

2008-2009 FAMILY LAW SECTION ANNUAL REPORT

MISSION STATEMENT

The Family Law section of the State Bar of Michigan provides education, information and analysis about issues of concern through meetings, seminars, our website, public service programs, and publication of a newsletter. Membership in the Section is open to all members of the State Bar of Michigan. Statements made on behalf of the Section do not necessarily reflect the views of the State Bar of Michigan.

CURRENT COUNCIL MEMBERS

Chairperson:	Carlo J. Martina	1158 S. Main Street Plymouth, Mi 48170 734- 254- 1140 e-mail: carlo@martinalaw.com
Chairperson-Elect:	Barbara J. Kelly	Ann Arbor
Treasurer:	Amy Yu	Farmington Hills
Corresponding Secretary:	Connie R. Thacker	Grand Rapids
Recording Secretary:	Traci L. Rink	Pontiac
Term Expires 2009:	Anne L. Argiroff Judith A. O'Donnell Traci L. Rink Kristen L. Robinson Todd S. Selin Kent L. Weichmann Amy Yu	Farmington Hills Bingham Farms Pontiac Troy Lansing Ann Arbor Farmington Hills
Term Expires 2010:	Lorne B. Gold Jules Hanslovsky Hon. John T. Hammond James J. Harrington, III Barbara J. Kelly Donna E. Mobilia Erika Leuffen Salerno	Bloomfield Hills Okemos Saint Johns Novi Ann Arbor Grand Rapids Kalamazoo
Term Expires 2011:	Carol F. Breitmeyer Hon. Richard B. Halloran Philip B. Navarre Rebecca E. Shiemke Liisa R. Speaker Connie R. Thacker Robert C. Treat, Jr.	Detroit Detroit Jackson Ann Arbor Lansing Grand Rapids Woodhaven

GOALS

At the outset of this 2008/2009 year, Chair Carlo J. Martina had several goals.

- 1. Have council take an active stance on ethical issues, to help preserve the integrity of the practice and the public's perception of family law attorneys. There are several initiatives being pursued by Council's committee's towards those ends; one is in terms of dealing with inappropriate solicitation of clients, and the other, finding an ethical way to structure attorney client retainer contracts in light of the Grievance Administrator vs. Cooper decision.**
- 2. Given the budget surplus Council has had for the last several years, we should be doing something constructive with it. A committee has been formed that has arrived at a number of worthwhile projects beneficial to both our membership and the public we serve.**
- 3. Increase input from both our section membership, as well as from local bar associations, the courts and friend of the court. As the Council's monthly meetings moved about the state, invitations were sent out to Judges, Friend of the Court administrators, Referees, and local bar association leadership. Throughout the year, Council had both the benefit of input from these local representatives, while at the same time, establishing what hopes to be an ongoing dialogue with them.**
- 4. Finding an effective way to address chronic parenting time problems, as well as litigation related parental alienation. Committee work is underway, as discussed below, to begin to address both these problems.**
- 5. Increasing attendance at the Grand Rapids Council Meeting and shoring up Council's presence there. The first several Council meetings each year are typically held in the Novi, Ann Arbor, Lansing area, and then, when there is a 'west side of the state' attorney chairing the Council, one is held during the winter in Grand Rapids. Getting a quorum was often a problem. Although technically an 'east side' attorney, Carlo wanted to ensure that the west side of the state was not left out. Not only was significant publicity put out that the Council was coming to Grand Rapids for its March meeting and everyone was encouraged to attend, a bus was provided to pick up east side attorneys in Novi and Brighton, to drive them to and from the meeting. As a result, not only did council save money paying for a bus for the 15 people who took it (versus paying each a mileage stipend), we ended up having the best attended meeting in years. 17 of 21 council members attended, as did 26 local guests, 2 judges, several referees and 4 former Chairs of the Section. Coincidentally, it was learned that the Grand Rapids Family Law Bar had already been working on several projects that were also on Council's plate, so a collaboration was formed, which continues today.**

SECTION COMMITTEE ACTIVITY.

Adoption: Chaired by Lauran Howard and Co-Chaired by John Mills and Liisa speaker, this committee meets bi-monthly. It is in the process of developing a position on the court manual regarding the application for voluntary proceedings under the Indian Child Welfare Act, as well as docket management matters.

Alternative Dispute Resolution: Chaired by Ronald Bookholder and Kent Weichmann, the committee put on an ADR seminar at last years annual meeting. It has worked with ICLE to set a new course for ADR training and also maintained a dialogue with the Collaborative Practice Institute of Michigan.

Alternative Family: Chaired by Traci Rink and Connie Thacker, the committee has given council periodic progress reports on related issues.

Amicus: Chaired by Anne Argiroff, the committee evaluated a number of amicus requests, making recommendations to council as appropriate. It filed amicus briefs in 2 cases; **Grievance Administrator vs. Cooper**, where the Council's position was adopted by the Michigan Supreme Court and **Hunter vs. Hunter**, where it was not.

Continuing Legal Education/Institute of Continuing Legal Education: Chaired by Ronald Bookholder, this committee worked with ICLE to help organize and put on the most successful 2 day Family Law Institute yet. A collaboration between the Family Law Council and ICLE, 450 lawyers attended this sold out event last fall. The committee also worked on negotiating a new multi year contract between the Family Law Section and ICLE. The Family Law Certificate Program has continued to be popular and an effective way to provide a valuable education in Family Law.

