

# RAMblin' On...



## REFEREES ASSOCIATION OF MICHIGAN

Since 1984

PRESIDENT, KEN RANDALL

VOLUME VIII, ISSUE 1

MARCH 2005

EDITOR, DEBORAH L. MCNABB

### RAM LAUNCHES NEW WEBSITE

By the time this article is printed in *Ramblin' On*, RAM should have a web site. The domain name will be [Referees-Association.org](http://Referees-Association.org). The site is designed to allow RAM members to download documents, such as membership and conference registration forms. It will also allow members to communicate by email, and permit anyone to read past issues of *Ramblin' On*.

The site was developed by Ken Randall, Paul Jacokes and Paul's computer savvy nephew, Dan Kirkland. Dan has just completed his masters degree in mathematics at the University of Michigan, meaning he is young enough to know the ins and outs of computers that those of us who were raised in a slide rule (or worse) abacus era kind of missed. He is an impressive individual who received a perfect 1,600 on his SATs, much to Paul's consternation (Paul had previously held the family record). As Dan will likely be reading this, I would like to thank him here publicly for his help in launching RAM into cyberspace.

[Referees-Association.org](http://Referees-Association.org) is intended to serve as a hub for referees to communicate and share information. Please surf the site and give us your feedback.

### RAM TESTIFIES AT THE SUPREME COURT REGARDING MCR 3.215

On Thursday, January 27, 2005, the Michigan Supreme Court held a public hearing regarding proposed amend

ments to MCR 3.215, which generally pertain to the immediate effect of FOC referee recommendations. The then proposed amendments were made in response to the passage of Public Act 210 of 2004. RAM filed a position letter with the Supreme Court on December 15, 2004 ( See [www.referees-association.org/letters.html](http://www.referees-association.org/letters.html)).

Two members of the RAM board of directors, Mark Sherbow and Ken Randall, appeared before the Court to argue RAM's support for immediate effect. It was RAM's position that (G)(2) - which created a plethora of exceptions, essentially eliminating immediate effect - be stricken in its entirety. It was an uphill argument.

Justice Corrigan asked most of the questions. She had two primary concerns. First, that giving interim effect to FOC referee recommendations might affect Title IV-D funding. Secondly, that giving immediate effect might be an unconstitutional delegation of judicial power (a position argued by the Family Law Council - Family Law Section of the State Bar in their December 7, 2004 letter to the Court). Justice Corrigan noted that the Michigan Constitution prohibits judicial delegation to special masters.

Mark Sherbow, in a spirited argument, asked that MCR 3.215 be sent back to the SCAO/Family Law Joint Rules Committee level for further discussion. He was clearly distressed that the Court had prematurely published its proposed amendments prior to submission of a final report by the Family Law

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## A Sweet Proposal

With the Legislature in the early stages of the new session, I have been keeping kind of a sleepy eye on a few new bills that have come along in Family Law.

This morning, however, I read, with interest, HB 4086, introduced on February 1, which would expand the pool of persons authorized to solemnize marriages in Michigan to include County Clerks or their employee-designees regardless of the county's population. As you will doubtless recall, the current statute, MCL 551.7(1)(g), authorizes only a County Clerk, or employee-designee in a county having more than 2,000,000 inhabitants to solemnize a marriage.

Like a mayor, a county clerk who solemnizes a marriage must charge and collect a fee prescribed by the County Commission (by the City Council, in the case of the mayor) for the solemnization service. The fees collected, in the case of a County Clerk, are deposited in the general fund of the county at the end of the month.

From time to time, proposals like HB 4086 are introduced in the Legislature. I seem to recall one, some years back, that would have allowed Circuit Judges to solemnize marriages. Rereading MCL 551.7, I discovered that such expansion of authority was apparently not enacted: Circuit Judges are still not statutorily authorized to solemnize marriages, although Federal Judges, Probate Judges, District Court Judges, District Court Magistrates and Municipal Judges are so author

ized. While state Judges and Magistrates are limited to solemnizing marriages within their jurisdictions, Federal Judges are not similarly restricted. I also seem to recall that the SCAO, possibly the Supreme Court, may give special permission for a Circuit Judge to solemnize a marriage, perhaps by the simple expedient of "assigning" the Circuit Judge as a District Court Magistrate, say, for purposes of the solemnization, only. Who can say, who lives not on Olympus, what the gods may determine in their counsels?

