

**STATE BAR OF MICHIGAN
2013-2014 COMMITTEE ANNUAL REPORT**

Article VI §6, Bylaws of the State Bar of Michigan

No later than May 1 of each year, the chair of each committee and subentity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or subentity.

Committee Name: Standing Committee on Domestic Violence

Jurisdiction:

- Make recommendations concerning increasing attorney awareness of the problem of domestic violence.
- Advise on the encouragement of training of attorneys and judges on legal remedies and community resources concerning domestic violence.
- Help develop and distribute legal resources concerning domestic violence and victims' access to the legal process.
- Assist in the coordination of programs and activities concerning domestic violence in Michigan.

Chair(s) and Committee Members:

Officer	Name	Address	Telephone	Email
Chairs	P58021 Ashley E. Lowe	2630 Featherstone Rd. Auburn Hills, MI 48326-2814	248.335.0125 x 7720	lowea@cooley.edu
Staff Liaison	Robert Mathis Jennifer Williams	306 Townsend St Lansing, MI 48933-2012	517.346.6412 517.346.6421	rmathis@mail.michbar.org jwilliams@mail.michbar.org

Member/Advisor/Other	Member/Advisor/Other
P73812 Emily A. Calabrese	P45745 Kathleen M. Maine
P69517 Danielle J. Carter	P55269 Robert W. Mendham, Jr.
P64426 Darling A. Garcia	P72349 Elizabeth M. Petsche (Advisor)
P36171 Nancy E. Gallagher	P52485 Bruce E. Petrick
P25664 Hon. Richard B. Halloran	P66350 Eilisia G. Schwarz (Rep. Assembly)
P75461 Abigail Jennex	P37160 Rebecca E. Shiemke
P41113 Hon. Amy Ronayne Krause	P69165 Katherine K. Strickfaden
P57727 Jennifer V. Lamp	P74562 Veronica T. Thronson
P40362 Mary M. Lovik	

Committee Meeting Schedule:

Meeting Type	Date	Location
Publications Subcommittee Meeting	May 6, 2013	Teleconference
Public Policy Subcommittee Meeting	May 7, 2013	Teleconference
Committee Meeting	May 9, 2013	Teleconference

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Publications Subcommittee Meeting	June 3, 2013	Teleconference
Training Subcommittee Meeting	June 6, 2013	Teleconference
Public Policy Subcommittee Meeting	June 12, 2013	Teleconference
Publications Subcommittee Meeting	July 10, 2013	Teleconference
Committee Meeting	June 13, 2013	Teleconference
Training Subcommittee Meeting	July 2, 2013	Teleconference
Committee Meeting	July 11, 2013	Teleconference
Training Subcommittee	August 27, 2013	Teleconference
Committee Meeting	October 2, 2013	Teleconference
Public Policy Subcommittee Meeting	November 6, 2013	Teleconference
Publications Subcommittee Meeting	November 8, 2013	Teleconference
Committee Meeting	November 13, 2013	Teleconference
Training Subcommittee Meeting	December 4, 2013	Teleconference
Committee Meeting	December 11, 2013	Teleconference
Public Policy Subcommittee Meeting	January 3, 2013	Teleconference
Committee Meeting	January 8, 2013	Teleconference
Public Policy Subcommittee Meeting	January 13, 2013	Teleconference
Public Policy Subcommittee Meeting	February 7, 2013	Teleconference
Committee Meeting	February 14, 2013	Teleconference
Committee Meeting	March 14, 2013	Teleconference
Committee Meeting	March 14, 2013	Teleconference
Public Policy Subcommittee Meeting	April 9, 2013	Teleconference
Committee Meeting	April 11, 2013	Teleconference
Publications Subcommittee Meeting	April 17, 2013	Teleconference
Committee Meeting	May 16, 2013	Teleconference

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Resources provided by the State Bar of Michigan in support of committee work:

The State Bar of Michigan provides the Standing Committee on Domestic Violence with staff support and a modest budget to facilitate projects, trainings, and meetings.

Committee Activities:

The Domestic Violence Committee is a very active committee that seeks to explore areas in which change, education, training, and awareness can have a positive impact in reducing the incidents of domestic violence and increasing the safety of victims and their children as they proceed through the legal system.

The Domestic Violence Committee has created four subcommittees:

- **Training and System Education**
 - *Mission: Continue exploring and scheduling training opportunities; possibly develop training and education opportunities regarding understanding trauma of the victim and how that needs to be considered throughout the legal process.*
- **Public Policy**
 - *Mission: Address public policy items that are sent to DV for consideration.*
- **Publications**
 - *Mission: Oversee the Family Law Journal assignments, topics, and reminders, as well as explore other publication opportunities.*
- **Resource** (This subcommittee meets only as needed)
 - *Mission: Explore how to broaden the mission; to review how the criminal side of domestic violence intersects with the goals of the committee and attempt to have more involvement with those players (i.e., law enforcement, prosecutors, etc.).*

The subcommittees meet on a regular basis (depending on need) focusing on their specific targeted areas. A reporting time is set aside at each monthly meeting of the DV Committee for each subcommittee to provide a report to the full committee for discussion or vote.

