

RAMblin' On...

REFEREES ASSOCIATION OF MICHIGAN

Since 1984



UPCOMING BOARD MEETINGS:

To be held at the State Bar Building, Lansing, unless otherwise noted.

- 12/5/02, Noon, Cousins Heritage Inn, Dexter
- 2/13/03, 10:45 a.m.
- 4/10/03, 10:45 a.m.
- 5/23/03, 9:00 a.m. Shanty Creek Resort Bellaire

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PRESIDENT'S MESSAGE

It occurs to me that Thanksgiving has become a second-class holiday...limited to a huge meal and perhaps a football game squeezed in the middle of hectic preparations for the "BIG" holidays in December and January...often just yet another stressful event to suffer through in the maelstrom of fall activities. I am grateful for the opportunity to write this message, as it has forced me to slow down for just a moment and truly contemplate what I have to be thankful for.

Like many people, I frequently fall into the perilous trap of focusing on what I don't have (translation: what I want) rather than acknowledging what I already have. A wise soul once told me that to be truly happy, I must want

what I have. What a concept! In this society, we are constantly bombarded with messages that tell us that we always need bigger and better things and that perfection is within our reach. The question is, when have we obtained or achieved enough? My definition of "enough" seems to expand as I journey through life. If I'm not careful, the bar just rises higher each time I reach the point of what I used to think would be "enough".

Truthfully, I reached "enough" quite some time ago. I have everything I need and much of what I want. Unlike many, I have clothes to wear, plenty of food to eat, a solid roof over my head and friends and family who love me as I am. I live in a country where I am comparatively

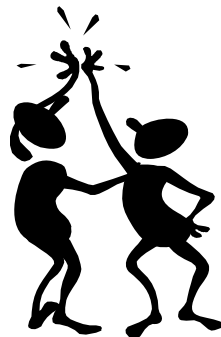
free to express my beliefs—both political and religious, no matter how far from the mainstream they might be. I have a job that I love despite the fact that making other people happy is rarely a part of it. Often, doing my job reminds me to be thankful for what I have as I observe families of all sizes, races, creeds, education, and economic circumstances embroiled in unenviable human situations ranging from the petty to the gut-wrenching.

I hope that you will make time during this busy season to pause and reflect on the bounty that is present in your own life. I certainly feel more serene after having done so. My personal wish for you during the holidays is that you experience "enough".

~ Deborah L. McNabb

MEMBER NOTES

Congratulations and best wishes to Referee Martha Anderson who has been elected Circuit Judge in Oakland County!



Please e-mail personal and professional announcements to:

deborah.mcنabb@kentcounty.org

for inclusion in the next issue of

RAMblin' On...

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Jon T. Ferrier

State Bar Judicial and Professional Ethics Subcommittee on Judicial Ethics

Jon T. Ferrier
Daniel J. Loomis, Associate Member





PRANCING IN LANSING

This is the first of what may become a series of columns about the doings of our Legislative, Executive and Judicial Branches of government in the State of Michigan. The idea is to alert the membership of RAM to what our worthy solons and Solomons are proposing and accomplishing in the area of Family Law, mostly, but sometimes (when it's just too much!) in other areas, as well.

New Laws: "FOC Package I", enacted in early October amends the Friend of the Court Act, the Support and Parenting Time Enforcement Act, and other laws in both significant and less important ways. The following is a brief summary of the 11-bill package, partially cribbed from the Supreme Court's e-mail "Weekly Distribution," directed to Chief Judges and Court Administrators (ours are kind enough to forward same to the Referees here):

HB 6004 (PA 565), tie-barred with HB 6012 (PA 572): These bills amend the Support and Parenting Time Enforcement Act (SPTEA), revising procedures for income withholding and support enforcement through liens: **Effective 12-1-2.**

HB 6005 (PA 566): Amends workers comp law to allow workers comp records to be released to IV-D agency to allow establishment and enforcement of child support orders: **Effective 12-1-2**

HB 6006 (PA 567): Amends SPTEA to revise procedures related to bench warrants. Allows finding of contempt for failure to appear for an order to show cause hearing concerning support: **Effective 6-1-3.**

HB 6007 (PA 568): Amends SPTEA provisions governing parenting time and custody enforcement: **Effective 12-1-2.**

HB 6008 (PA 564): Amends the Office of Child Support Act, providing for administrative enforcement of child support orders, etc.: **Effective 91st day after final adjournment of 2002 Regular Session.**

HB 6009 (PA 569): Amends the Friend of the Court (FOC) Act to provide procedures for enforcement of payment of health care expenses, and revises procedures for enforcing custody and parenting time: **Effective 12-1-2.**

HB 6010 (PA 570): Amends SPTEA to provide for reas-

ignment, abatement and redirection of child support payments, without court proceedings: **Effective 6-1-3.**

HB 6011 (PA 571): Amends FOC Act to allow parties to "opt out" of the Friend of the Court, amends threshold trigger for support enforcement: **Effective on multiple dates, and tie-barred with HBs 6008-6010.**

HB 6012 (PA 572): Referred to above.