One reason advanced for the lack of authority in Circuit Judges to solemnize marriages is that it is unseemly for potentially the same person who solemnized a marriage to be the one who dissolves it. In this day and age, such thinking might be criticized as "quaint" and "obsolete." For all we know, today's modern couples may appreciate the symmetry of having (s)he who joined them together put them asunder.

Consider: one of our Circuit Judges served as a District Court Magistrate, and in our Circuit, Referees conduct *pro con* divorce proceedings. In two of those proceedings in the past four months, now, the moving parties stated on the record that the Magistrate who married them is now the Judge assigned their divorce. One of these parties seemed to appreciate a certain bittersweet irony in the situation, perhaps easier appreciated in a

short-term marriage such as the one being dissolved. In any event, my extremely unscientific sample finds no objection to the divorcer being the marryer.

And, if it is correct that the SCAO or Supreme Court can grant a Circuit Judge the authority to perform a given marriage, why not *any and all* marriages? In which case, would it be appropriate to allow the parties to either demand or reject their solemnizing Judge as their dissolution Judge? Sort of like asking for the server who has waited pleasantly on you before, or avoiding a bartender you know pours light, to use the under-used restaurant/hospitality metaphor.

Finally, keep in mind that many of the Judges serving in the Family Division of the Circuit Court are Probate Judges. According to MCL 600.1021(3), “A probate judge identified in section 1011 as serving pursuant to the family court plan has the same power and authority, within the county or probate court district in which he or she serves as probate judge, as that of a circuit judge over cases described in subsection (1), in addition to all the power and authority of a judge of the probate court.” It would appear that a Probate Judge serving in the Family Division could therefore both marry and divorce couples without having to obtain special dispensation from Lansing.

Whenever proposals to expand the group of persons who can solemnize a marriage are advanced in the Legislature, I cannot help thinking, *why not Referees?* Especially if we were not required to deposit the solemnization fee with the county’s general fund (it is unclear to me, due to lack of adequate research, whether Judges authorized to perform marriages are even allowed to charge a fee, and if so, whether they can keep it). But let us just suppose, for a moment, that legislation could be crafted allowing Circuit Court Referees to solemnize marriages, charge and collect a fee for doing so, and retain the fee as earned, taxable income. This could address chronic Referee kvetching over under-compensation. Supplementing our incomes by solemnizing marriages is a win-win proposition, generating happier Referees at no public ex-

pense, except for the “user-fee” to solemnize the marriage. But why should Judges, Mayors, County Clerks and others have all the fun? I say let the marrying pay the freight!

In light of recent legislative amendments offering incentives to parents to marry, in the form of waived or suspended confinement expense reimbursement obligations for paternity-case-fathers, I think allowing Referees to solemnize marriages would also facilitate the worthy societal goal of promoting marriage. Just think: one-stop shopping! Establish paternity, get married, beat the hospital bill, make the Referee happy! What could be more non-zero sum than that? But, oh-oh... Let us not forget, the confinement expenses can be charged back to Dad if the parents divorce. And so, At last! A substantive (in some cases, massive) financial incentive to get and to stay married, and the beauty part is, it could be facilitated by the Referee’s enlightened financial self-interest.

Now *there’s* some legislation I could get behind. How about the “prancers” in Lansing? Are you listening?

~ Jon Ferrier, Circuit Court Referee



Michigan Hall of Justice,  
Lansing, Michigan



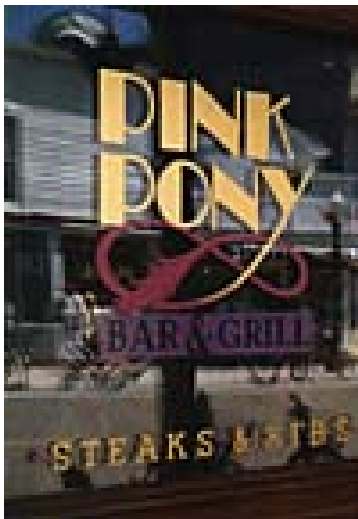
# CONFERENCE CORNER

Get away to beautiful Mackinac Island in

May 2005! SAVE THE DATES, DO NOT SCHEDULE HEARINGS, AND SET ASIDE A LITTLE SPENDING MONEY to enjoy our spectacular three-day training seminar! HURRY! THE REGISTRATION DEADLINE IS **APRIL 15!**

