

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING**

Date: November 13, 2015

Place: Suburban Showplace, Novi

I. Administrative matters

A. Call to Order and Welcome

Chair Carol Breitmeyer welcomed all of the guests called the meeting to order. 20 Council Members were initially present: Dan Bates, Liz Bransdorfer, Carol Breitmeyer, Matt Catchick, Jim Chryssikos, Dick Halloran, Chris Harrington, Sahera Housey, Matt Kobliska, Peter Kulas, Vanessa Moss-Wilson, Anthea Papista, Steve Reinheimer, Kristen Robinson, Amy Spillman, Gail Towne, Bob Treat, Kent Weichmann, and Tina Yost. As noted in part I, C., below, Shon Cook was elected to Council during the meeting. She was also present, making the total 21.

Absent: None

Ex-Officio and Former Council Members: Ann Argiroff, Judith Curtis, Ed Gold, Jim Harrington, Colleen Markou, Elizabeth Sadowski, Ross Stancati, and Amy Yu

Guests: Rachel Gruetener, Marilyn Chapin, Victoria Radke, Katie Cushman, Michele Dunskey, Lisa Geherin, Ashish Joshi, Stephanie Benedict, Hon. Douglas Dosson, Sandy Glazier, John Allen, Jenny Johnson, Hon. Jon VanAllsburg, Camille Dennis, Geoffrey Wojcikiewski, Bill Kandler, Stephanie Johnson, Sandra Larson, Jamie Lee Boase, Miriam Wolock, Veronica Leonard, Lisa Neilson, Christina DiMichele, Ashley Lowe, and Terry Bambert

B. Chair Report

The next meeting will be Saturday, December 5, at the Amway Grand Plaza Hotel in Grand Rapids, beginning at 9 am.

Carol invited all of the guests in attendance to get involved with Council, especially by working on committees, writing for the Journal and attending Council meetings.

Council received a note from Judith O'Donnell thanking us for the honor of receiving the award at the annual meeting dinner.

C. Election

There is one open seat on Council, for the balance of Rebecca Shiemke's term, which expires in 2017. Peter Kulas nominated Shon Cook. Randy Velzen nominated Jenny Johnson. Bob Treat moved that nominations close, Dick Halloran seconded. Election was held by secret ballot of Council members. Shon Cook was elected. The number of Council members at the meeting thereby increased to 21.

D. Approval of Minutes

The Minutes of the October 8 meeting, as circulated November 11, were accepted on Motion by Dick Halloran, seconded by Kent Weichmann.

E. Treasurer's Report

Kent reported that the State Bar is still auditing the 2014-15 financial information, so that we have not received any reports.

II. Key Committee Reports

A. Legislative

SBs 558, 559, and 560 amend the Probate Code, EPIC and judgments provisions to eliminate dower. The Legislative Committee recommends the Council oppose the bills unless they are amended to provide a gender neutral process requiring notice to both spouses when real estate is sold or encumbered. Kent Weichmann moved the committee recommendation, Dick Halloran seconded. The motion carried 20 – 0 (the results of the election had not been announced yet).

The Legislative Committee was not recommending a position on e-filing legislation.

Bill Kandler reported that HB 4141 is not moving, in part because of opposition by the Family Law Section, Probate Judge's Association and MJA. Instead, certain legislators are re-looking at the custody factors which they believe are biased in favor of women.

B. Court Rules

Chris Harrington reported that there is a concern with Administrative Order 2013-26, modification of the stay of proceedings and appeal bond court rules. The Supreme Court issued the order, and there is no problem with the rule changes. The problem is that the staff comments is inconsistent with the rule change. Chris is going to work with Amicus and proceed up channels at SCAO to try to correct the comment.

Chris also reported about comments received by Liz Bransdorfer and Dick Halloran at the Judicial Conference, when they were handing out the courtroom flag banners to judges with 10 and 15 years of service in Family Division. They received comments about the unpublished *Funk* decision – which the judges believed was wrong and that venue should be appropriate where either spouse resides. Discussion was held about whether the better solution is a court rule change or a legislative change. Council was not asked to take a position at this meeting.

There were also comments from the Judges about docket management and the perceived unfairness of not counting the significant number of post-judgment

motions in family law cases. After discussion, it was determined that Council should let MJA take the lead on this issue.

C. Amicus

Gail Towne reported that we have an extension of time until December 22, 2015 for the amicus brief in *Allard* and that volunteers have signed up to do case summaries for the Journal through June.

III. Standing Committee Reports

A. Adoption and Assisted Reproductive Technology

No report. the Committee is meeting December 3, 2015.

B. Alternative Dispute Resolution

Gail reported that the committee is working on:

1. identifying ways to improve the use of Domestic Violence Screening,
2. issues related to automatic referral to mediation,
3. parent coordinator training, and
4. the reason the SCAO workgroup on conciliation conferences has become inactive.

C. Alternative Family

Peter reported that there is work being done to identify the statutes that need to be amended in light of the Supreme Court decision in *Obergefell*. Peter Cunningham at the State Bar and Robert McClellan at the legislature are working on this.

He also reminded everyone present that there is a new “Record of Divorce and Annulment” form that does not assume one husband and one wife.