HB 6017 (PA 57 3): Amends the Welfare Law to provide that the Office of Inspector General is a criminal justice agency within the Family Independence Agency: **Effective 12-1-2.**

HB 6020 (PA 574): Amends the Family Support Act to allow for the entry of custody and parenting time orders within actions brought under the Act.

Obviously, the one-liner descriptions above are intended only as teasers, and are not a substitute for your own review and analysis of these laws. The Legislature's web site is: www.michiganlegislature.org, and all of these bills, together with their history and analysis by legislative staff, can be found there for your review. RAM members who hear Domestic Relations cases should be familiar with these changes before they become effective, and should determine that the Court and FOC in their jurisdictions know that they are coming.

"FOC Package II" is a series of drafts, not yet introduced as bills, that would have impacts in a number of areas: suspension of the surcharge on late support payments in certain circumstances; increasing judgment fees to allow OCS to provide grants for criminal enforcement remedies in child support; granting Court the authority to apportion maternity (f/k/a "confinement") expenses in a paternity case between father and mother; defining de novo hearing in section 7 of the

(Continued on page 4)

FOC Act; altering procedures for administrative adjustment of arrearage payments under income withholding orders; revising of procedures for reviewing child support orders (may come as a federal mandate), and providing a guideline for deviation from the Child Support Formula; and setting up voluntary payment of support accounts (again, possibly required by the feds).

Referee Barbara Kelly of Washtenaw County has written a helpful analysis of some of the provisions of the package of drafts, which is provided beginning on page 5 in this issue of *RAMblin' On...* The State Bar Family Law Section's Legislation Committee has reviewed and formulated recommendations on the package to present to the Section Council at their next meeting on November 2. Little is known about the prospect of passage in the (at this writing) upcoming Lane Duck Session of the Legislature, but Referee Kelly's insights are valuable, and may help RAM members to understand what is involved in this latest effort to reform the FOC.

Court Reform: A series of bills would further the process of Court Reform begun in the '90s, and still reverberating with aftershocks through the lives of RAM members. The new bills would reflect and attempt to remedy some of the concerns with our present "system" expressed from the Supreme Court on down. Here's a very brief summary of the current proposals:

SB 1400: Would provide that a probate or a circuit judge's powers are undiminished as the result of an assignment to the Family Division.

HB 6260: Would provide for concurrent jurisdiction among District, Probate and Circuit Court Judges.

HB 6364: Would assign jurisdiction over all cases within the Family Division to the Probate Court.

HB 6447: Would provide rules and procedures for the Cyber Court.

Miscellaneous: Two final bills round out this edition of *Prancing in Lansing*: **HB 6169** would amend the Michigan Employment Security Act to exempt spouses, in cases where a divorce complaint has been filed, from the prohibition on establishment of a benefit year by a laid-off em-

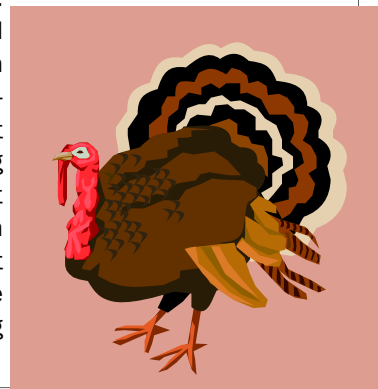
ployee from a business that is more than 50%-owned by a spouse, child, or other relative (whew!). Although this bill appears to have salubrious intent, the Family Law Section's Legislation Committee tabled consideration of it in order to learn more from lawyers more directly familiar with the intricacies of Employment law. **SB 1350** would amend the Divorce law to provide that parties with minor children would have to attend an "educational seminar" related to parenting responsibilities, effects of divorce and separation on children, options for conflict resolution and financial responsibility. Although the Family Law Section's Legislation Committee is supportive of educational programs like the "S.M.I.L.E." program, the lack of detail in the proposal, and concerns over enforceability caused that committee not to recommend support of the bill in its present form. It was also noted that many jurisdictions already require attendance at some sort of educational program, without the necessity of a state mandate.

