



# RAMBLIN' On...

## REFEREES ASSOCIATION OF MICHIGAN

Since 1984

### PRESIDENT'S MESSAGE

Kjærlighet, liebe, liefde, amour, amor, amore—no matter how you say it, love is arguably the strongest of all human emotions. It can inspire us to greatness or cast us into the depths of despair. Those of us who referee in the domestic relations arena can attest to the strength of emotion that is displayed for public consumption when love “goes bad”. Occasionally, I am called upon to preside over *pro cons* on Valentine’s Day. On this day designed to revere romance, I often wonder whether those in front of me are able to recollect happier holidays as I listen to their testimony declaring that “the bonds of matrimony have been destroyed and there remains no likelihood that the marriage can be preserved.” But, I digress from my purpose, which is to share with you what I discovered when I began to delve into the history of Valentine’s Day.

In addition to the United States, Canada, Mexico, the United Kingdom, France and Australia have all set aside February 14 as a special day each year to honor those we love. The origin of St. Valentine’s Day is largely a mystery. Some believe that the date commemorates St. Valentine’s death or burial. However, the Catholic Church recognizes at least three different saints named Valentine, all of whom were martyred—so the question becomes, which one inspired the holiday?

My favorite explanation (and one that has some basis in the history of other holidays) is that the Church

chose February 14 as an attempt to “christianize” the Roman pagan fertility festival “Lupercalia” which was celebrated at this time of the year. The morning of the festival, Roman priests would sacrifice a goat at the sacred cave where the infant Romulus and Remus were cared for by a wolf. The young men of the city would then slice the goat’s hide into strips, dip them in blood and then begin wandering the streets, gently slapping young women with the goathide. The Roman women welcomed this practice because they believed it would make them more fertile in the coming year. Later that day, all the unattached young women in the city would put their names into a urn. Then the single young men would each choose a name from the urn. Each young man was then paired for a year with his chosen woman. Many of these pairings resulted in marriage. This lottery of love was eventually outlawed and St. Valentine’s Day provided the alternative. Could it be that this particular Roman festival became the inspiration for the television shows, “The Bachelor” and “The Bachelorette”?

During my research on this subject, I also uncovered a rather shocking statistic. According to the Greeting Card Association, 85% of the one billion valentines exchanged each year are purchased by women. Come On guys! Hmmmm...maybe a gentle slap with a bloody goatskin wouldn’t be so bad after all? Have a Happy Valentine’s Day, however you choose to celebrate it!

~ Deborah L. McNabb

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# PRANCING IN LANSING

**H**appy New Year! Although by the time this appears, Happy Groundhog, Sts. Valentine and Patrick Days may also be appropriate. Recent activity in the Capital bears review. First, the State Bar's Standing Committee on Professional and Judicial Ethics has released three opinions of interest to Referees, on December 15, 2003.

In JI-127, the Committee opines that "A Friend of the Court (sic) Referee may not serve as an expert witness." According to the text, the inquirer asked if *full time* FOC referees may serve as expert witnesses in matters to which they are not assigned. The opinion does not indicate whether it applies only to full time Referees, as the questioner asked, and this is in many jurisdictions a distinction fraught with meaning, as will be seen below.

In JI-128, the Committee opines that "A full time employed circuit court attorney referee may not act in the dual capacity of referee and at other times as advocate of the Friend of the Court in contested matters." This opinion makes it clear that it applies to full time Referees.

However, in JI-129, the Committee opines that "Lawyer/referees who perform public agency functions in addition to their referee functions must measure the propriety of their conduct against the ethical considerations that are applicable to both adjudicative officers and lawyers serving as a public officer or employee. "A part-time FOC (sic) Referee may not ethically participate personally and substantially in an extrajudicial role that is inconsistent with his or her judicial role." "A lawyer may communicate with the opposite party provided MRPC 4.2 and 4.3 are complied with."

Thus, JI-129 appears to leave open the possibility of a lawyer being employed by the Circuit Court or the FOC office acting part-time as a lawyer, and part-time as a Referee, as long as all relevant ethical strictures are observed.

JI-128 and JI-129 cite JI-126 as a reference, while JI-127 does not. Perhaps that is why JI-127 ignores the distinction, inherent in the question, between part-time and full-time Referees. In JI-126, the Committee had opined that in certain circumstances an attorney with a private

practice may work as a part-time Referee, and it followed a line of opinions starting with one dealing with a part-time Probate Judge, who practices law in addition to judging. JI-129 takes us into new territory, where the lawyer/Referee in question is an *employee* of the Circuit or its FOC office, and does not maintain an outside private practice.

