

Minutes - Family Law Council, Family Law Section
Family Law Section Meeting, Saturday October 3, 2009
Location: Meijer Gardens, Grand Rapids MI

Attendance: :

- ° **Council Members Present:** Carol Breitmeyer; Neil Colman; James J. Harrington, III; Barbara Kelly; Donna Mobilia; Antoinette Raheem; Traci Rink; Kristen Robinson; Erika Salerno; Rebecca Schiemke; Connie Thacker; Elizabeth Kitchen-Troop; Kent Weichmann; Amy Yu.
- ° **Ex Officio & prior Council members:** David Sarnacki; Carol J. Martina; Jon Ferrier; Ronald Foon; Elizabeth Sadowski; Ross Stancati;
- ° **Guests:** Gail Towne; Michelle McLean; William Kandler; John A. Potter; Jefferson Murphy, III; Melanie Destigter;

I. Administrative matters:

A. Call to Order: 9:40 a.m. Introduction of Council Members & Guests.

B. Chairperson Person Report - **Barbara Kelly:**

1. **U.C.S.O. Changes:** There are minor changes to the Uniform Child Support Order effective January 1, 2010 involving the Social Security Benefit Credit; it will be available December 1, 2009.
2. **Court of Appeals Settlement Program:** The program has been cancelled because of the elimination of the position providing oversight of the Court of Appeals settlement program. Discussion regarding the merits and success of the program. Motion to Support The Court of Appeals Settlement Program, seconded, and passed unanimously 14-0.
3. **June, 2010 Family Law Issue of State Bar Journal.** Both articles and a theme are needed for this special issue.

C. Recording Secretary report:

Traci Rink: By Motion, with second, the June 6, 2009 Minutes from the Council meeting in Novi Michigan, submitted by Recording Secretary Traci Rink, were unanimously approved 14-0.

James J. Harrington, III: By Motion, with second, the September 17, 2009 Minutes submitted by James J. Harrington, III from the Annual Meeting at Dearborn, Michigan were unanimously approved 14-0.

D. Treasurer's Report:

The Treasurer's Report was submitted, and by Motion & second, the

Treasurer's Report was unanimously approved 14-0.

II. Standing Committee Reports:

- A. Adoption:
No Report.
- B. Alternative Dispute Resolution:
No Report.
- C. Alternative Family:
No Report.
- D. Amicus: An Amicus Brief was submitted on *Pierron v Pierron*.
- E. Annual Meeting: **Barbara Kelly/Amy Yu**
The Annual Meeting will be held September 30th - October 1, 2010 in Grand Rapids.
- F. CLE/ICLE:
Discussion regarding joint mediation training with ICLE. Problems with attendance. April, 2010 may be too soon; there could be training in April or Fall of 2010. There will be followup discussion with Sheldon Stark @ ICLE regarding the timing and scheduling of the next program. Further discussion regarding possible theme of special Family Law issue: "Litigating Family Law Cases".
- G. Court Rules: **James J. Harrington, III**
 - 1. Discussion regarding the proposed Amendments to the Default Judgment and "Uncontested Case" Court Rules. K. Weichmann: Problems with the proposed Court Rule, including the result is that the Court may be placed in the position of being an advocate for one of the parties; problems with Court ruling on evidence that may not even be admissible. C. Breitmeyer: Opens the door to "buyer's remorse". D. Sarnacki: Do Judges want to spend "more time" on these cases? A. Yu: §5 of the proposed Rule could allow the Court to make a decision without even having a Hearing. K. Robinson: On what basis is there to allow hearsay? C. Martina: there is a trend toward making Family Law cases more of an administrative process. By Motion & second, Council unanimously objected to the proposed Amendments to the Default Judgment Court Rule, 13-0.
 - 2. Report from L. Sadowski regarding the "anti trolling" Court Rule and the September 24, 2009 Annual meeting. Opposition from the Representative Assembly, in part due to absence of specific examples of problems with the solicitation. A. Yu: one of her clients was solicited by 3 separate attorneys. K. Robinson: we need specific examples to present to the Representative Assembly. M. Destigter: litigants are notified by the FOC in Ottawa County, but because this is known in advance attorneys can carefully plan their filings.

The “anti-trolling” Court Rule was referred back to the Court Rules Committee for further review and evaluation. L. Sadowski is the “point person” for the Court Rule.

- H. Domestic Violence: No Report.
- I. Family Court Forum: No Report.
- J. Family Law Journal: No Report.
- K. Family Support: No Report.
Carlo Martina/Kent Weichmann
- L. Journal Advertising: **Neil M. Colman**: There is plenty of space available in the Family Law Journal for advertising.
- M. Legislation: **Kent Weichmann**: prior legislative initiatives will continue in the new sessions, including such issues as “paying for FOC investigations”, and making the income withholding limit max out at 50%, imposing surcharges.
- N. Membership/Mentor Roundtables: No report.
- O. Midwinter/MidSummer Meetings:
MidWinter Seminar. Per J. O'Donnell, the seminar is sold out and full. Already working in advance for the Winter 2011 Seminar.
MidSummer. **T. Rink**: A followup survey will be prepared and circulated. There is interest in returning to Mackinac Island.
- P. Political Action Committee: Neil M. Colman. You know where to send the checks. There is no “minimum” contribution required. We accept all checks.
- Q. QDRO/Taxation. No report.
- R. Technology: **E. Sadowski & A. Yu:- e-Filing**. The Oakland County “pilot program” regarding e-filing appears to be our future. Certain Judges are not pleased with opposition to e-Filing because of “cost” and “accessibility issues”. Wiz-Net fees are substantially in excess of the Federal Court e-filing program. Other comments include: the e-Filing program chills access to the Courts. Also, possible problems with emergency Motions. There appears to be increased scrutiny of routine Motions & filings at the Clerk's office. There may be cost efficiencies associated with not having to personally file at the Clerk's office, and filing fees can be paid by debit cards as well as credit cards. There does not appear to have been a lot of discussion or negotiating regarding the e-Filing issues.

III. Ad Hoc Committees

- A. Resource Allocation Committee - No report.
- B. Parenting Coordination- **K. Weichmann.** There will be a meeting in October.

IV. New Business:

- A. **B. Kelly:** The Section Fair at Cooley Law School has traditionally generated financial support from the Section in the amount of \$200. By Motion & second, an increase in financial support to \$400.00 was unanimously approved, 13-0.
- B. **B. Kelly:** While the Family Court Forum has been authorized support from Council in the sum of \$2,000.00, it only needed \$1,700.00 at the last Family Court Forum. By Motion & 2nd, support up to \$2,000.00 for the upcoming Family Court Forum was unanimously approved 13-0.
- C. **R. Stancati:** February or March 2010 will be the time frame for the future "Six County Meetings".
- D. **B. Kelly:** 60% of our Section Membership appears to be in "solo" and "small firm" practice. What can Section do to assist active family law practitioners in solo and small firms?
- E. **C. Breitmeyer:** The Wayne County "Nuts & Bolts Seminar" is scheduled for October, 2009 and all are encouraged to attend.
- F. **C. Martina.** The committee on "non refundable retainers & Cooper decision" is continuing to work on consensus language to be submitted to the Supreme Court.

By Motion & second, the October 3, 2009 Meeting concluded at 11:05 a.m.

The Next Family Law Council meeting is scheduled for November 7th, 2009 at 9:30 a.m. in East Lansing, MI at the University Club.

James J. Harrington, III
Recording Secretary