

STATE BAR OF MICHIGAN
FAMILY LAW COUNCIL

MINUTES

Date: 2 April 2022
Location: Webers Inn, Ann Arbor, Michigan
Time: 9:30 a.m.

I. Administrative Matters

- A. Chair Chris Harrington called the meeting to Order at 9:30 a.m. A Quorum was present, starting with 15 Council Members in attendance.
- B. Introductions of Attendees:
 - 1. Council Members Present: Shelley Kester (Chair-Elect), Kristen Robinson (Treasurer), Don Wheaton (Recording Secretary), Peter Kulas-Dominguez, Steve Reinheimer, Gail Towne, Josh Pease, Keela Johnson, Alicia Storm, The Hon. Tina Yost-Johnson, Matt Catchick, Steve Heisler, Jenny Johnsen Sarber, Kristen Wolfram, and Sean Blume.
 - 2. Council Members Absent: Amy Spilman, Jim Chryssikos, Randy Pitler, Liisa Speaker, Randy Velzen, and Amanda Shelton.
 - 3. Council Members Excused: none
 - 4. Ex-Officio, Former Council Members, Liaisons, Non-Council Member Committee Chairs, and Lobbyists present: Liz Bransdorfer (former Chair) and Liz Sadowski (former Chair, listserv Mom), Amy Yu (former Chair).
 - 5. Guests: Lindsey DeCesare, Elizabeth Silverman.
- C. Chair Report – Chris Harrington
 - 1. Chris acknowledged the passing and loss of Theresa Wozniak Jenkins, who routinely attended our meetings, MidSummer Conference, and the Family Law Institute; she made an impact in such a short time. Chris reminded us to appreciate each other and to look out for and be kind to each other. Tina Yost-Johnson paid tribute, too, noting her passion for family law and the dedicated family law bench, and her passing is a huge loss; we need to keep her young children in our prayers.
 - 2. WLAM requested us to sponsor their Annual Meeting 3 June at the Detroit Zoo. Different levels of sponsorship were noted; Kristen R. moved and Tina Yost-Johnson seconded to support the event at the \$1000 level. **Vote: 15-0.**
 - 3. Bar Leadership Forum – 10-11 June 2022 at the Grand Hotel. Ordinarily one person would attend, but we can send two this year. Registration fee is \$179, \$530 per night at the Grand Hotel (including fees and taxes). Tina Yost-Johnson moved and Kristen R. seconded to authorize \$750 per person to attend. Sean Blume made a friendly amendment to raise the stipend to \$1,000 per person, and Tina and Kristen accepted the amendment. **Vote: 14-0-1 (Shelley).**
- D. Recording Secretary Report: The Minutes from the 5 March 2022 Meeting had been circulated. **Motion:** Don Wheaton moved their approval and Tina seconded. Peter noted a typographical error that was corrected. **Vote: 14-0-1 (Kulas-Dominguez).**

- E. Corresponding Secretary Report: No report.
- F. Treasurer's Report: Kristen Robinson received another report from the State Bar that contained an error and will submit the corrected report(s) at the next meeting for approval.

II. Key Committee Reports

- A. *Legislative*: No meeting and no report.
- B. *Amicus*: Gail reported that there are no action items and two cases are pending on appeal. Three new requests have been made. *In re Baby Boy Doe* (divorce in Ottawa, birth in Kent, adoption in Kalamazoo, and all the notice and other implications therein) – Supreme Court has invited our Section to address two questions in the Application, and because the timeframe is so short (brief due 27 April) the Committee is trying to determine if they will write on both or on one that is considered of greater weight/higher importance. Another request involves an auto insurance/domicile case. The Committee is also examining its guidelines for getting involved in cases.
- C. *Court Rules*: No action items. Discussion about the massive changes to Court Rules last summer and whether Zoom hearings will continue. Also a discussion of the MCR 8.116(C) that requires Judges to stagger hearings so that a case may be called timely, and did Zoom help with that rule vs. cattle-call, wait forever motion calls. Brief discussion of MCR 2.518(B) and that will be discussed in-depth at the next Court Rules meeting and an action item is expected at the next Council meeting. Jenny reported that she received a response from the State Bar that we as a section couldn't weigh in on the arbitration clause in fee agreements because the Commissioners voted against it.
- D. *Dedicated Family Law*: Tina Yost-Johnson reported the committee met and Liisa Speaker updated on her intern that's reviewing cases/raw data and adding a column to their analysis. Tina urged family law practitioners to run for open family court judicial seats. We have been informed that it is "likely" that a soon-to-be-opened seat in Oakland County will be a family seat (Judge Cunninham), Tina moved and Kristen R. seconded for Council approval to allow the Committee Chairs to send a letter to the Governor advocating that the Governor appoint someone with family law experience to that seat. **Vote: 14-0-0 (Josh recused)**. Tina also moved and Shelley seconded for Council approval for the Dedicated Family Law Committee to send a similar letter when the Committee can confirm the seat is "likely" to be a family law seat. **Vote: 14-0-0 (Josh recused)**. Tina moved and Sean seconded that if Stephanie Johnson as our lobbyist encourages or recommends we send a letter to the Chief Judge and/or to SCAO advising them of our position (plan says, "X" and because of the need for Judges with family law backgrounds, that it is made public that the spot is on the family court bench and that Court's family court plan may not be amended to exempt that spot or to make it) that we follow that recommendation to do so. **Motion withdrawn**. Tina moved and Sean seconded sending a letter to Justices Clement and Cavanagh asking them to create and constitute a Review Board for Family Court plans. **Vote: 13-0-0**.

