

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING
Date: December 10, 2016
Place: Doubletree Hotel, Novi**

I. Administrative matters

A. Call to Order and Welcome

Chair Richard Halloran welcomed all of the guests called the meeting to order at 9:30 a.m. Council Members present: Dan Bates, Liz Bransdorfer, Matt Catchick, Jim Chryssikos, Dick Halloran, Chris Harrington, Jenny Johnson, Mat Kobliska, Peter Kulas, Vanessa Moss-Wilson, Anthea Papista, Steve Reinheimer, Amy Spilman, Bob Treat, Kent Weichmann, and Tina Yost.

Absent: Shon Cook, Shelley Kester, Kristen Robinson, and Randy Velzen.

Excused: Sahera Housey

Ex-Officio and Former Council Members: Joe Bastam, Carlo Martina, Antoinette Raheem, Elizabeth Sadowski, and Amy Yu

Guests: Lori Becker, Kristina Bilowus, Tohin Chakraborty, Rebecca Ellis, Melissa Heffner, Steven Heisler, Stephanie Johnson, Anita Scott-Meisel, Randy Pitler, Jessica Pospiech, Danielle Smith, and Lisa Taylor.

B. Chair Report

1. Thanks to Lisa Geherin and all at ICLE for the hard work resulting in the 2016 Institute. It was wonderful. The planning meeting for the next year's Institute will be coming up in January. If anyone has suggestions, let Dick, Liz Bransdorfer or Peter Kulas who are also on the Planning Committee.
2. Special welcome to Tohin Chakraborty who will be interning with Judge Halloran at Wayne County Circuit Court Family Division.
3. Thank you to all Council/Section members who also joined the newly formed LGBTQA Section of the State Bar. Its initial meeting, at which a Council will be elected, will be January 4, 2017 from 3 – 5 pm at the State Bar building in Lansing. All members of the new Section are invited to attend.
4. There will be a special edition of the State Bar Journal in July on Family Law. Harvey Hauer is the main contact. There will be contributions from the Custody and Parenting Time Committee and the 20-year Committee. Other contributed articles will be due the end of May.

5. Chair Halloran met with Rep. Runestad, the principal sponsor of HB 4141. The meeting resulted in a mutually appreciated agreement to work together to improve the experience of parents seeking shared parenting of their children, with consideration of the risks of adopting fundamentally new statutory law when, perhaps, better education and a few specific changes to the existing statutory scheme could solve the identified problems with the current situation. The Section's input will be coordinated with the surveys being done by the Custody and Parenting Time Committee co-chaired by Kent Weichmann and Vanessa Moss-Wilson.
6. Ashi Joshi is involved with an ABA Task Force on Judges under Attack. Information has been circulated with the Agenda and will be posted on the Listserv. Chair Halloran will establish a special committee. Let him know if you are interested.
7. A Collaborative Law Committee has been established. Jim Chryssikos is the chair. A sign-up sheet was circulated.
8. Corresponding Secretary Liz Bransdorfer is compiling a schedule of Committee meetings to post on the Section Website Calendar. All Committee Chairs are encouraged to schedule meetings for the year and get that schedule to her.
9. According to the By-laws, the Council is supposed to have representatives from 6 other sections. Chair is working on getting that participation.
10. State Bar President Larry Nolan will be speaking at our January 20, 2017 meeting in Lansing.
11. The section received a letter from the State Bar Ethics committee about attorney liens that will be discussed later in the agenda.
12. There is an effort to establish an award for Judges who do exceptional work in the Juvenile area, like our Justice Marilyn J. Kelley Award, to be named after Fred Butzel, the founder of the Juvenile Court. We will be working with the Childers's Law Section on this.
13. There is periodically a need for Section members to testify in Lansing, sometimes on short notice. The Section can provide background information and help with important items to cover, as well as tips on effective presentation in that forum. A sheet was circulated seeking volunteers.
14. There are members of the State Bar ADR section here to speak, who will be heard during the ADR Committee report time. Randy is reportedly doing well after surgery.

15. Lori Buiteweg, past president of the State Bar, contacted us to encourage nominations of family law attorneys for State Bar awards.
16. The Michigan Judges Association has adopted various suggestions and will advocate for changes to the proposed JTC rules, comments for which were due December 1.

C. Approval of Minutes

1. The Minutes of the October 8 meeting were accepted on Motion by Liz Bransdorfer, seconded by Kent Weichmann.
2. The Minutes of the November 11 meeting were accepted on Motion by Liz Bransdorfer, seconded by Tina Yost.

