

**MINUTES – FAMILY LAW SECTION  
COUNCIL MEETING  
Date: November 10, 2017  
Place: Suburban Collection Showplace, Novi**

**I. Administrative matters**

**A. Call to Order and Welcome**

The council was called to order by Kent Weichmann.

The following (21) council members were present: Daniel Bates, Sean Blume, Elizabeth Bransdorfer, Matt Catchick, James Chryssikos, Shon Cook, Christopher Harrington, Sahera Housey, Jennifer Johnsen, Shelley Kester, Mathew Kobliska, Peter Kulas-Dominguez, Vanessa Moss-Wilson, Anthea Papista, Steven Reinheimer, Kristen Robinson, Amy Spilman, Robert Treat, Randy Velzen, Kent Weichmann, and Hon. Tina Yost.

Council members absent: Mike Golematis.

Ex-Officio and former council members: Anne Argiroff, Rebecca Shiemke, Elizabeth Sadowski, Scott Bassett and Ross Stancati.

Guests: Sharifa Kerene Moore, Christa Coxon, Deborah McNabb, Kristina Bilowus, Hon. Jon Van Allsburg, Nycolle Schindlbeck, Kevin Cronin, John Barnes, Anita Scott-Meisel, Kate Weaver, Michelle Letourneau, Shalini Nanzia, Gary Allen Gardner, Stephanie Kapoor, Brittany Nichol, Melanie Smith, Rachel Gruetzner, Steve Heisler, Lisa Geherin, Ashish Joshi, Sandra Glazier, Matthew Linden, Christine Welton, Stephanie Johnson.

**B. Introductions.**

**C. Chair Report:**

Kent welcomed everyone and asked everyone to sign the “get well” book for Dick Halloran. There was mention that the “HB 4691 Alternative” work group is working diligently on their proposal, but there have been issues reconciling the language with other statutes, including the probate code, criminal code, amongst others.

**D. Approval of Minutes**

Chris Harrington made a motion to approve the October 14, 2017 minutes, with a couple modifications. The motion was seconded, and was passed.

#### **E. Treasurer's Report/Finance Committee**

There is approximately \$154,000 in our treasury account, which is a \$20,000 increase from last year. Also, we are selling the Family Law Section lapel pins for \$5/each or 3/\$10.

#### **F. Corresponding Secretary**

Please contact Sahera Housey if anyone is interested in writing an article for the Michigan Bar Journal.

#### **G. Special Election to fill Dan Bates' Council Seat**

Dan Bates' resignation was reluctantly accepted by Chair Kent Weichmann. Mike Golematis was elected to fill this seat. The following candidates also ran for the position: Nycolle Schindlbeck, Ashish Joshi, Michelle Letourneau, and Steven Heisler. Mike Golematis was not present, and 20 Council Members were present to proceed with the meeting.

### **II. Key Committee Reports**

**A. Amicus** – requests for a brief on MIFPA an ICWA will be made

#### **B. Court Rules –**

- 1. ADM File No. 2016-09.** Motion to support the proposed language of this Court Rule amendment, as written. The proposal would require the Court to provide additional notifications in termination/consent proceedings in both juvenile and adoption cases. Motion passed.
- 2. CIVIL DISCOVERY REFORM PROPOSAL.** Council voted on the areas of the Civil Discovery Reform Proposal that affect Family Law Practice. The following summarizes the position of Council on these issues:
  - a. Verified Financial Information Statement.** Council voted unanimously (20-0) to support the concept of a VFIS, and accepted the recommendations of the Court Rules Committee to the model VFIS produced by the Discovery Task Force (DTF).
  - b. Cap on Depositions.** Council voted 13Y-0-7A to support the proposed language of the DTF, providing a cap of 10 depositions per case, and 7 hours per deposition.
  - c. Cap on Interrogatories.** A motion was made to support the language as proposed by the DTF, capping

Interrogatories at 25, provided that the “discrete subparts” issue would not preclude an Interrogatory on each “factor” of the various “factor tests” in family law (i.e. custody, property division, spousal support, etc.). This motion failed 3Y-14N-3A.

A second motion was made to support the 25 Interrogatory cap, with additional language on whether information is verified in other discovery tools, including the VFIS. This motion failed 10Y-8N-2A.

A third motion was made to make domestic relations cases exempt from Interrogatory limits. This motion passed 15Y-3N-2A.

