

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING**

Date: April 7, 2018

Place: University Club, Lansing

I. Administrative matters

A. Call to Order and Welcome

The council was called to order by Kent Weichmann.

The following (15) council members were present: Sean Blume, Elizabeth Bransdorfer, Matt Catchick, Shon Cook, Mike Golematis, Christopher Harrington, Jennifer Johnsen, Shelley Kester, Mathew Kobliska, Peter Kulas-Dominguez, Anthea Papista, Kristen Robinson, Randy Velzen, Kent Weichmann, and Hon. Tina Yost-Johnson.

Council members absent: Jim Chryssikos, Sahera Housey, Vanessa Moss-Wilson, Steven Reinheimer, Amy Spilman, and Robert Treat.

Ex-Officio and former council members: Elizabeth Sadowski, Ross Stancati, Todd Selin, Dick Halloran, and Gail Towne.

Guests: Steve Heisler, Stephanie Johnson, Jade Edwards, Catrina Farrugia, Paul Kulas, Alicia Storm, Melissa Kelleigh, Joe Hohler, and Kristen Wolfram.

B. Introductions.

C. Chair Report:

1. Kent was contacted by an adjunct faculty member at the University of Indianapolis School of Psychological Sciences about whether our Section may be interested in being polled on a study regarding potential violence and stalking by clients against their attorneys in domestic relations matters. Council thought this would be a good idea but would need to determine the best way, logistically, to present this poll to the Section. The initial request by the faculty member was to have the poll set up on our listserv. However, less than 40% of the Family Law Section is registered on the listserv, and there is discussion of the current platform of the listserv being phased out over the next year. Liz Sadowski is going to review the listserv policy to confirm whether this is even an acceptable use of the listserv. In any event, the polling person would not have direct access to the emails for listserv members. Other options may include an “e-blast” through

our SBM Connect webpage, and posting the poll on the Family Law Section webpage through the State Bar.

D. Approval of Minutes

Chris Harrington made a motion to approve the March 3, 2018 minutes. The motion was seconded and was passed.

E. Treasurer's Report/Finance Committee

A motion was made to approve the Treasurer's Report. Discussion: It was reported that the State Bar mistakenly allocated funds from the Family Law Section Mid-Winter Seminar to another Section, which will be corrected. This will improve the Section's balance after the money is properly assigned to the Family Law Section account. Council approved the report, with the noted correction.

F. Corresponding Secretary

No report.

II. Key Committee Reports

A. Amicus – no report

B. Court Rules –

1. **ADM File No. 2018-03.** The proposal in this ADM File would create two new Court Rules at the commencement of an action.

- a. First, the new MCR 3.222 would apply to cases that have gone through the Collaborative process, or that will go through the Collaborative process. The rule would provide specific guidelines on issues including, but not limited to: filing a "Joint" petition to commence a case, instead of a "Complaint"; titling of an action; how the court may treat a "stay of proceedings" while a case is pending through the Collaborative process; how to treat the 6-month statutory waiting period; and how the parties will keep the court apprised of progress on the case without the parties being obligated to appear for status conferences and other routine hearings.

- b. Second, the new MCR 3.223 is very similar to MCR 3.222, but would apply to anyone seeking to enter a Consent

Judgment as the original action in the case. This would include parties who want to settle their case in a non-litigation track, similar to the Collaborative process, but whom are not in this process.

The Council supported the majority of ADM File No. 2018-03 as drafted. However, there was concern that the proposed MCR 3.223, as written, lacked a checkpoint of verification/identification by the Court that would be necessary to grant a Domestic Relations Judgment.

A motion was made to modify ADM File No. 2018-03 as drafted, by revising MCR 3.223(D) as follows: “Entry of Final Consent Judgment or Consent Order. The court shall conduct a hearing on the proposed consent judgment or proposed consent order in accordance with MCR 3.210. Both petitioners shall be present for this hearing, or appearance may be waived provided that the final Judgment or Order is signed and notarized by the petitioner who is waiving their appearance. The final consent judgment or final consent order shall be served in accordance with MCR 2602(D).” This motion passed 9-6.

A second motion was made to approve ADM File No. 2018-03 with the revised language. This motion passed 12-3.

2. Civil Discovery Court Rule Report.

After consideration from all interested groups and commenters, the State Bar Task Force has forwarded a final version for the Representative Assembly to consider at their April 21, 2018 meeting. Many of the suggestions by our Section appear to have been considered and adopted into the report. The biggest area of comments from our Section that were not adopted appear to be on the Verified Financial Information Statement, but that form will likely be modified by SCAO before being fully adopted. If the Representative Assembly approves the report, the next step would be to create an ADM File that would be open for comment. Stay tuned.

C. Legislation –

1. **HJR II.** This proposal would create a constitutional right to bring up your own children. A motion was made that Council not support this proposal. The legislative committee recommendation includes that there would be serious conflicts with current laws regarding termination of parental rights, and other laws that are designed to protect children who are in harmful situations with their biological parents. The motion passed 15-0.

D. Shared Parenting Bill

1. The Committee is still working diligently on a proposal.

III. Standing Committee Reports

A. Adoption

No report.

B. Alternative Dispute Resolution

The committee will be looking at the mandatory mediation issue, as there are some updates coming on that issue.

