

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING**

Date: 4-6-2019

Place: Weber's Inn, Ann Arbor, Michigan

I. Administrative matters

A. Call to Order/Quorum and Welcome Introduction of Attendees

Robert Treat called the council to order.

The following (17) council members were present:

Sean Blume, Elizabeth Bransdorfer, Matt Catchick, Christopher Harrington, Joe Hohler, Sahera Housey, Jennifer Johnson, Shelley Kester, Mathew Kobliska, Peter Kulas-Dominguez, Michelle Letourneau-McAvoy, Vanessa Moss-Wilson, Anthea Papista, Steven Reinheimer, Liisa Speaker, Donald Wheaton and Hon. Tina Yost Johnson. Chair: Robert Treat was also present.

Council members absent: Amy Spilman, Shon Cook, Randall Pitler, James Chryssikos.

Ex-Officio and former council members present: Elizabeth Sadowski, Kent Weichmann, Randall Velzen, Ross Stancati.

Guests: Jeff Kirkey, Stephanie Johnson, Christine Piatkowski (children's law section liaison), Steven Heisler, Kanika Ferency (representative from ICLE).

Each person attending introduced themselves.

B. Chair Report:

1. New committee formed. Surrogacy Committee, which is chaired by Elizabeth Sadowski.
2. Council member, Matt Catchick, was elected to the State Bar of Michigan's Representative Assembly.

C. Recording Secretary Report/Minutes.

Motion by Shelley Kester to approve March 2019 minutes. Second by Sahera Housey. Minutes to be revised to remove reference concerning presentation on ABC's of Divorce. Motion to approve minutes, as revised, passed unanimously.

D. Treasurer's report:

Sahera Housey provided a reminder to send in reimbursement request forms within 45 days of incurring expenses.

E. Corresponding Secretary Report

Chris Harrington has written an article from the Section to the State Bar Journal about Norm Robbins, Esq., and the naming of the Life Time Achievement Award in his honor.

II. Key Committee Reports

A. Amicus-Ann Argiroff/Gail Towne

No report.

B. Court Rules-Jenny Johnson/Peter Kulas-Dominguez

Peter Kulas-Dominguez gave the report from the Court Rules Committee.

1. **ADM 2002-37:** This is a proposed amendment to the rule to provide exceptions to exempt from participation in e filing. The Committee does not have a recommendation re: this ADM file. Discussion that the rule is silent about a court's ability to mandate e filing, anyway. Discussion re: principles of access to justice and how e filing works with in pro per litigants.

Motion by Chris Harrington to support ADM file as written.
Seconded by Peter Kulas-Dominguez.

Yes:	14
No:	2
Abstain:	1

Motion passes.

2. **Vacation and Secured Leave Court Rule.** The committee considered whether the Representative Assembly should request the Michigan Supreme Court to adopt a court rule providing a mechanism for members of the Bar to secure periods of leave for vacation or other purposes, for up to 3 weeks. The proposed rule was previously discussed at the March meeting. Proposed court

rule, to be known as MCR 8.128, to be considered soon. Rule would also apply to scheduling of depositions and motions, if notice given in advance to the court. Discussed complexity of requesting procedure. Discussed genesis of rule.

Motion by Shelley Kester to approve Vacation and Secured Leave Court Rule as written. Second by Tina Yost-Johnson.

Yes: 7
No: 9
Abstain: 1

Motion fails. Council does not support adoption of the rule in its present form.

3. Next Court Rules Committee meeting is Tuesday, April 30, 2019 at 1:00 P.M. The last meeting of the year will be June 4, 2019, at 1:00 P.M. Unless otherwise noted, call-in number is 1-866-906-0123.

C. Legislation- James Chryssikos/Randy Velzen

Report by Randy Velzen.

1. **SB 209 & HB 4357:** This legislation concerns felony non-support and the elimination of mandatory minimum bonds prior to seeing a judge (a performance bond). The Committee opposed to the legislation. Stephanie Johnson reported that it is part of a judicial reform legislative package and is likely to be taken up soon.

Motion by Sahera Housey to oppose SB 209 and HB 4357. Second by Tina Yost Johnson. Discussion held.

Yes: 17
No: 0
Abstain: 0

Motion to oppose the legislation passed.

2. **HB 4304 & HB 4305:** This legislation eliminates the language “as a benefit of employment” with regard to the component of child support dealing with health insurance. Only 1 parent would need to provide health insurance, and publicly funded insurance would be acceptable. The committee tabled consideration of these bills.
3. **SB’s 70, 71, 73, 74 & 75.** The committee unanimously supported this legislation, which increases confidentiality of the addresses of victims of

domestic violence. The protection requires a new address, not already known. Application to the Attorney General would be made for a PO Box with an associated participant ID number. Inability to dodge service as written. Service would be to the Department of Management and Budget, Office of Technology. The domestic violence committee provided a list of suggested amendments.