The interesting question now becomes, may the part-Referee, part-lawyer employee of JI-129 ethically practice law outside of the Court/FOC for compensation, like those non-employee attorneys of JI-126? If so, Referees around the State may soon be hanging out their shingles for weekend and evening practices (assuming we don't all get enough of this at the office, already!) Take a look at JI-45, on accepting referral fees (prohibited to full-time Referees) and wonder with me whether part-time Referees might still testify as expert witnesses, without offense to JI-127.

Interesting though it is to speculate on the reach of these four opinions, speculation is all that it is, at this point. As always, PLEASE read the opinions, including JI-126, for yourself when you have some quiet time to absorb them. They are available at the State Bar's convenient website <http://www.michbar.org>, under the Opinions section, and in the event you cannot find them there, please contact me, and I will get copies to you. I have a feeling these opinions will be one of the topics of discussion at the next Board meeting of RAM on February 12, and you are always all welcome to attend if you have an interest in discussing these, or any other issues.

The second emanation from Lansing that I'd like you to know about is the recent revision of the Michigan Child Support Formula Manual by our Michigan Supreme Court, and the message the Court sent to the Governor and Legislature concerning future revisions.

(Continued on page 4)

As to the revisions, the Supreme Court is "persuaded that, pursuant to MCL 552.519(3)(a)(vi), the Friend of the Court Bureau should adopt the proposed substantive revisions that are related to (1) determining medical support and health care coverage obligations, (2) setting child support before determining spousal support, and (3) deviating from the formula." These recommendations were published last year, subject to public hearings and comment, and have been reported on widely. Anyone who does not have them should obtain them from the Bureau. They become effective October 1, 2004, and SCAO is to publish the revised manual, according to the Order entered by the Court on December 23, 2003, as soon as is practicable.

Of interest also is the letter Chief Justice Corrigan sent to the Governor and the leaders of both houses of the Michigan legislature on the same date, suggesting that the Court and FOC Bureau be relieved of the duty to revise the Formula from time to time, since "the judicial branch is not well suited to the task..." The Chief Justice and her colleagues have concluded that since the kinds of considerations that go into the making and revision of the Child Support Formula involve policy choices, such revision is best left to the policy-making branches, and not the judiciary. Both the Order and the Chief Justice's letter are available on the Court's website <http://courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#otheractions>, and if you cannot locate them, again, please contact me.

With the Supreme Court recognizing it has been assigned a duty more properly performed by other branches of government, might it be too much to hope that the Supremes will reflect on whether the Friend of the Court is in fact in the wrong branch of our Michigan Government? Other than Referees, who belong in the Revised Judicature Act, with the rest of the Judges, in my opinion, the Friend of the Court is not a judicial agency. Its functions are administrative (Executive Branch) in nature. The FOC advocates, enforces and investigates, and provides the alternative (non-judicial) dispute resolution mechanism of mediation. It does not deliberate and decide, as the Judiciary does. As Referees do. Rather than being the creature of the Court, it appears to belong more closely to the other kinds of agencies that come before the Court in Family Law cases: the Prosecutors, FIA workers and now, the Attorney General – all Executive Department agencies.

On the other hand, at least part of the ethical

murk concerning Referees on the domestic relations side has resulted, I think, from their shotgun marriage to the Friend of the Court: an agency which not only employs them, in some jurisdictions, but also comes to them and asks them to make a decision they recommend. This is a system loaded with the appearance of impropriety, at least. Has not the time come to recognize Referees for what they are: members of the Judiciary similar to District Court Magistrates, and not functionaries of the Friend of the Court agency?

If the Supremes are in the mood for law reform (as they appear to be, in the *DeRose* case last year, and in this instance), maybe they are prepared to consider asking the Legislature to reorganize domestic relations Family Law along the lines I have suggested. Dare we hope? What do you think?

Finally, SB 485 was recently enacted, changing the statutory rate of surcharge on past due child and spousal support obligations (MCL 552.603(a) ) from 8% annually to the same rate provided by MCL 600.6013 for money judgments: 1% plus the average interest rate paid at auctions of 5-year United States treasury notes during the 6 months preceding July 1 and January 1, as certified by the state treasurer. This is the same number you see in the *Michigan Bar Journal*, and it changes, obviously, every 6 months.

The first time the change will be seen, I believe, is in surcharges assessed in July, 2004, since the Act takes effect tomorrow (as I write) on January 15, 2004. Even more significantly, perhaps, "The amount of the surcharge shall not compound." This law is a reform that has been long sought, and should be particularly welcomed by Friends of the Court who are penalized for inability to collect, effectively, bad debts, ever-mounting judgments not subject to retroactive modification. At the same time, the law change continues to recognize the need to compensate the recipient of support for the lost time-value of the arrearages by setting the rate the same as any other money judgment. Earlier proposals to allow the Circuit Court the discretion to cancel arrearages under certain circumstances have not yet made it into law, but they may be revived.

