

STATE BAR OF MICHIGAN
FAMILY LAW SECTION COUNCIL

Date: November 5, 2022
Location: Courtyard by Marriott, Lansing, Michigan
Time: 9:30 AM

MINUTES (AMENDED)

I. Administrative Matters

A. Attendees

1. *Council members present:* Shelly Kester (Chair), Kristen Robinson (Chair-Elect), Liisa Speaker (Treasurer), Josh Pease (Recording Secretary), Keela Johnson, Peter Kulas-Dominguez, Steve Reinheimer, Steve Heisler, Sean Blume, Alicia Storm, Mat Kobliska, Cara Willing, Hon. Carla Testani, Jim Chryssikos, Randy Pitler, Michelle Letourneau, Gail Towne, Amy Spilman
2. *Council members absent:* Don Wheaton (Corresponding Secretary), Kristen Wolfram
3. *Ex officio:* Liz Sadowski
4. *Section Members:* Julie Griffiths, Hon. Tina Yost Johnson, Laura Nieusma, Jackee Moss, Dion Roddy, Jordan Ahlers
5. *Guests:* Stephanie Johnson (lobbyist)

B. Chair Kester called the meeting to order at 9:34 AM and found quorum with 18 council members present (there is one empty seat on council with Hon. Tina Yost Johnson stepping down in October).

C. *Chair Report:* The December meeting will be at Weber's in Ann Arbor. The January meeting has been moved from the 14th to the 7th at the Sheraton in Novi. Electronic badges have been sent out to council members and ex officio.

D. *Recording Secretary:* Pease moved to approve minutes from October meeting. Speaker seconded. Motion passed by acclamation.

- E. *Corresponding Secretary*: No report
- F. *Treasurer*: Council members are supposed to request reimbursement for travel expenses within 45 days

II. Key Committee Reports

- A. *Legislative Committee*: SBs 1114-1116 and 1119-1120 are Senate versions of the House Bills which council voted to support with amendments in 2021. Chryssikos moved to support the Senate Bills with the same amendments as the House Bills. Heisler seconded. The motion passed 18-0-0. There was brief discussions of HBs 6454-6457 (criminalizing gender transition procedures) and HJR Q (raising the judicial age limit), but neither item will move through the legislature this year, so there was no motion.
- B. *Amicus*: The committee considered *Pueblo v Haas* and the question of whether the equitable parent doctrine should be extended in light of *Obergefell v Hodges*. Towne moved for council approval for the committee to write an amicus brief supporting the appellant on the grounds that she should have had standing to file a custody petition and that her 14th Amendment Equal Protection rights were violated. Pease seconded. Motion passed 15-0-3 (Johnson, Spilman, Testani).
- C. *Court Rules*: No report.
- D. *Dedicated Family Court*: Due to having no follow up from the Supreme Court, the draft legislation is moving forward. The committee received a draft proclamation from the Governor's office regarding November as Family Court Awareness Month. The committee was concerned about the language and that it came from a fringe group. The committee drafted their own version and sent it to the Governor's office through S. Johnson. During the meeting, it was discovered that the proclamation was released on November 1st, and it was nearly identical to the version which the committee drafted.

III. Standing Committee Reports

- A. *Adoption*: November is Adoption Month. Meetings are usually the 3rd Thursday of the month.
- B. *ADR/Collaborative*: No report.

- C. *Annual Meeting*: No report.
- D. *CLE/ICLE*: No report.
- E. *Domestic Violence*: No report
- F. *Family Court Forum*: No report.
- G. *Family Law Journal*: Reminder that all council members must publish at least one article during each 3-year term.
- H. *Family Law Journal Advertising*: Everything remains status quo.
- I. *Family Support*: No report.
- J. *Member Education and Public Relations*: Meeting jointly with Membership. The committee is looking to put on a training in January with the first topic being social media and how it plays out in family law cases. The February topic will be different types of relationships and how they impact family law. Considering partnering with other sections to put on presentations.
- K. *Membership*: Meeting jointly with Member Education and Public Relations. FLS will have a table at FLI again. There will be a silicone soda can topper along with other swag.
- L. *Midsummer/Midwinter*: The deadline to give the resort a final count for the Midwinter conference is 11/7. Some additional rooms are still available. Midsummer is looking for speakers and is considering adding a Sunday brunch.
- M. *PAC*: Pitler is now co-chair with Catchick. No other report.
- N. *QDRO/Taxation*: No report.
- O. *Technology/Social Media*: Two action items:
 - 1. Heisler moved to create a way to deal with suspended and disbarred attorneys on the listserv; to confirm with only the State Bar website whether an attorney is suspended or disbarred; to remove an attorney who is disbarred; and to remove an attorney who is suspended but send an email that they can request

- to be readmitted once reinstated as confirmed by the State Bar website. Blume seconded. Motion passed by acclamation.
2. Heisler moved to switch the listserv provider to Galaxy Telecommunications network (which he disclosed he has a financial interest in) and to change listserv domains. Motion failed for lack of a second.
 3. Six people have volunteered to be part of group exploring ways to use technology to innovate council meetings.

IV. Ad Hoc Committee Reports

- A. *Court Administration and Procedure*: No report.
- B. *GAL Committee*: Meetings will be the 3rd Friday of the month at 8:00 AM.
- C. *SCAO Forms*: No report.
- D. *Shared Parenting*: No report.
- E. *Parental Education*: No report.
- F. *SDNL*: The committee has met four times since August. The committee agrees that statute should be amended to require appointment of LGAL in all SDNL cases. The committee is exploring an SDNL registry and reaching out to Supreme Court and SCAO to discuss feasibility. Pease met with Sen. Runstead's staff recently to discuss working together on possible legislation.

V. Liaison Reports

- A. *Children's Law Section*: No report.
- B. *Committee on Civil Procedure and Courts*: No report.
- C. *LGBTQA Section*: No report.
- D. *Probate and Estate Planning Section*: The section filed its own amicus brief on *Grablick* without working with FLS as they had discussed. They are creating an ad hoc death during divorce committee.
- E. *Board of Commissioners*: No report.

VI. New Business

- A. Testani and Yost Johnson have seen court observers from National Family Court Watch Project, possibly as part of an empirical study on court proceedings. Sadowski noted that this group has an agenda to be hyper-critical of family courts, and S. Johnson concurred.
- B. Because there is an open seat on council, notice of the opening will be published so that a new council members can be voted in at the December meeting.

VII. Adjournment: Meeting adjourned at 11:55 AM.