D. Annual Meeting and Dinner

The 2016 Annual Dinner will be held Wednesday, September 21, 2016 at the Amway Grand Plaza Hotel in Grand Rapids. Presumably the Annual Meeting will be Thursday morning, September 22. (Don’t forget this is during Art Prize, so be sure to make hotel reservations early.)

E. CLE/ICLE

Suggestions or comments about the just concluded Family Law Institute are welcome.

ICLE is having two half-day seminars on adoption and paternity and family law and bankruptcy on February 11, 2016.

F. Domestic Violence

Dan Bates reported that the Committee is working with the Domestic Violence subcommittee of the ADR Committee and hosting various listening sessions, which are going very well. Dick Halloran noted that he is on the State Bar DV committee, as well as the pro bono committee, and suggested that the opportunities for coordinated activities should be explored.

G. Family Court Forum

Dan Bates reported that the 2016 Forum is in the planning stages and moved that Council provide up to \$2,000 in funding, the same level as the past 5 years. Dick Halloran seconded the motion. It was noted that the full \$2,000 has not been needed due to other sponsors. The motion carried 21 – 0.

H. Family Law Journal

Anthea reported that the November Journal would be out soon – in a week or so.

The Journal is planning a special edition on Litigation in Family Law. The deadline for topics and authors to be selected is the end of the month of November. The writing deadline for those volunteering and chosen will be in February, 2016.

Advocacy for Warriors is a pro bono project at Wayne State University Law School. Ashley Lowe asked for volunteers and a sign-up sheet was circulated. It was the consensus of the group that this project could publish a notice in the Journal at no charge.

I. Family Law Journal Advertising

Kristen reported that Steve Reinheimer has joined her on this committee. They have talked to all the vendors at the Institute, so Kristen will be able to solicit each of them who aren't current advertisers.

The Great Lakes Honor Roll has experienced some drop off in participation, so the committee will be trying to think of ways to give it a push, as the funds are important for the support of the Journal and Section.

Kristen reminded everyone about the classifieds and to get her names of anyone found to provide useful services in your practice, as others may benefit from them, too, and they could be advertisers.

J. Family Support

Kent reported that the committee completed its work and that every member agreed with the final consensus changes recommended. The committee has met for three hours every two weeks since June. FLS representatives are Amy Yu, Carlo Martinez and Kent. Each of the participating groups is being asked for a letter in support of the consensus report of the committee. Highlights of the recommendation include: (1) guidance for deviation in high income cases, (2) changes to the parenting time offset at the margins, (3) clearer language about deducting depreciation from gross income, and (4) change to the pension deduction provisions. Kent Weichmann moved that Council send a letter in support of the changes. Dick Halloran seconded and the motion carried 21 – 0.

K. Membership

Steve Reinheimer reported the section has 3,011 members. ICLE gave us a list of all Institute attendees who are not also section members. The committee will contact those people.

The amendment to our By-laws that was approved at the annual meeting is still awaiting approval by the State Bar Board of Commissioners (who are meeting next week).

L. Mid-Winter/Mid-Summer Seminars

Kristen reported that she is working on speakers and topics for the mid-winter seminar being held January 23 – 30, 2016 in Puerto Rico.

Liz reported that she and Traci Rink are still working on site and date selection for the 2016 mid-summer seminar. Anyone who wants to volunteer to speak or has topic ideas should contact one of them.

M. Political Action Committee

Ross thanked Matt Catchick for arranging for him to be able to address the Thursday Luncheon at the Institute, to talk about PAC. PAC has \$25,390.97 at the present time. \$2,950 was contributed to various legislators' events during this year.

N. QDRO/Taxation

Bob reported that the top item on the agenda for this year is determining the best way to amend the EDRO Act to correct the problems with recoupment.

O. Technology/Social Media

Liz Sadowski reported that she will be attending a refresher course on the website on November 19 and that Anthea Papista and Peter Kulas are on her committee.

IV. Ad Hoc Committees

A. Judicial Recognition

Dick reported that more than half the Judges who have served on the Family Division bench for at least 10 and 15 years picked up their courtroom flag banners at the Judicial Conference in Grand rapids, and that they were very well received. The rest will be mailed to the Judges.

B. Website

No report.

C. SCAO Forms

Amy Yu asked that anyone with concerns about or suggestions for SCAO Court Forms send those to SCAO. She is the Council representative on that committee and they go through all complaints and suggestions received at their meetings.

V. Board of Commissioners Liaison

Victoria Radke is our section's liaison to the State Bar Board of Commissioners. She had no report at this meeting. The Board of Commissioners is meeting next week.

VI. Announcements

Dick Halloran announced that the Michigan Inter-professional Association is looking for volunteers to go to Steve Capps at SCAO about parent coordination training. Steve Reed is looking at whether parent coordinators are being added as mandatory reporters.

Ashley Lowe, a professor at Wayne State Law School is recruiting volunteers to help veterans and service members with pro bono legal services in the Wayne, Oakland and Macomb County area.

VII. Next Meeting

The next meeting will be Saturday, December 5 in Grand Rapids at the Amway Grand Plaza Hotel. Meeting starts at 9:30 am, preceded by a buffet breakfast at 9:00 am.

VIII. Adjournment

Dick Halloran moved to adjourn. Peter Kulas seconded.

Respectfully submitted,

Liz Bransdorfer, Recording Secretary