

**STATE BAR OF MICHIGAN  
2010-2011 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
Co-Chairs	Mary M. Lovik	235 S Grand Ave Ste 506 PO Box 30037 Lansing, MI 48909	(517) 241-7591	lovikm@michigan.gov
	Rebecca E. Shiemke	220 E. Huron, Ste 600A Ann Arbor, MI 48104	(734) 998-6100, ext 127	rshiemke@lsscm.org
Staff Liaison	Amanda E. Chubb	State Bar of Michigan	(517) 346-6396	achubb@mail.michbar.org
Commissioner Liaison	Donald E. McGinnis	Donald E. McGinnis Jr. PC 1721 Crooks Rd Ste 101 Troy, MI 48084	(248) 643-6002	dmcginnis@dmcginnis.com

Member/Advisor/Other	Member/Advisor/Other
P58735 Elizabeth Anne Eggert	P34737 Hon. Darnell Jackson
P57727 Jennifer Veronica Lamp	P41113 Hon. Amy Krause
P58783 Heidi A. Naasko	P67835 Gail L. Krieger
P59553 Delores D. Hall	P25890 Janet E. Prater
P69110 Jeannine Provencher Laible	P58869 Sarah R. Prout
P48502 Lorna T. Beard	P58021 Ashley E. Lowe
P64169 Michael C. Brown	P59396 Lori L. Pourzan
P44745 Cathy C. Church	P36171 Nancy E. Gallagher
P60973 Robert S. Coleman	P61522 Shayla Dawn Blankenship (RA)
P43245 Leslie A. Hagen	P64579 Amanda S. Paletz (advisor)
P69405 Sarah B. Mason	P70023 Michele Marie Giordano (advisor)

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**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

<b>Meeting Type, Description</b>	<b>Date</b>	<b>Location</b>
Subcommittee: Pro Bono Training	10/7/10	Teleconference
Subcommittee: Sexual Assault PPO	10/11/10	Teleconference
General Committee Meeting	10/21/10	Teleconference
Training: Introduction to Domestic Violence Family Law/Pro Bono	10/29/10	In person/Teleconference
General Committee Meeting	11/18/10	Teleconference
Subcommittee: Recap of Pro Bono Training	11/24/10	Teleconference
Subcommittee: Mediation/Conciliation Practices in FOC	1/5/11	Teleconference
General Committee Meeting	1/10/11	Teleconference
Subcommittees: Sexual Assault PPO Mediation Conciliation Practices in FOC	1/19/11	Teleconference
Subcommittees: Sexual Assault PPO <i>Michigan Bar Journal</i> theme issue	1/20/11	Teleconference
Subcommittee: Mediation Confidentiality Rule	2/1/11	Teleconference
Subcommittee: Mediation/Conciliation Practices in FOC	2/7/11	Teleconference
Subcommittee: Mandatory reporting brochure	2/10/11	Teleconference
General Committee Meeting	2/11/11	Teleconference

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General Committee Meeting	3/11/11	Teleconference
Subcommittee: <i>Michigan Bar Journal</i> theme issue	3/22/11	Teleconference
Subcommittee: Mediation/Conciliation Practices in FOC	3/30/11	In person; State Bar of Michigan building
General Committee Meeting	4/12/11	Teleconference
General Committee Meeting	5/10/11	Teleconference

**Resources provided by the State Bar of Michigan in support of committee work:** The State Bar provided the committee with a modest budget and a staff liaison. The Bar's Governmental Relations Director forwarded policy issues to the committee. A Commissioner liaison attended meetings and offered input and advice.

**Committee Activities:**

**Training - Pro Bono Family Law Training with the Family Law Council**

The committee collaborated with the Family Law Council on a pro bono training for attorneys who are new to the area of domestic violence family law. The training was held on Friday, October 29, 2010, coinciding with domestic violence awareness month and also 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 able to attend at the Dykema - Ann Arbor office or via webinar. The training was made possible with a generous donation from the LEAP Fund of Grand Rapids.

**New Court Forms - Personal Protection Order Against Sexual Assault**

The Committee convened a workgroup to examine the need for new court forms in light of the 2010 amendments to MCL 600.2950a, which provided for a new type of PPO for individuals who were sexually assaulted or threatened with sexual assault. The new law protects individuals who previously could not obtain a PPO because they either never shared an intimate partner relationship as required to obtain relief under the domestic relationship PPO statute, or could not demonstrate that the respondent had engaged in two or more unconsented contacts that would constitute stalking under Michigan's criminal stalking statutes.

