

Family Law

Theme Issue Introduction

By *Harvey I. Hauer*

The economy has had an impact on the practice of law in Michigan. Trial court judges and practitioners can attest to this. Although some practitioners are thriving, many others are seeing fewer clients and looking at greater accounts receivable than they were before the economic tsunami hit our state. As a consequence of these conditions, practitioners who in prior years would not accept a family law engagement are now entering the arena. Our new colleagues should be mindful that family law has its land mines.

We are fortunate in Michigan to have the Institute of Continuing Legal Education, which has outstanding family law publications. ICLE also sponsors excellent family law seminars in conjunction with the State Bar of Michigan Family Law Section. These vehicles can be invaluable aids in navigating the land mines.

This month's *Bar Journal* contains four informative articles pertaining to family law. These articles should prove useful to those new to the practice of family law as well as those more seasoned.

The great majority of family law matters are resolved outside of the courtroom. The best way to ensure that your case will be resolved in trial, however, is to be unprepared. In "Successful Strategies for Litigation and Trial of Marital Property Disputes," James J. Harrington informs us that trial preparation begins not the day before trial, but rather at the initial meeting between the attorney and the client. His article discusses strategies one should employ when preparing for trial.

Since publication of the last family law issue in 2008, a significant opinion was rendered impacting child support agreements. *Holmes* and post-*Holmes* opinions are thoroughly analyzed and discussed in Jon T. Ferrier's article, "Child Support Agreements in the Wake of *Holmes*."

Many believe that in determining property settlement awards, the courts seek to achieve equality. Mark A. Snover and James D. Moriarty analyzed many appellate opinions in which the appellate courts upheld property settlement awards that were not necessarily congruent. They set forth their findings and conclusions in their article, "Equal is Not Necessarily Equitable When Distributing Marital Property."

Perhaps most of us are not familiar with or, for that matter, have ever heard of the Indian Child Welfare Act (ICWA) of 1978. Yet the Michigan Supreme Court is currently sponsoring training and education for state court judges, tribal representatives, attorneys, Department of Human Services workers, and court staff related to ICWA. Judge Timothy Connors and Professor Vivek Sankaran's article, "Crow Dog vs. Spotted Tail: Case Closed?" should enlighten you regarding some of what is occurring in both the classroom and the courtroom in this developing area of family law. ■



Harvey I. Hauer is the coordinator of this theme issue. Mr. Hauer exclusively practices family law. He is a Fellow of the American Academy of Matrimonial Lawyers and a former president of the organization's Michigan chapter. He also was a former chairperson of the Family Law Section of the State Bar of Michigan, the Family Law Committee of the Oakland County Bar Association, and the Michigan Supreme Court Domestic Relations Court Rules Committee.