Since 1984

PRESIDENT’S MESSAGE

I’m happy to report that RAM has six new members as of this writing: Referees Paulette LeBost (Wayne County); Stefanie Meisel and Lisa Wenger (Washtenaw County); Michael Paige (Newaygo County); and, Karen L. Willing and Linda Weiss (Midland County). Welcome to you all! As our thoughts turn to Spring and the renewal that it brings, I want to remind you to renew your RAM dues. You’ll find the dues form on p. 15 of this newsletter. Send it to Treasurer David Elias today! I also encourage everyone to consider attending RAM’s Annual Conference in May. It’s shaping up to be a great one! This year’s Conference Committee has worked hard to ensure that you will have an enjoyable and rewarding experience including an impressive cadre of interesting speakers and a delightful golf scramble. Shanty Creek is located on Lake Bellaire just northeast of Traverse City. It has something for everyone: “The Legend” rated by Golf Digest as the number one resort course in the Midwest, swimming, hiking, bicycling, tennis and more. Chris Moore, a Utah social worker who deals with children who have given up due to disabilities, anger problems and other issues will be our motivational speaker. He is being provided to us through the National Council of Juvenile and Family Court Judges. Jack Kresnak from the Detroit Free Press will be speaking about juvenile court issues in the news and Kent Weichmann will be enlightening us regarding the changes to the Michigan Child Support Formula. Most of all, it’s a wonderful opportunity to meet Referees from around the State and to exchange ideas of how to improve the Family Division as well as our individual jobs. Don’t miss the chance to renew old friendships and form new ones at our conference this year!

~Deborah L. McNabb

MEMBER NOTES

SHARE YOUR TRIUMPHS!

Please e-mail personal and professional announcements to: deborah.mcnabb@kentcounty.org for inclusion in the next issue of RAMblin’ On...

Your Registration for the ANNUAL RAM CONFERENCE is due soon! Details inside...

Also, Your ANNUAL RAM DUES are due now! See dues statement inside!
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COMMITTEES

**Law and Court Rule Committee**
Jon T. Ferrier, Chairperson
Mark D. Sherbow
Barbara Kelly
Dennis M. Swain
Judah Garber

**Legislative Committee**
Jon T. Ferrier, Chairperson
Thomas G. Doetsch

**Membership Committee**
Ken Randall, Chairperson
Kathleen Oemke

**Wages and Benefits Committee**
Deborah L. McNabb, Chairperson
Kathryne O’Grady

**Professional Relations Committee**
Dennis Swain, Chairperson

**Annual Conference Committee**
Jean L. Dohanyos, Chairperson
Mark D. Sherbow

**Work First Committee**
Kathleen Oemke, Chairperson

**Scholarship Committee**
Mark D. Sherbow, Chairperson

**State Bar Family Law Section Co-Liaisons**
Barbara Kelly
Jon T. Ferrier

**State Bar Judicial and Professional Ethics Subcommittee on Judicial Ethics**
Jon T. Ferrier
Daniel J. Loomis, Associate Member
Let’s start with the Wandering Court Rule, MCR 2.004. The rule was proposed in 2001 as new MCR 2.102(H), where it would have been part of the “Summons, Expiration of Summons, Dismissal of Action for Failure to Serve” court rule. In November of last year, the Rule was adopted as MCR 3.220, part of the Sub-chapter 3.200 rules on Domestic Relations Actions. Finally, just before the end of last year, it was renumbered and amended to become MCR 2.004, a new rule in Sub-chapter 2.000’s “General Provisions.” The rule became effective January 1, 2003.

The rule is entitled “Incarcerated Parties,” but might more appositely have been called “Incarcerated Defendants and Respondents,” since it fails to provide for the situation where the “incarcerated party” is plaintiff or the moving/petitioning party, except in the rare instance where both parties are incarcerated.

Although a General Provision, the rule applies to domestic relations actions involving minor children and to other actions involving the custody, guardianship, neglect, or foster-care placement of minor children, or the termination of parental rights, in which a party is incarcerated under the jurisdiction of the Department of Corrections, MCR 2.004(A).

The party seeking an order regarding a minor child must contact the department to confirm incarceration, prison number and location of the incarcerated party, and serve the incarcerated person with the petition or motion seeking an order regarding the minor child, file proof with the court that the papers were served, and file with the court the petition or motion seeking the order regarding the minor child, which motion shall state that the (other) party is incarcerated, provide the prison number and location, and state that a telephonic hearing is required by MCR 2.004, MCR 2.004(B).