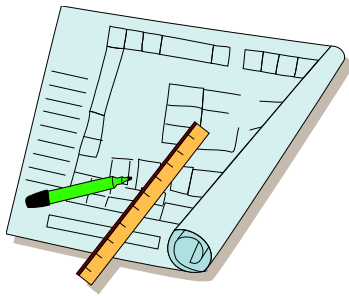
Rumors swirl concerning the fate of these, as well as the FOC Package II proposals. Check out the information available on the Legislature's web site, and as always, let your elected representatives know what you think! You can let the author of *Prancing in Lansing* know what you think by e-mail at jon.ferrier@kentcounty.org; phone: (616) 632-5142; and fax to (616) 632-5149, or the old-fashioned way, by mailing me a letter or card here at Suite 4200, Kent County Courthouse, 180 Ottawa, NW, Grand Rapids, MI 49503. I'll be happy to hear from you.

~ Referee Jon T. Ferrier, Family Division, 17th Circuit Court, Kent County

DID YOU KNOW?

The event we now know as the "First Thanksgiving" was in fact neither the first occurrence of our modern American holiday, nor was it even a "Thanksgiving" in the eyes of the Pilgrims who celebrated it. It was instead a traditional English harvest celebration to which the colonists invited Massasoit, the most important sachem among the Wamapanoag. It was only in the nineteenth century that this event became identified with the American Thanksgiving holiday.





Just Around the Corner... “FOC Package II”

07988 This bill would amend the Support and Parenting Time Enforcement Act to allow for removal of the surcharge in certain cases. The biggest problem with this bill will be the modifications to CSES required to properly add surcharges to the accounts. This will require a major revision to the computer program and it has to be done before the bill goes into effect. There seems to be two circumstances the drafters are trying to address; the first is a payer who is making a good effort to pay off the account and the second is a payer who does not now and probably never will have the ability to pay off the account.

The important stuff in this bill starts on page 10. In section 3a they say that the surcharge will not be compounded. Then on page 11 subsection (4) they say the surcharge is not support until it is collected. This has a few consequences; the first is one welcome by Friends of the Court. If you look at the statistics for collection of current support in Michigan over the past several years you will see that the percentage of collection of current support is going down. This seemed odd to the Friends because previously the percentage collected had gone up slowly every year and overall collections have continued to rise. The problem, it turns out, was that CSES counts the surcharge as current support in the year levied. These surcharge were being added every year and then compounded because they increased the arrears. The amount of “current” support was increasing exponentially as a result and, of course, since these were additions to cases where collection was a problem in the first place, collections could not keep up. This draft bill says the surcharge is not support until it is collected, other statutes provide that it is collected last, so it will not become support until all arrears are paid. This should bring Michigan’s collection numbers back in line with what is actually happening.

Sec. 3 on page 10 says a surcharge will not be added in certain circumstances.

- The first is if the payer has paid 90% of the support charged in the previous six months and the total arrearage has gone down. While it is probably technically possible for someone to pay only 90% of their current charge and still have the arrearage be reduced, we had some difficulty thinking of how that could happen. The 90% does not really cause any trouble; I just don’t understand why it is not 100%.

- The second situation in which surcharge is eliminated is on arrearages created when support is retroactively established (not modified). This has always been true for paternity cases, now it will be true for all cases.

- Finally, the surcharge can be eliminated upon petition of the Friend of the Court or the payer if certain requirements are met. The first requirement is that the “arrearage did not arise from conduct by the payer engaged in exclusively for the purpose of avoiding a support obligation.” The term “exclusively” may be a bit strong. Many times the payer is not working on the books to avoid child support and all his or her other creditors; it is not “exclusively” for avoiding child support. The remainder of the requirements are reasonable, no present or likely future ability to pay, a reasonable plan to pay what they can and the payer must substantially comply with the plan. I particularly like the provision that allows us to presume the consent of the State to waive surcharge on state arrears if FIA fails to answer the petition.

07989 Increases judgment fees by \$10 to start a fund to give grants for enforcement of child support using the criminal system or incarceration. The bill also adds judgment fees to DO’s and all cases involving custody support or parenting time, instead of just DM’s and DC’s. The additional fees will be used to fund bench warrant enforcement programs, which is more restrictive than the prior draft. I have no strong opinion about this one.

07990 Will apportion confinement expenses between the parents, which will stop all the hysteria about the recent case and is also reasonable. However, it also seems to eliminate the apportionment of maternity expenses and I have no idea why. This means the mom cannot be reimbursed for the expenses incurred prior to the birth, which could be a substantial amount. In addition, this only amends section 722.717 and does not seem to address 722.712(1), which also needs to be amended. See the recent case of Rose v Stokely, released for publication 10/1/02.