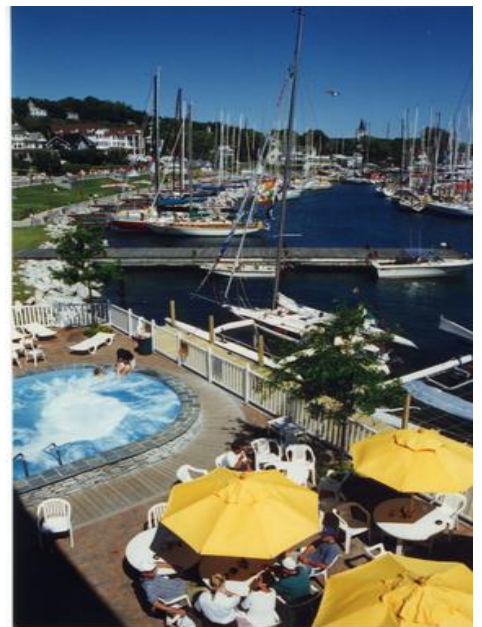
Finally, pull out the indoor putting equipment and practice up – Art Spears is counting on a great turn-out for the 3rd Annual Phil Ingraham Memorial Golf Scramble on May 19<sup>h</sup>! No golf experience required (or need be admitted to); in fact, that might turn out to be an advantage!

*Register Now! Join us for RAM's 21st Annual Conference at the historic CHIPPEWA HOTEL on MACKINAC ISLAND Wednesday May 18– Friday May 20*



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)



# RAM Conference 2005

## Wednesday, May 18, 2005

- 12:00 to 1:45      **Registration** at the Chippewa Hotel lobby
- 2:00 to 5:00      **Norman S. Early , Jr. Former District Attorney for the City of Denver, Colorado National Council of Juvenile and Family Court Judges, Motivational Speaker**  
*“Jump Start Your Motivational Tactics within the Worlds of Domestic Relations, Child Protection and Juvenile Justice”*  
Lilac Tree conference room
- 7:00 to 8:30      Group dinner at the Chippewa Hotel Harborview Dining Room
- Note:              Activities for spouses and children will be available while conference attendees are in session (scavenger hunt for kids)

## Thursday, May 19, 2005

- 8:00              Breakfast on your own
- 9:00 to 10:15      **Tandem Break-out Sessions:**  
**Best Practices for Juvenile Referees**  
**Best Practices for Domestic Relations Referees**
- 10:30 to 11:30      **Nancy Diehl, President of the State Bar of Michigan**  
**Wayne County Assistant Prosecuting Attorney**  
*“Jack and Jill and Juvenile Justice: Forensic Examinations Involve more than Vinegar and Brown Paper” and “A Place for Referees at 306 Townsend Street”*  
Lilac Tree Conference Room
- 11:30 to 1:00      Lunch on your own (Family Activities continue for spouses/children)
- 1:15              Announcements at the Lilac Tree conference room
- 1:30 to 3:00      **Dan Wright, Michigan Supreme Court , Friend of the Court Bureau, Special Assistant fo Michigan Justice Maura Corrigan**  
**“Beyond the Nexus: Domestic Relations in the Context of a ‘Mediation’ Model Family Division**  
Lilac Tree Conference Room

- 3:30 to 6:00            **Roundtable Discussion**  
                              **Brain-storming for legislative change**  
                              **Volunteer Rally for annual RAM Projects**
- After 6:00                Dinner on your own
- 7:00 pm to 8:00 pm **Across the Table with the Chief Justice—The Executive Board Welcomes Justice and Mrs. Clifford W. Taylor for Dinner**
- 7:00 pm to 8:00 pm Informal discussion over complimentary hors d'oeuvres at Chippewa Hospitality Suite

**Friday, May 20, 2005**

- 9:00 to 10:00            **Group Breakfast at the Chippewa Harbor View**
- 10:00 to 10:30          Check-out/luggage storage
- 10:30 to 11:00          **Executive Board Meeting** , Lilac Tree Conference Room
- 10:30 to 12 noon        **Justice Clifford Taylor, Michigan Supreme Court “Words of Wisdom from a Friend to the Family Division”**  
                                  Lilac Tree Conference Room
- 12 noon                    Conference concludes

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

***SEND IN YOUR REGISTRATION SOON!***  
***DEADLINE IS APRIL 15!***



**REFEREES' ASSOCIATION OF MICHIGAN**  
**21st Spring Training Conference**  
**May 18 - May 20, 2005**

Thank you for choosing the Chippewa Hotel for the 2005 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) (may accommodate four adults) \$135.00

The rates are based on double occupancy, please add 6% State Tax and 8% Hotel Levy. 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. We look Forward to hosting you.

