

**MINUTES - FAMILY LAW COUNCIL
COUNCIL MEETING
Date: March 7, 2015
Place: Weber's Inn, Ann Arbor**

I. Administrative Matters

A. Chair Rebecca Shiemke called Council to order.

20 council members were present: Rebecca Shiemke, Dick Halloran, Kent Weichmann, Robert Treat, Elizabeth Bransdorfer, J. Matthew Catchik, Jr., Christopher J. Harrington, Sahera Housey, Mathew Kobliska, Peter Kulas, Colleen Markou, Anthea Papista, Kristen Robinson, Amy Spilman, Randall Velzen, Gail Towne, Steven Reinheimer, Daniel Bates, Tina Johnson (Yost), Vanessa Moss-Wilson

Absent: Carol Breitmeyer

Ex-Officios & Former Council Members: Elizabeth Sadowski, Ross Stancati, Judith O'Donnell, Barb Kelly, Amy Yu

Guests: Rio Vale, James Chryssikos, Pat Ouellette, Chris Piatkowski, Andrew Littman, Brandon Scott, Lori Buiteweg, Jenny Johnsen, Lynn Chard, Rachael Taylor

B. All attendees introduced themselves

C. Chair Report –

Rebecca Shiemke updated the council, explaining the reasoning behind the ZeekBeek member search on the SBM website, including advantages for the Bar. (This was a follow up after her request for input re the recent problems with the change to the member search function on the SBM website, asked for input as to what the Council might do about it, including a possible ad hoc committee to look into the problem. After much discussion of the numerous problems with the new search function, a committee was formed, consisting of Liz Bransdorfer and Dick Halloran.)

Rebecca also mentioned that contacts for the Domestic Relations Committee of the SCAO forms committee are Gail Towne and Amy Yu. (Note that in the January meeting the SCAO Conciliation Workgroup had convened to discuss conciliation, early intervention conferences and alternative dispute resolutions.)

- D. Recording Secretary: Bob Treat moved that the March 7, 2014 minutes be approved. The motion passed 20-0.
- E. Treasurer's Report/Finance Committee – Chair Halloran moved that the monthly SBM financial report be accepted, and the motion passed 20-0.

II. Key Committees

A. Amicus –

Gail Towne reported that the committee will write a brief in the Helton v Beaman case after getting a 20-0 e-vote approving it.

Gail also reported that the Committee voted to adopt Justice Markman's comments to the proposed amendment to MCR 7.215 (S Ct ADM File No. 2014-09), with some additional points. The committee is working together with the Court Rules Committee and will review their comments and submit our joint statement to Council. In a related matter, the Court Rules Committee issued a proposal broadening who may request publication of an unpublished Court of Appeals opinion. A review of the 1992 Court Rules shows that the rule at the time was very broad - allowing "any person" to request publication. The Court Rules proposal is not as broad as the 1992 rule and is a good compromise between the older and current rules. The Amicus Committee supports the Court Rules proposal.

Gail announced that the committee will be following up scheduling an early committee phone or email conference to discuss whether or not we be filing a brief on *In re Glaubius*, SC No. 150206 (December 23, 2014):. The deadline would be 3-31-15 with no extensions.

Gail also asked for volunteer Council members to want to sign up to write case summaries for the Journal, especially for June and July.

Gail also announced that the State Bar has asked each section to submit an influential appellate decision in its practice area. As both property and custody are distinct separate areas, the committee thinks we should ask the State Bar if we can submit two cases. There were two suggested cases for each area. The Council voted 18-2 in favor of *Hanaway v Hanaway*, 208 Mich App 278, over *Rinvelt v Rinvelt*, 190 Mich App 372, for the property case, and 18-2 in favor of *Vodvarka v Grasmeyer*, 469 Mich 320, over *Heltzel v Heltzel*, 248 Mich App 1.

B. Court Rules – Co-Chair Cristopher Harrington

The committee discussed ADM File No. 2014-09, the proposed

amendments to MCR 7.215(A)(B) & (C). The proposals for Subsections (A) & (B) deal with distinguishing “published” and “Unpublished” and when a case “shall” be submitted for publication. Subsection (C) focuses on discouragement of using and citing unpublished opinions in appeals briefs. The consensus of the committee was that Subsection A was not problematic, Subsection B had some flaws, and Subsection C was problematic. Justice Markman provided a “concur in part, dissent in part” in the Comments section, which the committee supported. The recommendation of the committee was to go on record supporting Justice Markman’s comments, without issuing our own comments to the proposal. The Council voted 20-0 to support the position of Justice Markman.

Regarding the Amendment to MCR 7.215(D); Request for publication. The committee continued to discuss an amendment to the appellate rules which would allow non-parties to request publication. Currently under MCR 7.215(D), only parties are permitted to request that a decision become published. Amicus and Court Rules will work together on drafting/preparing an amendment. We are hoping to have a draft of the amendment for the April meeting.

Regarding Limited Appearance/Unbundling, the committee discussed the issue of creating a court rule to permit and provide uniformity for Limited Appearances and/or Unbundling of legal services in domestic relations cases. Many other states have court rules that provide for this, including: Florida, Washington, Maine, and Louisiana, among others. The motivation for this rule would be to create an increased “access to justice” for people that can afford the fees for some, but not all, of the issues that may come up in a domestic proceeding. These rules can provide more flexibility for both attorney and client to expand the freedom to contract. There are many complications and hurdles that may arise with this issue and we are in the early stages of discussing whether the benefits outweigh these costs.

