

FAMILY LAW SECTION  
Respectfully submits the following position on:

\*

ADM File No. 2013-09

\*

The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

The State Bar of Michigan's position on this matter is to support the proposed amendment with the addition of "and separate maintenance" after "divorce" and before "that" in the proposed amendment.

The total membership of the Family Law Section is 2,486.

The position was adopted after a discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor of this position was 18. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of Section:**

Family Law Section

**Contact person:**

Mathew Kobliska, Chair of the Court Rules & Ethics Committee

**E-Mail/Phone:**

[mkobliska@dpkzlaw.com](mailto:mkobliska@dpkzlaw.com)

**Proposed Court Rule or Administrative Order Number:**

[ADM File No. 2013-09 - Proposed Amendment of MCR 3.216](#)

The proposed amendment of MCR 3.216 would clarify that distribution of property is subject to domestic relations mediation.

**Date position was adopted:**

May 3, 2014

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting

**Number of members in the decision-making body:**

21

**Number who voted in favor and opposed to the position:**

18 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote

**Position:**

Support and Amend by adding "and separate maintenance" after "divorce" and before "that" in the proposed amendment.

**Explanation of the position, including any recommended amendments:**

The Family Law Section Council supports the proposed amendment, with the suggested revision posted as a comment to the Michigan Supreme Court's website by mediator Sheldon Larky to add the phrase "and separate maintenance" to actions subject to domestic relations mediation. The issues involved in separate maintenance actions in most cases are the same as in divorce cases. Separate maintenance actions are routinely mediated in practice, and litigants should continue to benefit from this form of ADR.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

[http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Adopted/2013-09\\_2014-04-02\\_formatted%20order\\_proposed%203-216.pdf](http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Adopted/2013-09_2014-04-02_formatted%20order_proposed%203-216.pdf)