Court Rules and Ethics : Chaired by James J. Harrington, III, and Co-Chaired by Amy Yu, the committee proposed and council adopted an asset-liability form, which is under consideration by the SCAO; proposed anti trolling Court Rule/Professional Rule of Conduct language, adopted by council, which is currently before the Representative Assembly; and is working on securing Supreme Court/SCAO approval of a uniform Ex Parte Restraining Order, as well as a generic template for attorneys to follow, so as to comply with the **Cooper** decision.

Domestic Violence: Chaired by Rebecca Shiemke and Co-Chaired by Donna Mobilia, the committee has been working on a PowerPoint presentation on the dynamics of domestic violence as well as discussing the feasibility for a state wide pro bono training seminar.

Family Court Forum : Chaired by Barbara Kelly, the Annual Family Court Forum, sponsored in part by the Family Law Council, and held this last June, had its biggest turn out so far, with 195 lawyers, judges, mental health professionals and Friend of the Court staff convening for an inter-disciplinary conference.

Family Law Journal: Chaired by Lorne Gold, and Co-Chaired by Antoinette Raheem, the Journal has continued under their leadership, to provide case summaries and timely articles on various areas of family law.

Family Support: Chaired by Carlo J. Martina and Co-Chaired by Kent Weichmann, the committee chairs continued to deliver lectures at ICLE seminars, local bar associations, as well as at the Judicial Institute, to better familiarize the bench and the bar with the many positive changes in the 2008 Michigan Child Support Formula Manual, which the committee was able to help secure, after 6 long years of effort.

Journal Advertising: Chaired by Neil Colman, this one man committee has done a great job increasing journal advertising, which helps add to Councils' income.

Legislation: Chaired by Kent Weichmann and Co-Chaired by Barbara Kelly, this hard-working committee dealt throughout the year with proposed and pending legislation and ensured that council was in a position to take an informed position on the varied issues that were pending before the Michigan Legislature. Too numerous to mention, the committees position on legislation can be found on the Family Law Section website with the State Bar of Michigan.

Membership/Roundtables: Chaired by Todd Selin, this committee has helped develop several regional roundtables; in Kalamazoo, the roundtable is hosted by Ross Stancati, in Kent County by Randy Velzen, in Lansing, by Todd, and in Oakland County, by Traci Rink and Amy Yu.

Midwinter/Midsummer Seminars: Two information-packed seminars are held, separate from our partnership with ICLE. The Midwinter Seminar has been successfully Chaired for years by Judith O'Donnell, who last year scheduled our seminar in Zihuatenejo, Mexico, and has us scheduled to go to St. Johns in the US Virgin Islands this coming January. Lorne Gold and Traci Rink Co-Chair the Midsummer Seminar. Last year they planned a sold out event at the Homestead. This year, they have us going to Traverse City at the Grand Traverse Resort.

Political Action: As Chair, Neil Colman has continued to rally voluntary contributions to this PAC, which council uses to provide modest support to political candidates who have helped further council's goals.

QDRO/Taxation: Chair Joe Cunningham and Co-Chair Robert Treat and their committee continue to provide pro bono preparation of QDRO's EDRO's and DRO's for legal aid clients, were instrumental in passage of legislation that exempted use of social security numbers in copies of the Orders of public record, and are working on updating training materials for legal aid attorneys.

AD HOC COMMITTEE ACTIVITY

Resource Allocation: Concerned that the Sections ample financial reserves were not being put to good use, Council Chairman Carlo J. Martina formed this committee to study uses for Council's surplus funds. Chair Barbara Kelly and Co-Chair Traci Rink and their committee came up with several suggestions, all of which were adopted by council: a Friend to Families award for a member of the legislature, a brochure to encourage State Bar members to join the Family Law Section and funding for regional member forums. At the last meeting in June, hiring someone to compile an index of the Family Law Section's Journal was added to the list.

Parenting Coordination: For several years there has been talk of a Parenting Coordinator Order being drafted that would conceivably get state-wide approval, but the idea was languishing. Chair Carlo J. Martina formed this committee, to be Co-Chaired by Richard Halloran and Kent Weichmann, to review materials from other states (including materials collected by the Grand Rapids Family Law Bar, who coincidentally had been working on the same idea), and work towards devising not only a uniform order, but also proposed legislation if necessary, to help implement this concept on a state-wide scale.

Parental Alienation: Formed and Chaired by Carlo J. Martina, many recognize that parent-child alienation can come to exist once a family law case has been initiated, but there has been disagreement on everything from defining the problem to finding a solution for it. This committee seeks to help define the problem, and develop a protocol for handling litigation-related alienation between a parent and their child. Many individuals who were working on the Parenting Coordinator Committee were interested in working on this committee as well. It was decided that this committee's work would not start in earnest, until the Parenting Coordinator Committee had gotten well enough along to ensure that it would be able to accomplish its goal. Additionally, if a sound Parenting Coordinator structure can be arrived at, it may be a useful, if not a crucial tool in addressing litigation-related parent-child alienation.

SPECIAL HONORS/LIFETIME ACHIEVEMENT AWARD

RONALD BOOKHOLDER was the 7th Chair of the Family Law Council. That was back during the 1986/1987 term. Over 20 years later, Ronald Bookholder continues to serve in a leadership role not only on Council, but in other civic and bar related organizations, such as serving as past chair of the AAML. For his continued extraordinary efforts, Ronald was unanimously chosen by the Executive Board of the Council to receive the **LIFETIME ACHIEVEMENT AWARD**. Congratulations Ron, you deserve it.