When the court is satisfied that sub rule (B)’s requirements have been accomplished the court must issue an order requesting the department or non-department facility to allow the incarcerated party to participate with the court or its designee by way of a non-collect and unmonitored telephone call in a hearing or conference, including Friend of the Court “adjudicative” hearings or meetings. The requesting order shall include the date and time for the hearing, the prisoner’s name and prison I.D. number, and shall be served by the court upon the parties and the warden or supervisor of the facility where the incarcerated party resides, MCR 2.004(C).

All court documents or correspondence mailed to the incarcerated party concerning matters (Continued on page 4)
covered by the rule shall include the name and prison number of the incarcerated party on the envelope, MCR 2.004(D).

The purpose of the telephone call provided for in sub rule (C), above, is to determine: whether the incarcerated party has received adequate notice of the proceedings and has had an opportunity to respond and to participate; whether counsel is necessary in matters allowing for the appointment of counsel to assure the incarcerated party’s access to the court is protected; whether the incarcerated party is capable of self-representation, if that is their choice; how the incarcerated party can communicate with the court or friend of the court during the pendency of the action, and whether the party needs special assistance for such communication, including participation in additional telephone calls; and, the scheduling and nature of future proceedings, to the extent practicable, and the manner in which the incarcerated party may participate, MCR 2.004(E).

A court may not grant the relief requested by the moving party if the incarcerated party has not been offered the opportunity to participate in the proceedings, as described in the rule. Notwithstanding that, this sub rule’s restriction on the court’s ability to grant relief does not apply if the incarcerated party actually does participate in a telephone call, or if the court determines that immediate action is necessary on a temporary basis to protect the minor child, MCR 2.004(F).

And finally, the court may impose sanctions if it finds that an attempt was made to keep information about the case from an incarcerated party in order to deny that party access to the courts, MCR 2.004(G).

Given the apparent breadth of the rule found in sub rules (A) (list of covered actions) and (B) (rule applies whenever “an order regarding a minor child” is sought), guidance on its implementation appears to be incumbent on the State Court Administrative Office to provide, down to such basic details as, who makes and pays for the call, and more global details, such as, does the rule apply to virtually all Friend of the Court motions for post-judgment relief in domestic relations cases involving minor children? All such motions filed in pro per?, and so on. Although it is tempting (given the effective date of the rule earlier this year) to try to develop local “policies and procedures” to attempt to deal with it, the better solution would appear to be uniform statewide guidance on what the Supreme Court has in mind by adoption of this rule, including the impact on Referee procedures and proceedings.

**LATE BREAKING NEWS:** Since the foregoing was written, the State Court Administrative Office has come to the rescue with a transmittal from Administrator John Ferry concerning implementation of this rule. It is most helpful, and can be found at the Supreme Court’s website (see below).

Two recent proposals to amend rules in the Domestic Relations subchapter are of interest.

(Continued on page 5)
Please note that the Board of RAM will consider whether to comment as an Association on the proposed rule at our next meeting on April 10, 2003 at the State Bar Building. President McNabb and the entire Board are eager for your input on whether the Association should comment, and on the substance of any proposed comments.

Comments will be posted at courts.michigan.gov/supremecourt.

LEGISLATIVE LASSO

I cannot seem to get enough of the cattle-drive analogies, and I apologize. Here follows a brief recap of some of our Legislature’s latest proposals in our field:

HB 4013 would (as currently drafted) require the court to apportion confinement and pregnancy related expenses between the parents according to their ability to pay. The Family Law Section Legislation Committee met on February 13, 2003, and agreed to recommend support of this bill, but with amendments to make the apportionment discretionary with the Court, and to clarify the pregnancy related expenses as those “reasonable and necessary.” The Board may consider taking a position in support of or opposition to this bill on behalf of the Association at our meeting in April. What do you think?

Same goes for HBs 4104 and 4105. 4104 is tie-barred with 4105, the major bill which would amend the grandparenting time section of the Child Custody Act, MCL 722.27b. The Family Law Section Legislation Committee
will recommend to the Council that the Legislature be advised of their position that it might be more prudent to see what our Supreme Court holds in DeRose v DeRose, in which the Court of Appeals recently declared the current grandparenting time statute unconstitutional, in the wake of the U.S. Supreme Court’s ruling in Troxel v Granville (finding a Washington 3rd-party parenting time statute unconstitutional as applied in the case at bar). The Board will be taking this bill under consideration at the April meeting as well.

