

**State Bar of Michigan
Domestic Violence Committee
Teleconference 800.270.1153, Passcode 147769#**

Minutes

- I. Call to Order. November 8, 2008 at 9:53am.
- II. Welcome and Attendance. Present on the call were Hon. Katherine Hansen, Mary Rubio, Rebecca Shiemke, Gail Krieger, Mary Lovik, Elizabeth Eggert, Guerline Laurore, Leslie Hagen, and Amanda Chubb.
- III. Approval of the Minutes. As there was no quorum, those in attendance agreed to make a correction to the minutes and indicate therein that Amanda Chubb was present at the last meeting. The decision was made to send the minutes out to the committee for an electronic email vote for approval.

Co-Chair Report. Mary Lovik pointed out that there were three new bills regarding sexual assault that were introduced last week.

- A. HB 6602 (there is to be a companion bill introduced next week. This bill is to allow an avenue for providers of sexual assault forensic exams to be paid through the Crime Victim Services Fund.
 - B. Originally a HB, but now SB 1616 and SB 1618, this bill is to provide an additional funding source to compensate for some things for which STOP grant funds have limitations.
 - C. SB 1612 and SB 1613—this bill arose from an incident in Lincoln Park where a worker at an adult entertainment establishment died of an overdose she received while at the establishment. This bill proposes to charge a \$3 tax to customers.
- IV. Old Business.
 - A. Update on MJI Proposal and Status of Survey. The letter/proposal for MJI was sent out to MJI. The goal is to get the survey out and get a response back from the judges. Amanda Chubb will look into surveying the constituency. Speakers are being discussed and determined. The planning process will begin soon.
 - B. October Family Law Journal (FLJ) Article. October's Article was Heidi Naasko's and it was a success. Herb Tanner submitted Part I for November and Part II for December. Some comment that Judge Hansen may have an article ready by January. If we have articles done early, they can be submitted early and will be kept until needed.
 - V. New Business.

- A. Letter to Federal Bench/US Probation. *Leslie Hagen*. Leslie Hagen had some information regarding this. A letter did go out, however, the entire committee had not received the letter. Leslie requested this issue be tabled to the next meeting. On this topic, though, Leslie did indicate that state court judges generally have more training on the types of issues with which our committee is involved than those in the federal system. The federal courts are hearing these cases, particularly in Indian Country, but may not have the information they need to decide them with all available law and info. Leslie will look into when, where and who to contact regarding the Annual Bench/Bar Conference for the Federal System. The letter will be sent out to all committee members before the next meeting. ABA was mentioned regarding training as well as the State Justice Institute. Leslie said she would contact SJI.
- B. Law School for Legislators Event. *Lovik, Shiemke*. Elizabeth Lyon was interested in our committee assisting with this. It will be a 90 minute “class” for the legislators. This was a regular event in the past and they hope to resume it. Rebecca Shiemke and Mary Lovik drafted a program that was sent out to the committee. The program included two presenters—professor Dan Saunders at the University of Michigan School of Social Work and Lore Rogers, J.D., from the Michigan Domestic Violence Prevention & Treatment. The committee members in attendance on the call had no issues with either of these presenters and agreed they could be contacted regarding interest to present. The program was discussed at length. There were only a few comments regarding the program. Primarily the wording regarding the presumptions in the Child Custody portion and that the Divorce/Child Custody portion of the “class” should be emphasized over and above the other topics. The group also concluded all the topics and the information which accompanies the topics should be reduced to writing in a binder format as well as on an appropriate web site for the legislators and their progeny. Also discussed was the timing of the event. Three dates had been pre-selected, February 17, 25, and 24, but there was a question as to whether this portion of the overall “class” schedule for the legislators was too early. The group decided the dates selected were fine and that the earlier session would probably be the better choice. Amanda will speak with Elizabeth Lyon regarding the limitations, if any, on the written materials and the website. There was an additional suggestion that any book or list of materials include a list of organizations people can turn to for assistance with any of the areas discussed during the “class.”
- C. Follow-up to Oakland County Bar Association Training Inquiry. *Hansen*. Cooley Law Clinic and Oakland County Bar with Task Force Commission are interested in having a training for attorneys who work in divorce/custody. Cooley is offering a free site to host the training. They are anticipating 30 attorneys in attendance and if open to the law school an additional 30 attendees. The lawyers are those serving clients for the various programs who make up the Task Force. One of the primary topics they would like to have addressed in vicarious trauma for lawyers who work in this area. They are looking at ½ day including either breakfast or lunch.

The committee came up with a to-do list. Judge Hansen indicated she would be willing to be the point person on logistics—when, how much money, number of attendees. Elizabeth Eggert indicated she would be the point person for identifying the trainer(s) for the event. Chris Sullivan at MSU was suggested as a possibility for the vicarious trauma aspect of the training. The trainer(s) and Elizabeth would coordinate the content/agenda. It was suggested that someone on the committee should be present at the training. There were a few members of the committee interested in attending the event. Elizabeth and Judge Hansen agreed to be in contact with each other to move forward on this project and should report back to the committee at the next meeting. There was a question regarding funding, but some possible funding sources were identified and funding did not seem to be a problem. Some sources mentioned were the Task Force, the Oakland County Bar and SBM DV Committee. It was suggested that if it is okay with Oakland County Bar, Cooley Clinic and Task Force, the training should be open to other attorneys who work in this field. Also, it was suggested that if successful this is the type of training that can travel throughout the state. And, as Leslie so artfully added, it can be brought to the Federal Bar as well.

- D. Adaptation of National Consumer Law Center article for FLJ. *Hansen*. Judge Hansen will draft an adaptation of NCLC article for FLJ. Elizabeth Eggert agreed to review the article for Judge Hansen. A revised schedule of editors and submissions will be sent out.
- E. Discussion of Draft Legislation—Rebecca Shiemke agreed to draft the committee’s position on these three bills and send it out to the committee for approval/vote. The committee (not a quorum) agreed to support these bills.
 - 1. Substitute for House Bill 6281— would amend PPO statute to provide relief to sexual assault victims. The bill would permit a PPO where there is a conviction for sexual assault or where the petitioner subjected to, threatened with, or placed in reasonable apprehension of sexual assault. Reason for support: Provides relief for victims who wouldn’t otherwise qualify for a PPO where there is no domestic relationship, or 2 or more acts of unconsented contact.
 - 2. House Bill 4741— would amend the PPO statute to permit the court to prohibit respondent from harming animals owned by petitioner. Reason for support: Recognizes the connection between animal abuse and domestic violence; provides for additional protection for petitioners.
 - 3. House Bill 4742— would amend the criminal animal cruelty bill to make it a felony to kill, torture, etc an animal in connection with an act of domestic violence. Reason for support: Same as HB 4741. Note that this bill doesn’t provide a higher sentence for killing, torturing, etc an animal than a human, one concern raised by the group.

4. Keller permissible: The group agreed that all three bills are Keller permissible because they make more protections available to judges to provide to litigants and litigants have the ability to come to court and request greater protection.

VI. Good of the Order. No comments

VII. Next Meeting: December 13, 2008 at 2:00pm via teleconference (same conf. number)

VIII. Adjournment: 11:36am