Motion to approve package of bills with amendments suggested by Domestic Violence committee by Don Wheaton. Second by Sean Blume.

Tina Yost Johnson left the meeting at 10:42 a.m.

Stephanie Johnson reported that this legislation is likely to come up next week or soon after. Further discussion re: practical application of rule.

Yes:	10
No:	4
Abstain:	2

Motion passes.

4. **4283-4285:** This proposed legislation would authorize the confiscation of guns by law enforcement of a person who poses an extreme risk to themselves or to others and provides a right to a hearing for a person declared to be an extreme risk. Legislative committee voted to support the legislation. The domestic violence committee believes the bill offers safety that the PPO statute does not address. Lengthy discussion held.

Shelley Kester moved to call the question. Sahera Housey seconded the motion. Motion passed by majority to call the question.

Motion by Liz Bransdorfer to support the legislation. Second by Liisa Speaker.

Discussion held.

Yes:	6
No:	10
Abstain:	0

Motion failed.

4. **HB 4386.** This administrative law bill was tabled by the committee. No action taken by Council.

D. Alternate Custody Proposal-Barb Kelly

No report.

III. Standing Committee Reports

A. Adoption-Dion Roddy

Dion Roddy sent in a Committee Report. No action taken on report.

B. Alternative Dispute Resolution-Gail Towne

Randy Velzen reported for the committee.

1. **Standing Committee.** ADR shall remain a standing committee, after discussion with the Chair. ADR committee will meet as issues arise.
2. **State Bar ADR Section Training.** The ADR committee was asked if the Family Law Section would support the State Bar of Michigan's ADR training scheduled for Friday and Saturday. Saturday's session is on family law through two ads about the ADR training in the Family Law Journal. The motion was amended to include that the Family Law Council is a co-sponsor of the training in exchange for the two free ads in the FLJ.

Motion by Liz Bransdorfer, Second by Sahera Housey.

Yes:	15
No:	0
Abstain:	1

Motion passes

C. Alternative Family-Peter Kulas-Dominguez

No report.

D. Annual Meeting-Elizabeth Bransdorfer

1. **Annual Dinner and Annual Meeting.** Because the State Bar has changed its annual meeting format, new planning for the annual meeting was required. Liz Bransdorfer reported that the Annual Meeting will be held on September 21, 2019, at the Crowne Plaza in Lansing, Michigan. The Annual Dinner will be held at the historic Dodge House on Friday, September 20, 2019.

Please notify Liz Bransdorfer for those planning to spend the night at the Crown Plaza the night before the meeting. Liz is working on speaker. Ideas to encourage turn out for the Annual Meeting are invited.

2. **Election Committee.** The executive committee will be reviewing terms that are concluding and the Chair will appoint an election committee to conduct the annual election. An announcement of the election committee will be made at the May meeting.
3. **Bylaw Amendments.** Bylaw amendments must be considered at the end of annual meeting, after notice in the Family Law Bar Journal.

E. CLE/ICLE-Elizabeth Bransdorfer

1. **Family Law Certificate Programs.** Jeff Kirkey from ICLE reported. The Family Law Section co-sponsors with ICLE the Family Law Certificate program created in 2005. That program has been running for 14 years. 875 lawyers have participated. 316 lawyers have finished all of the requirements and have their certificates. 87 lawyers are actively in the program earning credits to complete the requirements for the certificate. In the last year, ICLE developed two new, smaller size online training certificate programs: Custody support and parenting time, through entry of Judgment and a second, post Judgment certificate program. 37 lawyers are participating in the pre-judgment certificate training. Post judgment training began to sell in November 2018. 15 have been sold for this relatively new training product. The new programs are online programs.
2. **Family Law Institute.** ICLE is planning for the Family Law Institute this fall in Novi, Michigan. Last year saw increased attendance of 641 in attendees, up 35 people from the year before. Judge Cunningham will be back with her legal update. Jodi Switalski will be presenting on Opioids. The following break out

tracks will be offered: Substance Use and Abuse Track. Marijuana, Parenting Time and Non-Chemical Addiction. Intersections track: family law and criminal immigration, bankruptcy and creditors rights, PPOs, and CPS. A suggestion was made for an estate planning/trusts and family law intersection track.

ICLE invites those interested in presenting to contact Jeff Kirkey.

3. Blaine Johnson Award.

The Blaine Johnson Award is a joint award with ICL and the Family Law Section. ICLE looks at contributions to ICLE and CLE in general, and nominates candidates. Jeff reported that Kent Weichman Jim Harrington, Diana Rami, John Mills, Monika Sachs, Scott Basset were among those to receive the award. No award was given in 2018.

Elizabeth Sadowski suggested that the information from Jeff's report be posted on list serve.

F. Collaborative Law-Randy Pitler

No report.