The statute also eliminates retroactive support in paternity

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cases prior to the date the case was *filed*, unless he tried to avoid service or threatened the mom not to file. This is a big change in the law and probably appropriate. I have not seen an order that required support prior to the filing of the complaint in Washtenaw County in many, many years, but that is just the policy in our County.

07991 This bill adds two things of note. The first is a definition of “de novo hearing” upon objection to a referee recommendation. Sec. 2 (H). It says the de novo review is on the record from the referee hearing “...but may at the Court’s discretion be based in whole or in part on evidence that was not introduced at a previous hearing.” I think this means the court can do a review based only on the record if they choose and it may restrict any offers of evidence to that not introduced at the referee hearing. This is a big change I think.

This bill also allows entry of the referee’s recommended order on an interim basis pending the de novo hearing. This could be done without a hearing, which is a significant change. I have no strong opinion about this one, but I think the private bar might.

7992 This bill clarifies notice requirements if the Friend of the Court administratively increases an OIW to collect on arrears. The office has the authority to increase OIW’s now, but I don’t think very many Friend of the Court offices are doing it. This bill won’t encourage more; it just spells out the notice required and how and when a hearing would be held on objections. This draft also allows the Court to find a payer in contempt if they have been referred to a “work activity” by the Friend of the Court and failed to participate. It also requires the Court to order the payer to participate in a “work activity” as well as sending them to jail. Again, I have no real opinion about this one.

05580 This bill modifies the procedures for the Friend of the Court to review support orders absent a petition filed by one of the parties. It is quite detailed and seems to increase the office’s obligation to review orders. It looks like some of these provisions are being driven by Federal law. In some ways it will make reviews easier because it specifically allows paper reviews and allows entry of an order adopting the recommendation if no objections are filed. However, it also details circumstances under which the Friend of the Court is supposed to initiate a review and would result in an increase in the number of reviews the office is required to

conduct.

The statute defines a substantial change in circumstance for purposes of modification to include, but not be limited to, the recent availability of health insurance or a change in the support level that is beyond a minimum change set by the Michigan Child Support Formula.

Finally, the statute provides that the Court may consider our recommendation “...as evidence to prove a fact relevant to the support calculation when no other evidence is presented concerning that fact...or no objection is made to its use for that purpose.” I think the private bar may not like this provision too much, but I suspect this would be used primarily in cases where both parties are unrepresented. Lawyers will just object to using the recommendation and it won’t be considered evidence.

Although this statute will change some of the things the Friend of the Court is required to do, I don’t see these as big changes, at least not for our office. Every County handles these things differently however, and it could mean a substantial change in priority for some Counties.

07993 This would require us to set up an account and process payments at the request of someone who wants to make voluntary payments. Again the statutes refers to Title IV-D of the Social Security act so maybe this is required by Federal law. I suppose we would like the authority to charge the statutory fees in a case like this, but I don’t expect we would get too many voluntary payment requests so I am not too concerned.

02975 This bill allows the assignment of support to the state when foster care payments are being made. This is similar to assignment of support when the child begins to receive TANF benefits from the state.

~ Referee Barbara Kelly, Family Division,
22nd Circuit Court, Washtenaw County



CONFERENCE CORNER

Attention, RAMblin' referees! We are looking forward to another superb training conference at a new location this May. Shanty Creek in Bellaire offers four championship golf courses, 30 kilometers of hiking/jogging trails, indoor/outdoor pools, fitness center with wellness spa, weight room, children's programs ... and that's just the short list of activities on site! Nearby, you can shop in Traverse City, Petoskey, Charlevoix or Harbor Springs, enjoy outdoor activities such as canoeing, horseback riding, charter fishing, and for nightlife, Leelanau Sands Casino and Turtle Creek Casino are only a short drive away.

I need your input now regarding any interest in a tour before/after our conference. Please call me (248-858-0037) or e-mail me at dohayosj@co.oakland.mi.us if you would like to participate in a Leelanau Adventure tour of the peninsula, the dunes, and "Fishtown" ... or an Old Mission Peninsula tour including lunch, an art gallery, and wine-tasting ... or a Music House tour of Traverse City to see antique automated musical instruments, various historic homes, and browse in the downtown boutiques.

Mark Sherbow needs your suggestions ASAP regarding conference speakers or particular topics of interest to you. Please contact him at (248) 975-4448 so that he may begin to make the necessary inquiries.

We are hoping to welcome back old friends and make new ones in May ... so send us your feedback, and don't miss out on another great conference!

**~ Jean Dohanyos,
Conference Chairperson**

GUEST COLUMN

Passwords Can Be Dangerous !