**Reservations must be made by April 15, 2005**

# R.A.M. 2005 Spring Training Conference

## Registration Form

Please detach or copy and return THIS form with your CHECK MADE PAYABLE TO R.A.M. to:  
Referee Paul Jacokes, 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:** \_\_\_\_\_

## NORMAN S. EARLY, JR.

Norm Early is the former Denver District Attorney who came up through the ranks of that office. He is now a principal in LE Investigators which assists companies experiencing shrinkage due to theft, drugs and workplace violence and also a principal in MarkeTouch Media, which specializes in live and mass computerized telephone calls and BounceBack which outsources "bad" check programs for prosecutors. He writes children's books and speaks nationally on children's issues as well as issues related to victims of crime, trial tactics, diversity and work force enhancement. Additionally, he serves as special counsel to Welborn Sullivan Meck & Tooley, P.C., a Denver law firm.

In January 1983, Mr. Early became Denver's district attorney. He was elected district attorney in November 1984 and reelected in November 1988 and 1992. Prior to becoming district attorney he served for 10 years as chief deputy district attorney. As chief deputy, he had supervisory responsibility over a felony courtroom and personally tried 12 to 15 cases per year, ranging from fraud to murder. He developed a no-nonsense reputation while being compassionate to victims of crime. In addition, Mr. Early was the developer of the District Attorney's Victim/Witness Assistance Program, the Drug Education Program, the drinking and driving program called It's Not Worth It, and others. In June 1993, Mr. Early resigned as Denver's District Attorney in order to become a Senior Vice President of Lockheed Martin IMS, a position which he held until May 1997.

Mr. Early moved to Denver in 1970 to take a position as a Reginald Heber Smith Community Lawyer Fellow with the Denver Legal Aid Society. In 1973 he left the Legal Aid Society to become a chief deputy district attorney in the Denver D.A.'s office. For a short while, he worked part-time as a radio interviewer for KDEN radio. He is a legal analyst for MSNBC and has appeared on national evening television programs such as "Rivera Live," "Internight," "Cochran & Company," "Brian Williams with the News," "Court TV," "Crossfire," and "Feedback."

During his career, Mr. Early has been the recipient of a number of awards for his contributions to the community and the criminal justice system. Among them are The National Black Prosecutors Distinguished Service Award (1986), The United States Department of Justice Award for Outstanding Service on Behalf of Victims of Crime (1987), the Distinguished Faculty Award of the National College of District Attorneys (1980), Kops 'n Kids Leadership Award (1988), the Kempe Center Award for his work in the field of child abuse prevention (1988), the 1988 Lubavitch Shem Tov Award, the 1988 Award of Appreciation from the King Baptist Church for his work with Colorado's youth, Civil Rights Award from the Anti-Defamation League (1990), Ending Violence Effectively Award of Outstanding Contributions to survivors of sexual abuse (1990), Mile High Council on Alcoholism and Drug Abuse Award for Outstanding Service to the Community (1990), Life Achievement Award from the National Organization for Victim Assistance (1991), the I Have a Dream Award for his work with youth, and his contribution to education in the Denver community (1992), the first recipient of the Norman S. Early, Jr. Award given every year in his honor (1992), the Enrique Camarena Award presented by the Colorado Red Ribbon Campaign and the Colorado Division of the Drug Enforcement Administration for outstanding contributions toward drug abuse reduction (1992), the Government Leadership Award presented by the National Commission Against Drunk Driving in Washington, D.C. (1992), the first recipient of The Norman S. Early, Jr. Founder's Award named in honor of Mr. Early by the National Black Prosecutors Association (1994), The Children's Champion Award by the Colorado Association for the Education of Young Children (1997), and the Dale Tooley Democrat of the Year Award by the Denver Democratic Party (1997).

Mr. Early is the founder and first president of the National Black Prosecutors Association. He is the former president of the Colorado District Attorney's Council. He has served as president of the board of the National Organization for Victim Assistance and a member of the board of the National District Attorney's Association. He is a founding member of the Sam Cary Bar Association, and sits on the boards of Crimestoppers, Make-a-Wish Foundation of Colorado, Pretrial Services Resource Center, Fight Crime Invest in Kids, Open Door Youth Gang Alternatives, University of Illinois, College of Law (Board past President), the Metropolitan Football Stadium District and the Civil Service Review Board.

His recreational pursuits include skiing and golf. He is a member of the Sippers and Sliders Ski Club and the Mile Hi Sandbaggers Golf Club.

