Family Law Rules Committee Virtual Meeting Minutes

Date: Tuesday, August 31, 2021

Time: 12:04 p.m. - 1:21 p.m.

Attendees Chrystal S. Thornton, Mikalla, Cory Brandfon, Ashley Taylor, Mark Sawicki, Michael Andriano, Adam Kohl, Ashley Baillargeon, Charis Campbell, Christy O'Brien, Cynthia Pyfrom, Elizabeth Davis, General Magistrate Goiran, Judge Fred Pollock, Judge H. McGillan, Latoya W. Shelton, Magistrate Beth Luna, Nadja Prias, Rachel Butler, Stephanie Sandaira, Trisha Armstrong, Wilhelmina Curtis, Matthew Capstran, Shayna Cavanaugh, Robert Merlin, Kemie King, Marck Joseph, Helen Torres, Roberta Walton

I. **CALL TO ORDER**

a. **Minutes**.
The minutes of the June 2021 meeting were approved.
Motion made by: Michael Andriano
Second: Cory Brandfon

b. **Agenda**
The August 31, 2021 Amended Agenda was approved.
Motion made by: Cory Brandfon
Second: Mark Sawicki

II. OLD BUSINESS – PRIORITY Vote or Discussion

a. Petition for Dissolution of Marriage Venue Language – Presented by: Susan Whitaker
Second Reading –approve venue language as proposed by subcommittee.
Motion to approve made by: Cory Brandfon
Second: Michael Andriano
Vote: Passed (16 in favor; 3 abstain)

b. Summary Judgment – Presented by: Michael Andriano/Ashley Taylor
First Reading--Discussion regarding the Supreme Court's adoption of 12.510 to mirror Civil Rule 1.510. Educate Supreme Court regarding differences in family vs. civil; consider that there are more pro se litigants in family; how strong should response be
First, decide if committee does/ does not agree with any changes to "prior" 12.510 — If committee does not agree with any changes to the rule, show how committee analyzed family rule and how court's have fell on issue of Summary Judgments in family law cases under current rule 12.510. Highlight why effect and use of rule in family law cases is different than civil cases. Second, decide whether to propose revisions to rule even if committee suggests "prior" rule remain intact wholesale, and what those revisions would be.

Preliminary Vote:

1) Agreement with the new 12.510 as adopted by the Supreme Court on 7/8/2021
    a. Motion made by: Cory Brandfon
    b. Second: Charis Campbell
    c. Vote: Do Not Agree (2 – agree, 17 – do not agree, 4 – abstain)
2) Response – While committee does not agree with amending 12.510 at all, decide whether in comment to the Supreme Court, committee provides proposed edits to the new 12.510 if the Supreme Court chooses to proceed with amending the rule.
    a. Motion made by: Cory Brandfon
    b. Second: Charis Campbell
    c. Vote: Response – Include subcommittees proposed edits along with comment stating the committee does not agree with any changes to "prior" 12.510 (21 in favor, 2 abstain)

Due to time-sensitive due date for submitting response – Second Reading added September 9, 2021 meeting

c. Financial Affidavit – Presented by: Cory Brandfon
Review of Family Section Comment and Response to Family Section Comment
Any suggested changes are welcomed. No further action taken.

III. OLD BUSINESS – Vote or Discussion

a. SB 590 Timesharing –Presented by: Michael Andriano
Discussion—subcommittee recommended changes after comment and believed was final product. Comments opened up regarding "superceding language". Susan Whitaker volunteered to co-chair with Michael Andriano to address superceding order language. Magistrate Goiran to assist. No further action taken.

IV. OLD BUSINESS – Status Reports

a. <u>Email Designation for Pro Se Litigants Subcommittee</u>
Presenter: Charis Chaplain
Subcommittee needs to meet to discuss the parties' inability to opt out of designation

b. <u>LGBTQ concerns</u>
No report given.

c. <u>COVID-19 issues</u>
Presenter: Michael Andriano / Marck Joseph
Discussion—whether to dissolve/sunset subcommittee. Suggestion that the work subcommittee has done could be used later—hold product. No further discussion/action taken.

d. <u>Forms</u>
Presenter: Bob Merlin

Final forms have been sent and a final vote will be held at the October 2021 meeting.

e. Emergency Motions
No report given.

f. Equitable Distribution Subcommittee
Presenter(s): Judge McGillin and Susan Whitaker
Subcommittee recently met and are still working through technical difficulties with court administration in using the product/program out of the 9th Circuit. No further discussion/action taken.

g. Simplified Dissolution
Presenter: Latoya Williams Shelton
Comment received: Family Law Section meeting to be scheduled.

h. Out of State Custody Orders
Presenter: Roberta Walton
Secondary meeting is to be scheduled to further discuss.

i. Steering Committee Court Requested
Presenter: Cory Brandfon
RJA Rule 2.530 changes –still working on same. Some concerns with language/changes---semi-finalized.

V. NEW BUSINESS
None discussed.

VI. **ANNOUNCMENTS**
The next meeting will be held virtually on September 9, 2021 at 12:00 p.m. until 1:00 p.m.

Meeting adjourned.

Minutes submitted by: Chrystal S. Thornton