

Children's Law Section
State Bar of Michigan
Council Business Meeting

Wednesday, May 11, 2005
Michael Franck State Bar Building
Lansing, Michigan
5:00 – 7:00 p.m.

I. Welcome and Call to Order: Chair Kathryn Fehrman welcomed the group and called the meeting to order at 5:09 p.m. In attendance also were Alicia Fabiano, John Forczak, Bill Ladd, Jennifer Pilette, Mary Pino, R. William Schooley, Carol Siemon, guest Don Smith and Suzanne Stephan. Participating by phone were: Judge Robert Butts, Charlotte Allen, Mayssa Attia, Karen Cook, Musette Michael, Robbie Powelson, Geula Tron and Jennifer Wood. John T. Berry, the State Bar's Executive Director, was the evening's guest speaker.

II. Secretary's Report: Mary Pino made a motion to approve the minutes from the April 6th council meeting, held at Cadillac Tower in Detroit; Carol Siemon seconded the motion, which passed. The April minutes were approved and adopted.

III. Treasurer's Report: The treasurer's report was tabled, following a motion by Jennifer Pilette, which was seconded by Bill Ladd.

IV. Committee Reports - Legislative Committee: The committee met on Saturday, April 25th in Jackson at the Jackson Library. Carol Siemon had compiled a list of the bills that the committee considered; Don Smith summarizes the committee's votes during each meeting. Carol had recently met with Bill Kandler and Marcy Lay – they had suggested that the committee might want to be a bit selective regarding which bills to consider and evaluate, due to the huge volume of pending legislation that is generated. Bills that were discussed at the April 23rd meeting were:
SB 60 – it deals with child custody; the committee voted to take no position on this bill.
SB 289 – amends the Criminal Procedure Code by eliminating the statute of limitations for CSC committed by a perpetrator under the age of 18; the committee voted to refer the bill to the Criminal Law Section and to take no position on the bill.
SB 379 – the CASA bill; the committee voted 7 – 0 to oppose this bill.
HB 4039 - amends the Support and Parenting Time Act; the committee voted to take no position on this bill.
The complete list that Carol distributed at the committee can be made available to Council members.

HB 4213, HB 4214, HB 4215 – these bills amend the Juvenile Code (4213); the Mental Health Code (4214) and the Code of Criminal Procedure (4215); they deal with competency and alibi and insanity defenses. HB 4215 creates a new “responsible but mentally ill” verdict that is similar to a criminal defendant’s “guilty but mentally ill” verdict. The bills are tie-barred, which means that all must be passed or not passed – one or two cannot be passed alone. The council would encourage the possibility of the tie-bar being broken; 4215 was seen to be especially problematic.

HB 4222 – the council took no position on this bill, which creates a sexual assault forensic medical intervention and treatment fund.

HB 4420- the council opposed this bill 16 – 0; it is the ‘spanking bill’, initiated by various parents’ rights groups.

HB 4467 – this bill amends the Revised Judicature Act of 1961 to increase the statute of limitations for a civil action against an adult involving sexual conduct with a person under the age of 18 years. The council voted 16 – 0 to take no position on this bill.

HB 4652 – the final bill discussed at the council meeting; it would change the age of consent from 16 years to 18 years; the council voted to take no position on this bill, choosing to refer it to the Criminal Law Section, as it deals with CSC.

Carol would like to know in advance who would be interested in attending the hearings held on pending legislation. Don Smith is the legislative committee member who will report the council’s public policy positions. The question was raised as to whether taking ‘no position’ makes a statement in itself.

Guest Speaker- State Bar Executive Director John T. Berry had joined the meeting and discussed the importance of children’s issues. He is a former prosecutor and took an interest in the areas of law that are addressed in particular by the Children’s Law Section.

He said that the state bar’s strategic plan has been re-passed and that the annual meeting is currently being planned. The bar is solvent and there will be no dues increase at this time. He also described the law office management initiative being implemented for members. Also, the bar is trying to reduce friction that occurs between sections.

The field of ethics is of special interest to John Berry and he discussed the new model rules that will govern standards of practice and sanctions. The ethics committee spent over a year working on these rules. Victoria Kremski is the state bar’s ethical expert. The new director of professional standards is Dawn Miller.

A red-line version of the proposed changes to the rules is on the Web.

John Berry asked the group for any suggestions concerning the annual meeting – its format, location, or program content.

John Forczak suggested having the meeting at a resort and linking the date of the event to a holiday. He also said that the best bar meetings have featured great speakers that the sections provided and supported. Bill Schooley said that the State of the Law floppy disc or CD Rom that had been distributed in past years had been extremely well-received.

V. May 21st Training - There was lengthy discussion regarding the number of participants that are needed to have the training take place; as of May 11th, five people had registered. The group concluded that unless 35 persons were registered by 4:00 p.m., on Tuesday, May 17th, the training would be cancelled. A motion brought by Jennifer Pilette and Bill Ladd passed to permit the cancellation unless the agreed upon number of attendees had actually sent in their registrations; there was one abstention, but the motion was passed unanimously by those who voted. The listserv can be used aggressively to make section members aware that the training is coming up quite soon. The section has 628 members; 600 of them subscribe to the listserv.

VI. New Business: John Forczak updated the group on the Family Law Section Council's support for the Paternity Bill. John also had an update regarding the Court of Appeals rules concerning answers to motions and precedential decisions on orders.

VII. Adjourn: The meeting was adjourned at 7:01 p.m.. The next Children's Law Section council meeting will be held on Wednesday, August 10, 2005, from 5:15 - 7:00 p.m., in Room 116 – Hutchins Hall, at the University of Michigan Law School.

Respectfully submitted,

Suzanne C. Stephan, Secretary

August 9, 2005