



MICHIGAN FAMILY LAW JOURNAL

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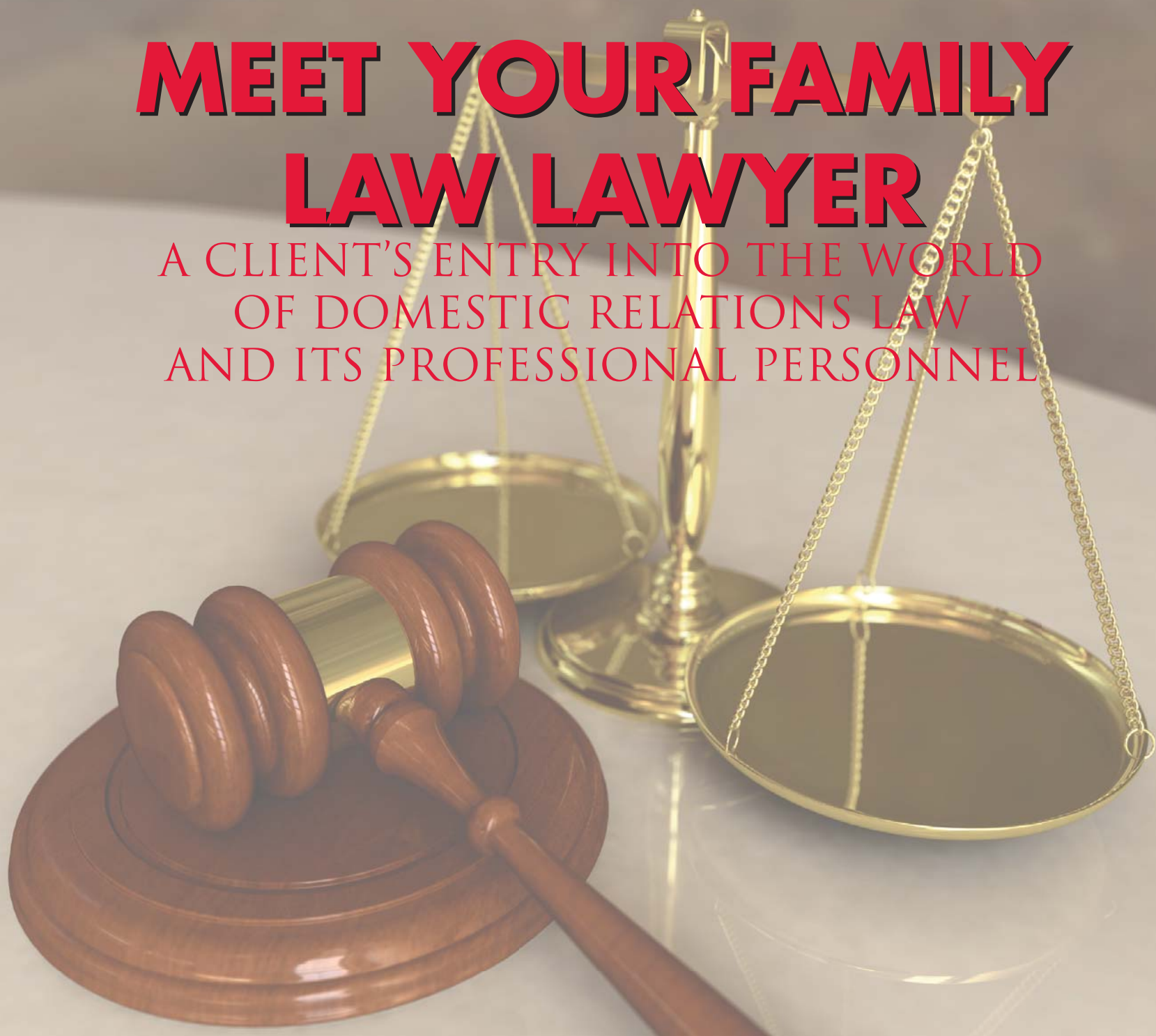
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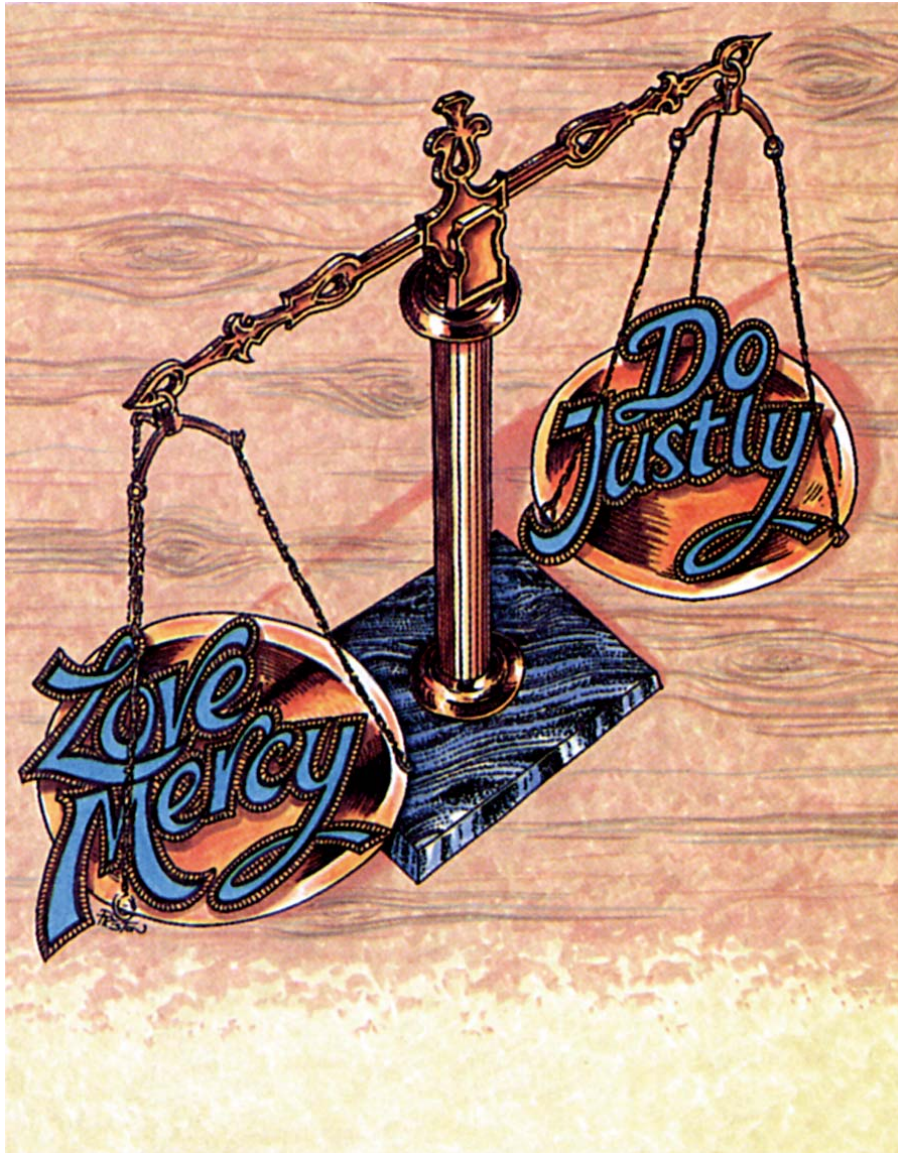