Mr. Early, originally from Washington, D.C., holds a bachelor of arts degree in government from The American University. He then earned his law degree from the University of Illinois, College of Law, at Champaign-Urbana. Mr. Early is married to Adriana Scott Early, and has two sons - Norman Ali and Kendall Turner.

## Referee Input Requested!

To make our conference meaningful, we are asking you to send answers to the following questions to Jean Dohanyos at [dohanyosj@co.oakland.mi.us](mailto:dohanyosj@co.oakland.mi.us) :

1. What is the most vexing procedural problem you confront on a regular basis?
2. Regarding this problem, please pass along any creative solution(s) you know of - or any solution you have attempted but has not worked well and speculate why.
3. What is the most troublesome organizational issue you must deal with on a regular basis?
4. Regarding this issue, please pass along any improvement(s)/coping mechanism(s) you have developed - or something you tried but did not really succeed and speculate why.
5. Which issues would you prefer to discuss in the conference break-out session for your specialty?

**GET INVOLVED!  
ATTEND ONE OR ALL OF  
RAM'S UPCOMING BOARD  
MEETINGS**



**Thursday, April 14, 2005, 10:00 a.m.  
State Bar Building, Lansing**

**Friday, May 20, 2005, 9:00 a.m.  
Chippewa Hotel, Mackinac Island**

**Thursday, July 21, 2005 10:00 a.m.  
State Bar Building, Lansing**

# WAR STORIES

## *Applause, Please!*

On television, courtroom spectators break into applause with suspicious regularity, but such outbursts of approval have been rare in my hearings, the public evidently taking of dim view of the proceedings (or me). The other day, however, during a *pro con* divorce hearing, I noticed that the judgment of the divorce the unrepresented plaintiff had offered for entry stated that the provision for child support was *in excess* of the amount required by the Michigan Child Support Formula. This, in itself, is a rare happening, since virtually all of the deviations from Formula I have seen entered or requested have been downward deviations. I asked the plaintiff if defendant, who had not signed the judgment, presented on default, was agreeable to paying the proposed support amount. From the gallery, someone mumbled, "He is..." I asked the speaker if he was the defendant, he admitted it, and I invited him to come up to the bench with the plaintiff.

When the defendant arrived, I explained to both parties that in almost 24 years, I had seen exactly two motions by payers of support asking that their obligations be increased, and that I considered his agreement to pay over-Formula support to be akin to one of those rare instances. I further informed the parties that, contrary to their apparent expectation, their agreement to deviate from the Formula by itself was insufficient for the court to deviate in setting support, unless there was some evidence, besides the agreement that it would be unjust or inappropriate to order the Formula support. So I asked the defendant, "why should you not be required to pay *as little* as the Formula calls for?"

He said, "We have 5 children, and they're going to be living with her [plaintiff] most of the time, and, it's my responsibility to try to take care of them up to the standard of living they're accustomed to, I only think that's the right thing to do."

I addressed the gallery of waiting litigants and attorneys and asked, "Anybody here ever heard it said better?" Someone cried, "No!" and the gallery gave the defendant a nice round of applause. I told the defendant that I believed he deserved the hand, although it was out of the ordinary, and that I found it would be unjust or inappropriate to implement the lower, Formula amount, for the reasons he stated, and approved the judgment.

And no, my natural cynicism was unable to overcome my willingness to accept that the man addressing me was really the defendant, without DNA verification. But I am thinking about submitting more of these issues to the "jury," to see if we can crank up the applause-o-meter again when the next noble parent walks in.

~ Jon T. Ferrier, Circuit Court Referee, Kent County

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

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

## Who's Your Mommy?

This has been just an insane week. So many kids, parents, issues, it's been really crazy. How crazy was it? It was so crazy yesterday we had a putative *mom* hearing. That's how crazy it was. It seems this mom decided she didn't want FIA to know she was having a new baby, so she went to Indiana to have the child and while there she used her sister's identity on the hospital and birth records. FIA found out about it anyway, and yesterday we had a hearing "to determine maternity."

~ Marie A. Johnson, Attorney/Referee, Kalamazoo County



## ***MEMBER NOTES***

Referee Ivy Arbuckle of Jackson County created and now runs an independent truancy court at one of the local school districts. On her day off a "team" goes to the school and holds court for 12-20 "soft truants". Kids and parents must be present every Friday where the team reviews the kids attendance and behavior. Their team consists of a high school counselor, deputy police officer, substance abuse counselor, family counselor, probation officer, intern and Referee Arbuckle as well as kid and parent. The program is very convincing and in its second year, statistics show a huge reduction in truancy not only with the kids they work with, but school wide. However, funding is scarce and it is uncertain whether it will continue. Congrats to Ivy for her ingenuity in creating this innovative program!