- d. **Discovery Deadline.** A motion was made that the DTF include language that the Discovery deadline be clarified; does the deadline for Discovery mean you have to *initiate* by the deadline or *complete* by the deadline. Motion passed 18Y-0N-2A.
- e. **Subpoena language.** A motion was made that the DTF revise the subpoena language to clarify that 3<sup>rd</sup> subpoena requests need to be concurrently served all attorneys/parties of record, and also that any response needs to be served forthwith. The Court Rules committee also recommended that a Subpoena for Production of Documents to 3<sup>rd</sup> parties have its own heading under the Court Rules because there are some different nuances in practice with document request subpoenas and personal appearance subpoenas. The motion passed 11Y-4N-3A.
- f. **Protected records.** Motion to approve the DTF language in proposed MCR 3.222(A), except that subpart (A)(8) would be stricken. Motion passed.

At the next meeting, the Court Rules Committee will have recommendations prepared for the Civil Discovery Reform Report and the Electronic Filing proposal under 2002-37.

- C. **Legislation** – Brief discussion on HB 4691 -- Council not ready to take a position on an alternative to HB 4691. Council voted to oppose HB 4751.

### **III. Standing Committee Reports**

- A. **Adoption**

Dion Roddy will circulate his report – no oral report.

- B. **Alternative Dispute Resolution**

The ADR committee discussed modifications to pre-trial/conciliation/sett. conf hearings that may be coming.

There was discussion on a –prefiling mediation court rule, including: the effect on the 6-month waiting period, case management rules, and the “final/binding” nature of these agreements.

The “Hottest” issue going on for ADR involves taking a look at the different F.O.C. pre-trial procedures and hearings, including: final orders coming out of “conciliation conferences”, timing for recommendations to get to a judicial hearing, EICs, amongst others.

- C. **Alternative Family**

No Report.

- D. **Annual Meeting**

September 27, 2018 in Grand Rapids.

- E. **CLE/ICLE**

Lisa Geherin reported that 600 people registered for the Family Law Institute, and this was a huge success. Please forward any topic ideas for FLI 2018 to Lisa Geherin. There will be a planning meeting for next year’s Institute in March 2018. Also, 15 Legal Aid attorneys attended this year’s Institute because of generous donations by the Family Law Section.

- F. **Collaborative Law**

There is a Collaborative Law training session being held on 1/19/2018. See Jim Chryssikos for details.

**G. Domestic Violence**

The State Bar has eliminated the Domestic Violence Committee, so our DV Committee is the only Section/Committee of the State Bar specifically designated for working on this important issue.

**H. Family Court Forum**

No Report.

**I. Family Law Journal**

The next Special Edition of the Journal will be in June, and likely will be focused on Technology in practice.

**J. Family Law Journal Advertising**

Sean Blume is the new chairperson of this committee.

**K. Family Support**

No Report.

**L. Membership**

50 new members joined the Section in the past month. Approximately \$300 in lapel pin sales were reported by Steve Reinheimer.

**M. Mid-Winter/Mid-Summer Seminars**

Everything is going well for Mid-Winter on 2/3/18-2/10/18, with 28 people registered for attendance. Mid-Summer will either be the weekend of 7/19-7/22 or 7/26-7/29, and we'll probably be returning to Boyne Mountain.

**N. Parenting Solutions**

No Report.

**O. Political Action Committee**

Get your money to Matt C.

**P. QDRO/Taxation**

No Report

**Q. Technology/Social Media**

No Report

**IV. Ad Hoc Committees**

**A. SCAO Forms Committee**

No Report

**B. Twenty Year Review**

No Report

**C. E-Filing Issues**

No Report

**D. Public Relations Committee**

No Report

**E. Judicial Response Committee**

No Report

**F. Self-Represented Litigants**

No Report

**V. Announcements/NEW BUSINESS**

None

**VI. Future Meetings**

2017-18 Council Meeting schedule for remainder of the year:

January 20, 2018 – Weber's Inn, Ann Arbor at 9:30 am.

February 3-10, 2018 – Midwinter conference, Punta de Mita, Mexico.

March 3, 2018 – Doubletree, Novi at 9:30 am.

April 7, 2018– University Club, Lansing at 9:30 am.

May 5, 2018 – University Club, Lansing at 9:30 am.

June 2, 2018 – University Club, Lansing at 9:30 am.

**VII. Adjournment at 2:46pm**

Respectfully submitted – Christopher Harrington