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# Family Law INSTITUTE

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## Michigan's Must-Attend Family Law Event

NOVEMBER 10-11, 2011  
THE INN AT ST. JOHN'S, PLYMOUTH

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the State Bar of Michigan  
Michigan Judicial Institute



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# Michigan's **Must-Attend** Family Law Event

Cosponsored by the Family Law Section of the State Bar of Michigan and the Michigan Judicial Institute

Year after year, the *Family Law Institute* continues to be the premier family law event in Michigan. With an incredible collection of educational segments ranging from litigation to ADR and judicial to mental health, there truly is something for everyone.

This is the place to see and be seen—rub elbows with leading experts from all areas of family law including judges, psychologists, neutrals, mediators, financial consultants, plus the finest practitioners in Michigan. Join your colleagues for unparalleled education and networking all under one roof!

## Benefits of Attending:

- Learn best practices for dealing with custody and parenting time issues in cases involving medical marijuana
- Explore the practical approach to evidence and why it is no longer about memorizing rules
- Understand the nuts and bolts of relocation and the best approach for your client's situation
- Discover why marital debt is the new normal and how to draft for it
- Take home advice from appellate judges about perfecting your trial record
- Effectively prepare your client for mediation and increase the chance for resolution
- Comprehend the range of services a mental health professional can offer to make your job easier
- Determine the best ways to solve your client's real estate dilemmas



## Hon. Marilyn J. Kelly

Justice  
Michigan Supreme Court  
*Detroit*

Hon. Marilyn J. Kelly has served as a justice on the Michigan Supreme Court since 1997 and served as Chief Justice from 2009–2011. Before that, she was twice elected to and served eight years on the Michigan Court of Appeals.

## Go Green with Electronic Materials

You can expect 1,000+ pages of seminar materials stuffed with outlines, attorney-drafted forms, practice tips, checklists, and more! Choose a convenient and portable USB flash drive to throw in your bag and have your materials wherever you go. Bring your laptop to the institute. Special seating available with power strips! Want paper copies? Easily print them in advance online yourself.

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This Institute fulfills one elective credit for the Family Law Certificate Program.\*

## PAST ATTENDEES RAVE

“An amazing conference with the best of everything and everyone in one place.”

—Shon A. Cook  
Williams Hughes & Cook PLLC, *Muskegon*

“I learned more in two days than I have in four years of practice!”

—Jennifer L. Bruggeman  
Bruggeman Law Offices PC, *Adrian*

“The best way to gear up for another year of practice!”

—Zenell B. Brown  
Wayne County Friend of the Court, *Detroit*

“A great event—both to keep up-to-date on the law and to meet other family law practitioners, judges, and court staff.”

—Liisa R. Speaker  
Speaker Law Firm, PLLC, *Lansing*

Complete schedule begins on page 4.

