

## MINUTES – FAMILY LAW COUNCIL, FAMILY LAW SECTION

Saturday, December 4, 2010

University Club, E. Lansing, MI

### Attendance:

- o **Council Members Present (17):** Anne Argiroff, Elizabeth Bransdorfer, James Harrington III, Elizabeth Kitchen-Troop, Donna Mobilia, Philip Navarre, Traci Rink, Kristen Robinson, Erika Salerno, Rebecca Shiemke, Liisa Speaker, Connie Thacker, Gail Towne, Robert Treat, Kent Weichmann, Stacy Van Dyken, Amy Yu
- o **Ex Officio & past Council Members:** Carlo Martina, Jules Hanslovsky, Ross Stancati, Elizabeth Sadowski
- o **Guests:** Bill Berlin, Cameron Goulding, Bill Kandler, Steven Reinheimer, Vicki Harrington

### I. Administrative Matters

- A. **Call to Order:** The meeting was called to order at 9:35 a.m.
- B. **Chairperson's Report – Amy Yu:**
  - 1. The chair appointed Jim Harrington to the State Bar's ad hoc committee on the unauthorized practice of law.
  - 2. The chair suggested that it would be beneficial for Council to purchase a projector, rather than continuing to rent one for meetings since it's helpful to project documents under discussion during meetings. Council unanimously supported a motion to purchase a project up to \$500.00.
  - 3. Council will present a lifetime achievement award this term. The nomination deadline is March 15, 2011 and a notice will be published in the Family Law Journal and on the list serve. The Executive Committee will decide.
- C. **Recording Secretary Report** – Minutes from the November 6, 2010 meeting were unanimously adopted.
- D. **Treasurer's Report** – The Treasurer's report was unanimously adopted.

### II. Standing Committee Reports:

- A. **Adoption.** No report.
- B. **Alternative Dispute Resolution.** Council unanimously supported the committee's request to contribute an additional \$500.00 to the Regional Mediation Competition, which will be held in February 2011.
- C. **Alternative Family.** No report.
- D. **Amicus.** The Michigan Supreme Court granted leave to appeal in three cases, *Michigan v Harris*, *Michigan v Likine* and *Michigan v Parks*, to be heard together addressing the issue of whether inability to pay is a defense to the crime of felony non-support under MCL 750.165. The Court invited interested groups to submit amicus briefs. The discussion generally supported the idea of filing an amicus brief arguing against the strict liability portion of the statute. The Committee will research the bases for such a position and bring a motion at the next Council meeting.
- E. **Annual Meeting.** Will be at the Hyatt Regency in Dearborn Sept. 14-16, 2011.

- F. **CLE/ICLE.** No report.
- G. **Court Rules.** Anne Argiroff.
1. Default rule. The committee indicated that it will table discussion on this proposed rule pending a more detailed committee discussion and presentation at the next Council meeting.
  2. Council voted 17-0 to support a motion to table the discussion and vote on proposed amendment of MCR 2.507, Conduct of Trials, which deletes the language “subsequently denied by either party” and continues the language that an agreement respecting the proceedings must be made in open court or in writing. See S. Ct. Adm. File 2008-11.
  3. Council voted 17-0 to table a vote on whether to support proposed amendment of MCR 2.203, which would require the issuance of a summons under MCR 2.102(A) for new parties added as a result of the filing of a counter or cross-claim and that unless the court orders otherwise the summons is valid for 21 days. There was concern that 21 days may not be sufficient time so the committee will investigate additional language to address this issue. See S. Ct. Adm. File 2008-32.
  4. Council voted 17-0 to re-submit our previous comments to the Supreme Court regarding proposed new MCR 2.412 and amendments of MCR 2.403, 2.411 and 3.216 concerning confidentiality and disclosure of information in mediation. See S. Ct. Adm. File 2010-30.
  5. Council voted 17-0 to resubmit our previous proposal to amend MCR 7.202 regarding when an order is final for appeal purposes and to ask the Appellate Law Section to join in our proposal. Finally, a proposal for amending MCR 3.210, the default rule, was provided and will be addressed at the December meeting.
- H. **Domestic Violence.** No report.
- I. **Family Court Forum.** June 10, 2011 in Ann Arbor. The topic is legal custody.
- J. **Family Law Journal.** No report.
- K. **Family Support.** C. Martina reported the committee will be meeting January 12 at 3:00 to discuss and review proposed amendments to the child support formula manual and will present their report to Council at the January 29 meeting.
- L. **Journal Advertising.** K. Robinson reported that they are beginning to collect some delinquent advertising bills and are working on getting new advertisers.
- M. **Legislation.** K. Weichmann reported the committee’s recommendation to submit a list of bills to the legislative drafting bureau so that they can be considered in the new term. Those bills include:
- Uniform Child Abduction Prevention Act
  - SBs 568 & 569 (fixing the Domestic Relations Arbitration Act post-Harvey)
  - HB 4131 (2nd parent adoptions)
  - SB 197 (3rd party standing to assert paternity)

- Uniform Collaborative Law Act
  - EDRO Act fix (to be discussed by the QDRO Committee)
  - Parent Coordination
- N. **Membership/Mentor Roundtables.** L. Sadowski and Phil Navarre agreed to join the committee. There was discussion about increasing membership including, approach law schools to speak to students and provide materials already developed and on the web site, provide flyers at ICLE family law seminars.
- O. **Midwinter/Midsummer Seminars.** Midwinter seminar begins Feb. 5, 2011 in Antigua. Midsummer seminar is July 28-31, 2011 at Mission Point in Mackinaw.
- P. **Political Action Committee.** B. Kandler noted that there are many new members of the legislature so it's important to support our PAC and to make an effort to get to know our own representatives.
- Q. **QDRO/Taxation.** The committee is meeting December 15 and will discuss proposed EDRO legislation and continuing its work supporting legal services programs.
- R. **Technology.** L. Sadowski shared a sample portable scanner which is available with a discount and a new book entitled *Google for Lawyers*.

### III. Ad Hoc Committees

- A. **Resource Allocation Committee.** No report.
- B. **Parenting Coordination.** K. Weichmann reported that the committee is meeting December 11 to consider proposed statutory language with the goal of presenting a proposal to Council at the January 29 meeting.

Meeting adjourned at 10:30 a.m.

Next Meeting:

January 29, 2011, at Weber's Inn, 3050 Jackson Rd, Ann Arbor, MI 48103

Breakfast at 9:00 a.m. and the meeting at 9:30 a.m.