

Minutes - Family Law Council, Family Law Section
Family Law Section Meeting, Saturday, November 7, 2009
Location: University Club, East Lansing, MI

Attendance: :

- ° **Council Members Present:** Anne Argiroff, Neil Colman; Lorne Gold, Hon. Richard Halloran, Jules Hanslovsky, James J. Harrington, III; Barbara Kelly; Donna Mobilia; Philip Navarre, Antoinette Raheem; Traci Rink; Rebecca Schiemke; Liisa Speaker, Connie Thacker; Robert Treat, Elizabeth Kitchen-Troop; Kent Weichmann; Amy Yu.
- ° **Ex Officio & prior Council members:** Todd Selin; Elizabeth Sadowski; Russ Stancati.
- ° **Guests:** Kathleen Oemke; Monica Copeland; William Kandler; Patricia Ouelette; Victoria Harrington; Kenneth Rathert;

I. Administrative matters:

- A. Call to Order: 9:40 a.m. Introduction of Council Members & Guests.
- B. Chairperson Person Report - **Barbara Kelly:**

1. Family Law Institute: The Family Law Section will be sponsoring a table at the Family Law Institute. Highlighters and prior publications and prior video tapes would be distributed and/or available for purchase. Interested Council Members signed up to assist Marcie Lay from William Kandler's office with staffing the table at the Institute.

2. Advertising in the List Serv: Neil Colman is concerned regarding use of the List Serv as a vehicle for commercial entities to advertise their Seminars which might cut into advertising revenue for the Family Law Journal. Followup discussion regarding restriction of list serv posts and advertising to "non-profit" organizations as well as to ICLE and entities that have purchased advertising in the FLJ.

Motion & Second: "Only non-profits and anyone who has purchased an advertisement in the Family Law Journal can advertise their event on the List Serv"

Discussion: N. Colman: what's to prevent someone like the A.A.M.L., presumably a non-profit from advertising on the list serv. L. Gold: Who is a non-profit anyway? L. Sadowski: there are over 900 List Serv members. B. Kelly: there are

2300 Section members.

Motion Passed: 18-0.

3. Janet Welch: The Council/Section will be sending her a get well card following her serious accident. All Council wishes her well.
 4. Sponsorship of Michigan Defense Trial Counsel. After discussion neither a Motion nor a 2nd to take further action.
- C. Recording Secretary report:
James J. Harrington, III: By Motion, with second, the October 3, 2009 were unanimously approved 18-0.
- D. Treasurer's Report:
Connie Thacker: The Treasurer's Report was submitted, and by Motion & second, the Treasurer's Report was unanimously approved 18-0.

II. Standing Committee Reports:

- A. Adoption:
Initial discussion regarding *Handorf* case to be followed by extensive discussion in the Amicus Committee Report.
No Report.
- B. Alternative Dispute Resolution: Antoinette Raheem: Welcomes ideas for existing presentation and speakers. Committee would like to work with Court Rules committee regarding Court Rules of mutual concerns.
No Report.
- C. Alternative Family: Connie Thacker: Will be scheduling a meeting.
No Report.
- D. Amicus:
° *Handorf* case: Liisa Speaker, Ken Rathert, both confirmed their concern with the *Handorf* case. Monica Copeland furnished a detailed and comprehensive summary of *Handorf*, both factually and legally, and the ruling of the Court of Appeals.
° *Rivard* case: K. Weichmann: This case clarified when the 21 day appeal period commenced to run. It furnishes a valuable *bright line* test for appeals.
° *Von Opel* case: this case extends the *Holmes v Holmes* case, and deals with a further refinement of the issue of when non-modifiable child support is permissible.
Motion & 2nd: To file a "brief-brief" asking the Supreme Court to grant leave, without specifically taking a position on the merits of the issue.
Motion unanimously passed: 17-0.

Tkachik case: Pat Oulette: No request for a full brief at this point. Motion & 2nd by K. Weichmann to jointly file a Brief in conjunction with the Probate Section on the *Tkachik* issues. Issue tabled without a vote until the December meeting.