## Schedule at a Glance

November 10, 8:00am–5:00pm

8:00am	Making the Most of Your ICLE Partnership and Online Library Resources Demonstration by ICLE Staff		
8:00am	Continental Breakfast		
9:00am	Welcome and Introduction Connie R. Thacker, Chair, Family Law Section of the State Bar of Michigan, Rhoades McKee PC, <i>Grand Rapids</i>		
9:15am	Domestic Relations Caselaw and Statutory Update with Analysis Hon. Marilyn J. Kelly, Justice, Michigan Supreme Court, <i>Detroit</i>		
TRACKS	CORE CONCEPTS	INTERMEDIATE/ADVANCED	JUDICIAL
10:23am	Practical Evidence: Getting the Basics Right with Big Ideas and Simple Strategies David C. Sarnacki	Modification of Judgments: MCR 2.612, Stress, Impossibility, Frustration of Purpose, and “It’s Not Fair” Keldon K. Scott	The Revolution of Separate Property Principles James J. Harrington III
11:08am	Networking Break		
11:23am	Paternity Primer John F. Mills	Tax Tips for Practitioners James J. Harrington III; Richard A. Roane; Keldon K. Scott; Karen S. Sendelbach	A View from the Bench: Creating Your Winning Trial Record Scott Bassett (Panel Moderator); Hon. William B. Murphy; Hon. Stephen L. Borrello; Hon. Elizabeth L. Gleicher
12:08pm	Lunch on Premises		
1:28pm	The Relocation Puzzle: Finding all the Pieces (Part 1) Barbara J. Kelly; Véronique Liem	“Up in Smoke”: The Interplay of Child Custody and the Medical Marijuana Statutes Natalie Alane; Mary Chartier	Guardianships Through the Eyes of a Probate Judge Hon. Darlene A. O’Brien
2:21pm	Creative and Effective Use of a Neutral Financial Analyst in Divorce Joseph W. Cunningham	The Relocation Puzzle: Putting the Pieces Together (Part 2) Richard A. Roane	What Do Judges Think About Joint Legal Custody? Karen S. Sendelbach (Panel Moderator); Hon. Charlene M. Elder; Hon. Cheryl A. Matthews
3:06pm	Networking Break		
3:21pm	Allocating and Drafting for Debt Diana Raimi	The Virtues of a Virtual Family Law Practice William A. McNeil	Grandparents: Are Their Rights Really Senior? Shon A. Cook
4:14pm	Child Support Basics Elizabeth K. Bransdorfer	Client Management in the 21st Century Thomas L. Saxe	If It Weren’t For You: Point/Counterpoint Dialogue Between Appellate and Trial Court Judges Hon. Peter D. O’Connell; Hon. Lisa Sullivan; Hon. Kirsten Frank Kelly; Hon. Connie Marie Kelley
5:00pm	Networking Reception on Premises		



November 11, 8:00am–12:30pm			
8:00am	Continental Breakfast		
TRACKS	ADR/SUBSTANTIVE LAW	LITIGATION/PROCEDURAL	MENTAL HEALTH
9:00am	Successful Advocacy in Mediation John R. Foley	Litigating Child Custody Disputes Janice K. Cunningham	Dealing with Troubled (and Troubling) Clients: Tips for Assessment and Management Joshua Ehrlich PhD
9:53am	“What Happens in Mediation Stays in Mediation”: The Uniform Mediation Act and the Proposed Michigan Court Rule Margaret J. Nichols	Emerging Issues in Social Media Timothy P. Flynn	Dissecting a Psychological Report: Evidentiary and Litigation Issues Julia Cunningham MA, Psy.D; Connie R. Thacker
10:35am	Networking Break		
10:50am	Making Mediation Stick Anne Bachle Fifer	Bankruptcy and Divorce: Getting All of the Attorneys Paid David M. Findling	Divorce and Children Who Need More Connie R. Thacker; Hon. Kathleen M. McCarthy
11:43am	Real Estate in Divorce: A Checklist and Sample Clauses for an Up and Down Economy Ronald M. Bookholder	Splitting Personal Property: Who Gets the Family Jewels? Sheldon G. Larky	The Not So Common Ways a Mental Health Professional Can Help Your Case Robert E. Erard Ph.D.

## Schedule Details

November 10, 8:00am–5:00pm

### MODERATORS



**Connie R. Thacker**  
Rhoades McKee PC  
*Grand Rapids*



**Core Concepts Track**  
**John F. Mills**  
Williams Williams Rattner & Plunkett PC  
*Birmingham*



**Intermediate/Advanced Track**  
**Diana Raimi**  
Moran Raimi Goethel & Karnani PC  
*Ann Arbor*



**Judicial Track**  
**Hon. Linda S. Hallmark**  
Chief Judge  
Oakland County Probate Court  
*Pontiac*

### 8:00am

**Making the Most of Your ICLE Partnership and Online Library Resources**  
Demonstration by ICLE Staff

### 9:00am

**Welcome and Introduction**  
Connie R. Thacker, Chair, Family Law Section of the State Bar of Michigan, Rhoades McKee PC, *Grand Rapids*