SPECIAL ISSUE 2007

MEET YOUR FAMILY LAW LAWYER

A CLIENT'S ENTRY INTO THE WORLD
OF DOMESTIC RELATIONS LAW
AND ITS PROFESSIONAL PERSONNEL





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TABLE OF CONTENTS

COMMENTARY BY NORMAN N. ROBBINS	1	PROPERTY DIVISION IN A DIVORCE: HAVE A PLAN BY CAROLE L. CHIAMP	37
THE BIG PICTURE BY DAVID C. SARNACKI.....	3	FROM THE FAMILY BUSINESS TO THE ANTIQUE TEACUP COLLECTION BY AMY B. FOLBE	40
ANATOMY OF A FAMILY LAWYER BY JOHN F. MILLS, ESQ.....	5	WHY THE LAWYER REPRESENTING YOU IN YOUR DIVORCE IS SO CONCERNED ABOUT RETIREMENT PLANS BY ROBERT TREAT.....	44
THE INITIAL CONSULTATION WITH YOUR DIVORCE ATTORNEY BY JOHN F. SCHAEFER & MARK A. BANK.....	8	DOMESTIC VIOLENCE; PERSECUTION, VICTIMS AND FAMILY LAW BY JENNIFER M. GRANZOW.....	47
IMPORTANT QUESTIONS THAT CLIENTS MOST FREQUENTLY ASK BY ROBERT B. BUYOT, III	12	LEGISLATION – HELP FOR VICTIMS AVAILABLE BY ROSS STANCATI	51
MEET YOUR FAMILY LAW JUDGE BY HON. BILL CALLAHAN.....	16	RESOURCE GUIDE – DOMESTIC VIOLENCE SHELTERS	52
MEET YOUR FRIEND OF COURT BY BARBARA J. KELLY.....	19	ALTERNATIVE DISPUTE RESOLUTION BY MARIE A. PULTE & REBECCA TOOMAN	55
ENFORCEMENT OF SUPPORT OBLIGATIONS BY DAVID FINDLING	21	PREPARING FOR THE DIVORCE TRIAL BY PATRICIA M. OUELLETTE	61
CHILD CUSTODY: A SAMPLE LETTER TO A CLIENT BY GILBERT GUGNI & MATHEW WEAVER.....	22	ATTORNEY FEES: A SAMPLE LETTER TO CLIENT BY ROBIN OMER	66
MEET YOUR FAMILY PSYCHOLOGIST BY DANIEL H. SWERDLOW-FREED	28	GLOSSARY TERMS IN FAMILY LAW BY RONALD M. BOOKHOLDER & PATRICIA S. LEARY.....	68
MEET YOUR BUSINESS APPRAISER/ FINANCIAL EXPERT BY JOSEPH W. CUNNINGHAM.....	31		
USE OF EX PARTE ORDERS IN FAMILY LAW PROCEEDINGS BY CARLO J. MARTINA.....	34		





