

**MINUTES – FAMILY LAW SECTION  
COUNCIL MEETING**

**Date: March 5, 2016**

**Place: Doubletree Hotel, Novi**

**I. Administrative matters**

**A. Call to Order and Welcome**

Chair Carol Breitmeyer welcomed all of the guests and called the meeting to order. 19 council members were present: Dan Bates, Liz Bransdorfer, Carol Breitmeyer, Matt Catchick, Jim Chryssikos, Shon Cook, Dick Halloran, Chris Harrington, Sahera Housey, Matt Kobliska, Peter Kulas, Vanessa Moss-Wilson, Anthea Papista, Kristen Robinson, Amy Spilman, Gail Towne, Bob Treat, Randy Velzen and Kent Weichmann.

Ex-Officio and former council members: Amy Yu, Anne Argiroff, Hon. D.C. Dosson, Ross Stancati, Colleen Markou, and Elizabeth Sadowski.

Guests: Stephanie Johnson, KRKM; Randy Pitler; Brenda Murphy; Chris Piatowski; Bill Kandler, KRKM; and Rachel Taylor.

**B. Chair Report**

Carol thanked the past chairs and council members in attendance for their willingness to continue to contribute and contrasted the civil demeanor of council members who disagree when we discuss issues with what is happening on the national political stage.

Carol also reported that many council members have reached out to their representatives about the shared parenting act and stressed the importance of knowing who your representative is, and having them know us, when issues arise. In particular, Tina Yost's communication with her representative Dr. Bizen, convinced him to change his co-sponsorship of the shared parenting act to opposition. There are materials in the works to help with talking points which will be distributed as soon as they are available.

**C. Approval of Minutes**

Amy Spilman's name was misspelled and the ADR Committee report was clarified. Liz Bransdorfer moves that the minutes as amended be approved. Dick Halloran seconded and the motion carried.

**D. Treasurer's Report/Finance Committee**

The most recent reports from the State Bar were circulated. The Section is solvent, on track to add \$40,000 to \$50,000 to our reserves this year. Kent Weichmann moves to accept the reports. Dick Halloran seconded and the motion carried.

The State Bar has amended its policies to limit reimbursement to any member to \$5,000. Any expenditures larger than that have to be paid by the State Bar directly. They will work with us on the Mid-Winter, where there are higher charges for air travel and resort fees.

The State Bar has also decided it will pass along credit card charges to the sections for which they are incurred.

## **II. Key Committee Reports**

### **A. Legislation**

Kent Weichmann reported there are several matters for Council's attention.

First, SB 458 would amend the Probate Code provision about step-parent adoptions from "the" parent having legal custody to "a" parent having legal custody, and regarding zero support orders. Committee recommends support. Kent Weichmann moved to support, Dick Halloran seconded and the motion carried 19 -0.

Second, an informational item on voluntary settlor trusts was mentioned. No action at this meeting as the matter was tabled.

Third, SB 811 on surrogate parenting, would decriminalize and regulate. Herb Brail was involved in the drafting of the bill. Committee recommends support. Kent Weichmann moved to support, Dick Halloran seconded and the motion carried 18 -0-1, with Sahera Housey abstaining.

Fourth, the Shared Parenting Act does not have a bill number yet. It is like mandatory equal custody in that past parenting does not matter, and even goes in to child support. Committee recommends opposition. Dick Halloran reported that he has sent it to the MJA Family Law Committee and Wayne Family Division judges. One particularly noteworthy provision is that it would allow re-opening all post-judgment cases where there is not equal parenting. The authors have apparently spent a lot of time/money on creating a narrative that is highly misleading about what the bill actually does. We will need to be able to talk about that story and correct the misimpressions. Council members are already reaching out to various legislatures and the materials with talking points are in the works. Kent Weichmann moved to oppose, Dick Halloran seconded and the motion carried 19 -0.

Fifth, there is draft legislation in the works to correct the ROPA issues identified in In Re: Moiles. The committee recommends that a work group be established as the current efforts may be taking the wrong approach. ROPA has procedural issues, but a man should have to at least believe he is or may be the father in order for an AOP to be valid. Judge D volunteered to work on this. Amy Yu noted that the SCAO forms committee is finding it impossible to prepare forms for ROPA due to

how it is presently written. Kent Weichmann moved to support the Committee recommendation, Dick Halloran seconded and the motion carried 19 -0.

Sixth, the issue of post-judgment arbitration of personal property under the DRAA was discussed. There are good reasons for allowing people to be divorced before dividing all of the household goods, but unless personal property is carefully defined, the provision could allow for divorce when most of the assets (accounts, vehicle, etc.) are still unallocated, giving rise to finality issues. MCR 3.211(B)(3) may also need to be amended. Recognizing there was no need for immediate action, and the need to be cautious about what is included, the matter was tabled.