### 9:15am

**Domestic Relations Caselaw and Statutory Update with Analysis**  
The Hon. Marilyn Kelly returns with her popular review of the most significant cases and statutes in 2011. Justice Kelly succinctly summarizes the latest and most important appellate decisions and legislative enactments, which are sure to impact your family law practice.  
Hon. Marilyn J. Kelly, Justice, Michigan Supreme Court, *Detroit*

### 10:23am

**Core Concepts Track: Practical Evidence: Getting the Basics Right with Big Ideas and Simple Strategies**  
Every family law attorney needs to have a command of the rules of evidence. Get the basics right: learn the concepts and rules plus understand strategies for foundations and trial objections. Take a practical approach to evidence in all your family law cases.  
David C. Sarnacki, The Sarnacki Law Firm PLC, *Grand Rapids*

**Intermediate/Advanced Track: Modification of Judgments: MCR 2.612, Stress, Impossibility, Frustration of Purpose, and “It’s Not Fair”**  
Sometimes life throws your client a curveball. Learn the best strategies to obtain relief on traditional and non-traditional grounds; including negotiated property and alimony. Plus, get practical tips for negotiating settlements and judgments to avoid the unexpected and impossible.  
Keldon K. Scott, Mallory Cunningham Lapka Scott & Selin PLLC, *Lansing*

**10:23am continued****Judicial Track:** The Revolution of Separate Property Principles

Have the “commingling cases” reversed *Reeves v Reeves*? Does “passive appreciation” really matter? Learn the ins and outs of prosecuting and defending separate property issues after *Cunningham v Cunningham*.  
James J. Harrington III, Law Offices of James J. Harrington III PLC, *Novi*

**11:23am****Core Concepts Track:** Paternity Primer

Who’s the daddy and how do you prove it? Who can and can’t bring a paternity action? How do you litigate such an action and what can you expect when all is said and done? Get the answers to these questions and become a paternity pro.  
John F. Mills, Williams Williams Rattner & Plunkett PC, *Birmingham*

**Intermediate/Advanced Track:****Tax Tips for Practitioners**

One of the most popular features of the *Institute* returns with more practitioner-specific tax tips targeted to family law attorneys who are NOT tax experts. Our panel shares cutting-edge tax tips learned in the trenches, together with specific research, to help you practice smarter and safer.

James J. Harrington III, Law Offices of James J. Harrington III PLC, *Novi*; Richard A. Roane, Warner Norcross & Judd LLP, *Grand Rapids*; Keldon K. Scott, Mallory Cunningham Lapka Scott & Selin PLLC, *Lansing*; Karen S. Sendelbach, Nichols Sacks Slank Sendelbach & Buiteweg PC, *Ann Arbor*

**Judicial Track:** A View from the Bench: Creating Your Winning Trial Record

Especially if you seldom do appeals, discover the best way to make and preserve your record. Using a real case study, appellate judges tell you what to include in the record; from child support to custody disputes, from spousal support and property issues to critical evidentiary rulings.

Scott Bassett (Panel Moderator), *Bradenton, FL*; Hon. William B. Murphy, Chief Judge, Michigan Court of Appeals, *Grand Rapids*; Hon. Stephen L. Borrello, Michigan Court of Appeals, *Lansing*; Hon. Elizabeth L. Gleicher, Michigan Court of Appeals, *Detroit*

**1:28pm****Core Concepts Track:** The Relocation Puzzle: Finding all the Pieces (Part 1)

Get an update and overview of all the relevant caselaw and statutes that govern this challenging area of law, including interstate and intrastate change of domicile, change of schools, and change of venue.  
Barbara J. Kelly, Washtenaw County Friend of the Court Office, *Ann Arbor*; Véronique Liem, Smith Haughey Rice & Roegge, *Ann Arbor*

**Intermediate/Advanced Track:****“Up in Smoke”: The Interplay of Child Custody and the Medical Marijuana Statutes**

The Michigan Medical Marijuana Act has been criticized as poorly written and overly broad, causing parents to pit best-interest factors against the legality of medical marijuana, while courts struggle to balance possession and use in a custody context. Find out how the law impacts child custody determinations and how other states have been addressing this hot-button issue.