Well, that is just about enough prancing for this issue. Keep the deafening silence coming!

~Referee Jon T. Ferrier  
17th Judicial Circuit , Kent County

# WAR STORIES

## *A Concentration Camp in Southwest Michigan?*

I was scheduled to appear before Judge Schma, acting as attorney for the Friend of the Court, at a bench warrant hearing for Mr. Smith. The bench warrant was issued for failure to pay child support and failure to appear before the referee at a show cause hearing. Before the bench warrant hearing I met with Mr. Smith in the holding cell so I could report to Judge Schma regarding Mr. Smith's present status. I asked my standard first question: "Are you employed?" He responded " Yes, I work at the concentration camp in Paw Paw." He gave me a number to call to verify his employment. I gulped. I was pretty sure there wasn't a concentration camp in Paw Paw, but I called the number anyway. The guys on the line have a different name for where they work, but the number was the Welches' grape processing plant; they make concentrated grape juice. And yes they verified employment.

**~Marie A. Johnson**  
**Family Division Referee**  
**Kalamazoo County**



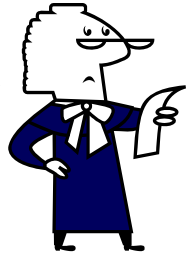
If you have a war story to share, please e-mail it to

[deborah.mcnabb@kentcounty.org](mailto:deborah.mcnabb@kentcounty.org)

## *Objection, Your Honor!*

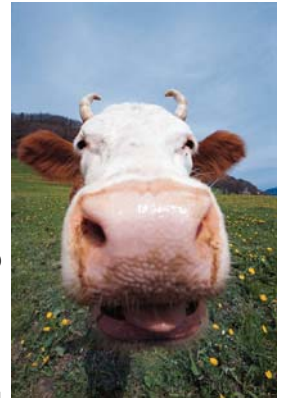
This happened when I was still a private practitioner in juvenile court. During a delinquency bench trial I put my client, the defendant, on the witness stand. My client was doing a great job explaining how he couldn't possibly have committed the offense and what a great kid he was. Apparently the prosecutor thought he was doing too good of a job because he stood up and objected. "Objection your Honor, the witness is giving self-serving testimony!" The judge looked at the prosecutor, looked at me and then said, doing her best Groucho Marx impression, "Well, I certainly hope so. Overruled."

**~Bob Carbeck**  
**Juvenile Court Referee**  
**Washtenaw County**



## *Too Much Information !*

I don't know why, but when I hold "Prosecutor hearings" it's never a dull moment. It was a family support action case and the only issue that I was to decide was child support. The father had been placed under oath and had been briefly testifying when the assistant prosecutor began to inquire as to employment history. The father, a young man in his early twenties, was currently unemployed. The assistant prosecutor inquired as to any past employment. "Well," began the father, "I was employed at the dairy farm until this past summer." "And, why did you leave the dairy farm?" inquired the prosecutor. "I was mounted by a cow," replied the young father. He then proceeded to explain in great detail how the event occurred. It was more than I wanted to hear, and since I don't want to milk the story any further, I'll just leave it at that. And, that's no bull...



**~Nancy L. Thane**  
**Referee Magistrate**  
**Tuscola County**

# CONFERENCE CORNER

Get away to beautiful Mackinac Island in

May 2004! SAVE THE DATES, DO NOT SCHEDULE HEARINGS, AND SET ASIDE A LITTLE SPENDING MONEY to enjoy our spectacular three-day training seminar!

Our featured speakers will be **Chief Justice Maura Corrigan** from the Michigan Supreme Court, **Frank Vandervort** - Program Manager of the Michigan Child Welfare Law Resource Center at the University of Michigan Law School and **Dr. Phillip Stahl** from the National Council of Juvenile and Family Court Judges. The Chief Justice and Mr. Vandervort

will be our guests at dinner on Wednesday night.

Finally, pull out the indoor putting equipment and practice up – Art Spears is counting on a great turn-out for the 2nd Annual Phil Ingraham Memorial Golf Scramble on May 20<sup>th</sup>! No golf experience required (or need be admitted to); in fact, that might turn out to be an advantage!