Michigan Family Law Journal Articles

In response to a column in 2008 by the editor of the Family Law Journal calling for more action on preventing domestic violence, the committee contacted Norman Robbins and offered to coordinate a monthly “domestic violence column” in the Family Law Journal. As a result, beginning with the June/July 2008 edition, the committee has published a monthly article related to domestic violence and authored by committee members or guest experts in the field. The articles submitted for publication from May 1, 2013 to May 1, 2014 are as follows:

- May 2013 Issue – Long-term and Foreseeable Implications in Domestic Violence Matters
- August/September 2013 — Domestic Violence and Tax Law Implications
- October 2013 Issue– Domestic Violence Arrest Policies
- November 2103 Issue – Mail Order Brides
- December 2013 – Preparing for Court Proceedings w/Survivors of Domestic Violence: Tips for Civil Lawyers & Legal Aid Advocates
- February 2014 Issue – Domestic Violence Screening Tools for Consumer Lawyers
- March 2014 Issue – Review Recent Practice Book on Domestic Violence and Custody

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- April 2014 Issue – Batterer Intervention Standards
- May 2014 Issue – Custody Issues Involving the Hague Convention & Domestic Violence

Public Policy Matters:

Since the last annual report in May 2013, the DV Committee has taken a position to:

- **HB 4064 & HB 4414 (E-filing)** - The Committee voted to oppose this bill because they were concerned that there was no exception to the reasonable fee for low income parties. In addition, if fees apply to access to PPO cases, the provision will jeopardize the state's eligibility for millions of dollars in STOP grant funding. The following amendments were suggested: 1) no fee for enhanced access will be charged to low income litigants, which could be defined as litigants whose court fees have been waived or suspended pursuant to MCR 2.002, and 2) No fee for enhanced access will be charged to any party to a PPO case.
- **SB 325 (Uniformed Child Abduction Prevention Act)** – The Committee voted to support this bill as written.
- **HB 4583 (Probate Code and Child Protection Law)** – The Committee voted to oppose the bill due to concerns that if the presiding judge does not terminate parental rights, for whatever reason, there may be no recourse for the other party. The bill also raised res judicata issues, should the family want to subsequently go through family court to petition for the termination of parental rights. The Committee opposed the bills drafted but acknowledged the positive aspects of the bill.
- **HB 4584 (Grandparenting Time Statute)** – The Committee opposed the bill as drafted due to the bill being poorly written without guidance for the criminal court as well as possible administrative issues with parties having to rely on the criminal court to communicate with the family court.
- **SB 98 (Compensation of Individuals Wrongly Incarcerated)** – The Committee supported the bill as written.
- **HB 5082 (Parenting Coordinator)** – The Committee voted to oppose the bill as written but submitted suggestions due to the following concerns: 1) lack of adequate protection for parties while giving coordinators broad authority; 2) potential of batterers bullying victims into agreeing to a parenting coordinator when it may not be beneficial or safe for a victim of domestic violence; and 3) parenting coordinator's access to privileged and confidential information and the possible release of that information other parties.
- **HB 4913 (Strategic Limitation on SLAPP Law Suits)** – Similar to the 2009 bill, the Committee voted to support the bill as written.
- **ADM File No. 2013-04 Proposed Amendment of MCR 3.705 (Prohibit the Publication of Information on the Internet)** – The Committee voted to support the modification of the court rule.
- **SB 714 (Uniform Collaborative Law Act UCLA)** – The Committee took position to support the bill in concept but noted concerns: 1) no training in domestic violence screening or assessment required for collaborative lawyers; 2) Possible manipulation of domestic violence on part of batterer to needlessly extend the process leaving victim to find and pay for other representation in court; 3) lack of clarity re limitations on negotiation of safety of either party, i.e. if parties require provisions that limit contact in order to prevent violence, threats, or harassment, the collaborative process should be terminated immediately.
- **Proposed Amendments of Rule 3.210 (Default Cases)** – The Committee voted to oppose the Rule unless amended due to the concerns that offering a defaulted party more options is not beneficial in all cases, especially when the defaulted party is/was the abuser in a domestic violence relationship.

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Trainings Provided

- **Training – Pro Bono Family Law Training on October 25, 2013**

The committee conducted a pro bono training for attorneys who are new to the area of domestic violence family law. The training on October 25, 2013, coincided with October as Pro Bono Month. Subject matter included how to conduct the initial client interview with DV survivors, substantive legal issues, including custody, support, property division, and drafting safe orders, initial pleadings and service, and pre-trial and trial practice. In exchange for the free training, attorneys agreed to handle a domestic violence family law case, referred from their local legal aid organization, on a pro bono basis. Participants were given the option to attend the live version of the training at Cooley's Auburn Hills Campus. The training was also broadcast simultaneously to Cooley's other Michigan campuses. The training was free of charge for the 22 participants that committed to take a pro bono family law case from a legal aid office within the next year.

Future Goals and Activities:

- **Advocates Training**

The DV Committee is interested in providing a training that would include a variety of professionals that work with domestic violence issues such as legal service providers, counselors, shelters, etc. Plans are being finalized with HAVEN for a joint training that will focus on the impact of domestic violence on survivors for both new and experienced attorneys. The proposed live training will occur at Cooley's Auburn Hills campus, with simultaneous broadcast to Cooley's campuses in Ann Arbor, Grand Rapids, and Lansing.

- **Webinars**

The DV Committee is reviewing the feasibility of providing webinar(s) to Michigan attorneys handling domestic violence family law cases. Webinar topics may include Personal Protection Orders, Property Division Procedures (QDROs, retirement accounts, spousal support, etc), and others.

- **Trauma Informed Practice**

The DV Committee is working with ICLE to sponsor a training session on Trauma Informed Practice at the next ICLE Family Law Training.

- **Coordination with Legal Services Provider on Training Opportunities**

The DV Committee is interested in partnering with legal services providers across the state. The committee is planning a conference call for early May with the pro bono coordinators. The conference call will provide the LSP pro bono coordinators an opportunity to express to the DV Committee the types of trainings that are needed in their respective offices, such as pro bono attorney recruitment and training, staff attorney development, and other topics.