

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING**

Date: June 8, 2019

Place: Weber's Inn, Ann Arbor

I. Administrative matters

A. Call to Order and Welcome

The council was called to order by Chair, Robert Treat.

B. Introduction and Attendees

The following (18) council members were present: Sean Blume, Elizabeth Bransdorfer, J. Matt Catchick, James Chryssikos, Shon Cook, Christopher Harrington, Joe Hohler, III, Jennifer Johnsen, Michelle Letourneau-McAvoy, Peter Kulas -Dominguez, Vanessa Moss-Wilson, Anthea Papista, Randall Pitler, Steven Reinheimer, Liisa Speaker, Amy Spilman, Donald Wheaton, and Hon. Tina Yost-Johnson.

Chairperson Robert Treat and Chris Piatkowski of the Children's Law Section were present.

Council member absent: Sahera Housey, Shelley Kester and Mathew Kobliska.

Ex-Officio and former council members: Kent Weichmann, Randy Velzen, Amy Yu, Anne Argiroff, and Elizabeth Sadowski.

Guests and Council liaisons included: Steven Heisler, Kristen Wolfram and Dion Roddy were present.

C. Chair Report:

1. Bob Treat discussed that Annual Reports for each FLS Council committee have been submitted to the State Bar. Thank you for the hard work over the year that were reflected in these reports.
2. Council reviewed the KRKM lobbyist contract and voted to approve an increase in the contract rate of an additional \$300/month. The contract will have a 2-year term, starting January 2019. The vote passed 17-0-4.
3. There was discussion on the pending Trial Court Funding Task Force that has been reviewing revenue at the trial court levels. No action was taken on this item.
4. The Legislative Services Bureau reached out to the Section to inquire about the use and function of L-GAL's being appointed in

domestic relations cases. One of the questions is why is there such a variation of appointments across the State? Council comments included that:

- a. **Costs may be an issue because the cases that receive L-GAL appointments are the cases that are the most challenging, and the parties may expend a large amount of resources on their own counsel, leaving little to be spent on a 3rd attorney for the child(ren). If parties don't pay, the L-GAL won't do the work.**
- b. **Some Judges may be appointing under the GAL statute and not the L-GAL statute, which would skew the statistics.**
- c. **Some jurisdictions may not keep updated lists on qualified L-GAL appointments, along with other differing County dynamics.**
- d. **Counties with greater FOC resources may mitigate the need for L-GAL's.**

D. Treasurer's Report/Finance Committee

Everything was correct from a numbers standpoint. However, a few expenses were placed in the wrong categories. Motion to approve the Treasurer's report passed 18-0-3.

E. Approval of Minutes

A motion was made to approve the May meeting minutes, and the motion passed 18-0-3.

F. Corresponding Secretary

Three By-Law amendments are being proposed for the upcoming annual meeting. They are:

1. **Amendment to Section 6.3, which would clarify the attendance policy for Council Members. The current bylaw bases the policy for allowed missed absences on specific calendar dates. The proposed amendment would clarify that the "Council year" begins with the annual Council meeting (typically September), and continues through the last regular Council meeting set by Section 6.10 of the By-Laws (typically June). At times, the annual Council meeting has been held in October, and the current Bylaws create an ambiguity by using calendar dates to**

mark the “Council year”, and not using the annual meeting to commence the year. The proposed By-law passed by a vote of 18-0-3.

2. **Amendment to Section 4.3 which would confirm that the Chairperson has the right to vote to make or break a tie, regardless of whether the Chairperson sits as one of the twenty-one (21) voting members of the Council. The proposed By-law passed by a vote of 18-0-3.**
3. **Amendment to Section 6.1 to allow the Treasurer to preliminarily authorize regular and necessary expenses of Council (i.e. conference calls, copying costs, meeting costs), subject to review and final approval of Council, after the expenses have been included in the Treasurer’s report. The proposed By-law passed by a vote of 18-0-3.**

A petition was signed by at least ten (10) Section members at this meeting. The By-law proposals will be published in the Family Law Journal and/or in the Michigan Bar Journal at least fifteen (15) days prior to the annual meeting. The proposed By-law amendments will also be posted in detail on the Family Law Section website.

The Corresponding Secretary also reported that the “Section Brief” for the June SBM Journal would be an announcement for the Mid-Summer Conference.