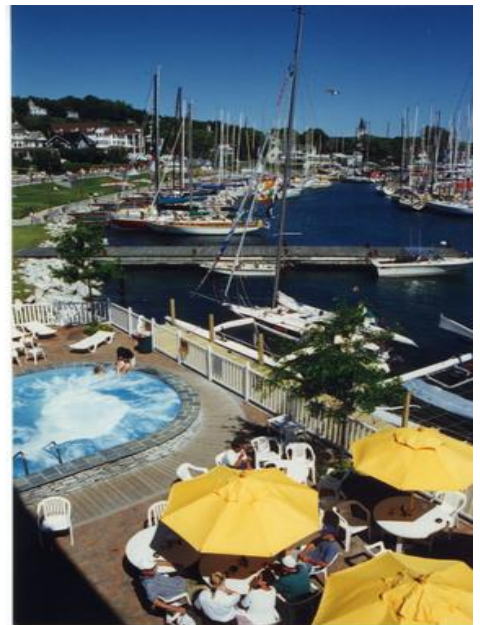
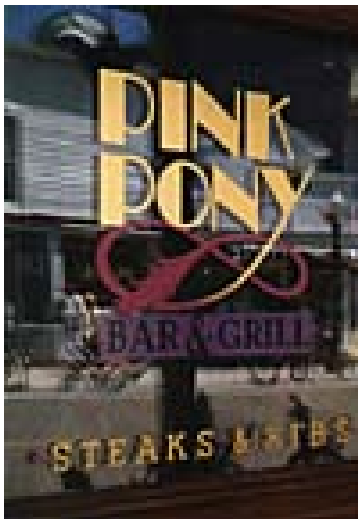
Come join your referee colleagues for an inspirational, educational, and entertaining get-away on Mackinac Island – see you there!

Check out [www.chippewahotel.com](http://www.chippewahotel.com) and [www.lilactree.com](http://www.lilactree.com)

**Register Now!**

**Join us for RAM's 20th Anniversary Celebration/Annual Conference at the historic CHIPPEWA HOTEL on MACKINAC ISLAND**

**Wednesday May 18– Friday May 21**





# RAM 20<sup>th</sup> Anniversary Conference Schedule

## Tuesday, May 18, 2004

Overnight if needed at Days Inn, Gaylord (\$49.00 rate)

## Wednesday, May 19, 2004

Early arrival	Carriage tour if so inclined (\$14.75 adult/\$7.50 child)
11:30 or 12:30	Depart from Mackinaw City or from St. Ignace via Arnold Ferry
12:15 or 1:15	Arrive at the Chippewa Hotel (\$95.51/night) , deposit luggage Early check-in if available; guaranteed room check-in by 3 pm Complementary box of fudge in each room
12:00 to 1:45	<b>Registration</b> at the Chippewa Hotel lobby Conference packets distributed to RAM members Scavenger hunt begins (if we have at least 15-20 kids coming)
2:00 to 5:00	<b>Frank Vandervort, Program Manager of the Michigan Child Welfare Law Resource Center at the University of Michigan Law School</b> Lilac Tree conference room
5:00 to 7:00	Rest, refresh, revitalize at the Hospitality Suite facing the harbor
7:00 to 8:30	Group dinner at the Chippewa Hotel Harborview Dining Room Buffet (carved prime rib/fresh whitefish/chicken salta bucca with salad served tableside, fresh vegetables, garlic mashed potatoes, dessert such as a key lime pie)
After 8:30	Hospitality suite, Pink Pony, hot tub, strolling/shopping

## Thursday, May 20, 2004

8:00	Breakfast on your own
9:00 to 10:15	<b>Roundtable Discussion—Issues for the Chief Justice</b>
10:00ish	Fort tour for significant others/kids (\$7.75 adult/\$4.50 child)
10:30 to 11:30	<b>Chief Justice Maura Corrigan, Michigan Supreme Court</b> Lilac Tree Conference Room
11:30 to 1:00	Lunch on your own Complimentary magic show at the Chippewa for kids
1:15	Announcements at the Lilac Tree conference room
1:30 to 3:00	<b>Dr. Philip Stahl, National Council of Juvenile and Family Court Judges, “Techniques for Effectively Interviewing Children”</b> Lilac Tree Conference Room
3:30 to 6:00	<b>Roundtable Discussion</b> Putt-Putt at Mission Point for kids (\$3.00) Bike rides (\$7.00/hour for mountain bike rental) Scavenger Hunt continues
6:00	Complimentary hay ride provided by the Chippewa Hotel
After 6:00	Dinner on your own
8:00 pm	Scavenger Hunt ends with brief program at the Hospitality Suite
After 8:00	Pink Pony with live entertainment, hospitality suite, shopping/strolling

## Friday, May 21, 2004

9:00 to 10:00	<b>Breakfast Board Meeting at the Chippewa Harbor View</b>
10:00 to 10:30	Check-out
10:00ish	Butterfly House tour for significant others/kids
10:30 to 12 noon	<b>Dr. Philip Stahl, National Council of Juvenile and Family Court Judges</b> Lilac Tree Conference Room
12 noon	Conference concludes