- E. **Annual Meeting: Amy Yu:** The Annual Meeting will be held September 30 & October 1, 2010 at the AmWay Grand in Grand Rapids with the Council Dinner on September 29th, 2010. Marcie Lay & Bill Kandler's office have done a spectacular job with advance preparations.
- F. **CLE/ICLE: B.. Kelly:** The Family Law Institute will be held in Plymouth on November 12 & 13 , 2009. Not sold out yet but excellent registrations.
- G. **Court Rules: James J. Harrington, III:** Discussion regarding Report to Council of monthly teleconference meeting on November 3, 2009.
 - 1. Discussion regarding the proposed Amendments to the Disqualification Court Rules. In "late breaking" news, the Michigan Supreme Court has adopted specific Court Rules on Disqualification of Justices and Judges. However no specifics as of the meeting. Followup at December meeting.
 - 2. Update on "anti trolling" Court Rule. Liz Sadowski will circulate a current roster of Representative Assembly. Council members to specifically contact R.A. members in their geographical location. Judges to be solicited for specific letters. A List Serv post to be prepared, requested off line responses. The Representative Assembly meeting is March 27, 2009 with deadlines for packet submissions about a month in advance.
 - 3. Amendments to Confidentiality in Mediation Court Rules. The Amendments would specifically permit exceptions to confidentiality for a range of reasons, including actions to enforce mediation contracts. This will be the subject of the next Court Rules ethics meeting, with a further report at the December meeting
 - 4. Next Court Rules/Ethics teleconference: December 1, 2009 @ 1:00 p.m.
- H. **Domestic Violence: Rebecca Schiemke:** ICLE working on a July seminar regarding domestic violence. No Report.
- I. **Family Court Forum:** No Report.
- J. **Family Law Journal:** No Report.
- K. **Family Support:** K. Weichmann met with William Bartells; will start a four (4)

year review.

- L. Journal Advertising: **Neil M. Colman:** The Journal has a new advertiser, the Findling Law Firm. Also looking forward to new advertising for 2010 to offset some advertising attrition in 2009.
- M. Legislation: **Kent Weichmann:** The budget “crisis” has reduced the number of new legislative initiatives. With regard to the FOC package of legislative initiatives there remain 4 objections. Representative Valentine supports our position on 1 & 2. Senator Jansen will also support us in that form. The objections are:
 - Opposed: Exempting Spousal Support cases from FOC enforcement.
 - Opposed: Assessment of investigation costs against the parties.
 - Opposed: Requiring payees to petition for the application of the surcharge.
 - Opposed: Subjecting Income Withholding to the 50% limit, rather than in accord with the *Consumer Credit Protection Act*.We will seek sponsorship for the *Uniform Child Abduction Act*. Motion by B. Kelly, with 2nd, to support sponsorship of the *U.C.A.A.* above, passed 17-0.
- N. Membership/Mentor Roundtables: No report.
- O. Midwinter/MidSummer Meetings:
 - MidWinter Seminar. No report.
 - MidSummer. **T. Rink:** We are looking for suggestions for the Mid Summer meeting. The area of greatest interest seems to be in the Northwest lower Peninsula to Mackinac Island area. J. Hanslovski: It really helps to know what the speakers will be addressing ahead of time, because that affects enrollment. T. Rink: This is understandable, but we never know who our speakers will be until a month or so before the meeting.
- P. Political Action Committee: **Neil M. Colman.** You know where to send the checks. There is no “minimum” contribution required. We accept all checks. Thank you to all who have given, and who will give in the future.
- Q. QDRO/Taxation. No report.
- R. Technology: E. Sadowski: There is terrific new technology, particularly the State Bar Journal “On Line”. Check out the website for the latest improvements. B. Kelly: the concept of a centralized Calendar for Council containing in our location all of the various deadlines that Council and our Committees face is a good idea.

III. Ad Hoc Committees

- A. Membership Forum: B. Kelly: This meeting in Kalamazoo may be the 3rd Thursday of February - February 18, 2010. Ross Stancati will be the local

contact.

- B. Parenting Coordination- Richard Halloran - there will be a meeting November 14, 2009. Also, University of Detroit-Mercy Law Students will have the opportunity to “shadow” practitioners for a day.

By Motion & 2nd , the November 7, 2009 meeting concluded at 11:10 a.m.

The Next Family Law Council meeting is scheduled for Saturday, December 5, 2008⁹ at the Double Tree Hotel in Novi, Michigan with breakfast commencing at 9:00 a.m. and the meeting starting at 9:30 a.m.

James J. Harrington, III
Recording Secretary