G. Domestic Violence-Rebecca Shiemke

No report other than the amendments discussed in the Legislative Committee report concerning the five Senate Bills package on confidentiality of address information.

H. Family Court Forum-Barb Kelly

Sahera Housey reported for the Family Court Forum that the Family Court Forum will be held on June 7, 2019. This is an invitation only forum. Invitations have been sent. Please respond if you have been invited or risk no future invitation.

I. Family Law Journal-Anthea Papista/Amy Spilman

No report.

J. Family Law Journal Advertising-Sean Blume

Sean Blume reported that he will be asking FLC to consider charging rates for advertisers and non-advertisers in the FLJ for their use of eblasts on the Family Law Section Listserv". Criteria for use of the FLS "Listserv" are currently noted on Page 3 of the FLJ, but could be amended. The current rate for eblasts is \$75.00. Sean wondered about a rate for e-blast use by non-FLJ advertisers. Liz Bransdorfer shared that the FLC November 7, 2009 minutes addressed a vote on the list serve ad policy: Non-profit organizations, ICLE, or entities who have purchased a journal ad can post about their event on the "Listserv" if family law related.

Liz suggested that the review of the summary she is preparing of the historical FLC policies, to be reviewed at the May meeting, could include advertising rates for "Listserv" e-blast use.

K. Family Support-Kent Weichmann:

No report. The committee is meeting next week.

L. Membership-Sтивен Reinheimer.

Steve Reinheimer gave the Committee's report.

1. **Young Lawyer's Annual Summit.** The FLC is a sponsor of Young Lawyers Section Annual Summit. It takes place May 18, 2019 at Motor City Casino. The membership committee needs members to help staff the FLC table to recruit new members to the section. Steve has two tickets for a free lunch for those who help. The hours are between 8:00 a.m. until 4:00 p.m. Contact Steve to volunteer to help with providing information about the section at this event. YLS has recruited Lori Buiteweg, Esq. will be presenting on the topic of the ABC's of Divorce.
2. **U of D Event.** Vanessa Moss Wilson did a great job with the U of D event for law students. There was a great turnout. Vanessa provided the committee with a whole lot of names of students interested in joining the section.
3. **May 18, 2019 Event.** Steve is seeking help with an event on May 18, 2019. Liz Sadowski indicated she may be able to help with the event on the 18th.

4. Liz Bransdorfer inquired about the possibility of paralegal membership in the section, without voting authority, comparable to the State Bar.

M. Mid-Winter/Mid-Summer Seminars-Kristen Robinson/Elizabeth Bransdorfer

Elizabeth Bransdorfer reported that the Mid-Summer seminar will be held on July 11-14, 2019, at Crystal Mountain. Registration should open soon.

N. Political Action Committee-Matt Catchick

Matt Catchick reported that some approved distributions had been made which lowered the balance. FLS members are invited to contribute to PAC.

O. QDRO/Taxation-Bob Treat/Joe Cunningham

No report

P. Surrogacy-Elizabeth Sadowski

The Committee will meet on April 15, 2019

Liz recommended those interested in attending read the ABA's of the model act. Liz may invite Representative Warren to attend.

Liz will be attending the ABA conference on Surrogacy in the first week of May in Punta Cana.

**Q. Technology/Social Media/Website-Elizabeth Sadowski/
Peter Kulas-Dominguez**

No report

IV. Ad Hoc Committees

A. SCAO Forms Committee-Amy Yu/Gail Towne/Kent Weichmann

If you have changes you would like to see to forms in the area of children's law, Chris Piatkowski invites you to contact her.

No committee report.

B. Twenty Year Review-Richard Halloran/John Schrot/Tina Yost

Sahera Housey gave the report.

The Committee will be sending out a survey monkey survey with a host of questions to gather information relevant to a dedicated family court.

New Business

1. Liz Sadowski thanked the chair for the article on Norman Robbins.
2. Liz Bransdorfer will be attending the State Bar Advisory Committee for Inclusion.
3. Liz Bransdorfer passed out the meeting schedule for next year.
4. In May and in June in Grand Rapids, Michigan, Elizabeth Bransdorfer, Jennifer Johnson, Matt Catchick and Mark Crane will be providing a paralegal training presentation in family law for NBI. Topics will include QDROS, Settlement and Trial, managing financial documents and ethics, discovery, informal and formal, child support.

VII. Adjournment at 11:42 a.m.

Motion by Sahera Housey to adjourn. Second by Steve Reinheimer.
Motion passed unanimously.

Respectfully submitted – Shelley Kester, Recording Secretary

NEXT MEETINGS

Saturday, May 4, 2019, Suburban Collection Showcase, Novi, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Saturday, June 8, 2019, Weber's Inn, Ann Arbor, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Thursday, Saturday, September 26, 2019 (tentative) Suburban Collection Showcase, Novi, (during SBM NEXT Annual Meeting 2019, which is September 25-27)