*\*\*\*\*Special room rates will continue for the weekend following the conference\*\*\*\**

# *R.A.M. 2004 Spring Training Conference*

## *Registration Form*

Please detach or copy and return THIS form with your CHECK MADE PAYABLE TO R.A.M. to:

Referee David T. Elias, Macomb County Circuit Court, 40 North Main, Mt. Clemens, MI 48043-8606

**DO NOT SEND THIS FORM TO THE HOTEL!**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Court & County: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

**CONFERENCE FEE:** Please **circle** the chosen option(s)/fees below for the amount you enclose  
with this form.

**Members :** \$100 (includes registration, materials, group dinner, and group breakfast)

After April 15th- \$125

**Non-members:** \$125 (includes membership, registration, materials, group dinner, and group breakfast)

After April 15th - \$150

**Per diem rate:** (excludes meals) for: \_\_\_\_\_ Wednesday \_\_\_\_\_ Thursday \_\_\_\_\_ Friday

Members - \$50/day after April 15th - \$60/day ; Non-members - \$60/day after April 15th - \$70/day

**Guest Meals :** Wednesday Guest group dinner(s) - \$30 each

Friday Guest group breakfast(s) - \$15 each

Registration fee enclosed: \_\_\_\_\_

Guest meal(s): \_\_\_\_\_

**TOTAL ENCLOSED:** \_\_\_\_\_



**REFEREES' ASSOCIATION OF MICHIGAN**  
**20th Anniversary Spring Training Conference**  
**May 19 - May 21, 2004**

Thank you for choosing the Chippewa Hotel for the Referees' Association of Michigan Convention on Mackinac Island. To confirm your reservation with us, we are asking that you please fill out this form and return it to us.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Day Time Phone Number: \_\_\_\_\_

Number of Persons staying in room: \_\_\_\_\_ Adults \_\_\_\_\_ Children

Number of nights you will be staying: \_\_\_\_\_

Arrival Date: \_\_\_\_\_ Departure Date: \_\_\_\_\_

\_\_\_\_ Main Street Room (standard room overlooking Main Street - 2 adults only) \$85.00

\_\_\_\_ Harbor View Suite (all suites overlook the Marina) \$135.00

The above rates are priced per day. They are based on double and single occupancy. There is no charge for children 17 years and younger. **Extra adults or roll-a-ways will be charged \$20.00 each per night.**

To confirm your room, we require a deposit equal to one night of your stay, which will be applied to your final night's stay. We accept Visa, Master Card, Discover, American Express, personal checks or money orders.

Credit Card Number: \_\_\_\_\_ Expiration date: \_\_\_\_\_

Name on Card: \_\_\_\_\_

Signature: \_\_\_\_\_

**Cancellation Policy:**

Your deposit will be refunded if you cancel or make any changes **at least 14 days prior** to your arrival.

Please mail to: Or fax to:

The Chippewa Hotel (906) 847-6416

P.O. Box 250

Mackinac Island, MI 49757

**\*\*PLEASE DO NOT CALL YOUR RESERVATION IN OVER THE PHONE.\*\***

We confirm rooms on a first-come/first-serve basis, so please send this reservation form back as soon as possible. Thank you for choosing the Chippewa Hotel Waterfront on Mackinac Island.

**Reservations must be made by April 15, 2004**

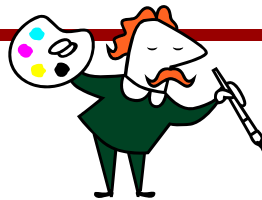


## Join Our New and Improved Listserv!

We are pleased to announce the creation of a RAM Listserv. Its purpose is to provide a confidential forum for our members to discuss issues relevant to Michigan referees. This listserv is private and limited to member referees. It is secure from the eyes of non-referees (except, of course, the IT department of your County!). Only those persons who are current members of RAM and who have been approved by the list moderator may participate in the listserv. I encourage you to take advantage of this valuable new resource today! Recently, the chatter has included a lively discourse about recently issued judicial ethics opinions JI-127, 128, and 129. Join the listserv now and participate in the discussion of how these opinions may affect our jobs. Just send an email to [deborah.mcnabb@kentcounty.org](mailto:deborah.mcnabb@kentcounty.org) for instructions on how to join!

## Logo

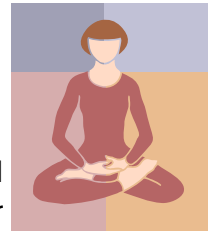
## Contest!



The RAM logo needs an *extreme make-over* for the new millennium! Are you up to the challenge?

