

**MINUTES  
COUNCIL MEETING**

Friday, April 15, 2005  
Austin, Texas

**Members Present**

Peggy Podell , Chair	Howard Lipsey, Chair Elect
James Preston, Vice Chair	Gregg Herman, Secretary
Tim Walker, Delegate	Deborah Akers Parry, Financial Officer
Maryann Foley, Council (at-large)	Harlan Tenenbaum, Council (at-large)
Carlton Stansbury, Council (at-large)	Llewelyn Pritchard, Council (at-large)
Herb Belgrad, Council (at-large)	Mark Chinn, Council (Region II)
Mitch Karpf, Council (at-large)	Ron Nelson, Council (Region IV)
Jacqueline Valdespino, Council (at-large)	Scott Friedman, Council (Region III)
Lisae Jordan, Council (Region I)	Linda Elrod, Editor of Quarterly
Twila Larkin, Council (Region V)	Linda Ravdin, Publications Board
Evanne Dietz, YLD Liaison	Alisa Rosales, LSD Liaison

**Ex-Officio Members Present**

Wade Baxley, ABA Board Liaison	Ken Raggio, Past Chair
Marshall Wolf, Past Chair	Richard Podell, Past Chair

**Members Not Present**

Lynne Gold Bikin, Delegate	Phyllis Bossin, Immediate Past Chair
Lewis Becker, Council (at large)	Anita Ventrelli, Council (at-large)
Willard DaSilva, Editor Family Advocate	Edward Newman, Parliamentarian
Kathleen Robertson, Council (Region VI)	

**Staff Present**

Kate Hagan, Director

**1. Call to Order - Peggy Podell, Chair**

Meeting was called to order at 1:59 p.m. Due to the absence of Ed Newman, Richard Podell has been appointed as Acting Parliamentarian for this meeting.

**2. Approval of minutes from October 2004 Council Meeting**

Minutes were approved unanimously with the correction of the spelling of “Driskill” hotel on page 2, as noted by Tim Walker.

**3. Report from Chair - Peggy Podell**

Peggy reported on plans for the annual meeting in Chicago and specifically thanked Don Schiller for sponsoring the reception.

Peggy introduced Jean Crowe for the *pro bono* awards. The recipients are:

Stewart Gagnon, Houston  
Charles Hardy, San Antonio  
Jim McCormack, Austin  
Judy Ritts, Houston  
Malcom Smith, Austin

#### **4. Report from Chair-elect - Howard Lipsey**

Howard reported on plans for the fall, 2005 meeting in San Diego and the spring, 2006 in Washington D.C.

Howard reminded Council of their responsibility to monitor committees and ensure that they are active. Officers will, in turn, monitor Council members to assure that they are following up with committees.

Howard reported that Products Development Committee, among other actions, is working to develop an online index for both the *Advocate* and *Quarterly*.

Howard read a proposed resolution in memory of former chair, James J. Podell and moved its adoption, which was adopted by acclamation.

Howard also read the certificate of appreciation that was granted by the Judge Advocate General's office at Fort Hood to section members Patricia Apy and Mark Sullivan. Council expressed a debt of gratitude to Trisha and Mark.

Howard also reported that the Section would send representatives to a conference in Las Vegas at the law school. The conference is a follow-up to the Fordham conference held ten years ago in which the Section was involved.

#### **5. Report from Vice-Chair, Jim Preston**

Jim reported that the fall meeting in his year as chair will be Oct. 24-29, 2006 in Santa Fe, N.M. and the spring meeting will be in Monterey, CA from April 25-28, 2007.

#### **6. Nominating Committee Report**

Howard gave the nominating committee report and added that Lynne Gold-Bikin has filed a petition for the position of Section delegate. The nominations are as follows:

For Chair-Elect – 1 position, 1 year term  
JAMES B. PRESTON, Visalia, CA

For Vice Chair – 1 position, 1 year term  
GREGG HERMAN, Milwaukee, WI

For Secretary – 1 position, 1 year term  
ANITA VENTRELLI, Chicago, IL

Section Delegate to the ABA House of Delegates – 1 position, 3 year term  
MARSHALL WOLF, Cleveland, OH

