

## MINUTES - FAMILY LAW COUNCIL, FAMILY LAW SECTION

Date: December 3, 2011

Place: Double Tree Hotel, Novi, MI

### Attendance:

○ **Council Members Present:** Anne Argiroff, Elizabeth Bransdorfer, Carol Breitmeyer, Richard Halloran Chris Harrington, James Harrington, III, Elizabeth Kitchen-Troop, Matthew Kobliska, Donna Mobilia, Toni Raheem, Steven Reinheimer, Traci Rink, Kristen Robinson, Rebecca Shiemke, Ross Stancati, Connie Thacker, Gail Towne, Stacy Van Dyken, Kent Weichmann

○ **Absent:** Erika Salerno, Neil Colman

○ **Guests:** Tracie Boyd, Zenell Brown, Thelma Forrest, Kimberly Groner, Matt Smith, Rebecca Decoster, William Berlin, Sahera House, Veronique Liem, Bob Treat

○ **Ex-Officio:** Barb Kelly, Ron Bookholder, Edward Gold, Elizabeth Sadowski

### I. Administrative Matters

A. **Call to Order:** The meeting was called to order at approximately 9:30 AM.

B. **Chair's Report:**

- Successful ICLE institute - a few sales
- Property (address at end)
- Motion for \$1,000 to subsidize Referee's annual meeting.

This was unanimously approved.

C. **Treasurer:** No audited statements for our review.

D. **Recording Secretary:** Motion to approve November 2011 minutes.

Approved unanimously

### II. Standing Committee Reports:

A. **Legislation.** Kent Weichmann

● HB 5124: "gives all judges concurrent jurisdiction". Upside: point to allow max judicial flexibility. Downside: specialization of judges would be ignored, also ignored who ran for ie, family law, civil law ; also concerns re: rotation issues. Recommendation: oppose this, move to oppose. Discussion occurred. All in favor of rec to oppose:19-0, no abstention.

● HB 5163: active military duty; it would say that no change to parenting time orders or custody while parent serves in active duty. The parent may delegate to a third party. Clear and convincing burden of proof for parent to change. Legislative committee thinks that there are constitutional issues (ie treating third party differently than natural parent). Recommendation is that we oppose; discussion - very broad; 19 -0 in favor of the opposition

● Bills re: abortion: Unanimous vote against the changes.

● SB: unborn child abduction statute. Safety plans should not be compromised, we need to review this in conjunction with domestic violence

● HB's: 4672 & 4673 Extensive discussion relative to status.

B. **Court Rules.** Carol Breitmeyer.

- Approve recommendation to comment along lines of the Judge's Association.
  - A. Amendment to Rule 3.211. To delete the requirement that the Supreme Court approve the USO and instead just the SCAO will prepare revisions as with other forms. The MJA has now approved it. Court rules committee recommends that we write letter referencing the substantive nature of the UCSC for us and the great care that ought to be rendered in making changes,
    - B. We discussed issues related to the confusion involved related to when the attorney/client relationship terminates. Ref. 2.117(C)
    - C. New proposal posted 11/28/11 re: judicial conduct/will send link around to the council for discussion on 1-28-12.
  - ADM file re: solicitation finally was proposed by Supreme Court.
  - Gave a little history of the proposal
  - Motion: to reaffirm support by letter and address the "constitutional issue" (once again) which Judge Hathaway asks specifically to be addressed. Jim Harrington will draft this letter. Unanimous approval
  - C. **Adoption.** N/R
  - D. **Alternative Dispute Resolution.**
    - Report submitted
    - Sub-committees re: A. ADR education tools
      - B. "Mediation Standards of Practice".
- Kent is concerned
- C. ADR - GR advanced mediation training; 4 hours, ½ day re: new mediation standards
    - Toni Raheem: Standards committee: she found that mediators rarely get in trouble; "8 page" rule: proposed – they are "aspirational"
    - Educate judges for ADR
  - E. **Alternative Family** N/R
  - F. **Amicus.** N/R
  - G. **Annual Meeting.** September 19, Wednesday, Grand Rapids, family law meeting the 20th
  - H. **CLE/ICLE.** A. Attendance was great, almost 500 people; very well received; comments were very good; 98% said they will attend again
    - B. February 21<sup>st</sup> custody topic
    - C. Anyone who has an idea of a topic be in touch with
- ICLE
- D. Kent Weichman - 1<sup>st</sup> recipient of the Blaine Johnson award
  - I. **Domestic Violence.** No report
  - J. **Family Court Forum.** No report
  - K. **Family Law Journal.** Printers, cost: electronic version or not???; still some questions about this; looking for advertisers
  - L. **Family Support.** No report.
  - M. **Membership/Mentor Roundtables.** Meeting was held; trying to include

more members; perhaps "family law moot court"; discussion on what it may take to put together family law moot court competition; perhaps council members speaking to family law classes; money (cash prize) will draw more participants; give FIAP & Wayne State student free membership

N. **Midwinter/Midsummer Seminars.** Let Traci know where in Michigan to do the location; DVD of conferences

O. **Political Action Committee.** No report

P. **QDRO/Taxation.** Bob Treat. Committee met; new volunteer drafters; amending the EDRO Act; problem: auto trigger re: participant who retires when he divorces, ie EDRO submitted prior to divorce pm to retirement; EDRO is ejected - then retirement occurs and then no EDRO is not able to be amended; "alternate payees are losing rights; EDRO needs to be "amendable"; this amendment will offer a 60 day window for amendment after rejecting if the participant retires" 38.1702(E)(viii); 17 vote in favor; no oppose, no abstention

● Committee is now looking at additional issues ie recoupment issues as amendments to EDRO Act

● Pro Bono QDROs: the program is going well; Rob Mathis, State Bar QDRO Administration Group; 69 pro bono QDROs have been completed

Q. **Technology.** Free conference calls are still available

III. Ad Hoc Committees

A. **Resource Allocation Committee.** No report

B. **Parenting Coordination.** No report.

C. **Unauthorized Practice of Law Committee.** No report

D. **Equal Justice.** Ross Stancati: they have sent letters out by email and snail mail to all presidents of local groups.

IV. New Business.

V. **Old Business.** Legal aid available. One response so far. They sent it all across state.

#### **Announcements:**

- Resolved WCCC lawsuit with CC. They got everything they wanted. New courthouse near Frank Murphy Hall of Justice; \$300 million dollar project; WCFOC is moving to Marquette Building

Meeting adjourned at 10:45 a.m. Next Meeting: **Saturday, January 28, 2012** at University Club, Lansing, Michigan. Breakfast is available at 9:00 a.m. and meeting at 9:30 a.m.

Respectfully submitted,

---

Carol F. Breitmeyer  
Recording Secretary

DATED: December 13, 2011