Design and submit your idea for a new RAM logo to [deborah.mcnabb@kentcounty.org](mailto:deborah.mcnabb@kentcounty.org) by **February 29**. A prize for the winning submission will be awarded at this year's annual conference on Mackinac Island, so don't delay!

## Calling All Referees!



Would you be willing to lead an early morning yoga or mildly exertional class each day at this year's Conference? Members have expressed interest in having this available at the Conference, but we need a volunteer to lead the class.

If this opportunity is calling your name, contact Jean Dohanyos at [dohanyosj@co.oakland.mi.us](mailto:dohanyosj@co.oakland.mi.us) or 248-858-0037



Judah Garber receiving Honorary Lifetime Membership from RAM President McNabb



Jon Ferrier, Zaira Maio and Dave Elias enjoying the Holiday Board Meeting



**ATTENTION!!! YOUR 2004 RAM DUES ARE DUE  
BY MARCH 1st !**

***Send your \$25.00 payment today!***

**(Please print and mail dues statement on page 13 of this issue of *RAMblin' On*)**

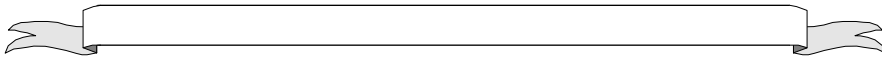
## **ANY BRIGHT IDEAS?**



The Administration of Justice Grants Program of the Michigan State Bar Foundation prioritizes funding of innovative projects that educate Michigan children and adults about their legal rights and responsibilities, the American justice system, and opportunities for conflict and dispute resolution. From time to time, the Foundation also may consider or seek out projects of extraordinary merit in other subject areas related to improvements in the administration of justice. Information regarding the amounts and types of recent grants may be found at [www.msbf.org/grants/aoj](http://www.msbf.org/grants/aoj). The remaining application due dates for 2004 are May 14 and August 6.

If you have any ideas for projects that RAM could undertake that might be eligible for this grant, please contact Deb McNabb at

[deborah.mcnabb@kentcounty.org](mailto:deborah.mcnabb@kentcounty.org) or (616) 632-5144.



# MEMBER NOTES



## Special Congratulations to:



**Lynn Ruhlman** from Wayne County on the birth of twins, Anna & Bridget!

**Kristi (Bertram) Drake** from Lenawee County on her recent marriage!

## SHARE YOUR TRIUMPHS!

Please e-mail personal and professional announcements to:

[deborah.mcnabb@kentcounty.org](mailto:deborah.mcnabb@kentcounty.org)

**Welcome to Our Newest Members!**

- Denise Clack, Saginaw County
- Allen Schlossberg, Eaton County
- Kelly Flint, Jackson County
- Rosanne Hostnik, Wayne County
- Gerald Gibbs, Muskegon County



### Past Presidents of the Referees Association of Michigan

Wayne Kristal, Jon Ferrier, Ronald Foon, Marie Johnson, Hon. Linda Hallmark, Wendlyn Machnik, Karen Liwienski, Vincent Welicka, Philip Ingraham, Zaira Maio, Mark D. Sherbow

# SEND IN YOUR MEMBERSHIP RENEWAL TODAY!



## REFEREES ASSOCIATION OF MICHIGAN

### Dues Statement and Membership Application

Mail your check for **\$25.00** payable to ***Referees Association of Michigan*** to:

David T. Elias  
Macomb County Friend of the Court  
40 N. Main Street  
Mt. Clemens, MI 48043-5661

\*\*\* Dues are due and payable annually on March 1 \*\*\*

RENEWAL \_\_\_\_\_ NEW \_\_\_\_\_

NAME \_\_\_\_\_

TITLE \_\_\_\_\_

COURT \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

E-MAIL \_\_\_\_\_

I AM A \_\_\_\_\_ DOMESTIC RELATIONS REFEREE \_\_\_\_\_ JUVENILE REFEREE  
\_\_\_\_\_ BOTH DOMESTIC RELATIONS & JUVENILE

I AM ALSO A \_\_\_\_\_ FOC STAFF ATTORNEY \_\_\_\_\_ FOC \_\_\_\_\_ DEPUTY FOC

\_\_\_\_\_ OTHER (please specify)