COMMENTARY

BY NORMAN N. ROBBINS
EDITOR

"What a profession the law is! ...what other gives such scope to realize the spontaneous energy of one's soul? In what other does one plunge so deep in the stream of life – so share its passions, its battles, its despair, its triumph?"

– Oliver Wendell Holmes

This journal is for you, our clients! We invite you to enter and explore the world of divorce through the eyes of our brilliant authors whose main purpose is to give clarity and understanding to family law and procedure to the non-initiated. A great deal of effort has been made by these professionals to also introduce you to the person who will either represent you or will be conveying service in this process.

We are aware that many of you have never spoken to a divorce attorney before or had reason to retain one. You may approach your first meeting with trepidation as entering the unknown can be fearsome. Periodically though the fear is real, it is short and soon dissipated once the client enters the lawyer's office and start to receive the attorney's counsel. In this Journal we are acting as surrogates by trying to assist in dissolving away the unknown that brings on the uncertainties.

From the articles on Meet Your Family Law Attorney, Meet Your Family Court Judge, Meet Your Friend of Court to Meet your Family Law Psychologist, and those discussing child custody issues, dividing assets and attorney fees we have presented in non-esoteric language clear understanding of what you will encounter in the realm of family law.

As you enter the lawyer's office you will find a competent professional person who has the "legal knowledge, skill, thoroughness and preparation reasonably necessary" to properly represent you and be a zealous and diligent advocate on your behalf. You will also find that the law is not an exact science that is subject to mathematical formulas (except for child support schedules initiated in 1988 by a federal act). Family law having been nurtured in the chancery courts, considers moral and ethical standards as well as using logic, experience, mores and time honored precepts of justice, fairness and equity to arrive at solutions to family issues. We should also be mindful that the scales of justice are rarely empty on one side and completely full

on the other. To give you the flavor of family law philosophy I cite the test used for child custody matters, namely "What is in the best interests of the child." A humanistic approach is used when possible.

In regard to our judiciary you will face judges who are learned in the domestic relations law and while presiding in Family Courts, are professionally experienced in the problems facing the parties standing before them. Further insight is gained by the recommendations for judges in "A Desk Book for Judges" that was the focal point of a symposium discussed in the "quarterly" of the Family Law Section of the American Bar Association." This desk book states: the judge remains above the fray, tolerant, sympathetic, refusing to take sides, identifying with the needs and the pain of both spouses and their children, non-judgmental, able to talk with each spouse with understanding and warmth and to both of them together if the need should arise, able to put the spouses' fears in context with many other similar cases the judge has seen and decided. It is because of these qualities...that permit the judge to be influential." Indeed you will find our family court judges rendering out justice and equity on the anvils of fairness, care, tolerance, needs and the best interests of the children, the parties and the community. We have a hard working bench dedicated to serving the public.

You will also find a fine article explaining the excellent services that are offered to you by the Friend of the Court, which is an important arm of the Family Court devoted to assisting the client with some important aspects of the divorce proceedings. The financial issues including alimony, child support and especially all the other problems concerning child custody, visitation problems and other substantial matters. The Friend of the Court has performed admirably in assisting the court as well as the families involved.

There are other avenues that may be used to assist you and avoid the necessity of a trial. You can be assisted in settling your matter by the process of mediation as explained by an excellent article herein or have an arbitrator decide the issues for you. If you have difficulty in deciding questions concerning your property or other assets you will discover excellent advice given by our authors. The same is true of child custody matters, domestic violence and enforcing



court orders. We have even furnished you with a glossary to assist you in understanding some of our jargon. Finally, we introduced you to a mental health specialist in the event there are child custody problems along with articles by our experts on pensions, attorney fees, expert witness, preparation for trial and explaining your first visit to a lawyer's office.

We hope that you will find this journal a valuable introduction to our branch of the law. The Michigan Family Law Section which is responsible for publishing it is pleased to present it to you through your attorney. The Section is dedicated

to establish and maintain excellence in our service to the general public and more specifically you, our clients.

In conclusion permit me to say it is an honor to be a member of the family law bar and is a privilege to serve you. You will find that the lawyers of the family law branch of law are sympathetic persons who are aware these are troubled times for you and a traumatic period in your life. As you receive legal advice and legal services your attorney will be sensitive to your fears and take positive steps, if possible, to alleviate them.

