

**STATE BAR OF MICHIGAN
FAMILY LAW SECTION
MEETING MINUTES**

DATE: June 7, 2008

PLACE: Weber's Inn, Lansing

TIME: 9:30 am

Administrative Matters

A. Call to order:

Karen Sendelbach called the meeting to order. Karen discussed a recent editorial in the Oakland Press regarding the issue of joint custody. Karen reminded all present that the State Bar meeting will be held in Dearborn at the Dearborn Hyatt and that the business meeting will take place for the section on Thursday, September 18, 2008.

B. Recording Secretary's Report:

The Recording Secretary presented the minutes from the previous meeting. A motion was made to adopt the minutes. The motion received support, and the motion received unanimous approval from the council members.

C. Treasurer's Report:

The Treasurer indicated that we continue to have a surplus of funds in our account.

D. Committee Reports:

Adoption Committee: No report.

ADR Committee Report:

The Committee again reiterated that we will be conducting a joint program with the ADR Section at our annual meeting. The program may be interactive and the Committee believes that it will be an exciting and helpful program.

Alternative Family Committee: No report.

Amicus Committee: No report.

Annual Meeting:

The Committee indicated that the facilities at the Dearborn Inn have been reserved for our annual dinner, which will occur in the Grand Ballroom. The dinner is scheduled for Wednesday, September 17th at a time to be announced. The business meeting for the section will occur the following day, the 18th, Thursday, at 8:30 a.m.

Continuing Legal Education:

The Chairperson again reiterated from prior meetings that the certification program with ICLE is going well.

Court Rules:

The Committee reported with respect to its May 3, 2008, and June 7, 2008 meeting.

May 3, 2008 Court Rules:

AGENDA #1 – Collaborative Law Court Rule

Per the Council meeting on April 5, 2008, a special committee has been established, under the direction of the Chairperson Kent Weichmann. While no further independent action is anticipated by the Court Rules & Ethics Committee at this time, concern continued to be expressed regarding the ethical implications of prohibiting representation of a client in the event that the Collaborative approach is unsuccessful in resolving a divorce case.

AGENDA #2 – Court Rules committee – Amendment to MRPC 7.3 re Solicitation from Public Records

This matter was referred back to the Court Rules & Ethics Committee by Council at the April 5, 2008 meeting.

The Committee concurred that while an Amendment to the MRPC may technically be the best way to address the issue, a Court Rule Amendment offers the best opportunity for timely consideration of the issue.

COUNCIL ACTION: After discussion, a friendly amendment was made that the 14 days be revised to 21 days and the committee accepted the friendly amendment and the motion passed.

AGENDA #3 – Proposed Asset-Liability Exchange Order

The Committee indicated that in their opinion, the proposed order is a complex issue involving both the form and substance of a court rule as well as the form and substance of an actual financial disclosure.

COUNCIL ACTION: The Committee and the council will continue to discuss details of a court rule and order and the Committee indicated that it is seeking volunteers to assist with analysis and presentation regarding this matter.

AGENDA #4 – New Matters: Proposed Amendment to MCR 2.504

This proposed amendment would permit a court to dismiss a case based upon its own motion or that of any party (rather than the current court rule which limits this to a plaintiff) for failure to comply with a court order. The Committee approved the concept of a “dismissal” of a cause (or perhaps a claim or a defense) in principal be available to either party upon good cause shown, the Committee is concerned that an adequate record be made to make the case right for appellate review. The Committee reported that it will resume consideration of the issue at its subsequent meetings.

June 7, 2008 Court Rules:

AGENDA #1 – Update on Collaborative Law Court Rule

COUNCIL ACTION: A special committee has been established under the direction of the chairperson, Kent Weichmann, to address the collaborative law court rule issues. Kent reported that he is in the process of assigning various administrative responsibilities for different aspects of the court rule to different committee members and obtaining their input prior to proceeding to a full collaborative court rule meeting.