The “deceived dads” bill returns for another try this session as HB 4120. At the Family Law Section Legislation Committee meeting, arguments were advanced for and against this proposal, but it was agreed that filing for relief (from a support order or an order declaring a man to be a father of a child) should be limited to a six-month window of opportunity following when the “deceived dad” knew or should have known that there was reason to be skeptical of his paternity, and that committee also agreed that there should be no “retroactive correction” of arrearages (cancellation) for the “deceiveds,” nor should the Court be allowed to continue a parenting time order in favor of a man who has been relieved of the responsibility of supporting the child – and that these provisions should be eliminated from the bill to gain their support.

Finally, SB 148 would create the court-appointed special advocate program (CASA), and provide standards for its operation in domestic relations and children’s cases. The Family Law Section Legislation Committee opposed this bill on the grounds that the standards are not tight enough, and that there is no need to inject a layperson’s untrained input into child custody and other proceedings in domestic relations cases. The committee was informed that the Children’s Law Section also opposes this bill. And this bill, as all of the proceeding bills, will be considered by your Board at our next meeting.

The text of all these bills may be found at the Legislature’s website: www.michiganlegislature.org, or you may contact me for a printed copy if you cannot get it on the web.

Next time, God willing, more prancing!

~Referee Jon T. Ferrier
Get away to Shanty Creek to start your Memorial Day weekend in the beauty of the Northern Michigan outdoors! SAVE THE DATES, DO NOT SCHEDULE HEARINGS, AND SET ASIDE A LITTLE SPENDING MONEY to enjoy our three-day training seminar!

Christian Moore is our featured speaker through the National Council of Juvenile and Family Court Judges and has created The WhyTry Organization, whose mission is “to help people achieve opportunity, freedom, and self-respect using education and interventions that motivate and create positive change. We offer hope and an answer to the question, Why Try in life?” Check out his website at www.whytry.org!

If you would like to participate in a group tour of the Leelanau or Old Mission Peninsula areas or take a walk through historic homes in Traverse City, PLEASE CONTACT JEAN DOHANYOS ASAP (248-858-0037 or dohanyosj@co.oakland.mi.us). And if you are considering bringing family up north and would like a group activity planned, even better! Let Jean know!

Finally, pull out the indoor putting equipment and practice up – Art Spears is counting on a great turn-out for the Phil Ingraham Memorial Golf Scramble on May 22nd! No golf experience required (or need be admitted to); in fact, that might turn out to be an advantage!

Come join your referee colleagues for an inspirational, educational, and entertaining get-away at Shanty Creek – see you there!

~Jean Dohanyos, Conference Co-Chair

HURRY! YOUR CONFERENCE REGISTRATION IS DUE APRIL 21st!
**R.A.M. 2003 Spring Training Conference Registration Form**

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

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

DO NOT SEND THIS FORM TO THE HOTEL!

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**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 21st - **$125**

**Non-members:** $125 (includes membership, registration, materials, group dinner, and group breakfast)
- After April 21st - **$150**

**Per diem rate: (excludes meals)** for:
- ____Wednesday
- ____Thursday
- ____Friday

- Members - $50/day after April 21st - $60/day; Non-members - $60/day after April 21st - $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:** __________
R.A.M. 2003 Spring Training Conference
Shanty Creek Resort in Bellaire, MI
May 21st -23rd, 2003

SECURE YOUR LODGING TODAY! USE THE SHANTY CREEK RESERVATION FORM on page 10, OR GO ONLINE AT www.shantycreek.com/ram TO MAKE A WRITTEN RESERVATION (no telephone reservations). DEADLINE FOR RECEIPT OF FORM IS APRIL 21ST!