The workgroup drafted four new forms and also proposed that the SCAO adopt amendments to several existing personal protection forms. The workgroup was also able to review and offer comments on the proposed instructions for the new forms. The Michigan Court Forms Committee accepted the Domestic Violence Committee's proposal at their March 2011 meeting. Consequently, the SCAO will begin distribution of these forms in the fall of 2011.

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**Mediation and Conciliation Practices in Friend of the Court**

The Committee convened a workgroup to examine and potentially address issues with conciliation, mediation and other alternative dispute resolution methods occurring in the Friend of the Court in cases involving domestic violence. The workgroup met with the president of the Friend of the Court Association (FOCA) and a representative of SCAO. Representatives from the Committee will give presentations on the issue at several FOCA summer trainings and at their fall conference. On May 6, Rebecca Shiemke will make a presentation on domestic violence screening to the Kent County Circuit Court, which recently received a federal grant to provide additional services in child support cases, including new cases and older cases in arrears.

***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 as of May 1, 2011 for the 2010-2011 bar year are:

- Stalking update: legislative initiatives, tips and resources
- Mediation and domestic violence
- Domestic violence in later life
- SB 185 – lease termination statute
- Substance abuse and domestic violence
- Fathering after violence – programs for boys and men
- Full faith and credit for personal protection orders
- Collateral consequences for survivors with convictions
- Review of *Domestic Violence, Abuse, and Child Custody: Legal Strategies and Policy Issues*, Edited by Mo Therese Hannah, Ph.D. and Barry Goldstein, J.D.

**Theme Issue of the *Michigan Bar Journal***

The Committee was awarded a theme issue of the *Michigan Bar Journal* to be published in September 2011 on Domestic Violence Awareness. Articles include:

- Legal advocacy techniques to promote safety and accountability in cases involving domestic violence
- Economic justice issues (tort relief, division of marital estate)
- Emerging evidentiary issues in civil cases (divorce/custody and PPO) related to communications technology
- Several short features on domestic violence initiatives throughout the state
  - A description of a “Solution Oriented Domestic Violence Court” that has recently received grant funding and is being developed in the 3d Circuit Court in Detroit
  - A description of Family Advocacy Centers
  - Specialized dockets developed for domestic violence misdemeanor cases in the 55<sup>th</sup> District Court, Mason
  - Supervised visitation services offered by the Livingston County Safe Havens program
  - Services offered by domestic violence advocacy agencies throughout the state
- Domestic violence remedies in other states - custody presumptions, friendly parent, lease releases, unemployment benefits

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- A double-sided, tear out resource sheet containing domestic violence resources for attorneys and survivors of domestic violence

**SBM Health Care Law Section Brochure**

The Committee made extensive suggestions for revisions to the SBM Health Care Law Section brochure on mandatory medical reporting in Michigan.

**Public Policy Matters**

Since the last annual report in May 2010, the DV Committee has taken a position to:

- support HB 6010, which would amend the Freedom of Information Act to permit a public body to exempt from disclosure law enforcement investigating records that reveal specified identifying information in cases of child abuse, criminal sexual conduct, sexual assault or molestation against a minor.
- oppose HB 6530, which would create a statewide public database of personal protection orders;
- recommend amendments to ADM 2010-30, proposed new MCR 2.412 and the proposed amendments of MCR 2.403, 2.411, and 3.216 that would consolidate provisions related to mediation confidentiality into one rule and would expand the current exceptions to mediation confidentiality;
- support ADM 2010-17, that would amend MCR 3.707 to provide that a respondent may file a motion to modify or terminate an ex parte PPO within 14 days of service;
- support ADM 2011-04, that would amend MCR 3.911 and 3.915 to expand the time a respondent in a child protection proceeding may request a jury trial to 21 days before trial and require a court to appoint an attorney at any hearing in the proceeding.

The Committee also submitted a recommendation to the State Court Administrative Office concerning a court rule change to MCR 3.705(B)(2) to allow enough time for a respondent to file an offer of proof in light of non-domestic sexual assault PPO actions created by recent amendments to MCL 600.2950a. The amendment was given immediate effect on February 1, 2011 via ADM 2010-36.

**Member Education**

Committee members shared various resources, training opportunities and legal updates related to domestic violence over the course of the year with other committee members. Information was shared at meetings or between meetings by email.

**Future Goals and Activities:**

The Committee aims to continue monthly article contributions to the *Michigan Family Law Journal*. The special issue of the *Michigan Bar Journal* will be completed by the coming bar year. The mediation and conciliation in Friend of the Court project will likely be a focus of the Committee in the upcoming bar year. The Committee will continue providing comment on applicable public policy matters, and will continue to look for opportunities to collaborate with others on training events.