

**MSBA Family Law Section Meeting Minutes
December 13, 2008**

Approved January 10, 2009.

The meeting was brought to order at 9:40 A.M.

1. Welcome and Introductions - 26 people attended.
2. Approval of November 8, 2008 minutes as amended - Motion to Approve, Second, Passed.
3. Report of the Chair – Tami Peterson

See Committee Reports

4. Treasurer's Report – Tami Peterson for Ryan Anderson

The “Financial Activity Report For the Four Months Ending October 31, 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: Michael Dittberner and Mary Lauhead

The Supreme Court heard oral arguments re: *Peterka v. Dennis* on 12/9/08. The streaming video is available at: <http://www.tpt.org/courts/>. The issue relates to quasi-judicial immunity of court-appointed officials.

- b. Domestic Abuse: Loretta Frederick

The Committee will have articles ready for publication in 2009 for Domestic Violence Awareness Month. The Committee meets after the Section meeting. Lunch is provided for those who RSVP.

- c. Strategic Planning: Cheryl Prince

The Committee met this morning to work on implementing the 4 goals: promote leadership; increase membership and participation; promote collaboration, and respond to future trends. If interested in joining, contact Cheryl Prince: cmp@Hanftlaw.com

- d. Publications: Linda Wold

The fall 2008 Family Law Forum on “Children in the System” was distributed in December. The next issue is on “Benefits,” scheduled for release in March 2009. The Committee will meet 12/18/08 to plan subsequent issues. Suggestions for topics should be submitted to Linda Wold. Contact Linda at: lwold@usfamily.net

- e. Legislation – Glen Norton

The Committee did not meet in December. The Section’s proposals were presented to the MSBA Legislative Committee on 11/24/08, along with proposals from the Business Law, Real Property, and Probate and Trust Sections. The Assembly took the following action re: the Section’s proposals:

1. Elimination of the Notary Requirement for MTA's: Referred back to the Section for further study and vetting by outside stakeholders, including the Minnesota District Judges Association.
2. Equal Enforcement of Spousal Maintenance and Child Support Orders: Referred back to the Section for further study and vetting by DHS and the County Attorneys Association.
3. Assisted Reproductive Technology (ARTS): Previously approved, so no further action.
4. Calculating Spousal Maintenance After Child Support: Previously approved, so no further action.
5. Proposed Amendment to 518A.39, Subd. 2(e) – Relief From Child Support Orders: Held back by the Section's Legislative Committee for further study and comment by DHS, due to potential negative impact relating to Minnesota's eligibility for Federal block grant funds.

Glen re-iterated to the MSBA Legislative Committee: 1) the Section's support for adequate funding for the Court system; 2) the Section's opposition to a tax on legal services, and 3) the Section's opposition to a presumption of joint physical custody, which is presently being studied by the Joint Physical Custody Study Group appointed by the Supreme Court. The Section's position is that the current statutory analysis should continue to be applied to each case.

6. New Business

- a. Barbara Runchey reported on the ABA Conference in Arizona, which she attended on behalf of the Section. Topics such as increasing and retention of membership; fee schedules; communication/collaboration, and mentoring were addressed at the national level and from state association perspectives. Ideas from the conference may be discussed further by the Strategic Planning Committee.

- b. Joint Physical Custody Study Group: Pamela Waggoner

The last meeting is 12/15/08, at 1:30 p.m. A draft report is being circulated. The final report is due to the legislature 1/15/09. Study Group consensus regarding recommendations is not expected. Members are reviewing research and commentary materials, and anticipate the need for further study specific to Minnesota law, rather than anecdotal information, before an informed decision can be made re: a presumption of joint physical custody.

The Section opposes a presumption in favor of joint physical custody, and supports the current statutory analysis on a case-by-case basis. For more information, contact Pamela: pjwaggoner@pjwaggonerlaw.com

MOTION to adjourn. SECOND. PASSED.

Meeting adjourned at 10:35 A.M.

The next meeting is Saturday, January 10, 2009, 9:30 A.M., at the MSBA.

Respectfully submitted,

Kathleen M. Murphy