

Meeting minutes
State Bar of Michigan
Domestic Violence Committee
Tuesday, April 1, 2008 4:30 pm

Present: Mary Lovik, Rebecca Shiemke, co-chairs; Candace Crowley, Elias Escobedo; Leslie Hagen, Mary Rubio, Lorna Beard, Hon. Kay Hansen, Elizabeth Eggert, Christine Pfeiffer

The committee was unable to approve the minutes from Jan. 26 and Feb. 23, 2008 due to a lack of a quorum.

1. Judicial and other training efforts.

Rebecca Shiemke updated the group on progress regarding judicial training. She reported that she attended a meeting of the District Judges Association on March 14 to offer a session on domestic violence at their upcoming meeting in Kalamazoo. She followed up with a thank you to Judge Milhouse and will await the members' responses.

The ICWA training for Oct. 6-7 is still in the planning stages and Candace Crowley noted that she is working with Carol Siemon on topics for this event related to domestic violence.

Candace also reported that the Indian Judicial Association has the survey we prepared and is willing to administer it to their members.

Judge Hansen reported that she followed up with the Oakland County Bar Association, whose family law task force is meeting April 21. She will bring up our offer of domestic violence training to this group and get its feedback. She will present it as an opportunity for pro bono family lawyers to learn about domestic violence issues. The Association's next meeting is in 2009, and may be a half-day event, which may not realistically be able to accommodate our topic, however.

Rebecca reported she would be contacting ICLE.

2. HB 5761

Mary Lovik excused herself from this portion of the discussion.

The members present reached a consensus that comment from the committee on this bill was Keller-permissible because it addresses the functioning of the court and access to legal services. Members reasoned that the litigation this bill will precipitate will cause docket congestion and new trial dockets where the "clear and convincing" standards of proof will have to be met. It will also create access to justice problems because survivors of domestic violence will not have the resources to present the evidence that must be

mustered under this bill. Some members expressed concern that people might separate without filing for divorce because the requirements of this bill are so onerous.

There was also discussion of whether the domestic violence committee needed to take a position in light of the fact that the family law section is already on record in opposition. Some members noted that they favored opposition to the bill so that the committee's position would not be inconsistent with the family law section's. Others noted that the committee has a mission that is different from the family law section in that it focuses on domestic violence specifically, and that silence on this bill would be inconsistent with the committee's mission as this bill would have a profound impact on survivors of domestic violence.

Rebecca will send out an email message with a proposal that the committee oppose this bill along with reasoning for such opposition, and a vote will be taken in that way.

3. Response to Family Law Journal Article on Domestic Violence:

Candace reported that the Bar Executive Committee approved a letter in response drafted by the co-chairs, and this will be sent in time to meet the Journal's 4/8/08 deadline.

The members discussed possible future articles to submit to the Journal, including:

- Interstate cases involving domestic violence, including federal domestic violence crimes
- Domestic violence in Indian Country
- Sexual assault and allegations of sexual assault against children in divorce cases
- Firearms

It was suggested that members come to the next meeting with further ideas. Also, members should look for items published already in other places that could be reprinted. Articles with criminal topics could also be published for that section of the State Bar.

Members discussed an initial article that would introduce the topic of domestic violence and its importance. Important themes are the contexts of intimate partner violence and the need for attorneys to understand how various components of the justice system response intersect. Mary and Rebecca are going to discuss how such an article might be prepared by May 8 for publication in June.

4. Annual Report

Candace will prepare a draft for the chairs' review.

5. New members

Next meeting the members will be polled to see who wishes to continue serving on this committee. There is no need for current members to submit a letter as announced in the March Bar Journal.

6. Next meeting May 6, 4:30 by phone.