Referee Art Spears of Oakland County was a speaker at the MTLA Family Law Seminar held on March 10, 2005. He was part of a panel discussion on the issue of joint custody presumption/significance of physical versus joint physical custody. He also made a presentation regarding the Oakland County Friend of the Court Hearing Procedure (binding versus advisory).

Referee Deborah McNabb of Kent County presented the Case Law and Legislative Update at the ICLE 2005 Child Custody, Support and Parenting Time Update Seminar held in Grand Rapids on March 22, 2005.

### ***SHARE YOUR TRIUMPHS!***

Please e-mail personal and professional announcements to:

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

#### ***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, Deborah L. McNabb

# Referee Shirts for SALE!

Referee: \_\_\_\_\_

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

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Phone: \_\_\_\_\_

e-mail \_\_\_\_\_



## *Short sleeve golf shirt*

**\$16.43 (\$15.50 plus tax) including S & H: \$21.78**

Ladies S \_\_\_ M \_\_\_ L \_\_\_ XL \_\_\_

Men M \_\_\_ L \_\_\_ XL \_\_\_ XXL \_\_\_

Color \_\_\_\_\_



## *Long Sleeve Denim*

**\$25.97 (\$24.50 plus tax), including S & H: \$31.32**

Ladies S \_\_\_ M \_\_\_ L \_\_\_ XL \_\_\_

Men M \_\_\_ L \_\_\_ XL \_\_\_ XXL \_\_\_

\* Look at conference photos on page 5 to see example of long sleeve denim. The same logo is on both .

**One of each shirt is \$42.40**

**Shipping and Handling: \$5.35/shirt**

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Send your order to: Kathleen Oemke  
44th Judicial Circuit  
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Howell, MI 48843  
(517)540-7730

Payment received: \_\_\_\_\_

## REFEREES' ASSOCIATION OF MICHIGAN

### Minutes of the December 9, 2004 Executive Board Meeting

The Common Grill, Chelsea, Michigan

**Call to order:** 1:08 pm by President Ken Randall, with Yuletide good cheer.

**Board members present:** Dohanyos, Ferrier, Hartford, Jacokes, Magley, McNabb, Oemke, Randall, Sherbow, Spears.

**Board members absent:** None.

**RAM members present:** David Elias (former Treasurer), Macomb County; Judah Garber (former Recording Secretary), Washtenaw County FOC; Barb Kelly, (former? current?) Family Law Section liaison, Washtenaw County; Zaira Maio (former President), Macomb County; Tracy Rink, Oakland County; Kent L. Weichmann, attorney, Ann Arbor; Lisa Wenger, Washtenaw County.

**Guests present:** Johanna Peltier, domestic relations referee from Washtenaw County; and Dean Winnie, Ingham County FOC.

**Server present:** Aaron.

**Corrections to prior minutes:** Yipes! Several mistakes need correction in the November 18, 2004 minutes - first, Helen Hartford was NOT simultaneously present and absent for the meeting; she was absent, as she had indicated her unavailability on that date at our September 16<sup>th</sup> meeting. Second, under the standing committee report for legislative/law & court rule advancement committee report, no work group meeting took place on 10-28-04. Finally, under the special committee membership report, the last sentence should refer to omission from our membership *directory*, not "directly." My apologies to all for the errors. Mr. Spears moved to accept the minutes as corrected, seconded by Mr. Sherbow, and passed without objection.

**Announcements:** Mr. Randall welcomed all present with a delightful observation that it was great to see so many people attending the luncheon. "This is what it's all about," quoth he. "There are many different circles in life - this is our circle, the referee circle." Wishes for a wonderful holiday season were exchanged. Mr. Sherbow quipped that he had nothing to say because he had said it all at our last meeting. (Not that we would hold him to that ... !) Ms. Dohanyos is still soliciting input from juvenile court referees re any recommended changes to SCAO court forms; please call her at (248) 858-0037 or e-mail her at [dohanyosi@co.oakland.mi.us](mailto:dohanyosi@co.oakland.mi.us). The court forms committee headed by Kathryn O'Grady will meet next in January and is considering extensive revisions to the child protective proceedings forms.

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

02-17-05, 10:00 am, State Bar Building – NOTE TIME CHANGE!

04-14-05, 10:00 am, State Bar Building – NOTE TIME CHANGE!