Natalie Alane, Alane & Chartier PLC, *Lansing*; Mary Chartier, Alane & Chartier PLC, *Lansing*

**Judicial Track:** Guardianships Through the Eyes of a Probate Judge

What are the factors a judge really looks at in determining the suitability of a guardian for a minor child? Are the wishes of the child taken into consideration?

What other things is the judge looking for? You might be surprised to learn that these are not always as obvious as they seem.  
Hon. Darlene A. O’Brien, Washtenaw County Probate Court, *Ann Arbor*

**2:21pm****Core Concepts Track:** Creative and Effective Use of a Neutral Financial Analyst in Divorce

What are the advantages of using a “neutral” financial analyst? How do you find and select your “neutral”? Get advice on using an analyst that meets the needs of both parties. Plus, learn to avoid conflict of interest issues and preserve your right to an “independent” financial analysis.

Joseph W. Cunningham, Joseph W. Cunningham JD CPA PC, *Troy*

**2:21pm continued****Intermediate/Advanced Track:****The Relocation Puzzle: Putting the Pieces Together (Part 2)**

Now that you are current on the law, learn the best practices for implementing relocation strategies using real life case examples. Plus, find out why ADR, not litigation, may be the best way to quickly and effectively complete this complicated puzzle.

Richard A. Roane, Warner Norcross & Judd LLP, *Grand Rapids*

**Judicial Track:** What Do Judges Think About Joint Legal Custody?

Are there two schools of thought when rendering a custody decision? What are the factors judges consider and what information are they looking for from the parties? What happens when the parties repeatedly appear? Find out the answers to these and other important joint legal custody questions.

Karen S. Sendelbach (Panel Moderator), Nichols Sacks Slank Sendelbach & Buiteweg PC, *Ann Arbor*; Hon. Charlene M. Elder, 3rd Circuit Court, *Detroit*; Hon. Cheryl A. Matthews, 6th Circuit Court—Oakland County, *Pontiac*

**3:21pm****Core Concepts Track:** Allocating and Drafting for Debt

When your clients are swimming in red ink, breaking up is hard to do. Here are some practical pointers to help you handle debts and avoid common pitfalls in your settlements and judgments.

Diana Raimi, Moran Raimi Goethel & Karnani PC, *Ann Arbor*

**Intermediate/Advanced Track:****The Virtues of a Virtual Family Law Practice**

All lawyers are looking for ways to cut costs and practice more efficiently. Learn how to keep your overhead at hundreds of dollars a month versus thousands! Take home a step-by-step recipe for starting or transitioning into a virtual practice.

William A. McNeil, McNeil Law Office PLC, *Paw Paw*

Schedule continues on page 6.

## Schedule Details continued

**3:21pm** continued

### **Judicial Track:** Grandparents: Are Their Rights Really Senior?

Learn how grandparents can protect their grandchildren, obtain legal rights to visitation, secure guardianships, or even seek custody of grandchildren. This session will give you all the citations, standards of proof, burdens of proof, and factors to consider when representing grandma and grandpa. Shon A. Cook, Williams Hughes & Cook PLLC, *Muskegon*

**4:14pm**

### **Core Concepts Track:** Child Support Basics

A comprehensive look at the nuts and bolts of child support, from MCSF highlights to deviations and health care. When should your client opt in or out and what are the best enforcement options? Whether you are dealing with a pro-per party or one who is represented, be prepared with the information you need most. Elizabeth K. Bransdorfer, Mika Meyers Beckett & Jones PLC, *Grand Rapids*

### **Intermediate/Advanced Track:** Client Management in the 21st Century

Keep clients happy in unhappy circumstances. The key to great client relationships is knowing how to keep them sane during the worst episode of their lives. Learn effective techniques to manage client relationships and expectations, deal with difficult clients, and set boundaries with informal communication like e-mail and texts. Client control is important for everyone involved, but especially for you! Thomas L. Saxe, Rhoades McKee PC, *Grand Rapids*