How many passwords now exist in your life? Your ATM PIN, your internet log on, your vehicle's remote entry lock, and so on. Is anyone else afraid that someday as they place you gently on the bedpan in your nursing home, you will be jealously guarding your stash of numbers (and probably refusing to release your bowels also, just to be sure)?

I probably have or know dozens of passwords because of my heavy involvement in computers. If I write each one down carefully, and someone inappropriate gets a hold of the paper, I have problems. If I decide to use just one password for each account and someone guesses the password I have problems (note: one of the currently growing viruses on the internet allows a remote user to log your password keystrokes, so if you log on to the internet with the same password you use to withdraw money at the ATM machine, you've got problems).



So, what to do? First, have a logical password scheme so you can know and remember passwords, but hackers will have difficulty guessing them. Consider a base password, plus a couple of letters of the service to which it matches.

If I wanted to use my friend's dogs name, say Drooler, and create a password for logging onto America On-Line, I might choose to use the fourth-sixth characters of the service and insert them in the same spot in the dogs name. I can add even better security by adding a number or two, perhaps before and after the insertion of the service's letters and this will also make the password eight or nine digits. Any numbers will do, but use them consistently, for example I will use 53 (the second and third digits of my phone number). Many passwords are required to be eight or more characters long, and adding two digits brings me to nine.

It would work like this:

Drooler + America On-line + 53 = Dro5ric3r

Drooler + I2000 + 53 = Dro500e3r *because there is no fifth character, I stick with what is there.

Drooler + Varnum Riddering + 53 = Dro5num3r

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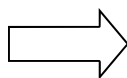
You should not use your birthday, the name of a family member or your address or phone number, unless it is combined with something else as it is much too easy to guess.

Last, if the password is required to be longer than the characters you generate, I recommend using a padding character, say 4, which is the first character in my phone number, so I would make the AOL password Dro5ric3r444 if they required twelve character passwords. Similarly if they require less, say six, I simply truncate to Dro5ri. Always include one capital and one number in every password, it makes it much tougher on programs designed to repetitively try passwords.

If you use a lot of passwords, consider a password management utility. For example Pirem TopSecret is a free password management utility available from: <http://www.pirem.com/topsecret.html>.

Figure a way to make your passwords available if you become disabled or die. Someone may save thousands of dollars figuring their way around your password to a key piece of software if the password is retrievable. Also, they can notify your common correspondents of your death easily using your email address book, while being sure no critical correspondence is unread. Consider providing your password(s) to a trusted person. If you work with particularly sensitive things, give half of the retrieval password to two different people, each of whom must get together to use the password. If you are using a password organizer like the one mentioned above, then accessing that program will unlock your digital world for your survivors.

~ © **Hon. Donald Passenger, 61st District Court Judge, Grand Rapids, Reprinted with Permission**



REFEREES ASSOCIATION OF MICHIGAN

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

RENEWAL _____ NEW _____

NAME _____

TITLE _____

COURT _____

ADDRESS _____

CITY, STATE, ZIP _____

PHONE _____ FAX _____

E-MAIL _____



Password Points to Remember:

- * use a consistent password scheme to make it easy for you to remember passwords, but hard for hackers to guess
- * if you have multiple passwords consider a password organization program, but don't write down passwords as loss of the list would be significant
- * find a way to allow survivors (or others if you are disabled) to get access to your passwords

**Agenda for December 5, 2002 Board Meeting
Noon, Cousin's Heritage Inn , Dexter**



- I. Minutes
- II. Correspondence
- III. Financial
 - A. Treasurers Report
- IV. Standing Committee Reports
 - A. Law and Court Rule Revision and Advancement Committee – M. Sherbow
 - B. Legislative Committee – J. Ferrier
 - C. Annual Conference Committee – J. Dohanyos, M. Sherbow
- V. Special Committee Reports
 - A. Work First Committee – K. Oemke
 - B. Scholarship Committee – M. Sherbow
 - C. State Bar Family Law Section Liaison – J. Ferrier, B. Kelly

Minutes of the October 10, 2002 Board Meeting

In a spare room at the State Bar Building, renovated yet not a la Taj Mahal
Lansing, Michigan

Call to order: 11:00 am by President Deb McNabb.

Board members present: Dohanyos, Elias, Ferrier, McNabb, Oemke (late and wearing a cast), O'Grady (just late), Sherbow, Spears.

Board members absent: Doetsch, Swain (could not attend due to hearings).

Board member MIA: Randall – checked in, but State Bar staff erroneously told him there was no meeting scheduled in this building for our organization, so he left prior to 11 am and was not seen since.