AGENDA #2 – Court Rules Committee – Court Rule Amendment re Solicitation from Public Records

COUNCIL ACTION: This matter was referred back to the Court Rules and Ethics Committee by council at the April 5, 2008 meeting, directing an approach through a court rule amendment, rather than an amendment to the MRPC. The

Committee presented proposed new MCR 8.127 language and recommended that the council approve the proposed language. Subsequent to discussion and vote, the language was approved with modifications removing the word “letters” and changing the text to “communication” and removing the term “circulars.”

AGENDA #3 – Proposed Asset-Liability Exchange Order

COUNCIL ACTION: The Chairperson reported that Liz Sedalski has volunteered to work up a first draft of a “form,” which would extract the best parts of the Montcalm County/Washtenaw County and other forms including the bankruptcy schedules. The Committee also discussed and presented proposed language to propose new MCR 3.233 and the proposed language can be found in the minutes from the Court Rules Committee dated June 7, 2008.

Domestic Violence:

The Domestic Violence Committee Chairperson reported that the Committee is attempting to put together a Powerpoint for training purposes. The Committee has also started a new column in the Journal regarding domestic violence issues.

Family Court Forum:

Barb Kelly reported that there was a record number of attendees at the Forum, which was successful.

Family Journal: No report.

Family Support: No report.

Journal Advertising: No report.

Legislation: The Legislative Committee considered House Bill 5993, which would expand standing for challenging and acknowledgement of paternity. The Committee indicated that current law allows the parties who signed the acknowledgement, the child, or a prosecuting attorney to file for revocation of the acknowledgment. The Committee felt that this Bill gives standing to a man who is shown to be the father through blood or genetic testing, and it requires a prosecuting attorney to file and pursue a claim for revocation if presented with such evidence. The Committee indicated that although the law provides that the court may consider the equities of the case in deciding whether revocation of the acknowledgement is proper, House Bill 5993 grants the prosecuting attorney no discretion in deciding whether to file and pursue the claim. As a result, the Legislative Committee recommended that the council oppose House Bill 5993.

The Committee also indicated that it determined that the Bill failed to address the underlying problems associated with acknowledgments and indicated that a purported father should not be allowed to sign an acknowledgment without presenting proof via blood or genetic testing, that he is indeed the father of the child. The Committee felt that such a process would provide children with certainty in their parentage.

Council Action: The council adopted the Committee's recommendation to oppose the Bill.

Membership/Mentor Roundtables:

The Chairperson indicated that we now have four Roundtable mentor counties up and running. Those include Ingham, Kalamazoo, Kent and Oakland. The dates and times for the Roundtable meetings are available on the Section website.

Mid-Winter/Mid-Summer Seminars:

The Committee is continuing to finalize the Mexico mid-winter break and a summer seminar scheduled for 7/24/08 through 7/26/08 at the Homestead.

PAC:

The Chairperson reported that the PAC has received 26 contributions from council members and that year-to-date, we have received approximately 2,405 contributions. The Chairperson reiterated how important it is for the council to have 100% inclusion for contribution purposes as the PAC is very important to the council.

QDRO: No report.

Technology: No report.

E. Standing Committees:

FOC Advisory Committee: No report.

F. New Business/Amendment to the Bylaws: Barb Kelly, on behalf of the Executive Committee, proposed amendments to the Council By-Laws. The proposed amendments related to attendance by council members at the monthly council meetings, article writing requirements of council members, and modification to language of the By-Laws regarding communication. The exact

language of the Amendments will be presented and voted on at the Annual Section meeting in September, 2008.

I. Next Meeting:

Dearborn Hyatt
September 18, 2008
9:30 a.m. to noon

Attendance: Council meeting—6/7/08

Council Members:

Karen Sendelbach
Barb Kelly
Connie Thacker
Donna Mobilia
Traci Rink
Erika Salerno
John T. Hammond
Ross Stancati
Rebecca Shiemke
Lorne Gold
Todd Selin
Kent Weichmann
Jim Harrington
Pat Ouellette
Anne Argiroff
Judith O'Donnell
Phifs Navarre

Non-Members

Toni Raheem
Johanna Peltier
Liisa Speaker
Lori Buiteureg
John Forczak
Veronique Liem
Tom Darnton
Melanie Klark

Ex Officio

Ron Bookholder
Liz