

**MSBA Family Law Section Meeting Minutes
November 8, 2008**

Approved December 13, 2008.

The meeting was brought to order at 9:32 A.M.

1. Welcome and Introductions - 21 people attended.
2. Approval of October 11, 2008 minutes as amended - Motion to Approve, Second, Passed.
3. Report of the Chair – Tami Peterson

See Committee Reports

4. Treasurer's Report – Ryan Anderson

The “Financial Activity Report For the Three Months Ending September 30, 2008” was distributed. The Section Budget is on track. Detailed budget documents are available upon request. Contact Ryan at: ryan@lubovlaw.com

5. Committee Reports

- a. Amicus: No report.
- b. Domestic Abuse: Ellen Abbott

The Committee is developing a 6-hour domestic violence training for early neutral evaluators. The Committee is also preparing a written statement to be submitted to the Study Group re: a presumption in favor of joint physical custody. The Committee will meet after today's Section meeting. Lunch is provided for those who RSVP.

- c. Strategic Planning: Tami Peterson for Cheryl Prince

The first meeting for 2008-2009 will be in December. Notice will be posted on the website. Members are encouraged to participate. For more information, contact Cheryl Prince: cmp@Hanftlaw.com

- d. Publications: Linda Wold

The fall 2008 Family Law Forum on “Children in the System” has gone to press and will be mailed to members in December. Minnesota county law libraries and law schools will receive one free copy. The topic of the first 2009 issue is “Benefits.” Eleven (11) articles covering the nexus between family law and public assistance, military benefits, subsidized housing, and a variety of other benefits are being drafted. Additional proposals for articles are still being accepted. Contact Linda at: lwold@usfamily.net

Project Homeless Connect will take place on December 8 at the Minneapolis Convention Center. Legal services in several areas, including family law, will be provided by volunteer attorneys. Training will be provided at Faegre & Benson on 12/2. Judge Bruce Peterson will be available to sign IFP's and other Orders as indicated. For more information, contact Jodi Boaterman: (612) 766-8601.

Proposal to Post Information Re: Project Homeless Connect On the Section Website: Linda proposed that the MSBA disseminate information regarding this project to increase awareness and participation by the family law bar.

MOTION: To approve the proposal to post a notice regarding Project Homeless Connect on the Section website.

SECOND

PASSED

e. Legislation – Glen Norton

The Committee met on 11/6/08 to review the Section's proposals for the 2008-2009 legislative session.

1. Proposals for the 2008-2009 Legislative Session: The Section's legislative proposals for 2008-2009 have been sent to the MSBA General Assembly for review/approval. The summary list of proposals is as follows:
 - Assisted Reproductive Technology (ARTS)
 - Amend Rule 308.01 of the General Rules of Practice re: service of the Judgment and Decree
 - Revive former legislation (SF 2067) that eliminates requirement that parties' signatures on the MTA must be notarized
 - Amend 518A such that maintenance is calculated before child support
 - Amend Chapters 518 and 549 to require equal enforcement of maintenance and child support orders
 - Amend 518A to provide judicial discretion to reduce a support obligation for up to 90 days before service and filing of a motion to modify support
2. Proposal to Amend 518 and 518A to Re-Insert Definition of Spousal Maintenance: At the Section meeting on 10/11/08, this proposal was sent back to the Legislative Committee for further discussion. At the 11/6/08 meeting, the Legislative Committee tabled the proposal to allow time for further discussion with the author, who was unable to attend.
3. MSBA Legislative Priorities for 2008-2009: Securing and maintaining adequate funding for Minnesota's Justice System (\$54 million), and opposing the sales tax on legal services will be the primary focus of the MSBA in 2008-

2009. This agenda will take precedent over Section proposals. Members are encouraged to visit: www.1000supporters.org

6. New Business

a. Barbara Runchey attended the ABA Conference on behalf of the Section, and will report at the Section's meeting in December.

b. Task Force on Presumption of Joint Physical Custody: Pamela Waggoner

The Task Force met on 10/27/08, to hear presentations by the AAML– MN Chapter; Mindy Mitnick, Child Psychologist, Uptown Mental Health Center; Jodi Metcalf, Manager/Magistrate, Child Support Unit, Minnesota Court System, and Melissa Froehle, Minnesota Fathers and Families Network. The Task Force also heard public testimony from 14 individuals and organizations, including Section Chair Tami Peterson. Written comments will be accepted until November 14. The Section will also submit a written statement, and Section members are encouraged to submit written comments as well.

The Task Force meets monthly. Meetings are open to the public. The next meeting is 11/24/08, 1:30 P.M., at the Minnesota Justice Center, Room 230. Members are encouraged to attend. The Task Force report is due 1/15/09.

The Section opposes a presumption in favor of joint physical custody. For more information, contact Pamela: pjwaggoner@pjwaggonerlaw.com

c. ADR Section: Ellen Abbott announced that the ADR Section will introduce the revised Uniform Arbitration Act and a proposal re: student practice rules at the 2008-2009 legislative session. For more information, contact Ellen: ellen.abbott@mnadr.com

MOTION to adjourn
SECOND
PASSED

Meeting adjourned at 10:15 A.M.

The next meeting is Saturday, December 13, 2008, 9:30 A.M., at the MSBA.

Respectfully submitted,

Kathleen M. Murphy