

## Family Law Section October meeting

October 10, 2009

Meeting was called to order by Section Chair Pamela Waggoner.

May and September minutes were approved.

### *Report of the Chair:*

- Hennepin county has released a Request for Proposals for a public defender contract. This information was provided by email recently to Section members. Don Enockson said he has such a contract, and is happy to speak with anyone about it. (Request for Proposals due Noon, Thursday, October 22, 2009.)

- Four people responded to the scholarship offer to attend the Minnesota Chapter of AAML's Divorce Camp. Pamela has a draft of the rules with proposed modifications that resulted from Divorce Camp. It is not the last version, though. She is writing to obtain a copy of the final version, and will circulate this when she gets it.

### *Treasurer's Report:*

-Ryan submitted written reports for July and August, and announced that the Section is about \$2,000 ahead of where we were at this time last year, in collection of dues.

### *Amicus Committee:*

- Michael Dittberner reported that the Section has no new cases for which amicus briefs are requested: however, there are three pending appeals which may be of interest to Section members. (NOTE: *Mary Lauhead provided the following description: Lee v. Lee, which was orally argued to the Supreme Court in December, 2008; Rucker v. Schmidt, accepted for review by the Supreme Court earlier this month, which addressed the issue of a divorce attorney's privity with his client who settled on a Pieringer release on the ex-wife's claim of fraud upon the court; Hemmingsen, a divided Court of Appeals decision, accepted for review earlier this month by the Supreme Court, addresses whether a maintenance obligor can appropriately retire at "normal or customary retirement age", in this case at age 65, with a "colorable claim of bad faith" raised by the obligee.)*

### *Domestic Abuse Committee:*

- Loretta Frederick announced that the Committee has decided to structure its meetings as follows: the first 30 minutes will be devoted to routine business, the remainder of the meeting to major projects.
  
- The Committee is working on appropriate ways to respond to inappropriate terminology used by the media in referring to DV in the news, eg, a long-term battering

situation described as a "domestic spat." This should include connecting with other organizations. In some states, there are usage manuals that journalists can use as a reference.

- Mary Lauhead mentioned that there is an upcoming AAML conference in Chicago, which includes a 2-hour training on dealing with the media.

*Publications:*

- Linda Wold reminded members of the November 1st deadline for the "Pesky Problems" issue of the *Family Law Forum*. Also, there will be a description of the Section's committees and what they do.

*Legislative Committee:*

- Glen Norton announced that the Legislative Committee met Thursday, reviewed several items:

Uniform Collaborative Law Act: Committee recommends support. Section endorsed Committee recommendation 11 favor 3 opposed 7 abstention.

SF 563 Uniform Child Witness Testimony: Committee recommends opposition, Section endorsed Committee recommendation opposing the bill, 15 favor, 3 opposed, 2 abstentions.

Uniform Child Abduction Act: committee recommends strongly oppose, Section endorsed Committee position opposing the bill, unopposed with two abstentions.

ARTs Legislation: MSBA already included these measures in its legislative agenda last year. No action needed because Section remains in support.

*Strategic Planning:*

- Tami Peterson announced that this Committee will hold a 1/2 day meeting, either in December or February. Will announce at November Section meeting.

*New Business:*

- Appropriation request of \$2,000 for Mock Trial/Civic Education: Passed w/2 opposed.

- Chair asked for members interested in participating in a Rules Committee, passed around Sign-up sheet. Follow-up by e-mail will occur.

- Proposed changes to Rules 304 and 309 of the Minnesota Rules of Family Court Procedure are in comment period now, until November 9, 2009. Information is available at [MNCourts.gov](http://MNCourts.gov).

- The Section congratulates James Street who was chosen to receive the Dawn Carlson award from the Minnesota Legal Services Coalition.

- Meeting adjourned at 10:35 a.m.