

MINUTES - FAMILY LAW COUNCIL, FAMILY LAW SECTION

Date: April 14, 2012

Place: Lansing, MI

Attendance:

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

○ **Absent:** Neil Colman

○ **Guests:** Chris Brignan, Bill Kandler, Angela Tripp, Liisa Speaker, Candice Crowley, Linda Rexer, Bob Treat, Matt Smith, Rep. Assembly; Honorable Connie Kelley

○ **Ex-Officio:**

I. Administrative Matters

A. **Call to Order:** The meeting was called to order at approximately 9:31 AM.

B. **President:**

● President announced the “property law” seems to be languishing and currently appears to be off the legislative track.

● Ron Foon, guest was added to minutes; motion to approve - approved

C. **Treasurer:** Accept the reports (Treasury); 19, unanimous acceptance

D. **Recording Secretary:** Minutes are approved as revised - unanimous

II. Special Presentation–See end of report

III. Key Committees:

A. Amicus

1. **The committee is looking for help in drafting on People v Zajackowski which is due May 20.**

2. Discussion of MCR 7.205 (f)(2) which deals with the 6 month delayed application for COA limit for leave to appeal. Amicus Com recommends we return to the 12 month standard for a wide variety of good reasons. Motion to approve the recommendation to lengthen the delayed leave to appeal to former 12 months. **Motion approved unanimously, 19 votes**

B. Court Rules

1. Confidentiality issue: lively discussion ensued with some amount of disagreement about “how much is too much”...recommendation is that a task force be created to address issues to include, but not limited to: cost, merits of sealing vs. open court rooms, constitutionality, what other states do, the interests of children, the possibility of “narrowly tailoring” some exceptions to open file...i.e., exclude psych reports and medical records - Motion for task force approved unanimously: 19 votes

2. **Anti-Trolling appears to be dead in the water given Justice Young’s reaction and questions at the hearing.**

3. Committee will consider amendments for post-judgment discovery and post-judgment “appearance” need for clarity on when representation

ends.

C.Legislation. Kent Weichmann

- SB1001: employers to charge \$2.00 for each withholding for child support; we are one of seven states that doesn't charge; recommendation to oppose: alt limit to \$2.00 per month for only under 20 employees; motion approved 18-1 to oppose the bill

- SB1005: (require sex offender terminate parental rights) new version; not mandatory that regular sex offender gets; recommend to support house substitute, vote to approve recommendation: 18-1

- SB743: Senator Jones sponsored for us. (Domestic violence concerns). Act was conformed to not apply to domestic violence; recommend the bill be adopted 19-approve

EDRO Legislation. Bob Treat reports:

- Motion to support a revised EDRO bill incorporating new language by Treat

- Where the EDRO is being drafted during, pending retirement and approval comes after the actual retirement, no ability to amend currently exists post retirement, this bill provides a window to amend

- The DRO is currently the only alternative which provides no life or survivor benefit, if EDRO is too late

- Motion to approve - 19 approve

Adoption.

- Adult adoption. Concerned about this.

Alternative Dispute Resolution.

- Toni reported that the ADR Committee has prepared a summary of ADR available—provide for next meeting

Alternative Family. No report

Annual Meeting. Council meeting on the 20th.

CLE/ICLE. No report

Domestic Violence. No report

Family Court Forum. Date June 15th

Family Law Journal. No report

Family Support. No report

Membership/Mentor Roundtables. Chris Harrington went to UDM Law and met with classes re: improving membership rate; will go to Jan Cunningham's class as well. Judge Halloran offered to pay for up to 10 "scholarships" for members

N. **Midwinter/Midsummer Seminars.** Liz Brandsdofer.

- Lisa and Bob Treat will sponsor breakfast at Homestead; Cherfoli

cocktails

- Midwinter trip - plus
Political Action Committee. Got a few checks
QDRO/Taxation. Going well
Technology.

III. Ad Hoc Committees

- Resource Allocation Committee.**
- Parenting Coordination.**
- Unauthorized Practice of Law Committee.**
- Equal Justice.**

IV. Old Business.

VI. **New Business:**

- Judge Connie Kelley

VII. **Special Presentation:** Angela Tripp, Candice Crowley, Linda Rexer

- Angela Tripp - legal aid attorney; Forms for the Public; tells us about the screens and the actual hands on; makes the point these forms and the goals are narrowly tailored, scope is limited; content is neutral, written in plain language, 6th grade level; information is subject to periodic review and revision; walk through of the website

- Candice Crowley - Self Help Task Force centralized website spoke about the greater good the dissemination of these forms will mean; gave history of this; the challenges facing unrepresented people; this project through Justice Kelly's task force; Third Annual Justice Summit; significant poverty increases and resource lessening are the backdrop to the need for this effort

- Linda Rexer - Self Help Task Force for website; work on uniformity policy/rules; comprehensive effort; need for centralized website; Michigan Poverty Law Program, they are dedicated to very high quality and consistency; not live yet, but coming; they are looking for feed back in the first couple of months; found to be highly cost-effective where it is in use;

- Special report/unauthorized practice of law by Jim Harrington
 - no definition of unauthorized practice of law exists
 - goal is to provide one
 - no enforcement tool exists currently
 - circulated a proposal
 - Jim moved to accept the "UPL"; we unanimously approved the definition offered - 18 votes to approve

Meeting adjourned at 11:30. Next Meeting: **Saturday, May 5, 2012** at Double Tree, Novi, Michigan. Breakfast is available at 9:00 a.m. and meeting at 9:30 a.m.

Respectfully submitted,

Carol F. Breitmeyer
Recording Secretary

DATED: April 27, 2012