2015 | Novi – Double Tree Hilton Hotel |
| May 2, 2015 | Grand Rapids – Amway Hotel |
| June 6, 2015 | Ann Arbor - Weber's Inn |

VII. Adjournment

Respectfully submitted,

Robert Treat, Recording Secretary
October 6, 2014