

**State Bar of Michigan
Domestic Violence Committee
Nov. 30, 2009 Meeting Minutes**

Present: Mary Lovik, Rebecca Shiemke, Lorna Beard, Elizabeth Eggert, Leslie Hagen, Hon. Katherine Hansen, Gail Krieger, Ashley Lowe, Heidi Naasko, Christine Pfeiffer, Lore Pourzon, Janet Prater, Sarah Prout, Victoria Radke, Mary Rubio, Nancy Gallagher, Jeannine Laible, Sarah Mason, Amanda Chubb

Excused: Michael Brown, Hon. Richard Halloran, Cathy Church, Robert Coleman, Hon. Amy Krause, Lori Buiteweg

Rebecca Shiemke called the meeting to order.

The minutes from the October meeting were approved.

Old Business:

Family Law Journal update: The first of three articles by Lundy Bancroft appeared in November and the other two have been submitted for publication in December and January. Suggestions/Commitments for upcoming articles were:

- a. Sarah Prout will have her article on the best interest factors ready for editorial review by Dec. 24. It is due at the publisher Jan. 8, 2010.
- b. Kerene Moore from Rebecca's office will do an article on immigration rights for submission to the publisher by Feb. 8
- c. Gail Krieger will do an article on the use of batterer intervention services for submission to the publisher by March 8.
- d. Elizabeth Eggert will do an article on mutual protection orders for submission to the publisher by April 8.
- e. Jeannine Laible suggested an article what lawyers need to know about getting a qualified custody evaluator. Committee members suggested resources to provide her as she thinks about this topic.
- f. Mary Rubio suggested an article on the effect that the presence of a criminal case/PPO has on a concurrent family law case (or child welfare case). It was suggested that Mary do an outline and circulate to the committee, to see if she can find a partner on the committee.
- g. Nancy Gallagher suggested an article about representing clients affected by orders issued in multiple concurrent cases – how to best represent them, which take precedence. It was suggested that Mary do an outline and circulate to the committee, to see if she can find a partner on the committee.

New Business:

1. Proposed amendments to MCR 2.412: Confidentiality and disclosure of mediation communications – it affects current MCR 3.216, which is of most interest to the committee

- Victoria Radke reported that the bar has asked the Supreme Court for an extended deadline to respond to the proposed amendments.
 - Members discussed concern that the term used to describe the exception for reporting “elder abuse” should be closer to the terminology currently used in statute. Sarah Prout will research the statutory use of terms used in this exception and draft comments and a suggested revision by the end of the week for Amanda to circulate to the committee members.
2. Michigan Bar Journal Theme Issue in Oct. 2011: Members reviewed a draft proposal to submit to the Journal editorial committee. Victoria Radke moved to approve the proposal, Janet Prater seconded. The motion was approved to submit the proposal to the editorial committee. Amanda will send it to the editorial committee, which will meet in January.
 3. Sarah Buel training event: Rebecca reported on her contacts with Sarah Buel regarding a training event next March. Sarah is willing to make the presentation either March 15 or 17, 2010. She suggested a presentation on witness tampering, which focuses on offender accountability, illustrates why victims stay, and allows introduction of topic of compassionate representation.
 - Members agreed that March 15 was the preferred date to allow for weekend travel to attend the event if needed.
 - Ashley Lowe will check to see if Cooley Law School will donate the distance learning classrooms at all of its campuses for the event.
 - Members agreed that a ½ day session would be best.
 - Rebecca will confirm whether Sarah Buel will charge the committee an honorarium.
 - Mary Rubio offered to help to publicize the event in Wayne County. Ashley will publicize with law school populations.
 - Members agreed that a presentation on witness tampering would attract a large audience and allow for the introduction of many issues that are important in domestic violence cases. Mary Lovik suggested that Sarah address the implications of witness tampering for evidence-based prosecution in a post *Giles v California* environment.
 4. Pro Bono Training on DV in Domestic Relations cases: Rebecca reported that the Family Law Council has an anonymous donation to put toward pro bono training. The donor will purchase a book by Lundy Bancroft for all participants, who must pledge to read the book and take on pro bono cases. A subcommittee was formed to coordinate the Committee's participation in this effort with the Family Law Council.
 - Heidi Naasko offered her firm's offices as possible training site hosts, either via remote phone/video conference at the firm's different sites (similar to the arrangement with Cooley law school, discussed above), or by some other technology such as webcasting. Members agreed that this might encourage bigger firms to take these cases on. Heidi's firm (Dykema) could accommodate 40-50 participants in its Detroit office; offices in Lansing,

Bloomfield Hills, Grand Rapids and Ann Arbor could accommodate half that number each.

- A date of Oct. 2010 was suggested because it is DV awareness and Pro Bono Awareness month.
- Ashley Lowe, Sarah Prout, Heidi Naasko, Mary Lovi, Lori Pourzon, and Rebecca Shiemke will form a subcommittee for further discussion of this proposal in January.

Next meeting: Jan 6, 2010 at 3:30 pm.