Other members present: Judah Garber, Washtenaw Co.; and Barbara J. Kelly, Washtenaw Co.

Visitor present: William Newhouse, Assistant Director of Trial Court Services, SCAO.

Corrections to prior minutes: On the second page of the 9-5-02 minutes, please correct the spelling of the word "vicinity." Other corrections may follow once everyone receives a copy of that set; based upon the Recording Secretary's abbreviated reading of the minutes, they were approved as corrected.

Announcements: President McNabb presented, with only a hint of solemnity and much aplomb, to Past President Mark Sherbow a walnut plaque thanking him for his contribution to our organization and properly recognizing his leadership on our behalf. Mr. S seemed genuinely touched by the gesture; as a final executive act, he mentioned that an Oakland County "association of associations" body had included Referee Bob Martin as the RAM representative and he was recommending that Ref. Martin continue in that capacity, to which all made immediate and hearty assent.

Presidential welcome: Graciously and efficiently extended to Mr. Newhouse, our guest, and to RAM members Garber and Kelly.

Correspondence: No prez-type missives for this month.

Financial report: Completely overtaken by the urge to dig into the nitty-gritty of certain standing committee reports; more to follow about the fiscal fortitude of our organization on another page ...

Standing committee reports:

Law and Court Rule Revision and Advancement - Mr. Sherbow drew to everyone's attention a copy of a memo he had sent to Deborah Marks for a 10-11-02 meeting of the Joint Family Division Rules Committee which detailed recommendations made by RAM for consideration in possible court rules revisions. It was hoped that our suggestions would be incorporated into the committee discussion on the 11th.

Legislative – Mr. Ferrier commanded the floor and whetted the intellectual appetites of all present by stating that his report was intended to be brief. (Little did we comprehend that his use of the term "brief" referred more truly to that which lawyers write for

ages on end, not an interval of somewhat shortened duration between the conclusion of one event and the commencement of another.) He informed us that we would be able to use the lobbying services of Bill Kandler and he stated that he had received the 10-4-02 memo of Lisa Sullivan for the 10-17-02 meeting of the Family Law Section Legislative Committee meeting. He then referred to a memo or handout which he had prepared and would make available to the Recording Secretary (who forgot to ask for it prior to leaving Lansing) which detailed the various bills now under consideration by our Legislature and his recommended positions on each. Specifically, regarding House Bill 61-69, Jon's analysis was to take NO position or to SUPPORT it because, quite frankly, he could not think of any reason to oppose it. Regarding Senate Bill 1350 (mandatory parent education for divorcing parents), it seemed to lack details concerning the qualifications of parent education educators and, therefore, Jon recommended that RAM take NO position due to the vagueries of the bill's wording. As to a packet of five bills affectionately known in the trade as "court reform," Mr. F seemed to metaphorically rub his hands with glee at the chance to sink his chompers into this analysis. He began with a passing reference to Senate Bill 1400 which attempts to clarify circuit court and probate court judges' powers; because this didn't grab his interest, he didn't figure anyone else would be particularly revved up about it, either, and was therefore recommending that RAM take NO position. House Bill 6260 concerning concurrent jurisdiction among trial court judges was also a snooze, as was 6447 (cyber-court), and 6451's establishment of sanctions against adoption agencies for some sort of pother (which may have been a response to In re RFE, a case in which a "do-nothing" father had no opportunity to be treated like a "do-something" father prior to termination of parental rights before adoption because biological mother had deceived bio-dad as to the existence of his bio-baby). Mr. F did concede that those of us who dealt more regularly with adoption cases than he did might have a word or two to say about this proposed legislation; however, his big recommendation was for RAM to OPPOSE passage of House Bill 6364, a measure which would assign all jurisdiction of the Circuit Court Family Division to Probate Court (one giant leap backwards?). Well, Mr. Sherbow could not wait to move to adopt Jon's recommendation as articulated, followed by an even more rapid second by Mr. Elias, when the locomotive hit the proverbial brick bunker (no, no – really, I'm sure there's got to be a brick bunker somewhere ... this IS, after all, wartime) in the form of plaintive opposition by Ms. Dohanyos and Ms. O'Grady. Ms. D went on and on about wanting MUCH clarification as to powers of judges in general and delegations of those powers in particular and just who exactly was in charge, anyway; and Ms. O'Grady said that there could be far more difficulties created in individual counties regarding funding and other devilish details; and after the Juvenile Court contingent got done sounding the alarm, Mr. Sherbow figured the gentlemanly thing to do was to retreat while he still had a plaque to shield him from further outcry, so he withdrew his motion pending further discussion by the membership. Mr. Newhouse volunteered information from his SCAO perspective regarding these proposals; 1400 and 6260 might become tie-barred legislation but are not currently so, and these are the two bills getting the most attention in the Legislature, probably because they are consistent with the Supreme Court's position on court reorganization. 6364 in transferring jurisdiction back to Probate Court runs contrary to 1400/6260 and current practice; it is the bill predicted by Bill to be the least likely to go anywhere, although it does have a sturdy following among some northern judges. As to cyber-court, it may very well be a dead issue, as there has been no funding allocated to it at this time.