Bill Kandler reported that he is still working on the anti-trolling bill.

## **B. Court Rules**

Chris Harrington reported that things have been relatively quiet. The Supreme Court issues ADM 2014-27, proposed by the Representative Assembly, delaying the issuance of subpoenas at the beginning of a case. The Section cannot oppose this, as the State Bar supports it. Lori Buitweg will oppose it due to domestic violence concerns (victims who have no access to information about marital/family finances will be delayed getting that information, though the option of getting an ex parte order might mitigate this somewhat. There was discussion about what the problem is that this is aimed at addressing. The response was that people were issuing subpoenas and getting information they are not entitled to before the other party has a lawyer who knows they have a right to object, and because people issue subpoenas without notice to the opposing party at all. The Committee recommended support. Chris Harrington moved to support. Kent Weichmann seconded and the motion carried 13-3-3. Dick Halloran then moved that the Family Law Section comment on the proposed rule change asking that some enforcement or sanctions be added to the proposal. This motion carried 17-0-2.

## **C. Amicus**

Allard will be argued at the Michigan Supreme Court on March 9. The Committee will send an email to Council members with the time and how to watch the argument on line.

# **III. Standing Committee Reports**

## **A. Adoption**

No report.

## **B. Alternative Dispute Resolution**

No report.

### **C. Alternative Family**

There is discussion about establishing an LGBTQ section of the State Bar. The Committee wants to send a survey to the members about what issues to focus on. Dick Halloran moved to approve the \$75 cost for that as an eBlast. Kent Weichmann seconded and the motion carried. Peter raised an issue for feedback about the interplay between same sex married parents and the Seraphin presumption for children born or conceived during the marriage.

### **D. Annual Meeting**

Will be in September in Grand Rapids. More details later.

### **E. CLE/ICLE**

Rachel Taylor indicated that that ICLE is looking for more diverse speaker recommendations and invited input.

### **F. Domestic Violence**

Dan Bates reported that they have a work group codifying batterer intervention standards. The next meeting in April 26 in Ann Arbor at Catholic Social Services.

### **G. Family Court Forum**

Forum will be June 10.

### **H. Family Law Journal**

Anthea Papista reported that the Special Litigation Edition is coming this month. She thanked the editors and highlighted the article by John Urso on suicide. John is speaking at the Inn at St. John's on April 7.

### **I. Family Law Journal Advertising**

No report.

### **J. Family Support**

The proposal for amendments to the Formula is before the Supreme Court waiting for action.

### **K. Membership**

Chris Harrington reported that the total membership as of today is 3030. Kent Weichmann noted that as of the 2934 members (as of a prior reporting date) only 1945 are paying members. The rest are students and retired members. The Committee participated at the Student Bar Ass'n Fair at UMD, engaging 8-10

students. Nothing is lined up yet at Wayne State or Cooley. Matt Catchick has spoken at a family law class.

**L. Mid-Winter/Mid-Summer Seminars**

Kristen is in the process of deciding on a resort for next winter, probably an all-inclusive in the Dominican Republic. The seminar will be the last week in January or first week in February.

The Mid-Summer will be July 28-31 at the Grand Traverse Resort. The Traverse City film festival is that same weekend.

**M. Political Action Committee**

Ross Stancati reported that the PAC has \$26,983.87. Contributions are being made to Dr. Henry Vaupel and John Bizon. There is a fundraiser at KRKM for Rep's Huizinga and Afendoulis on March 9. The Section is contributing \$250 to each. Council members are encouraged to attend.

**N. QDRO/Taxation**

No report.

**O. Technology/Social Media**

There was extensive discussion about concerns that the State Bar is doing too much to try to help people handle family law matters without attorneys. While the justification may be people who have so little money that they could not afford lawyers, the reality is that a lot of people who could (and should) have lawyers are using the resources to DIY. Carol Brietmeyer decided to appoint a work group to discuss the issues and what the Section might be able to do. She appointed Liz Sadowski to chair the work group. Those interested should contact Liz.

**IV. Ad Hoc Committees**

**A. Website**

No report.

**B. SCAO Forms Committee**

Committee is working on proposed changes to forms.

**C. Comments from Rep Assembly, SBM/ICLE attendee**

No report.

**V. Announcements**

Sahera Housey reported that there is a meeting about MIPA unique issues on April 14, 2016.

**VI. Next Meeting**

Saturday, April 9, 2016, Weber's Inn, Ann Arbor

Saturday, May 7, 2016, University Club, Lansing

Saturday, June 4, 2016, Weber's Inn, Ann Arbor

**VII. Adjournment**

The meeting adjourned at 11:05 am.

Respectfully submitted,

Liz Bransdorfer, Recording Secretary