G. Chair Elect

An announcement was made regarding the plan for welcome packets to New Council Members.

II. Key Committee Reports

A. Amicus

Continued work is being done on the *Dorko* case.

Look for an e-vote in the near future on the *Foster* case – brief is due before the next Council meeting.

B. Court Rules

1. The Committee recommended support for ADM File No. 2018-30, which would allow Judicial officers to confiscate cell phones during hearings. A friendly amendment was made to change “Judges” to “Hearing Officers” so that Referees, Magistrates, and other Court

staff who preside over hearings would be included. The motion passed 16-1-4.

2. The Committee recommended that the Council support ADM File No. 2018-16, which would allow for Summary Proceedings in paternity cases. This legislation pertains primarily to Prosecutor's Offices but essentially ensured that the court system would not be circumvented. The motion to support passed 13-0-8.
3. The Committee recommended support for the most recent revisions to ADM File No. 2002-37, which would include further e-filing revisions. One of the concerns included the language on the Judge's copy. The first motion to approve the ADM File, as written, failed by a vote of 6-9-6. A motion was then made to state that Judge's copies "shall not be required to be provided, unless specifically requested by the hearing officer. This motion passed 12-1-8

C. Legislation

1. **The De Facto Parenting Bill was discussed, but no action was taken by Council.**
2. **The spousal name change statute was discussed, but no vote requested.**
3. **The Post-majority support issue was discussed as it relates to special needs adult children. 43 other states have passed a bill on this issue. An ad hoc committee will be formed to take on this issue.**

D. Twenty-year Review Committee

The primary focus of this Committee remains on moving forward with legislation to create a dedicated family law bench. Some of the goals of the Committee include: (1) having members of Council appointed to the Judicial Qualifications Committee; (2) having Council set up its own qualifications Committee to make recommendations to the Governor's office; (3) increasing communication with the Governor's office to create a greater understanding and awareness of the problems created by a "turnstile bench" in the Family Division.

A sub-committee will be created to serve as a Judicial Review Committee; lots of volunteers offered assistance.

A listserv for Family Law Judges will be set up.

III. Standing Committee Reports

A. Adoption

Review the written report. Brief mention of De Facto parent legislation.

B. Alternative Dispute Resolution. The new SCAO forms under the “non-adversarial” court rules are being rejected by some Court Clerks, due to lack of familiarity with the rules.

C. Alternative Family. No report.

D. Annual Meeting. Will be held at the Crowne Plaza Hotel in Lansing on 9/21 at 9:00am. Annual awards dinner will be the night before at 9/20 at the English Inn Bed and Breakfast. Possible that multiple Supreme Court Justices will be in attendance.

- E. CLE/ICLE.** The recent tradition of a Council meeting after the FLI will not be happening this year. The November meeting will be the first Saturday in November.
- F. Domestic Violence.** Email report was submitted by Rebecca Shiemke.
- G. Family Court Forum.** Barb Kelly is stepping down as Chair of the forum. 2019 Forum went great!
- H. Family Law Journal.** No report.
- I. Family Law Journal Advertising.** No report.
- J. Family Support.** No report.
- K. Membership.** The student fair at UD Mercy attracted lots of student interest. The Young Lawyers Summit was staffed by Sean Blume and Bob Treat – this event was lightly attended this year.
- L. Mid-Winter/Mid-Summer Seminars.** Mid-Winter will be in Jamaica in 2020. Mid-Summer will be 7/11-7/14; a specific agenda is being finalized.
- M. Political Action Committee.** No report.
- N. QDRO/Taxation.** No report.
- O. Surrogacy.** There are many developments coming down on the issues of A.R.T. and surrogacy issues. Paid surrogacy is currently prohibited in Michigan, but that may be changing. Ethical issues have been a challenge. This committee may be re-named the A.R.T. committee, and this could be a great opportunity to bolster FLS membership.
- P. Technology/Social Media.** No report.

IV. Ad Hoc Committees

- A. SCAO Forms Committee.** No report

V. Announcements/NEW BUSINESS

BIG THANK YOU to Bob Treat for doing a superb job as Chairperson this year and keeping the “Council Ship” running smooth. Great work, Bob!!!

VI. Adjournment. The meeting adjourned at 12:30pm.

Respectfully submitted – Christopher Harrington