***Room availability is not guaranteed after April 21, 2003 ***

Conference Schedule

Wednesday, May 21st
01:30 - 02:00 pm  Registration/check-in  Sherbow/Dohanyos
02:00 - 02:15 pm  Welcome  President Deb McNabb
02:15 - 04:00 pm  Using Workplace Challenges to Motivate Us
  Christian Moore, LCSW/MSW*
04:30 - 06:30 pm  Roundtable discussion
  William Newhouse, SCAO
07:00 - 08:30 pm  Group dinner  RAM Attendees and guests

Thursday, May 22nd
09:00 - 10:15 am  The New FOC Guidelines: Through the Looking Glass and Out of Wonderland
  Kent L. Weichmann, Esq.
10:15 - 10:30 am  Break
10:30 - 11:30 am  The New FOC Guidelines - Part Deux
11:30 - 01:15 pm  Lunch
01:15 - 01:30 pm  Announcements  Sherbow/Dohanyos
01:30 - 03:00 pm  Juvenile Court Issues: Hot Topics Fresh Off the Press
  Jack Kresnak, The Detroit Free Press
03:00 - 05:00 pm  Q and A  Speakers/RAM attendees

Friday, May 23rd
09:00 - 10:00 am  Breakfast/Board Meeting  All RAM attendees
  William Newhouse, SCAO, Special Presenter
10:00 - 11:30 am  State of the Law Update
  Hon. Linda S. Hallmark, Oakland County
 Please return this form to: Group Code: 8244
Reservations Department
Shanty Creek
One Shanty Creek Road
Bellaire, MI 49615

CHECK IN TIME:
Guaranteed 4pm
CHECK OUT TIME:
12:00 Noon

Name:___________________________________________________________________________
Address:_________________________________________Home Phone(    )__________________
City:________________State:___________Zip:__________Business Phone(    )________________
E-Mail address:______________________________________________. (For confirmation)

You are welcome to arrive early or extend your stay following this scheduled event. At times specified accommodations are not
available prior to or following your event. If the room type requested is not available, we reserve the right to assign the next
available room type and rate.

Arrival Date:_________Departure Date:_____________# Adults:_______# Children:________

Reservations must be received by April 21, 2003
Please reserve the following accommodations

ROOM TYPE:                                                   1 ADULT                                          2 ADULTS
_______Guest Rooms (2 double beds)               $85                                                    $85

Reservations may also be made on line at: www.shantycreek.com/ram

The above rates are Per Room, Per Day, plus 6% state tax and 4% Resort fee.
THIS FORM MUST BE MAILED OR FAXED IN TO RECEIVE THE GROUP DISCOUNTED RATES.
Deposit Policy: You must guarantee your room reservation with a major credit card for deposit or a check of $85 per room. Credit
card WILL BE charged for the above deposit. Debit cards are not accepted for deposit. Refund of your deposit will be made if cancel-
lation occurs at least 5 days prior to arrival, less a $10 handling fee.

Card number:__________________________________Expiration Date:___________________

Signature(required)______________________________________________________________

Shanty Creek will be sending you a written confirmation of this reservation request. Upon receipt, please review all information.

Do you have any special lodging requests?
________Barrier free________Non Smoking_________Other(please indicate)______________

For questions and information call:
1-800-678-4111 or FAX:231-533-7004
Many men and women have worked diligently throughout the history of the State Bar of Michigan to build effective programs for the benefit not only of lawyers, but of the general public as well. Much of that work has been accomplished through and by State Bar committees. The State Bar wants to ensure that its diverse membership is adequately represented in its committee structure. Likewise, the Referees Association of Michigan wants to ensure that the interests and talents of the Referees of this State are included on the committees of the State Bar.

Each year there are committee vacancies to be filled due to term limits. These terms allow for the flow of fresh ideas and encourage broad member involvement. Soon, Scott Brinkmeyer, President-elect of the State Bar of Michigan will be making appointments to State Bar Committees for the 2003-04 Bar year which will be announced at the Annual Meeting in September. Take a look at the committees listed below. For your reference, the jurisdictions of the committees are listed on the website www.michbar.org/committees/sbmcommittees.html.

If you are interested in a particular committee, please send a letter by June 13, 2003 indicating the committee to which you seek appointment, your experience in that area and any other pertinent qualifications. Please address your letters to Scott S. Brinkmeyer, President-elect, State Bar of Michigan, Michael Franck Building, 306 Townsend Street, Lansing, MI 48933-2083. Please let RAM know to which committees you are appointed so that we can strengthen our communications with Bar!