05-20-05, 10:30 am, Mackinac Island/ANNUAL CONFERENCE/AWARDS

07-21-05, 10:00 am, State Bar Building – NOTE NEW MEETING DATE!

Every member is encouraged to attend – we welcome your valuable input! Please note, too, that our President is instituting an awards presentation as part of our annual conference Executive Board meeting in May, and we hope that you all make a point to be present at the Lilac Tree Hotel Confer-

ence Room (room change from the Chippewa Hotel) that Friday morning.

**Correspondence:** Ms. McNabb reported, "I have not received anything." "Perfect!" exclaimed Mr. Ferrier. Mr. Randall indicated that he had sent a letter to State Bar President Nancy Diehl regarding the re-inclusion of referees on the Ethics Committee and is awaiting a response.

**Financial report:** Mr. Jacokes declared that no changes had been made to the ending balance of \$13,037.05 as of November 18, 2004. (That, of course, was soon to change.) He added that he had discovered/unearthed/been provided with approximately seven (yes, 7) versions of the RAM membership list and he would be editing them into one corrected master list which will be made available on the listserv. Our hope is that the 2005 registry will accurately reflect all those referees who have paid their membership dues, and RAMblin' On has been sent out to all current, former, and questionable RAM members to elicit any remaining missing information.

### **Standing committee reports:**

Annual Conference – Ms. Dohanyos had brought Chippewa Hotel room reservation forms and circulated them to all present, urging everyone to FAX their requests to the hotel without delay. Mr. Sherbow stated that National Council guest speaker Norman S. Early, Jr. is available for a fee of \$2,500.00. The former district attorney for Denver, Colorado, Mr. Early is a nationally renowned speaker and has appeared on a number of television news programs as a legal commentator; his biographical summary sheet was made available to the luncheon attendees, and he comes highly recommended by the National Council staff. Ms. McNabb moved that RAM pay the requested fee, seconded by Mr. Spears, passed unanimously. Mark will be sending out confirmation letters to our four guest speakers, which will include Nancy Diehl, State Bar President; Daniel Wright, Special Assistant to Justice Corrigan; and the incoming Chief Justice to the Michigan Supreme Court, the Hon. Clifford W. Taylor. Turning the group's attention to a possible seminar attendee gift item, Ms. Dohanyos brought to the meeting a free sample canvas tote bag which she obtained from the South Tea Marketing company, and members discussed its desirability in comparison to a soft-cover brief bag which Mr. Randall received at a Family Law or FOC seminar (the "Elias" model versus the "Randall" model). Support for the canvas tote was ambivalent, and inquiry was made as to how much a nicer bag might cost with RAM insignia or emblem. Ms. D pledged to investigate the matter and report back to the board at the next meeting. Ms. Magley reiterated her preference for an umbrella rather than a tote. The notes of the Recording Secretary indicate that a recommendation was made not to increase the cost of the seminar for our attendees.

Legislative/Law & Court Rule Advancement – Mr. Sherbow reported that a letter had been sent to request that the proposed changes to MCR 3.215 be withdrawn from comment, but he had received return correspondence denying the request and inviting written comments to be submitted. Mr. Weichmann provided some background information to help those present understand the conflicts at issue, and Mr. Sherbow requested a volunteer to draft a letter on behalf of RAM to be submitted before January 1, 2005, to which Mr. Ferrier readily agreed. Mr. S speculated, "There WILL be a court rule change, no matter what," and the question of how to make the changes as "less worse" as possible was debated among domestic relations referees present. Mr. Spears expressed the concern that if RAM recommended NO change to the current rule, which is the preferred position of Mark and Jon, it is likely that RAM input will be ignored. Therefore, Mr. F will send his personal letter to the Supreme Court, advocating that no change is necessary (see MCR 3.207); and on behalf of

RAM, Mr. Ferrier moved that we adopt the recommendations made by the RAM work group which did not meet on 10-28-04 but nevertheless came up with (originally recommendations one through twelve, whittled down to delete one and ten) and send a letter to that effect to the Supreme Court. Mr. Sherbow seconded the motion and then added a motion of his own, seeking to include in the RAM letter the recommendation that the proposed language of MCR 3.215(g)(1) be replaced with the proposed language of the Michigan Judge's Association. Mr. Ferrier seconded this motion, and motion upon motion passed without objection.

