

Family Law Section
September 10, 2011

Besides the members attending in person, several people participated by telephone from satellite locations in Northfield and Esko. Linda Wold, chair of the Publications committee, joined by phone as well.

The meeting was called to order by new Section Chair Steve Snyder, who asks all section members for their assistance and support.

Jennifer Carter is our new staff liason. She has been working for MSBA for six weeks.

All members in attendance introduced themselves.

Secretary's Report: Margaret Erickson

Minutes of the May meeting were approved with one correction: reference to "April and May" should read "March and April."

Report of the Chair: Steve Snyder

The Section Council met over the summer. Discussed an Amicus matter; this will be presented by the Amicus committee later in this meeting.

The Section received a request for funding; the Council recommended this be deferred as the strategic planning committee will be looking at the Section's finances generally.

The strategic planning process this year will begin by looking at strategic plans from years past and going forward with unfinished business from those plans. Finance will be a major focus this year. The Strategic Planning committee includes all the members of the Section Council, plus any other section members who want to join.

Treasurer's Report: Ryan Anderson

Treasurer's report has been provided; underlying documentation is available to members on request.

The Section's ordinary expenses are about equal to its income, but when the Section votes to make an additional appropriation, the money comes out of Section reserves, which have been steadily reduced as a result.

Assembly Representative: Pamela Waggoner

As past chair, Pamela is the Section's representative to the MSBA Assembly, and attended the first meeting September 9th.

The Assembly, with 128 members, is the board of directors for the MSBA. The current MSBA president, Brent Routman, is very interested in looking at the MSBA's current governance structure.

All Assembly members are asked to join one of the five Assembly committees. The committees are: Elections and Appointments, Governance, General Policy, Operations, and Legislative.

Pamela requested assignment to the Legislative committee, which reviews and recommends MSBA positions on pending legislation. Pamela and several others were initially denied appointment to this committee because committee membership was limited to twenty people. While one bylaw said "up to forty" members could serve on each Assembly committee, a separate bylaw limited the legislative committee to half that number. Pamela discussed this problem with the MSBA President and was successful in getting this policy changed, so all the Assembly committees can now have up to forty members. Pamela and the other affected Assembly members were then appointed to the MSBA Legislative Committee.

A new policy governing the legislative process was adopted by the Assembly. Pamela succeeded in getting the policy amended to clarify the fact that MSBA sections are permitted to take section-only positions on legislative matters.

Amicus Committee: Mary Lauhead and Michael Dittberner

The Section was requested to weigh in as *Amicus Curiae* for *In re the Minor Child: C. D. G. D. (Givens v. Darst)*, which addresses the visitation rights of a grandparent. The committee analyzed the case and recommended that the Section not become involved with this case. Subsequently, the Supreme Court denied review.

Note that *Schmidt v Coons* and *Rohmiller v. Hart* have been accepted by the Supreme Court for review. The Section discussed an Amicus request for *Schmidt v Coons* last spring and decided not to participate. (This is a case in which the Petitioner was granted an Order for Protection on behalf of a child who was present during incidents of domestic violence against the child's mother.) There has been no request in *Rohmiller v. Hart*, and the committee is not recommending any action at this time. (This is a case where an aunt, the sister of a child's deceased mother, sought and was granted visitation with the child.)

Even though the Section is not involved in these cases now, the Section does traditionally prepare an Amicus brief in cases where the Minnesota Supreme Court requests it.

The committee also wants to call attention to *Continental Retail LLC v County of Hennepin*, an appeal from the decision of a tax court, which highlights the limits of appellate review when a party fails to bring a post-trial motion before bringing the case to an appellate court.

Domestic Abuse Committee: Ellen Abbott

Loretta Frederick, who has been chairing this committee for several years, has stepped down as chair. Ellen will be chairing this year. The committee meets right after each month's section meeting and CLE, and continues to refine a screening tool to help attorneys and other professionals determine whether there is domestic violence affecting our clients.

Strategic Planning: Karen Kugler

Will meet by phone September 13. The committee wants to focus on financial planning for the section; *i.e.*, how can we increase revenue and/or reduce costs?

Will look at previous years' strategic plans with the aim of carrying out some of the past goals which were not achieved at the time.

Note that there have been some past plans which were implemented successfully. Attendance at Section meetings, participation by Greater Minnesota members and new members have all been targeted by past strategic plans with positive results.

Publications: Linda Wold

Linda joined the meeting by telephone.

Tiffany Wolter is working on the next edition of the *Family Law Forum*, which is about collection issues (child support, fees, etc.). There is still room for more articles if they can be submitted soon.

The *Forum* will now be distributed primarily in electronic format. Section members have been given the option of receiving a paper copy of the upcoming issue; of 900+ section members, only 40 have made that request.

Linda announced with great regret that, for health reasons, she is resigning her position as Publications chair.

A motion, to commend and thank Linda for her years of devoted and high-quality work for the Section, was made and seconded, and passed unanimously.

Legislation: Bruce Kennedy

The section held its discussions through a “Google group” last year, and plans to continue doing this. Participation in the committee has gone up. In recent years the in-person legislative committee meetings were not well-attended.

It is likely that legislation requiring a joint-custody presumption will be introduced again in the upcoming session. Section members are encouraged to share real-life examples of how such a presumption might affect their clients.

In that vein, Michael Dittberner mentioned that the AAML’s “Divorce Camp” later this month will discuss joint custody in depth. The Chief Justice, the Minnesota State Demographer, and several legislators will be there.

Section members who wish to be included in the legislative committee’s Google discussions can send an email to Ryan Anderson: ryan@lubovlaw.com.

AAML Liason: Ryan Anderson, will be attend AAML (American Academy of Matrimonial Lawyers) meetings every other month on behalf of the Section.

Business meeting adjourned

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