### **Judicial Track:** If It Weren't For You: Point/Counterpoint Dialogue Between Appellate and Trial Court Judges

The redux! In this interactive brainstorming session, trial court and appellate court judges bring their concerns and issues to the table. Covering hot topics like fault, substance abuse, and change of domicile, join the fun and bring your perspective to the table! Hon. Peter D. O'Connell, Michigan Court of Appeals, *Lansing*; Hon. Lisa Sullivan, Clinton County Probate Court, *St. Johns*; Hon. Kirsten Frank Kelly, Michigan Court of Appeals, *Detroit*; Hon. Connie Marie Kelley, 3rd Circuit Court, *Detroit*

**November 11, 8:00am–12:30pm**

### MODERATORS



#### **ADR/Substantive Law Track** **Margaret J. Nichols**

Nichols Sacks Slank Sendelbach & Buiteweg PC  
*Ann Arbor*



#### **Litigation/Procedural Track** **Elizabeth K. Bransdorfer**

Mika Meyers Beckett & Jones PLC  
*Grand Rapids*



#### **Mental Health Track** **Joshua Ehrlich PhD**

Licensed Psychologist  
*Ann Arbor*

**9:00am**

### **ADR/Substantive Law Track:** Successful Advocacy in Mediation

What are the secrets to a great mediation result? It's all in the preparation. Learn the best ways to get prepared for the process, from client preparation to information gathering and mediation summaries to the caucus. These tips will have you and your client ready and receptive. John R. Foley, John R. Foley PC, *Dearborn*

### **Litigation/Procedural Track:** Litigating Child Custody Disputes

In one of the most litigated areas of family law, learn the tried and true best practices for ensuring a successful outcome. What are the evidentiary issues you are likely to face? What should be in your ideal trial notebook? Get these questions answered as well as helpful pointers on cross examination and client preparation. Janice K. Cunningham, Mallory Cunningham Lapka Scott & Selin PLLC, *Lansing*

### **Mental Health Track:** Dealing with Troubled (and Troubling) Clients: Tips for Assessment and Management

This talk will focus on common psychological problems that attorneys and judges see, especially with clients under stress. It will offer some ideas for quick assessment and for brief interventions. Time will be set aside to discuss troubled clients that participants are dealing with in their current practices. Joshua Ehrlich PhD, Licensed Psychologist, *Ann Arbor*

**9:53am**

### **ADR/Substantive Law Track:** "What Happens in Mediation Stays in Mediation": The Uniform Mediation Act and the Proposed Michigan Court Rule

The UMA and the proposed Michigan Court Rule represent a radical change in confidentiality. Learn how this rule change will affect you as a mediator and what language to include in your mediation agreements.

Margaret J. Nichols, Nichols Sacks Slank Sendelbach & Buiteweg PC, *Ann Arbor*

### **Litigation/Procedural Track:** Emerging Issues in Social Media

Facebook, Twitter, and other social networking sites are now frequently a significant issue in family law cases. Learn practical and ethical solutions to typical situations that clients and lawyers face. Timothy P. Flynn, Karlstrom Cooney LLP, *Clarkston*

### **Mental Health Track:** Dissecting a Psychological Report: Evidentiary and Litigation Issues

Don't know what is in a psychological report or how this could help your case? This segment is for you. Find out what critical information is contained in these reports and the best methods for overcoming objections and getting the information to the fact finder.

Julia Cunningham MA, Psy.D, Human Resource Associates, *Grand Rapids*; Connie R. Thacker, Chair, Family Law Section of the State Bar of Michigan, Rhoades McKee PC, *Grand Rapids*

**10:50am**

### **ADR/Substantive Law Track:** Making Mediation Stick

You worked hard to help the parties settle. You don't want the resolution to collapse because you messed up the written agreement. Make sure the agreements will be legally enforceable with these lessons drawn from caselaw and other mediators' mistakes.