Mr. Ferrier then continued with a recollection off the cuff of pending legislation and possible outcomes. Senate Bill 727 passed, which would restore grandparent visitation to the State of Michigan, and more closely resembles the Family Law Section point of view (the petitioning grandparent would have a higher burden of proof to overcome the presumption that a fit parent's decision not to allow grandparent visitation shall not be meddled with, absent a showing of a risk of harm to the child). House Bill 5142 is more expansive, a la the Richard Victor position, and it is unknown which version might ultimately be approved. Changes to the Children's Ombudsman statute are likely to be approved, an adoption bill relating to an Oakland County case which hit the papers will probably pass, and "custody" may very well be changed to some other term. For details, see Jon's report in the next RAMblin' On.

#### **Special committee reports:**

Technology – Paul Jacokes requested that the organization approve a \$500 budget to allow him to continue to work with his nephew Dan to create a RAM web-site. Monthly costs to maintain the site would only cost about \$10 to \$20. He therefore moved that RAM spend up to \$500 to develop a web-site, seconded by Ms. Magley, passed without objection. Mr. Weichmann counseled that we should add links to raise revenue (perhaps so we could afford the nicer brief bags).

Awards - Kathy Oemke, happily, was back with us and had nothing to add to the prior awards committee report.

Membership – Erin Magley will be sending out dues renewal letters and asked that Jean provide conference information to complete the snail mail packet. The extra Chippewa Hotel room reservation forms were collected by Ms. M, and the conference registration form would be available by downloading RAMblin' On.

Scholarship – Rather than Mr. Sherbow providing a suggestion for a new committee chairperson, the committee leadership shake-up was tabled in anticipation of progress in the new year.

State Bar Family Law Section liaison – Jon Ferrier sighed that he had done "nothing so far - I got sick in my heart, so I did not go" to the last Family Law Section meeting. Traci Rink volunteered to attend all Novi meetings and report back to RAM - MANY THANKS, Traci!

RAMblin'On – Deb McNabb thanked everyone for the responses for inclusion in our newsletter and

prognosticated that the latest edition would be out around December 12-17, 2004.

**Unfinished business:** Ms. Dohanyos **STILL NEEDS HELP** to determine and publicize how many hearings referees conduct in the Family Division each year, out of the total number held, and use this information to bolster continuing requests for/publicity about the month of May being Referee Appreciation Month. **Please contact Jean if you are willing to get statistical data from the FOC, SCAO, and any other reliable source(s) you can think of.** Mr. Elias stated that Macomb County judges send 7,000 motions to the domestic relations referees, and SCAO would have all that data on file/accessible somewhere. Michael Paige, of Newago County has provided his feedback, and other referees are encouraged to follow suit.

**New business:**

None.

The meeting adjourned at 2:10 pm, per Mr. Sherbow's motion/Mr. Jacokes' 2<sup>nd</sup>/everyone's assent.

Handouts: Agenda, Chippewa Hotel room reservation forms, Norman Early bio blurb.

Respectfully submitted,

***Jean L. Dohanyos, Recording Secretary***

Parting thought: No ceremony that to great ones 'longs,  
Not the King's crown, nor the deputed sword,  
The marshal's truncheon nor the judge's robe,  
Become them with one half so good a grace,  
As mercy does.

William Shakespeare, *Measure for Measure*, II, 2

# DID YOU KNOW?

The Juvenile Information Network (JIN) encourages communications among juvenile justice professionals and the development of new reform programs at the state and local levels. Check out the website at [www.juvenilenet.org](http://www.juvenilenet.org).

Getting it straight by Timothy J. Dailey, PhD., et al, reviews the research regarding homosexuality and addresses such questions as what causes homosexuality, is it a health risk, do homosexual parents pose risks to children, and is there a link between homosexuality and child sexual abuse. This book presents information, which might be considered as a counter-point to the 2004 RAM Conference presentation by Frank Vandervoort.

The National Guard offers an intensive 17.5 month program for high school drop-outs called Michigan Youth Challenge Academy. Students ages 16-18 receive over 400 hours of classroom instruction to assist in completion of a GED; successful graduates also receive 13-15 college credits, and mentor follow-up for one year after the student returns home. This program is rigorous but is completely funded through the Department of Defense and the State of Michigan at no cost to parents or children. For further info, call 1-800-372-0523 or visit the website at [www.michigan.gov/dmva](http://www.michigan.gov/dmva), select "Adding Value to Communities, Youth Programs," and then "Challenge".

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## Calling all frustrated writers and publishers...

If you have always wanted to be published, or you have ideas for articles or suggestions regarding what you would like to see in *RAMblin' On...*

please contact Deborah McNabb at:

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

### Publication Deadlines:

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