D. Treasurer's Report

1. Bob Treat distributed the tentative, but almost certainly accurate, report of the 2015-16 fiscal year expenditures and income for the section. He noted that the Section increased its year-end balance by \$28,000 even though we had two annual meetings during this fiscal year.
2. The by-laws allow Council to authorize the Treasurer to approve expenditures up to \$50, provided they are reported at the next Council meeting. Bob Treat moved to continue that authorization, Kent Weichmann seconded and the motion passed 16-0 with one member out of the room.
3. The Council put a limit of \$300 per fiscal year on the amount of travel (mileage over 50 each way and hotels if over 100 miles from a member's home) for council meetings two or three years ago when the section budget was in dire straits. Bob Treat moved to increase the limit to \$700 per fiscal year, with the same thresholds for the 2016-17 fiscal year. Liz Bransdorfer seconded and, after discussion, the motion passed 15-0-1.
4. A brief separate discussion was held on the idea that driving to testify in Lansing, as a designated representative of council, could be reimbursed pursuant to the Treasurer's limited authority to approve expenditures of up to \$50, rather than included in a council member's annual travel allowance.

E. Corresponding Secretary's Report

1. Liz repeated item 8 from the Chair's Report – about getting a master calendar on the web site will all the Section Committee meetings – and added that she wants the schedules by the end of the year, if possible, so it will be on line at the first of the year. She asked Elizabeth Sadowski to help with a set of instructions how to access the section calendar on the site, as that has sometimes been a problem for her.

2. Liz also reported that she is preparing the Section's monthly report for publication in the State Bar Journal, so asked for assistance in determining what the priorities are to include in the 75-word limited report.

II. Key Committee Reports

A. Amicus

Written report submitted.

B. Court Rules

1. Chris Harrington moved to adopt the Committee's recommendation that the Section support the proposed amendment to MCR 3.216 concerning mediation, with the addition on the phrase "after hearing" to clarify what could otherwise be an internal contradiction in the rule. Kent Weichmann seconded and the motion passed unanimously.
2. Council had a discussion about ADM file 2016-11, the proposed amendments to MCR 3.208. Changes would allow the Friend of the Court to "notice" a hearing on an order to show cause, without actually getting an order from the Court and in the name of the People of the State of Michigan, among other changes. Comments are not due until March 1, 2017, so the rule will be further discussed by the Committee and a recommendation for vote will be brought up at the January 20 meeting.
3. Council also had a discussion about ADM file 2015-22, the proposed amendments to MCR 3.203 and 3.208. Change would allow notice to be sent by the Friend of the Court by email and/or text message. The Committee liked the intent of the proposed changes, but had concerns about specific parts of the rule (especially the use of text messages). Comments are not due until March 1, 2017, so the rule will be further discussed by the Committee and a recommendation for vote will be brought up at the January 20 meeting.
4. Mat Kobliska reported that the Court Rules Reform group is forming subgroups and the Section will be compiling a rolling list of suggestions. On the list currently are uniform discovery cut-offs (at or very near the trial date) and consideration of preliminary mandatory disclosures.
5. Chair Halloran received a letter from the State Bar Standing Committee on Professional Ethics workgroup asking for input on certain questions related to fee agreement provisions regarding judgment liens against real property. The section is planning to prepare a response, after further discussion, and hopes to involve others, like the AAML, in the development of that response.

C. Legislative

Kent Weichmann moved that Council adopt the recommendation of the Committee to oppose HB 6087, which would allow PPOs to address custody, parenting time and support. The Committee felt that the bill was well-intentioned but opposed it based on the expedited nature of PPO hearings being ill suited for custody and support decisions, because jurisdiction is broader for PPOs than custody and parenting time and because of issues with UCCJEA compliance. Mat Kobliska seconded and, after discussion, the motion carried 14-0-2.

III. Standing Committee Reports

A. Adoption and Assisted Reproductive Technology

1. Stephanie Benedict reported that she is stepping down as chair of the Committee as she is moving to Melbourne, Australia. Dion Roddy will be the new chair.
2. The Bill supported by Council to support identification of putative fathers in advance of adoptions passed the Senate and is waiting in the House. Another bill passed and will go into effect February 20, 2017.
3. On November 22, 2016, the Court of Appeals issued an Order asking the Adoption Committee of the Family Law Section to submit an amicus brief in three cases with an issue of first impression related to attorney fees. The Court held Oral argument on December 9, at which counsel in the case was told what issues the Court of Appeals wanted briefed. The matter will be referred to the Amicus Committee in accordance with Section policy.

B. Alternative Dispute Resolution

The committee submitted a written report. Toni Raheem and Lisa Taylor of the State Bar ADR Committee came to seek Council approval of members of our ADR Committee meeting with representatives of the Section to work on the proposal for mandatory mediation that Council previously rejected. They explained that the Section did not mean to circumvent or ignore the concerns of the Family Law Section, but wanted a face-to-face discussion, not continued telephone meetings, in order to try to craft a rule that would encourage mediation in all appropriate cases, even in counties where mediation is not routinely ordered now. The Chair used his authority to authorize members of Council to meet with the ADR Section to discuss and help revise their draft legislation.

C. Alternative Family

No report.

