

**Family Law Section**  
Saturday, February 20, 2010

Meeting was called to order by Section Chair, Pamela Waggoner.

In addition to the members attending in person, there were members attending by Satellite from Duluth, Mankato, Northfield, and Owatonna.

***Report of the Chair:***

- In connection with the Family Law Institute, to be held March 23-24, the Section is asking attendees and others to support Second Harvest, a program that provides food for needy individuals and families in 59 counties in Minnesota and Wisconsin. Information about the organization is at [www.2harvest.org](http://www.2harvest.org). The goal of \$5,000 can be reached and surpassed if each member contributes \$10 at [www.2harvest.org/goto/2010familylawinstitute](http://www.2harvest.org/goto/2010familylawinstitute).

- The MSBA and the Minnesota Association of Black Lawyers (MABL), in collaboration with the MSBA Bar Foundation, have established the "MSBA/MABL Haiti Earthquake Relief Fund," and MSBA Sections, as well as individual members, are encouraged to donate to this fund, which will be sent to the American Refugee Committee for its work in Haiti. Motion was made and seconded that the Section should donate \$750 to this fund. Motion was amended to send \$375 to the Haiti Earthquake Relief Fund and \$375 to the Cheyenne River Sioux Tribe in South Dakota, in light of the hardships caused by the recent floods there. Motion passed as amended.

- The proposed revisions to the Bylaws have been distributed, and are available on the Family Law Section page of the MSBA website ([www.mnbar.org](http://www.mnbar.org)). A vote will be taken at the March meeting. Revisions to the Bylaws are not final until approved by the MSBA Assembly.

***Secretary's Report:***

- Minutes for the December 2009 and the January 2010 meetings were approved.

***Treasurer's Report:*** Ryan Anderson

- The report was submitted and approved.

***Amicus Committee:***

- No report.

***Domestic Abuse Committee:*** Ellen Abbott

- The Committee will meet after the Section meeting today, and continues to work on a screening tool for domestic violence.

***Strategic Planning:*** Tami Peterson

- The Nominations Committee has proposed its Slate of Officers for next year. The Committee recommends that the current Chair (Pamela Waggoner), Chair-Elect (Steven Snyder), Secretary (Margaret Erickson) and Treasurer (Ryan Anderson) all remain in their same offices for next year. All have agreed to do so. Karen Kugler is nominated as the Vice Chair for Publications and Bruce Kennedy is nominated as the Committee Vice Chair for legislation. The committee also nominates three new Outstate Members for the Section Council: Laura Weintraub from Duluth, Brad Frago from Northfield, and Sara Runchey from Marshall. The election will take place at the May Section meeting, which will be the Annual Meeting of the Section if the revised Bylaws are adopted.

***Publications:*** Linda Wold

- Linda was not able to attend, but Pamela announced that the next issue of the *Family Law Forum* will address tax issues that intersect with family law. Deadline for submissions is April 1. The final issue this year will focus on changing gender roles in parenting. That deadline will be May 1.

***Legislation:***

- Discussion of Senate File 2382, which would require parties to a dissolution with children to complete an online "Children in the Middle" class before filing their dissolution pleadings. The bill would allow a party to file an affidavit certifying why a parent could not complete the class, e.g., inability to read/speak the language, no access to program, or other emergency. There was extensive discussion of this proposal, comments included: difficulties faced by low-income people who might not have access to the class; "race to the courthouse" issues when the two parties live in different places and each wants to bring the case in a different jurisdiction; also, confusion about whether completing the class is a "pre-filing" or "pre-service" requirement. Motion to oppose this bill passed on a voice vote. There was a motion to refer the measure back to the Section Legislative Committee to examine possible "fixes". It was pointed out that the Legislative Committee does not require a vote by the Section to take up an issue. Any member can ask the Committee to address any legislative issue. It was further suggested that if a vote is taken on this motion, members should abstain - to make clear that the Section is not attempting to prohibit the Legislative Committee from further work on this proposal. Motion passed, with 10 ayes, 2 nays, and 19 abstentions.

- Discussion of Senate File 2383, which would fund a "Couples on the Brink" research project, examining ways to encourage divorcing couples to reconcile, using funds from the \$5 surcharge on marriage license fees. A motion was made to oppose this proposal as now written, and ask the legislative committee to consider other ways to use these funds for the benefit of families. Passed on a voice vote, with four abstentions.

- Discussion of Senate File 2362, terminating spousal maintenance when the recipient lives with a "nonrelated person of the opposite sex" for six months or longer; Section voted to oppose this legislation.

- Subcommittee report re: proposed changes to Rules 1.5 and 1.15 of the Minnesota Rules of Professional Conduct (with regard to nonrefundable retainer fees). Barb Gislason reported that the Committee would prefer to have had more time to look at the impact these rule changes would have, especially in a situation where a client files for bankruptcy. It is apparently unclear what effect a bankruptcy would have under the new

rules. Motion was made to oppose the rule change at this time. Motion was discussed. Opponents of the motion stated that the Section should not oppose what is fundamentally a consumer protection measure. Motion failed, with 11 ayes, 12 nays, and 20 abstentions.

The Business Meeting adjourned.