C. Alternative Family

No Report.

D. Annual Meeting

September 27, 2018 in Grand Rapids. Reserve your rooms now because this is Art Prize weekend.

E. CLE/ICLE

The Family Law Institute is in the planning stages for FLI 2018.

F. Collaborative Law

A motion was made to post notice of Certified Basic Training for Collaborative Law on the Family Law Section webpage. Also, that an e-blast for this training event be issued. The Collaborative Section will pay for this e-blast. The motion passed 15-0.

G. Domestic Violence

Articles on domestic violence issues have been submitted to the Journal.

H. Family Court Forum

Reminder: It will be 6/8/2018 at Travis Pointe Country Club. Topic will be: “Children Who Resist Parenting”

I. Family Law Journal

A good article on prenuptial agreements will be coming out in the near future.

J. Family Law Journal Advertising

Status quo on advertisers. Please speak with anyone who may be interested in advertising in the Journal.

K. Family Support

There was a significant glitch in the MiSCES calculator which related to the computation of support and certain tax tables. Even though this is error, courts are still technically bound to be using MiSCES, and these calculations are controlling. While this glitch is being fixed, please be mindful and double-check your calculations on support.

L. Membership

The University of Detroit Mercy School of Law event on 3/6/2018 was a great success and there were several follow up emails for potential law student members joining the section.

Young Lawyers Summit is scheduled for 6/15 – 6/17; the sponsorship cost will be \$350, and not the \$250 discussed at the prior meeting. Motion was made to approve the increased cost of registration: motion passed 15-0.

Some additional FLS pins have been sold.

M. Mid-Winter/Mid-Summer Seminars

Mid-Winter: The site for 2019 conference has been picked, and will be Guanacaste, Costa Rica from February 2-10, 2019. More details will be forthcoming, and the notice will be sent in the near future.

Mid-Summer: Reminder: will be 7/19-7/22 at Boyne Mountain. Sponsors and speaker volunteers are mostly set. Plans are already being discussed for 2019 conference, and committee is looking into Petoskey, MI as a possibility.

N. Political Action Committee

Matt Catchick has the “Square Reader” up and running so credit card payments can now be accepted.

O. QDRO/Taxation

The State Bar Access to Justice initiative continues to move along and be a positive program, with a lot of Pro-Bono work being done on QDRO’s.

P. Technology/Social Media

Liz Sadowski addressed the listserv platform issue, with the most likely alternative at this point to be doing a trial run through the Zeek Beek program that is part of the SBM Connect page. Issues to consider are: costs to upload current listserv archive; capacity of Zeek Beek to handle our listserv volume; and timing for transition. Other Sections do use this platform, but FLS seems to have more volume. There is also no “firm” deadline for discontinuing current listserv, and Brendan Chard may be flexible with timing of transition, but there will be plenty of notice once a final date is determined.

IV. Ad Hoc Committees

A. SCAO Forms Committee

Please submit any comments for suggested changes. Committee will look at expanding the number of children in the USO grid.

B. Twenty Year Review

There may be a legislative proposal by Rep Runestad regarding a dedicated family court. Stay tuned.

C. Public Relations Committee

There was discussion on the basic questions of: “Why do members like this section?” and “How do we get our Section/Specialization more publicized?”

The Committee is going to look into the costs/logistics for improving web-based marketing of our services to specific geographic areas where practitioners work. This would include making it easier for the public to find family law practitioners in their area. While the SBM page does provide these tools, it takes a lot of navigating before you can get to the result you are looking for. The Committee believes this should be made easier for the public.

D. Judicial Response Committee

No Report

E. Self-Represented Litigants

No Report

V. Announcements/NEW BUSINESS

1. **“Modest Means” program.** This program continues to take shape. As a reminder, its purpose is to make legal representation more available to people who are disqualified from Legal Aid programs because they make *too much* money (“lower middle class”), but whom don’t have much in the way of disposable income or other economic resources to retain counsel.

The work group is formulating proposals on a cap of hourly rates, initial retainer guidelines, and income thresholds for people who may qualify for this program. The work group is looking at other states that have implemented this program, with some states having a “tiered” or “phase out” system, graded based on income level. The general approach is to use some percentage multiplier of the national poverty level – 200%, 300%, or some other.

Peter Kulas-Dominguez will continue to look into this and report back to Council on any updates.

2. **Dick Halloran says “Thank You!!” for all the support over the past year. He is doing great and reports a successful recovery.**
3. **Update on sale of FLS pins.**
4. **Contacting Chris Harrington: please, please, please remove his old email from your group emails, and use his oakgov.com email going forward. Thank you!**
5. **There is talk of increasing “mandatory reporting” age to include “college students” and people up to the age of 25. While this may be more of a criminal law issue, it could still be on the radar of the Family Law Section.**

6. **There will be an Art Prize contest for kids in Battle Creek. Talk to Hon. Tina Yost-Johnson if you are interested in this event.**

VI. Future Meetings

2017-18 Council Meeting schedule for remainder of the year:

May 5, 2018 – University Club, Lansing at 9:30 am.

June 2, 2018 – University Club, Lansing at 9:30 am.

VII. Adjournment at 11:58am

Respectfully submitted – Christopher Harrington