Anne Bachle Fifer, *Grand Rapids*



**10:50am continued**

**Litigation/Procedural Track:**

**Bankruptcy and Divorce: Getting All of the Attorneys Paid**

When your client is considering bankruptcy or has filed bankruptcy, how can you make sure there will be money to pay your fee? From property settlements and domestic support orders to charging liens and constructive trusts, this segment is sure to “show you the money.”

David M. Findling, The Findling Law Firm PLC, *Royal Oak*

**Mental Health Track: Divorce and Children Who Need More**

Take a close look at the increasing prevalence of ADHD and Autism Spectrum Disorder and their impact on the family unit. Is divorce more likely and what are the best strategies for dealing with joint legal custody and parenting time?

Connie R. Thacker, Chair, Family Law Section of the State Bar of Michigan, Rhoades McKee PC, *Grand Rapids*; Hon. Kathleen M. McCarthy, 3rd Circuit Court, *Detroit*

**11:43am**

**ADR/Substantive Law Track:**

**Real Estate in Divorce: A Checklist and Sample Clauses for an Up and Down Economy**

Some of the thorniest issues in divorces today relate to real estate. Real estate interests held in an entity, liens, joint property, and deficiencies are all challenging to lawyers and their clients. Get a checklist to help solve the key problems plus sample clauses to use in your settlement agreements.

Ronald M. Bookholder, Law Offices of Ronald M. Bookholder, *Troy*

**Litigation/Procedural Track:**

**Splitting Personal Property: Who Gets the Family Jewels?**

She gets the china and he gets the goblets and you get to keep your sanity. Learn the best ways attorneys can help clients avoid further costs and divide household contents rationally. Plus, understand what an arbitrator looks for in these situations.

Sheldon G. Larky, *Bingham Farms*

**11:43am continued**

**Mental Health Track: The Not So Common Ways a Mental Health Professional Can Help Your Case**

Think beyond custody evals and learn how a mental health professional can help you behind the scenes. From help with managing troublesome clients to insights on expert cross-exam strategies, learn how to tap these often overlooked professional resources.

Robert E. Erard Ph.D., Psychological Institutes of Michigan PC, *Franklin*

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A block of rooms has been reserved under ICLE for November 9–10, 2011. The room rate is \$127/night. For a reservation call 734-414-0600. Reservations must be made by October 25, 2011. Registrants are responsible for their own hotel expenses.

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Year after year, the *Family Law Institute* continues to be the premier family law event in Michigan. With an incredible collection of educational segments ranging from litigation to ADR and judicial to mental health, there truly is something for everyone. This is the place to see and be seen—rub elbows with leading experts from all areas of family law including judges, psychologists, neutrals, mediators, financial consultants, plus the finest practitioners in Michigan. Join your colleagues for unparalleled education and networking all under one roof!

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**SEMINAR REGISTRATION**

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Select one materials format or buy both<sup>1</sup>

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ADD SHIPPING & HANDLING <sup>5</sup> (\$175 HANDBOOK ONLY)	\$ <b>9.54</b>	
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		<input checked="" type="radio"/> AM EX
		CREDIT CARD # _____
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<sup>1</sup> Registrants will receive the printed handbook if no format is specified. Materials will be posted online before the seminar. <sup>2</sup> Please attach additional sheet listing attorneys attending. <sup>3</sup> Referees and Friends of the Court pay \$50, limited to 30 with no more than five from any one office. General pricing will apply after limit of 30 is met. <sup>4</sup> 40 free spaces for current sitting Family, Probate, and Circuit Court Judges. General pricing will apply after limit of 40 is met. <sup>5</sup> Cost of shipping includes sales tax on shipping.

**Persons with disabilities:** For special arrangements, please contact ICLE no later than seven days before the seminar. **Cancellation Policy:** In order to receive a full refund, you must notify ICLE by October 27, 2011. After October 27, a \$45 handling fee will be assessed. No refunds will be issued after November 3, 2011.

**Walk-in Registrations:** Permitted on a space-available basis or if registrants fail to claim their seat in the first 15 minutes of the seminar.

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