Moving on to what Mr. Ferrier referred to as "FOC Package 2," none of the proposed pieces of legislation have a bill number yet but might wind up moving through the process in the lame duck session after the November election. One part of the package would address what Jon called the "hopeless arrearage abrogation act," in which the court would be allowed discretion to NOT assess various surcharges in certain equitable circumstances; in his opinion, this bill should rise a blip or two in level on the RAM radar screen if a legislator decides to sign on as sponsor, as it seems to be an idea with merit. Other package components include a requirement to add \$10 to divorce judgment fees, in order to create funds for law enforcement grants regarding collection of child support, a Paternity Act amendment to allow support to be ordered only from the date the paternity complaint was filed ("some lucky winners in the paternity derby could thereby avoid six years of support," said Jon), the elimination of the dubious term, "confinement" expenses and replacement with the term, "maternity" expenses ("you mean, the hotel bill?" asked Art Spears to which Barb Kelly responded, "no – that's how they GOT the maternity expenses"), and some possible resolution to the conflict currently in the Court of Appeals (see Thompson v Merritt and Rose v Stokely) as to whether or not a father must pay all confinement/maternity expenses or if it is possible to apportion the expenses between mother and father, without running afoul of some sort of unconstitutional gender classification. No discussion of this nature would be complete without a return to the favorite hobby horse of FOC referees, the definition of a de novo hearing. Mr. F read aloud the proposed amendment to the FOC Act, to which Mr. Spears editorialized, "Sounds like a *whatever* definition!" and Mr. Garber re-editorialized, "It means all the record PLUS whatever." Ms. Kelly was adamant that her understanding was that, no matter what the new language said, the judge still HAS to hold a hearing; and that led to mention of the use of interim orders – ie, a referee's recommended order can be presented for signature by the judge pending a de novo hearing before the judge and would be enforceable as an interim order if served within three days, subject to review under sub-section 7(4). This segued into a reference to a new section 7(a) requiring something to happen with copies of each referee's report/recommendation; followed by a nod to an amendment to Section 19 of the FOC Act eliminating various requirements regarding the Citizen's Advisory Committee, and establishing guidelines for deviation from the child support formula; and wrapped up with an insight by Mr. Spears that Fathers for Equal Rights may be the driving factor behind these proposed changes. The banter then rounded the track and headed for the finish line when Ms. Kelly brought up Lord Mansfield's Rule in regard to In re RFE and that poor deceived father who apparently would love to criminalize the behavior of that dishonest mother and obtain the right to file a motion to order genetic testing and eliminate child support obligations/arrearages where appropriate.

Treasurer's report: After the so-called brief presentation regarding looming legislative leger-de-main, Mr. Elias refocused the membership's attention upon fiscal matters. Specifically, he provided copies of his report indicating that RAM has an operating balance of \$12,867.97 and suffered a net loss from the 2002 Training Conference of \$255.88. As to the issue of a financial audit, he stated that the organization had only had two treasurers in its entire existence, Bob Martin and David Elias, and to the best of Mr. E's recollection there has never been any audit conducted in the history of this body. As Mr. Martin's records appear to be MIA and Mr. E's records consist of the original check register (which specify the writing of approximately 200 checks in the past five years), it moved Ms. O'Grady to quip that an audit would cost us more than the conference did. Mr. Ferrier, ever resourceful, inquired if someone at SCAO might be available to perform the necessary function; to which Mr. Newhouse responded that they had all taken early retirement; whereupon Mr. Elias suggested that the President could audit his records; leading to Jon's exclamatory declaration, "RICO!" Mr. Newhouse then volunteered to perform the audit if the compensation was indeed to be a case of beer; Mr. Sherbow added that he knew an "accountant friend"; and Ms. Oemke did him one better by offering her husband as an available resource. Mr. Garber posited that the newly hired member of their staff who is a CPA could do the audit and then join RAM (in order to preserve the objectivity of the auditing process), but Ms. Kelly cautioned that she was still on probation and might balk at any task which could impact detrimentally upon her progress to full employee status. When President McNabb reminded everyone that the By-Laws on page six required an annual audit within 30 days of the end of the conference, and then observed that we would not yet have a new Executive Board within that time period, Mr. Elias trumped us all (so to speak) with his pronouncement, "Excellent! Then I can never be audited!" Mr. Ferrier then moved, seconded by Ms. Dohanyos, to have Kathy Oemke's husband look at the checkbook and determine its fiscal health, and all present supported the motion.