**Agenda for February 12, 2004**  
**Board Meeting**  
**State Bar Building, Lansing**



- I. Minutes**
- II. Correspondence - Randall**
- III. Financial**
  - A. Treasurers Report—Elias
- IV. Standing Committee Reports**
  - A. Annual Conference Committee – Dohanyos, Sherbow, Spears
  - B. Membership Committee—Randall, Oemke
  - C. Law and Court Rule Revision and Advancement Committee – Sherbow
  - D. Legislative Committee – Ferrier
- V. Special Committee Reports**
  - A. By-laws Committee—Randall
  - B. Technology Committee—Jacokes
  - C. Scholarship Committee – Sherbow
  - D. SCAO Liaison—O’Grady
  - E. State Bar Family Law Section Liaison – Ferrier, Kelly
  - F. State Bar Subcommittee on Judicial Ethics - Ferrier
- VII. Unfinished Business**
- VIII. New Business**
- IX. Adjourn**

# REFEREES ASSOCIATION OF MICHIGAN

## Minutes of the December 11, 2003 Holiday Meeting

The Common Grill in Chelsea, Michigan

**Call to order:** 12:44 pm by President Deb McNabb.

**Board members present:** Doetsch, Dohanyos, Elias, Ferrier, Jacokes, McNabb, and Randall.

**Board members absent:** Magley, Oemke, Sherbow (daughter ill), and Spears.

**Other members present:** Judah Garber, Washtenaw Co.; Barbara J. Kelly, Washtenaw Co.; Zaira Maio, Macomb Co. (past president); and Stephanie Meisel, Washtenaw Co.

**Corrections to prior minutes:** The November 13, 2003 minutes were reviewed, and Jon Ferrier moved to accept as written, seconded by Tom Doetsch, and passed without opposition.

**Announcements:** President McNabb shared a secret that three RAM members were turning 50 this year, so to felicitate this occasion she recited trivia from a 1953-54 time capsule. To all those demi-centurions who shall congregate in informal recognition outside of the four-square boundaries of these minutes, we salute you!

**Upcoming board meetings:** Please mark these important dates in your calendars -

02-12-04	10:45 am	State Bar Building, Lansing
04-15-04	10:45 am	State Bar Building, Lansing
05-21-04	In the am	Chippewa Waterfront Hotel, Mackinac Island

Every member is welcome to attend – we value your input!

**Correspondence:** Ken Randall reported that Lisa Stadig Elliot sent a letter from the Oakland County Bar Association, thanking RAM for co-sponsoring the Bar Leadership Forum's Diversity Dinner.

**Financial report:** David Elias wrote a check today to cover the \$348.70 bill for the Adobe Acrobat software used to produce the RAM newsletter, leaving our organization with a temporary balance of \$12,574.07. Further updates will be forthcoming.

### Standing committee reports:

**Annual Conference** – Members present asked Jean to inquire of our guest speaker, Dr. Philip Stahl, if he is a supporter of the inventor of the parental alienation syndrome, Richard Gardner. Mr. Ferrier asked for specific suggestions as to how a referee might deal with alienated parents and what resources they might be directed to in order to resolve their differences. President McNabb also requested photographs of the Chippewa Hotel in order to include in our conference reservation form. Jean ordered ten stress inventory booklets from Dr. Richard H. Rahe which will be made available for roundtable discussion. Ms. McN also asked that RAM extend a special invitation to all past presidents to encourage their attendance at our 20th anniversary conference. ***Please tell Jean ASAP if there is a particular topic you would like to hear Frank Vandervort present. In addition, Jean is asking every referee attending the conference to bring his/her county's annual report with them. This will be important for the roundtable discussion prior to Justice Corrigan's address..***

**Membership** – President McNabb indicated that ten new referees would like to join RAM, and four former members have decided to re-up for '04 (one said she must have lost the form sometime before/after she delivered twins, and one said that the renewal form never made it to the office). *RAMblin' On* has been sent to all 2002 members and approximately 30 prospective members. The organization had a membership high of 120 at one point in the not-too-distant history, and we are currently in the vicinity of 90 members. Mr. Randall had no additional comments to add to this topic, and Ms. McN will forward her updated membership list to David Elias.

**By-Laws** – This special committee report burst upon the scene as a standing committee report, and Mr. Randall had certainly intended to rise up to the occasion. In fact, the by-laws committee was to have convened prior to the holiday meeting at 11 am here at the restaurant but for the accursed difficulty Mr. R had in navigating his way from Midland to Chelsea. Apparently, Michigan has no direct route, and the road Mr. R chose to take when two roads diverged in or around the woods – well, we would definitely classify that one in the “one less taken” column. In addition to the sizzling issues of honorary membership and dues deadline, there are a dozen other details to hammer out (14 issues in all, give or take and issue ... God bless you). Mr. Elias wondered if Kent Weichmann should be offered an honorary membership, as a number of heads nodded in approval around the table. Stay tuned - more will be reported when the committee actually meets.