D. Annual Meeting and Dinner

The 2017 Annual Dinner will be held in September at Cobo Hall.

E. CLE/ICLE

Planning is about to be underway for the 2017 Family Law Institute. Any Council members with suggestions for speakers or topics, or comments about the just concluded Family Law Institute, are welcome to pass those on to Dick Halloran, Liz Bransdorfer, Peter Kulas and/or Shon Cook, who are members of the planning committee.

F. Domestic Violence

1. Dan Bates reported that the Committee meetings will be the Thursday before each Council meeting at 8 am.
2. Dan also reported seeing an increase in the number of cases being referred to mediation with no DV screening.
3. Rebecca Shiemke will be the new chair of the SCAO work group on Batterer Intervention Standards.

G. Family Court Forum

No report. Dick Halloran invited council members who do not get an invitation, but want to go, to contact him.

H. Family Law Journal

1. Amy Spilman is the new co-editor-in-chief.
2. The Journal staff is forming a committee to keep track of the articles written by Council members and has ideas for those members (or others) who want to write an article but don't know what to write about.
3. There will be 2 special editions – an LGBT themed edition in June (Ric Roane helping edit) and a Technology and the Law themed edition in October (Scott Bassett helping edit).
4. The cost of 3,389 paper copies (about 340 per edition) was \$5,202.
5. The Journal has organized its editorial staff of 9 into 3 groups of 3 and their schedule for the upcoming year was circulated as part of the agenda. They will also help generate buzz on the listserv as each Journal comes out.

I. Family Law Journal Advertising

No report.

J. Family Support

Kent reported that the new formula goes into effect as of January 1. The Calculator used by FOC offices is already updated. Ric Roane emailed in a question about whether the Calter and Reimer cases were effectively overruled by the changes. Kent responded that he didn't think that Calter was ever good law and that the result of the modifications is more flexible judicial discretion.

K. Membership

1. Steve Reinheimer reported the section has 2,855 members as of December 5.
2. The Committee is out of the items they use as "giveaways" at events. Steve moved for \$300 to replenish supplies. Dan Bates seconded and the motion carried 15-0.
3. Nycolle Schindlbeck took some pictures at the FLI which are up on the Facebook page.
4. Matt Catchick was contacted by Tisha Browning to present on Family Law and the Section at a luncheon for Wayne State Law School students. Judge Halloran will go as well.
5. Steve raised a question about making membership certificates, logo lapel pins, or other such items as a marketing and/or fundraising project. The idea was favorably received.
6. The Committee wants to get a list of Michigan Family Law judges to compare against the membership list to see who is not a member and see if we can increase their participation.

L. Mid-Winter/Mid-Summer Seminars

1. Mid-winter: No report.
2. Mid-Summer will be July 20-23, 2017 at Mission Point on Mackinac Island. Sponsorship opportunities are available, see Liz Bransdorfer. Speaker/topic suggestions needed, see Traci Rink. The resort is taking reservations. A Save the Date ad with the number will be in the next Journal.

M. Political Action Committee

Matt Catchick reported that PAC helps our voice at the Legislature be heard, thanks in large part to the work of Stephanie Johnson and her group. They are considering getting a "square" to take donations by credit or debit card.

N. QDRO/Taxation

No report.

O. Technology/Social Media

Liz Sadowski reported that Steve Heisler is on the Committee. They will be setting up a series of meetings as the web page needs work. There was also discussion about adding Council meetings as an “Event” on our Facebook page.

IV. Ad Hoc Committees

A. Collaborative Law

Jim Chryssikos is the new chair. A sign-up sheet for the committee was circulated.

B. SCAO Forms

No report.

C. Parenting Coordination Workgroup

The next meeting is January 11, 2017.

D. Twenty-year Review

John Schrot reported that the group is starting to develop surveys, especially of judges who serve and have served in the family division over the past 20 years.

E. Parenting/Custody

The group’s written report was circulated with the agenda. They are looking for means to secure feedback as to what parts of the current law and procedure are working and not working for different groups of stake-holders.

F. E-filing Issues

The Supreme Court is developing a state-wide uniform program. Family Law Section is trying to get a seat at the table to help define the needs for the system. Liz Sadowski will reach out to Hon. Milton Mack to see if we will be welcome. Steve Heisler is working on talking to Judge’s clerks to be sure that we know what they perceive is important. So far, they seem to want an electronic version of what we have now with paper, so there is a docket or register of actions, with links to the entries.

G. Public Relations

No report.

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. Next Meeting

January 21, 2016; University Club, Lansing, MI
Breakfast at 9, meeting starts at 9:30

Remaining 2016-17 Council year meeting schedule

March 4, 2017, Doubletree, Novi
April 1, 2017, Amway Grand Plaza, Grand Rapids
May 6, 2017, Weber's Inn, Ann Arbor
June 3, 2017, University Club, Lansing

Respectfully submitted,

Liz Bransdorfer, Corresponding Secretary