

**STATE BAR OF MICHIGAN  
FAMILY LAW COUNCIL**

MINUTES

Date: November 7, 2020  
Location: Zoom  
Time: Networking 9:00 a.m.; Meeting 9:30 a.m.

**I. Administrative Matters**

**A. Call to Order/Quorum**

The council was called to order by Chair, Sahera Housey, at 9:34 a.m.

**B. Introduction of Council Members**

The following (19) council members were present: Sean Blume, Matt Catchick, James Chryssikos, Christopher Harrington, Steven Heisler, Joe Hohler, III, Sahera Housey, Jennifer Johnsen, Shelley Kester, Peter Kulas-Dominguez, Michelle Letourneau-McAvoy, Anthea Papista, Randall Pitler, Kristen Robinson, Liisa Speaker, Amy Spilman, Gail Towne, Randy Velzen, Donald Wheaton, Hon. Tina Yost Johnson.

The following council members were absent: Shon Cook.

Ex-Officio, former council members, liaisons, non-council member committee chairs, and lobbyists present: Anne Argiroff, Scott Bassett, Elizabeth Sadowski, Ross Stancati, Kristina Bilowus, Kent Weichmann, Dion Roddy, Mat Kobliska, Amy Yu, Elizabeth Bransdorfer and Steve Reinheimer.

Guests present: Ayanna Alcendor, Kathleen Allen, Jason Blevins, Peter Conway, Melissa Kelleigh, Viola King, Josh Pease, Stephanie Witucki, Keela Johnson, Lorie Savin, and Erin Magley.

**C. Chair Report (Sahera Housey)**

- Marilyn Kelly award. Judge Kathleen McCarthy will be receiving the Marilyn Kelly award at the live virtual Family Law Institute.
- ART committee. Let Elizabeth Sadowski if you are interested in being on an Assisted Reproductive Technology ("ART") subcommittee for the Family Law Section. Elizabeth Sadowski reported that the ART Committee of the ABA has been created and are working on removing the ban to ART.

- Reports. Please submit reports to Liisa Speaker by Wednesday 5 p.m. before the Council meeting. They can be included in the agenda packet.
- Anne Argiroff. Sympathies to Anne whose father passed away since the last meeting.
- Elections. Sahera Housey is resigning her seat on council and we will have an election today to fill that vacancy. Viola King and Joshua Pease were nominated to fill the seat of Sahera Housey. Sahera's term will expire in 2022. Tina Yost moved, and Kristen Robinson seconded that we close the nominations. Motion carried 20-0-0. The candidates introduced themselves, the council voted via private chat and Viola King was elected to Council.

**D. Recording Secretary Report/Approval of Minutes (Kristen Robinson/Liisa Speaker).** Liisa Speaker circulated council meeting minutes for the October 3, 2020 meeting. Don Wheaton moved to approve, seconded by Matt Catchick. Passed unanimously. 19-0-0.

**E. Treasurer's Report (Shelley Kester).** Shelley reported that the September 2020 financials were circulated. Although our revenues are down, so are our expenses, and we are overall above where we were last year. Shelley moved and Don Wheaton seconded to approve the Treasurer's Report. Passed unanimously 19-0-0.

**F. Corresponding Secretary. (Kristen Robinson).** No report.

## **II. Key Committee Reports**

**A. Amicus** – Anne Argiroff/Gail Towne. Gail reported that there are three cases pending in the Supreme Court with amicus briefs from the Family Law Section. In one case, the Supreme Court granted a MOAA (*O'Brien v D'Annunzio*), for which we are invited to write another brief. We also filed a brief in *In re Orta*. The *Pohlman* case is still pending.

**B. Court Rules** – Jenny Johnsen/Peter Kulas-Dominguez. Jenny reported.

1. **ADM 2019-48.** (Signature from attorney on all documents filed by represented parties). The concern was how does the proposed amendment interplay with limited scope appearances. Also does it mean that attorneys have to sign POS and other documents filed with FOC? The Committee recommends opposing the amendment.
  - **Jenny Johnsen moved to adopt the committee's recommendation and**

**Michelle LeTourneau seconded. Motion passed 20-0-0.**

2. **ADM 2020-26.** (Proposed amendment MCR 1.109 and 8.119 to protect personal identifying information). The Committee tabled the discussion. The comment period expires February 1, 2021.
3. **ADM 2020-16.** (Proposed amendment MCR 9.261 would allow the Judicial Tenure Commission to share information with the Judicial Qualifications Committee and the Judges and Lawyers Assistance Program). The Committee tabled the discussion. The comment period expires January 1, 2021.

**C. Legislation –Jim Chryssikos/Randy Velzen.** Jim reported.

1. **SB 1187.** (It would amend the notary act retroactive to April 30, 2020). It provides for two-way real time audio technology for remote notaries, to end December 31, 2020. The committee did not understand the termination date and recommended to support the bill but delete the last sentence which provides the termination date.
  - **Jim moved and Shelley Kester seconded a motion to support the Committee's recommendation.** There was a discussion about whether we should take a position on these bills because they were not close enough to family law and whether they are *Keller* permissible. Some believed the remote notarization amendments will help family law attorneys obtain enforceable orders and obtaining releases and guardianship orders remotely. **Motion passed 19-1-0.**
2. **SB 1188.** (The bill requires the Register of Deeds to accept electronically notarized documents and would expire December 31, 2020). The Committee recommended to support the bill but delete the last sentence which provides the termination date.
  - **Jim Chryssikos moved, and Tina Yost Jonson seconded a motion to support the Committee's recommendation.** No discussion. **Motion passed 19-1-0.**
3. **SB 1189.** (It would amend EPIC to allow electronic signature for estate planning documents). The bill also applies to GALs. There was concern that when a child is being interviewed by zoom, you don't know whether there is a parent around the corner or otherwise someone coaching the child. GALs are being trained to make sure that is not happening. The committee recommends supporting the bill but eliminate the December 31, 2010 end date.

