

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

DATE: November 3, 2007

PLACE: Weber's Hotel, Ann Arbor

TIME: 9:30 am

Administrative Matters

A. Call to order:

The meeting was called to order by the chairperson, Karen Sendelbach. Karen reported that she and Barb Kelly attended the day long seminar/meeting at the State Bar. The seminar/meeting provided information regarding services that the State Bar can provide to the sections. Karen indicated that the seminar/meeting was beneficial and indicated that the State Bar could provide our section with email blasts to all of our members twice a month. In addition, updates to the web page will also allow us to upload our agenda so that all section members will have access to our agenda. The State Bar will also be scanning our journal and uploading it to the site so that journal articles will also be available online. Karen reported that the Section roster will also be added to the website.

Karen further reported that the Family Law Institute was well represented by Council members and thanked the Council members for their participation.

B. Recording Secretary's Report:

The minutes from the prior meeting of 10/6/07, at the Wyndam Garden Hotel in Novi, were approved with the exception of adding Traci Rink and Tony Raheem as attending the meeting. A motion was offered to adopt the minutes and the motion received support. There was no further discussion and the motion carried.

C. Treasurer's Report:

The Treasurer presented her report and indicated that she is working on the budget for 2008, which should be available for Council review at the December meeting. A motion was offered to adopt the Treasurer's report and the motion received support. There was no further discussion and the motion carried.

C. Committee Reports:

Adoption Committee: no report

ADR:

Ken Weisman reported that the Committee is still endeavoring to focus upon mediation rather than arbitration. We will be hearing from the Committee regarding their efforts to provide more visibility to the mediation process.

Alternative Family Committee:

Traci Rink reported that she will be taking over as the chairperson of the Committee.

Amicus Committee:

Liisa Speaker reported for the Amicus Committee indicating that arguments will be held on Tuesday regarding *Estes v. Titus*, which was discussed at length at the last meeting held on 10/6/07. Liisa indicated that the Business Section did not take the position that was ultimately voted on by the Family Law Council. Rather, they adopted a position which was similar to that advocated by the Amicus Committee during our 10/6/07 meeting.

Annual Meeting:

Karen Sendelbach reported that the dates for the annual State Bar meeting will be September 17th through the 19th at the Dearborn Hyatt. The Executive Committee is currently looking for and considering dinner locations.

ICLE:

Shel Stark indicated that he received positive feedback from the Family Law Institute. He requested that we provide input regarding the elimination of the Speaker for the lunch program and also requested our input regarding adding the Court of Appeals Panel into a track session rather than a primary session.

Court Rules:

The Court Rules Committee indicated that there were five proposed amendments to court rules considered by the Committee: The proposed amendments were as follows:

- 1) ADM 2006 File 06 proposed amendment to MCR 7.215, which would shift responsibility for expressing disagreement with a prior decision from the entire Court of Appeals bench to a particular panel who disagrees with a published decision and believes it is outcome-determinative. The Court of Appeals panel must state the decision it would have made but for the published decision;
- 2) ADM 2005 File 36 proposed amendment to MCR 2.119, 7.204 and 7.205, which would clarify the 21-day time period for filing an appeal from an order denying a motion for a new trial, motion for rehearing, or reconsideration, etc. It would also increase the time period from 14 days to 21 days to file a motion for rehearing or motion for reconsideration;
- 3) ADM 2007 File 09 proposed amendment to MCR 2.306 regarding objections at depositions, requiring that they must be concise, not argumentative, and non-suggestive. Attorney fees and costs would be available for sanctions for the breach of the court rule;
- 4) ADM 2005 File 31 proposed amendment to MCR 3.602 regarding changes to the terminology for objecting to or compelling “arbitration” and would substitute the word “motion” for “application”. Further, if there is no pending action between the parties, the complaint must be filed followed by a motion; and
- 5) ADM 2006 File 04 proposed amendment to MCR 2.204 and 3.212. The Committee indicated that this was a significant change in the court rules dealing with the transfer and consolidation of proceedings affecting minors and post-judgment transfers of domestic relations cases. Because of the nature of the proposed amendment, the Committee believed and recommended that an additional period of sixty days of comment and input would be appropriate.