Standing committee reports – Part Deux:

Annual Conference – The Recording Secretary passed out various fliers as to fun things to see and do at or near Shanty Creek and urged all present to "talk it up" to their colleagues. Mr. Spears will be in charge of the golf outing, which at this point may not be on the Arnold Palmer-designed course, as that would require RAM golfers to pay higher fees than they might be willing to do. Mr. Sherbow requested that all RAM members, Executive Board or otherwise, submit suggestions to him ASAP regarding possible speakers or a theme for the conference; Mr. Ferrier was immediate in his urging to avoid any topics covered at the MJI December 2002 training. Discussion took place as to the conflict between the Article I of the By-Laws (Executive Board determines meeting site one year in advance of the conference) and Article V, Section 1.c.3. (Conference Committee recommends a site nine months ahead of the conference). Ms. Dohanyos said that she is willing to submit suggestions at the May 2003 conference for consideration to select the site of the 2004 conference; however, it may be difficult to fine-tune last-minute details for this year and come up with proposals for the next year at the same time. Mr. Sherbow saved the day by moving to amend the By-Laws to delete reference to times in each section, seconded by Ms. O'Grady, and supported by all present. Prez McN observed that this motion must be presented to the general membership and voted upon (2/3 majority required) in May.

Special committee reports:

Work First – Ms. Oemke requested that the report be tabled until the next meeting.

Scholarship – Ditto for Mr. Sherbow.

State Bar Family Law Section liaison – Ms. Kelly will continue in this capacity and indicated that the sub-committee produced an excellent report which will change? recommends changing? the shared economic responsibility guidelines. Quoth she, "The square will change to a cube." Jon Ferrier also said something under this section, but I cannot decipher my notes so will have to assume it must have been a joke rather than a substantive remark.

State Bar Judicial & Professional Ethics Committee/Sub-committee on Judicial Ethics – Mr. Ferrier indicated that the next meeting of this particular group would take place on November 8, 2002; an item on the agenda includes the question of whether or not a district court judge should be disqualified from hearing cases involving a police officer who works under the direction of the Chief of Police who is the judge's wife ... or whether simple disclosure with opportunity for the judge to opt back in would be a more appropriate course of action.

Unfinished business:

Appointment of associate member to SBJ&PEC/JE – Our President will appoint a worthy RAM member based upon any interest expressed in response to *RAMblin' On*.

Holiday meeting location – The date of our festivity changed from December 13 to December 5, 2002 but the location remains in Ann Arbor. Where, precisely, was the raspberry seed in the wisdom teeth of all present ... where, where, where. Ms. Kelly suggested that it NOT be Weber's Inn, and Mr. Elias yearned to return to Gratz's because of the fabulous food, and D'Amato's and Zanzibar's was also mentioned, but we were all still holding out for the possibility of having a room/area available to ourselves. Barb kindly offered to have it catered at her place, but the silence in response to THAT particular thought was palpable. In spite of this, Ms. K persevered and said that she would speak with Deb to find just the right Ann Arbor restaurant and it would be included in our OUTstanding newsletter – stay tuned.

There being no other unfinished business, the meeting adjourned by acclamation at 12:44 pm (Ms. O'Grady and Ms. Oemke had to depart at 12:30 pm and were missed).

Respectfully submitted,

Jean L. Dohanyos, Recording Secretary

Parting thought: "We must use our courage to ensure a judiciary not governed by the daily polls but by the rules of law, serving not the special interest of the few but the best interest of all, devoted not to self-preservation, but to the preservation of those great Constitutional principles which history has bequeathed to us." *Rose E. Bird*, chief justice, Supreme Court of California, 1982

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Attention All RAM Members !

***The Holiday Luncheon Board Meeting will
be held on Thursday, December 5 at Noon
at Cousins Heritage Inn in Dexter, Michi-
gan (just northwest of Ann Arbor)***

*If you plan to attend, please R.S.V.P to Barbara
Kelly
at kellyb@ewashtenaw.org or by telephone to Deb
McNabb at 616-632-5144.*

*Check out the restaurant's website at www.cousinsheritageinn.com.
Go to www.mapquest.com for directions.*

