

**STATE BAR OF MICHIGAN  
2007-2008 ANNUAL REPORT  
SPECIAL COMMITTEE  
May 2008**

**Committee Name:** Special Committee on Domestic Violence

**Jurisdictional Statement:**

Make recommendations concerning increasing attorney awareness of the problem of domestic violence, advise on the encouragement of training of attorneys and judges on legal remedies and community resources concerning domestic violence, help develop and distribute legal resources concerning domestic violence and victims' access to the legal process, assist in the coordination of programs and activities concerning domestic violence in Michigan.

**Officers and Membership:**

Mary M. Lovik, Co-Chair  
Rebecca E. Shiemke, Co-Chair

**Members:**

Charlotte L. Allen	Guerline Ladouceur-Laurore
Deborah Kay Bauman	Heidi A. Naasko
Lorna T. Beard	Christine Lynn Pfeiffer
Cathy C. Church	Janet E. Prater
Elizabeth Anne Eggert	Mary F. Rubio
Leslie A. Hagen	Donald H. Smith
Hon. Katherine L. Hansen	J. Robert Sterling
Hon. Darnell Jackson	Robert L. Willis

**Commissioner Liaison:**

Elias J. Escobedo

**Staff Liaison:**

Candace Crowley

**2007-08 Meeting Schedule:**

October 20, 2007	State Bar Building, teleconference
November 17, 2007	State Bar Building, teleconference
January 26, 2008	Teleconference
February 23, 2008	Teleconference
April 1, 2008	Teleconference
May 6, 2008	Teleconference
Others as necessary	

**Resources Provided by the State Bar of Michigan in Support of Committee Work:**

The State Bar provided the committee with a modest budget, if necessary, and a staff liaison. The Bar's Government Relations Director forwarded policy issues to the committee. A Commissioner liaison attended all meetings and offered input and advice.

### **Committee Activities:**

The committee decided at its first meeting that it would like to focus on judicial training while maintaining its traditional work of commenting on proposed legislation and offering input on domestic violence issues where appropriate and consistent with its jurisdictional statement.

### **Judicial Training**

The committee began the year by exploring the feasibility of a single judges' training event connected with the Annual Judicial Conference that all Michigan judges must attend. The Committee consulted with Dawn McCarty at the Michigan Judicial Institute to learn that the annual judicial conference will not be held this year, and to hear suggestions on possible alternate venues for judicial training. Committee members also made inquiries of local and statewide organizations with which they were affiliated to explore alternate venues. The committee members concluded that its judicial training initiative must be an ongoing effort that will require many venues to accomplish. It is exploring numerous opportunities for this purpose, including judicial association annual conferences, ICLE trainings, Governor's Task Force on Children's Justice, and bench-bar conferences.

Committee members also consulted with experts at the National Council on Juvenile and Family Court Judges for ideas on judicial training topics and models, and a NCJFCJ representative attended a telephone meeting to advise the committee. Learning objectives for judicial training were developed:

“Judicial participants in training will gain greater knowledge and skills for handling any type of case where domestic violence may be a factor influencing fact-finding. As a result of the training, judges will be better able to:

- Identify various forms of violence by examining the context of violence.
- Evaluate impact of violence on adult victims and children who witness violence.
- Resolve difficult evidentiary issues and apply an understanding of domestic violence to judicial fact-finding.
- Define culture and cultural competence, enhance respect for the dynamics of difference, and identify ways in which culture is relevant in the courtroom.
- Recognize cultural misinformation and avoid assumptions about a person or facts of a situation based on misinformation.
- Identify and evaluate potential biases that might influence courtroom demeanor or interpretation of facts and making of decisions in all cases.
- Identify common decision-making points where understanding DV might affect how you make decisions and what you decide.
- Assess the impact of domestic violence on all cases.”

At McCarty's suggestion, a survey for judges was also developed, asking for their input on what they would like to know more about in their courtroom. The State Bar Executive Director will ask the SCAO office about administering an electronic version of the survey to all state court judges. In the meantime, the committee presented the training idea and introduced the survey to the Michigan District Judges Association Council, and asked that the group consider including a domestic violence session at its summer conference in Kalamazoo.

In addition, the committee asked the Michigan Indian Judicial Association president to administer the survey to those members, and that request is pending. It is possible that the SCAO fall training on the Indian Child Welfare Act will include a domestic violence component, and committee members are working toward that end.

Topics that may be used for trainings are new research, nature dynamics, vicarious trauma, and custody and visitation evaluations.

### **Public Policy Matters**

1. The committee took positions on House Bill 5324 (opposing mutual PPOs), 5598, (opposing laws on pet placement in divorce) and 5761 (opposing changes to no-fault divorce law.)
2. The committee replied to a Commentary in the State Bar Family Law Journal that called for the State Bar to do something about domestic violence in Michigan. The four-page response identified seven major initiatives undertaken by justice system and allied professionals in Michigan. It called for lawyers to see that education, access to justice, community coordination, and public policy adequately respond to domestic violence challenges. That response will be published in the May Family Law Journal.

### **Member Education**

As in past years, committee members shared numerous education pieces with each other through the committee email list. These included a National Judicial College domestic violence outline, journal articles on “When Women Use Force,” “Understanding the Complexities of Feminist Perspectives on Woman Abuse,” “A Specification of the types of Intimate Partner Violence Experienced by Women in the General Population,” “Domestic Violence at the Intersections of Race, Class, and Gender: Challenges and Contributions to Understanding Violence Against Marginalized Women in Diverse Communities,” and more. Committee members reviewed bench books for judges on domestic violence from at least four states. It distributed training information for the “Every Step of the Way: Safety for Children Living with Domestic Violence” April event co-sponsored by the State Court Administrative Office, Governor’s Task Force on Children’s Justice, and many others.

### **Future Goals and Activities:**

The committee intends to continue to look for venues for judicial trainings on the topic of domestic violence. It will attempt to submit articles on domestic violence for publication in the Family Law Section Journal. It will take positions on proposed legislation and will look for other policy opportunities to demonstrate that the unique challenges for the domestic violence survivor must be taken into account. It will continue to look for community collaboration opportunities, and for ways to enlist help from individual lawyers to represent domestic violence survivors. Members will continue to look to each other for education and professional development on the topic of domestic violence.

**Chair/Co-Chair Contact Information:**

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