**Wage & Benefits** – Omitted from our agenda for this meeting.

**Law & Court Rule Advancement** – As Mark Sherbow was absent, the discussion was tabled. Well, sort of. Mr. Ferrier was going to save his remarks for the following report, but Tom Doetsch had to untie the strings and allow the feline to leap out of the bag over the new SCAO reporting requirements (which, if I understand correctly, convert the requirement for ONE adjudicative report to FIVE in order to meet the deadline adherence mandated by Title IV-E funding constrictions). Quoth Tom, “The Title IV-E issue is more than just a threat.” Mr. F, with a Cheshire-like upturn to the corner of his lips, volunteered the suggestion (was it my imagination, or did it truly linger out there on the airwaves, dissipating silently as the conversation turned to other inquiry?) that Wayne County could always dredge up the promissory estoppel argument to assert its detrimental reliance on the former requirements.

**Legislative** – Jon Ferrier bit into his report with relish. While there was no December meeting for the Family Law Section, nevertheless he urged support for Senate Bill 727 which, in his opinion, was the least objectionable grandparenting time proposal. In regard to the surcharge arrearage Senate Bill 45, something happened but a computer server crash prevented Jon from double-checking that bill's current status. His recollection was that the Senate bill proposed using the prime rate only, whereas the House bill proposed one over prime. As to House Bill 4776 regarding de novo review, ***A CALL TO ARMS HAS BEEN ISSUED! HAVE YOU APPROACHED YOUR JUDGES YET???*** Mr. Doetsch parenthesized that it would actually mean *less* work for the judges, an obvious selling point. Finally, Mr. F suggested that referees might wish to peruse an unpublished decision by the Court of Appeals regarding an anti-stalking PPO, in which the court held that the unconsented-to contact does NOT have to be directed at the petitioning party him/herself; and a published case (the name of which either was not mentioned or never made it past the Recording Secretary's ear and down into her pen point) addressing the issue of change in custody, notable because of its holding that proper cause does NOT necessarily have to be a change in circumstances since the last court order.

**Special committee reports:**

**Scholarship** – No one was present from the special committee to provide a report, and concern was

expressed regarding the lack of progress in our attempt to honor the memory of Phil Ingraham. [A clarification must be included here: Mr. Sherbow had fully intended to convene with the group in Chelsea, but for the most unfortunate circumstance of his daughter taking ill and keeping him awake until at least 3 am. He is reported to have plaintively inquired of her, "Don't you know how old I am?" It was at this moment that Mr. Elias expostulated, "Doesn't he have a wife?" And the minutes should reflect that, yes, indeed, Mr. Elias *meant* it.] President McNabb will inquire if Ron Foon or Suzanne Bolton might like to assist the committee, and the question was raised as to the wishes of Mrs. Ingraham regarding the type of scholarship to be set up – should this be awarded to law students who would like to go into public service? Should this be money made available to children of RAM members, or might that smack of exclusivity? Should our scholarship be some sort of financial award distributed jointly with something through the American Academy of Matrimonial Lawyers? A random comment was heard, "Sometimes you have to put a stick of dynamite where it's needed ..." Everyone present who knew Phil seemed eager to see the Ingraham Scholarship come into being and would like to hear specific progress at the next board meeting.

**Technology** – Paul Jacokes made contact with Nancy Brown and will e-mail Ann Smith tomorrow. Our President asked if we might be able to establish a joint listserv for referees and judges, as at least a couple probate judges had expressed such an interest; however, the difficulty would be to figure out which circuit court judges were a part of their circuit's family division. Barbara Kelly suggested contacting MJJ to get a current list.

**Bar Leadership Forum** – Omitted from our agenda for this meeting.

**SCAO liaison** – Kathyne O'Grady was unable to attend this meeting.

**State Bar Family Law Section Liaison** – Barbara Kelly had nothing new to report at this time. Mr. Ferrier suggested that RAM could increase its visibility by sending *RAMblin'On* to the Chief Justice and to other notables, and Mr. Randall added that it might be helpful to keep our newsletter on file at the State Bar office.

**State Bar Judicial & Professional Ethics Committee/Sub-committee on Judicial Ethics** – Jon Ferrier chose to save his remarks on this topic for our next board meeting.

**Unfinished business:** Our President took this opportunity to present Judah Garber with a framed certificate memorializing his status as an honorary lifetime member of RAM and to thank him for all of his efforts to strengthen our organization.

**New business:** Ms. Dohanyos moved that RAM award Kent Weichmann an honorary lifetime membership due to his remarkable contributions to our organization; Mr. Elias seconded the motion which passed cheerfully and unanimously.

The meeting adjourned at 2:02 pm.

Respectfully submitted,

Jean L. Dohanyos

Recording Secretary

# REFEREES ASSOCIATION OF MICHIGAN

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