Regarding the Amendment to MCR 1.15; Credit Unions OK to use for IOLTA funds. ADM File No 2015-03 confirms that IOLTA funds can now be managed at Credit Unions. Federal statutory amendments provide increased protection towards credit unions, which paved the way for this court rule.

C. Legislation – Chair Kent Weichmann reporting.

HB 2023 prohibits a parent from leaving a child in any child care facility for more than 11 consecutive hours, unless the parent works those hours. The Council voted 20-0 to oppose this bill.

HB 4071 is the House version of SB 009, providing protections for deployed parents. Council voted 19-0-1(abstention) to support this bill with our suggested amendments, which were noted in the minutes from the last meeting.

HB 4132 allows the court to order a right of first refusal for parenting time. Council voted to oppose this bill 20-0.

HB 4033 allows two unmarried adults to jointly adopt. Council voted to support this bill 20-0.

HB 4141 is the mandatory equal physical custody bill. Council voted 20-0 in opposition to this bill, and various ways of garnering support for our position were discussed, as this bill is repeatedly proposed.

HB 4170 would exclude Veterans Disability Benefits from the marital estate for the purpose of property division or spousal support. Council voted 20-0 in opposition to this bill. Bob Treat subsequently volunteered to discuss this bill with key members of congress and testify if necessary, as guided by Bill Kandler and his team.

HB 4188-4190 deal with a child placing agency's "sincerely held religious beliefs" bearing on whether the agency shall place a child for adoption. Council voted 20-0 to oppose this trio of bills.

III. Standing Committee Reports

- A. Adoption – No Report
- B. Alternative Dispute Resolution –

Chair Randy Velzen reported that Doug Van Epps, the Director of the Community Dispute Resolution Program, is working weighing in on DV, automatic mediation, and the history of ADR in Michigan.

- C. Alternative Family – Peter Kulas noted that the Supreme Court would be deciding the DeBoer v. Snyder case and there will be a 4/28 hearing.
- D. Annual Meeting – No report – see January minutes.
- E. CLE/ICLE – Committee Chair Liz Bransdorfer stated that the dates for the annual Family Law Institute will be November 12th and 13th.

- F. Domestic Violence – Co-Committee Chair Dan Bates announced that they have coverage for DV articles for the Family Law Journal.
- G. Family Court Forum – no report
- H. Family Law Journal – Committee Chair Anthea Papista discussed a special issue of the journal for child support, for which Amy Spilman volunteered. She also discussed an upcoming special issue for Family Law Litigation.
- I. Family Law Journal Advertising – Committee Chair Kristin Robinson announced that the Journal now has classified ads, and that advertisers can get a link to their website in the ad.
- J. Family Support – No Report.
- A. Membership – Steve Reinheimer noted that we have a number of members who don't pay because of their mature age. He restated that that membership is up substantially. A motion was made that \$250 be allocated at the YLS to foster attendance at the upcoming Family Law Institute (FLI) in Nov., which passed 20-0. Steve also moved that \$300 be allocated to promotional materials for the FLI, which passed 20-0. Steve presented a petition required to amend our by-laws, so we can make membership for new attorneys free for one year instead of two, and a second petition to amend our by-laws to make law student membership free instead of \$10 annually. A motion to approve both petitions for proposed bylaw amendments for further action in accordance with bylaw amendment procedure was unanimously approved. Steve also proposed an amendment of the bylaws to change the dues requirement for section members 70 years of age or older. A motion to table that discussion was unanimously approved.
- B.
- C. Mid-Winter/Mid-Summer Seminars
 - a. Mid-Winter – This seminar is all set. It will be in Puerto Rico. The Chair will transition from Judith O'Donnell to Kristin Robinson. Sponsors are desired.
 - b. Mid-Summer – Co-Chair Liz Bransdorfer noted a flyer will be circulated.
- D. Political Action Committee – Committee Chair Ross Stancati reported in this fiscal year we have received and deposited \$4535 from 50 members of the section. Most of the contributors are council members, past council members and attendees of the council meetings. However, in this fiscal year we have seen more members not described above contribute than years before. Our fiscal year ends in Sept of 2015. My goal is to do much better. I am at this time only aware of one \$500 expenditure from the fund though I expect that soon

there will be a lot more. In the last council administration Neil and I drafted an article to be published in the Journal and for one reason or another it was never published. I have submitted the article to the State Bar for approval and have received word that we may publish the article and it will appear in the next issue of the journal. My range of possible contributors will be significantly increased with the publishing of this article. It will go from 900 to 2900.

E. QDRO/Taxation – No report

F. Technology/Website – no report

IV. Ad Hoc Committees

A. Judicial Recognition – Chair Dick Halloran reported that he will have concrete recommendations at the next meeting.

VI. Future Council Meetings

All council meetings will begin at 9:30 a.m., with a breakfast buffet starting at 9:00 a.m.

April 11, 2015	Novi – Double Tree Hilton Hotel
May 2, 2015	Grand Rapids – Amway Hotel
June 6, 2015	Ann Arbor - Weber's Inn

VII. Adjournment

Respectfully submitted,

Robert Treat, Recording Secretary
March 7, 2015