- **Jim Chryssikos moved and Tina Yost Johnson seconded a motion to support the Committee's recommendation.** No discussion. **Motion passed. 18-1-0.**
4. **Advisory item for SB 790** (Would require courts that choose to make a video of proceedings must make that video available to the public, and establishes that said recording must be made available within ten days, and limits the cost to no more than \$10). Council had previously opposed this bill. Chief Justice McCormack has testified in support of bill. As a result, the State Bar withdrew its opposition to bill. Liz Bransdorfer created the subcommittee and agreed to chair it. Liz reported that she received input from the subcommittee and was able to submit our position to the SCAO workgroup. A copy of the new version of SB 790 was attached to the Legislative agenda. We believe FLS should have a seat at the table at the SCAO workgroup when the bill is reintroduced next year. No action required.
  5. **Post majority support bill.** Tabled until the next meeting.

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

- A. Adoption** – Dion Roddy. Dion reported HB 5148 and 5149 have been signed into law by the Governor, which reworded the 2016 rehoming legislation because the prior version exposed adoption attorneys to liability. The bills garnered bipartisan support.
- B. ADR/Collaborative** – Randy Pitler. No report.
- C. Annual Meeting** – Chris Harrington. He is looking to September 2021, which would possibly occur in Lansing. We are watching the Covid-19 numbers, which hopefully will be better by then.
- D. CLE/ICLE** – Shon Cook/Liz Bransdorfer. Liz reminded council that the Family Law Institute will start soon.
- E. Dedicated Family Court** – Tina Yost-Johnson/Liz Bransdorfer. Tina reported that the committee might change its name to Specialty Family Court and maybe the Supreme Court would be more receptive to our proposals. The committee discussed the family court review and suggested that there be a Task Force for that, such that the justices do not just rubber stamp the family court plans submitted to them.
- F. Domestic Violence** – Rebecca Shiemke. No report.

**G. Family Court Forum** – Sahera Housey. No report.

**H. Family Law Journal** – Anthea Papista/Amy Spilman. Amy reported about the editor's meeting on October 19 and policies for the journal. There was an interest in resurrecting a column that featured family court judges around the state. The committee needs to find volunteers to write about family law judges in their local community, especially outside of Wayne and Oakland counties.

**I. Family Law Journal Advertising** – Sean Blume. Sean reported that he and Shelley Kester (as Treasurer) met to discuss a plan to develop advertising further. Bills are being sent to our advertisers.

**J. Family Support** – Kent Weichmann/Carlo Martina. No report.

**K. Member Education and Public Relations** – Shelley Kester/Liisa Speaker. Shelley reported that the committee has two new members: Steve Reinheimer and Matt Catchick. Liisa reported about the video that she and Matt Catchick will be making for the Family Law Institute. In addition, Liisa and Shelley Kester will be putting together a webinar on Covid-19 provisions, which will likely occur in January or February 2021.

**L. Membership** – Steve Reinheimer. No report.

**M. Midwinter/Midsummer** – Kristen Robinson/Liz Bransdorfer. Kristen reported that she is waiting to see what happens with Covid-19 to start planning for February 2022. Liz Bransdorfer reported that the Midsummer has identified 7 properties to obtain proposals from and hopes to have information at the December meeting. There was discussion about doing something special for our February meeting since there will not be a Midwinter seminar, whether it be in person or remote.

**N. Political Action Committee** – Matt Catchick. Matt reported that we have increased our PAC balance to \$31,949. Each council member is expected to donate each year. It must be a personal check. PAC checks should be sent to: Attn: Stephanie Johnson, KJL, 124 West Allegan, Suite 1700, Lansing, MI 48933.

**O. QDRO/Taxation** - Bob Treat. No report.

**P. Listserv/Website** - Elizabeth Sadowski. Elizabeth reported that she is meeting in November with Jennifer Hatter with the State Bar of Michigan to address problems with our website. Elizabeth will circulate a proposed agenda to identify issues for that meeting.

#### **IV. Ad Hoc Committees/ Liaison**

- A. SCAO Child Support** – Kent Weichmann/Carlo Martina. No report.
- B. SCAO Forms** – Amy Yu/Gail Towne. No report.
- C. SCAO Parenting Time Guidelines** – Shelley Kester/Liz Bransdorfer. No report.
- D. Children’s Law Section** - Chris Piatkowski. Josh Pease will likely be made the liaison.
- E. Committee on Civil Procedure & Courts** (position available). No report.
- F. LGBTQA Section** - Peter Kulas-Dominguez. Don Wheaton reported that the Section is revising the bylaws again and looking to develop a legislative committee.
- G. Probate and Estate Planning Section** - Anthea Papista/Patricia Ouellette. Anthea reported the Legislative Committee has covered the relevant material.
- H. State Bar Board of Commissioners** - Kristina Bilowus. Kristina reported that if there is anything FLS wanted to take to the Board of Commissioners to let her know.

**V. Announcements/New Business.**

- The next meeting is December 5, 2020 and it will be a fairly long meeting. The following meeting is January 9, 2021.

**VI. Adjournment.**

Motion to adjourn by Chris Harrington and seconded by Tina Yost Johnson. Motion approved unanimously. The meeting concluded at 11:22 a.m.

Respectfully submitted,

Liisa Speaker,  
Recording Secretary.