**STANDING COMMITTEES**

- Access to Justice for All Task Force
- American Indian Law Awards
- Bar Leadership Liaison
- Character & Fitness
- Civil Procedure & Courts
- Client Protection Fund
- Criminal Jurisprudence & Practice
- Ethics, Professional & Judicial
- Judicial Qualifications
- Jury Instructions, Standard Criminal Law and the Media
- Law School Deans

**SPECIAL COMMITTEES**

- Lawyers & Judges Assistance
- Legal Aid
- Legal Education & Professional Standards
- Libraries, Legal Research & Legal Publications
- Membership Services
- Past Presidents’ Advisory Council
- Pro Bono Involvement of the State Bar of Michigan
- Public Outreach
- Publications & Website Advisory
- Unauthorized Practice of Law
- United States Courts
- 21st Century Courts
- Domestic Violence
- E-Filing Task Force
- Grievance
RAM SPONSORS NATIONAL CONSORTIUM

The 15th Annual Meeting of the National Consortium on Racial and Ethnic Fairness in the Courts in conjunction with the 1st Michigan Conference on Racial and Ethnic Fairness in the Legal System will be held April 9-12 in Detroit at the Renaissance Center. RAM is one of the many organizations sponsoring this conference. It would be wonderful if some of our members could attend.

If you are interested in attending, online registration is found at:

http://www.michbar.org/oj/home.html or call 757-259-1841 for more information.

GRANT OPPORTUNITIES FOR RAM

The Administration of Justice Grants Program of the Michigan State Bar Foundation prioritizes funding of innovative projects that educate Michigan children and adults about their legal rights and responsibilities, the American justice system, and opportunities for conflict and dispute resolution. From time to time, the Foundation also may consider or seek out projects of extraordinary merit in other subject areas related to improvements in the administration of justice.

The remaining application due dates for 2003 are May 16 and August 8.

If you have any ideas for projects that RAM could undertake that might be eligible for a grant, please contact Deb McNabb at 616-632-5144 or deborah.mcnabb@kentcounty.org
NOTICE OF PROPOSED RAM BY-LAWS CHANGES

General Membership vote to be taken at Annual Meeting

May 23, 2003 at 9:00 a.m.

The Executive Board of RAM recommends the following amendments to the RAM By-Laws (by striking the underlined portions):

ARTICLE I—MEETING

Section 1. Annual and Special Meetings

a. The annual conference shall be held each year on dates fixed by the Executive Board.

1. The meeting site shall be determined by the Executive Board one year in advance of the holding thereof. Provided further that, in the event conditions arise subsequently to the selection of the site which render it unfit or unsuitable, the Executive Board by 2/3 vote may select another site for the annual meeting.

ARTICLE V—COMMITTEES

Section 1 (c) (3). The Conference Committee shall recommend a site for the annual conference nine months ahead of said convention.

Please share information you have regarding particular programs/web-sites/etc. which you refer your caseload families to which work well. For example, in Oakland County, Referees refer kids to the U of M Hospital for a one-day seminar regarding substance abuse prevention (the Real Life program) - or their burn prevention program; the Michigan National Guard has a fabulous program FREE of CHARGE for high school drop-outs who have the fortitude to make it through their heavy-duty "boot camp" Teen Challenge academy. Please send a list of resources that YOU use to:

Jean Dohanyos, Referee
6th Judicial Circuit
1200 N. Telegraph Road, Dept. 452
Pontiac, Michigan 49341-0452
(248) 858-0037

Attention Juvenile Referees!
I. Minutes

II. Correspondence

III. Financial
   A. Treasurers Report
   B. Audit 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
   D. State Bar Judicial & Professional Ethics Committee Subcommittee on Judicial Ethics - J. Ferrier

VII. Unfinished Business

VIII. New Business

   Should RAM adopt a position regarding the new Michigan Child Support Formula?

IX. Adjourn
ATTENTION!!!
YOUR 2003 RAM DUES ARE DUE NOW!
Send your $25.00 payment today!

REFEREES ASSOCIATION OF MICHIGAN

Dues Statement and Membership Application

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

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

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

RENEWAL _____  NEW_____

NAME_______________________________________________________________

TITLE_____________________________________________________________

COURT____________________________________________________________

ADDRESS___________________________________________________________

CITY, STATE, ZIP____________________________________________________

PHONE_________________________ FAX______________________________

E-MAIL______________________________________________________________
You won’t want to miss the upcoming RAM Conference at Shanty Creek Resort! Details and registration forms inside this issue of RAMblin’ On...!