III. Standing Committee Reports

- A. *Adoption*: No report.

- B. *ADR/Collaborative*: No report.
- C. *Annual Meeting*: Shelley is meeting with Marcy Lay about whether our Annual Meeting is 9/10 or 9/24, and they are still working on The Inn at St. John's.
- D. *CLE/ICLE*: Liz Bransdorfer reported the Family Law Institute platinum sponsorship level is now \$3,000. Matt moved and Don seconded continuing this sponsorship. **Vote: 13-0-0.** Shelley moved and Tina seconded subsidizing attendance for legal aid attorneys. Peter offered a friendly amendment to increase the sum to \$3,000 to increase the number of legal aid attorneys who will be able to attend. **Vote: 15-0-0.** Liz floated the idea of a panel on limited scope representation and Shelley accepted that as a challenge to the member education committee.
- E. *Domestic Violence*: Rebecca Shiemke submitted a report that was circulated with the Council packet. An e-blast went out about another virtual learning opportunity, DVII: trauma-informed advocacy from survivors of domestic violence.
- F. *Family Court Forum*: No report.
- G. *Family Law Journal*: No report.
- H. *Family Law Journal Advertising*: Status quo, per Sean.
- I. *Family Support*: No report.
- J. *Member Education and Public Relations*: Shelley reported that the Committee was asked to develop criteria for sponsorships; for now, it will be on a case-by-case basis.
- K. *Membership*: A report was circulated with the Council packet. Steve R. reported that they re-established their connection at the State Bar for getting a monthly update of new members, including with the Legal Assistants Section and the Law Student section for introductory letters. They are working with Kristina Bilowus at the placement office at MSU College of Law, lunch with lawyers on Family Law at UDM, etc. They are also looking to plan social events, like a hockey or baseball game, mixer, etc.
- L. *Midwinter/Midsummer*: Kristen has submitted four to five proposals for next year's conference, without response so far and prices are increasing. Liz B. reported that registration for midsummer should be live before our next meeting. Mission Point is anxious to release our hold on rooms/facilities, and Liz is trying to get 2023 and 2025 locked down. Prices have gone up for both years. Steve R. moved and Shelley seconded approving the contract for August 3-6, 2023. **Vote: 15-0-0.** Liz also reported that we can always take more sponsors for this Summer (and next).
- M. *Political Action Committee*: Matt reported the current balance and acknowledged recent donors.
- N. *QDRO/Taxation*: No report.

- O. *Technology/Social Media*: Steve H. discussed the continued existence of some problems with and workarounds for the new ListServ, as several members (including those on Council) were having difficulties. The workaround is on the website. Kristen noted that the workaround doesn't work for everyone. Shelley moved and Kristen seconded giving the technology committee a \$1,000 budget to work with our former listserv manager on an hourly time and materials basis to help us secure a Plan "B" and/or advise on Plan "A."
Vote: 15-0-0.

[Sean left the meeting at 12:08.]

IV. Ad Hoc Committees

- A. Court Administration: As of March 12, Wayne County was caught up with its new filings. It's still behind with electronically-filed motions. Steve R. reported his staff advised that the process is involved and clunky to file in-person, but that it could be accomplished.
- B. SCAO Child Support: No report
- C. SCAO Forms: Amy reported it was a very long meeting under new leadership and it was not particularly productive relative to the Domestic Relations forms. Gail reminded us to use the appropriate email to provide input and suggestions.

[Keela Johnson left at 12:15 p.m.]

- D. Shared Parenting: Shelley reported no movement.
- E. GAL/LGAL: Josh reported that without being asked, Cara Willing authored a chapter for the new training manual.

V. Liaison Reports

- A. Children's Law Section: No report.
- B. Committee on Civil Procedure and Courts: No report.
- C. LGBTQA Section: Don reported that the section will be playing "Jeopardy" at its next meeting and invited folks to join in, and there will be prizes. Also we are following up regarding the Boonstra opinion.
- D. Probate and Estate Planning Section: No report.
- E. State Bar Board of Commissioners: No report.

VI. New Business

None.

VII. Announcements

Josh reported that he is leaving private practice and joining SADO as a juvenile defender.

Tina noted how valuable Stephanie Johnson's services are, given some reports that Tina received and that Stephanie was immediately on it.

Tina also noted that we need to get good representation on subgroups on the juvenile justice reform Supreme Court workgroup.

Liz B. reported that the AAML seminar will be held on May 5, and that Amy Spilman, Liisa Speaker, and Liz B. are speaking.

VIII. Adjournment

Don moved to adjourn, Shelley seconded, and the meeting adjourned at 12:31 p.m.