A motion was offered to adopt the Committee’s recommendations with respect to the five proposed amendments to the Court Rules, specifically to support the first four amendments and ask for a comment period with respect to the fifth proposed amendment. The motion received support and carried.

Domestic Violence:

Donna Mobilia reported that the Committee will be meeting in the near future and will hopefully provide a report at the next committee meeting.

Family Court Forum:

Barb Kelly reported that the next Family Court Forum will take place on June 6, 2008, and the anticipated topic is: "*What psychologists would like to ask lawyers and what lawyers would like to ask psychologists*". The Committee offered a motion to the Council that the Council support the Forum with a contribution of \$1,000. The motion received support and carried.

Family Journal:

Lorne Gold reported that A&E Printing will be taking some time off around the holidays and requested that we advance our deadline for the December and January issues to November 5th. Lorne also understood that A&E was requesting that all of our deadlines be modified from the 8th to the 5th on a monthly basis. Discussion occurred among the Council members regarding the relationship with the State Bar and receiving requests for proposals to print our Journal from the State Bar. The consensus was that we would invite a proposal from the State Bar.

Family Support:

The Chairperson of the Committee reported that the proposed changes to the Child Support Formula are with the Supreme Court. The contact person from the Supreme Court indicated that we should receive a decision regarding the proposed changes by the end of November. The consensus of those familiar with the subject at the Council meeting indicated that the Supreme Court will in all likelihood approve the majority of the changes that the Committee recommended. The Committee also reminded the Council that the Council voted on the recommended changes to the Formula during Council meetings held last year.

Journal Advertising:

Todd Selin reported that the Journal is continuing to receive advertising dollars. He further indicated that he will be transitioning the Journal advertising position to Mark Snover.

Legislation:

The Legislative Committee reported on House Bill 5324. The bill proposed mutual PPOs. The Committee recommended that the Council oppose the bill. A motion was offered to adopt the Committee's recommendation. The motion received support and the motion carried.

Membership/Mentor Roundtables:

Karen Sendelbach indicated that she will be attempting to assign various individuals across the state to conduct the Mentor Roundtables. Traci Rink and Amy Yu indicated that they are conducting the Roundtables in Oakland County. Todd Selin will be conducting the Roundtables in Ingham County. Other Roundtable locations and Roundtable organizers will be assigned by Karen Sendelbach.

Mid-Winter/Mid-Summer Seminars:

The Committee reported that the Mid-Winter Seminar is sold out and there is now a waiting list. Traci Rink and Lorne Gold indicated that they will combine efforts to organize the Mid-Summer Seminars.

PAC:

Neil Colman reported that he would like to obtain 100% Council member contribution as 100% contribution was received last year. He encouraged all Council members to bring a contribution check with them to the December meeting.

QDRO:

The QDRO Committee provided a handout of their minutes from their October 30, 2007 meeting. The Committee indicated that they will provide a verbal report to the Council at the December meeting. The Council also discussed the issues presented regarding Fidelity, specifically their inability to timely return and process QDROs.

Technology:

The Technology Committee reported that the Listserv is going well. The Council discussed the ability to locate attorneys by geographical area on the website. Karen Sendelbach indicated that the site will be developed so as to provide fields including geographical areas. However, we will not be providing

recommendations for attorneys. The Committee also indicated that the password for access to the site will change in January.

D. New Business:

Barb Kelly reported that the State budget signed by Granholm restored the State Friend of the Court funding. She encouraged Council members to provide support for the pending Federal Legislation to restore the funding at the federal level. She indicated that Council members or any other concerned citizen could offer their support online at www.safechildsupport.org.

Scott Bassett reported that given the surplus in the Family Law Budget that the Council should consider some sort of essay competition to help the recipient defer some of the exorbitant costs associated with a legal education. Karen Sendelbach indicated that she would take the proposal to the Executive Committee.

A motion was made to adjourn the meeting. The motion received support and the motion carried.

E. Next Meeting:

Saturday, December 1, 2007
The University Club, Lansing
9:00 am Breakfast
9:30 Meeting