

## Family Law Rules Committee Virtual Meeting Minutes

**Date:** September 9, 2021

**Time:** 12:00 p.m. - 1:00 p.m.

**Attendees** Chrystal S. Thornton, Mikalla Davis, Ashley Taylor, Elizabeth Davis, Michael Andriano, Cory Brandon, Judge Howard McGillin, Jr., Judge Fred Pollock, Jeffrey Rynor, Magistrate Bethe Luna, Matthew Capstran, Stephanie Sandaira, Susan Whitaker, Wilhelmena Curtis, Joan Koch, Kemie King, Ashley Baillargeon, MLC Stilo, Adam Kohl, Jeff Batista, Helen Torres, Sheena Benjamin-Wise, Charis Campbell, Marck Joseph, Nadja Prias, TJ Bryant, Christy O'Brien

### I. CALL TO ORDER

#### a. Minutes.

The minutes of the August 31, 2021 meeting were approved.

Motion made by: Marck Joseph

Second by: Cory Brandon

### II. SECOND READING: Summary Judgment: Discussion regarding the Supreme Court's adoption of 12.510 to mirror Civil Rule 1.510. Line by line discussion regarding the Summary Judgment Subcommittee's red-lined revisions/ edits to the proposed Rule 12.510.

#### a. Page 1(a) – Motion for Summary Judgment or Partial Summary Judgment:

Subcommittee proposed carve out exception of children's issues for time-sharing and parental responsibility issues: "Summary judgment may not be sought to resolve issues related to children including time-sharing and parental responsibility"

Discussion/General Comments: Potential issues could arise regarding paternity, as well. Include broad language stating no issues related to "best interest of children". No further discussion regarding remaining proposed subcommittee's revisions to this section. Polls taken after discussions.

**Poll 1:** Should this section be revised to state "Summary judgment may not be sought to resolve issues related to best interests of the children." or leave sentence as proposed by Summary Judgment Committee?

Vote: Revise – 14, Leave as proposed – 3

**Poll 2:** Should this section be revised to state: Summary judgment may be sought for issues of paternity, but may not be sought to resolve issues related to best interests of the children. or leave sentence as proposed by Summary Judgment Committee:

Vote: Revise – 13, Leave as proposed – 4

#### b. Page 1 (a)(sic):

Subcommittee proposed revise to track case law regarding discovery.

Discussion/General Comments: No further discussion or suggested changes to the subcommittee's proposed revisions to these sections.

c. Page 2 (b)

Subcommittee proposed including the phrase "NO LESS THAN" –considering Pro Se Litigants' interpretation of this section. Language makes it very clear what party should do.

Discussion/General Comments: Suggest correcting the word "Petition" to "Motion" in subsection (b). No further discussion or suggested changes to the subcommittee's proposed revisions to these sections.

d. Page 2(c) – Procedures

Subcommittee proposed adding language [who asserts either that a fact cannot be genuinely disputed, or is genuinely disputed](#) and adding to ["either" or "dispute"](#)

Discussion/General Comments: Suggest creating separate subsections for when litigant is the "moving" party and when litigant is the "objecting to" party. The Subcommittee considered prior to second reading this option, but determined it would require revision all parts of the rule. No further discussions or suggested changes to the subcommittees' proposed revisions to these sections. Poll taken after discussion.

**Poll 3:** Should the revision further breakdown rule into sections for when litigant is the "moving" party and when litigant is the "objecting to" party or leave as the subcommittee initially proposed.

Vote: Revise – 4, Leave as proposed – 14

e. Page 3

Subcommittee proposed including "hearing" language.

Discussion/General Comments: Suggest hearing should be an expedited hearing. Further discussion may be needed regarding this issue. Polls taken after discussion.

**Poll 4:** Should the "hearings" language be included or keep language as written/proposed by the Supreme Court.

Vote: Require a hearing – 15, Leave as proposed by Supreme Court – 5

**Poll 5:** Should language include "expedited hearing" or no time frame added:

Vote: Expedited Hearing – 7, No time frame – 14

f. Page 3 (g): Failing to Grant all the Requested Relief

Subcommittee proposed revisions.

Discussion/General Comments: Revisions as proposed by the Subcommittee were accepted and approved.

Meeting adjourned.

**Minutes submitted by:** Chrystal S. Thornton, Esq.