Council Members-at-Large – 3 positions, 3 year terms  
MELISSA AVERY, Indianapolis, IN  
MITCHELL KARPFF, North Miami Beach, FL  
RANDY KESSLER, Atlanta, GA

Region III Council Representative – 1 position, 3 year term  
SCOTT FRIEDMAN, Columbus, OH

Region V Council Representative – 1 position, 3 year term  
**HON. DEBRA LEHRMANN, Fort Worth, TX**

#### **7. Board of Governor's Report - Wade Baxley**

Wade reported on the status of a possible dues increase, which might not be approved by the ABA Board of Governors as there seems to be a lot of potential opposition. He reported on the allocation of space, which is mostly a staff issue. He also answered the question of credit card use, that the ABA adds a surcharge to the sections for use of credit cards by section members.

#### **8. House of Delegates Report - Timothy B. Walker**

Tim reported on the actions of the House of Delegates at the February meeting. There were two resolutions submitted by the IRR Section. The resolution on immigration of same-sex couples was withdrawn.

The other resolution, 104, opposed governmental actions and policies that interfere with patients' abilities to receive information from their healthcare providers relevant to their decision-making. The proposal was amended on the floor of the House and then adopted as amended.

Dick Podell reported on the governance commission. The proposal includes

- i. After 2006, ABA officers can only be elected to one position.
- ii. Every section would have at least two seats in the House Delegates.
- iii. In the House, no one could serve more than six years.
- iv. There would be greater representation on the nominating committee for sections, law students and the Commission on Disability.
- v. The secretary and treasurer's terms would be reduced from three to two years.

These provisions will be voted on in August at the annual meeting and must be approved by a 2/3 vote.

Tim reported that there probably be significant opposition to increased section representation on the nominating committee and on the ABA Board from state bars who will not want to share power.

## **9. Financial Report - Deborah Akers Parry**

Deborah started by reviewing the budgetary process.

The dues for next year are projected as the same as last year. Sponsorship and additional sources of funds is critical. We are anticipating six teleseminars, averaging \$3,500 each.

On the expense side, Howard has worked hard to decrease expenses. Some money is being saved on phones, space and meetings, due to new ABA contracts. Officers and Pub Board will meet in Chicago, rather than at the mid-year meeting in order to reduce expenses.

The budget proposes substantially reducing the costs of the Schwab essay contest by making most of its prizes non-monetary.

For the annual meeting, the awards budget is being scaled back and the chair's suite is being eliminated. Chair's expense has been reduced by \$800.

The adjustments result in a budget in the black by the amount of \$2,699.

Llew Pritchard questioned whether there was any existing money for the Schwab award remaining from when it was transferred from the Ohio State Bar or whether there is a memo of understanding. Kate Hagen reported that there are no remaining funds.

Harlan Tenenbaum moved to approve the budget as amended. Seconded by Tim Walker. Passed unanimously by voice vote.

## **10. Schwab Essay Contest**

Tim Walker reported that the officers suggest changing the awards for the Schwab essay contest.

Marshall suggested changing the proposal so that for third year students, they get first year section membership free. The proposal is amended so that in each of the prize categories, if the student is about to graduate, they will get one-year free section membership. If the winner is a second year student, they will get one-year free law student membership and one-year free section membership after graduation.

Scott questioned whether the Ohio Bar Association had any understanding with the Schwab family - Kate, having worked for the Ohio Bar for 15 years, assured Council that there was no understanding.

Peggy assured Council that staff would search for any memorandum of understanding and will report to Council if there is anything in the memorandum promising any continuation of the monetary award.

With that understanding, Tim Walker moved for approval of the proposal as amended. Seconded by Howard Lipsey. Approved unanimously by voice vote.

The proposal as amended is as follows: RESOLVED, that the Council of the ABA Section of Family Law, shall continue with the Schwab Essay Contest and as recognition of the top three participants the following awards will be presented:

First Prize:

- Certificate of Recognition as First Prize winner
- Consideration of publication of the article in the Family Law Quarterly
- Consideration of publication of the article on the ABA Section of Family Law website
- Letter to Law Student's Dean
- One-year complementary section membership

Second Prize:

- Certificate of Recognition as Second Prize Winner
- Consideration of publication of the article on the ABA Section of Family Law website
- Letter to Law Student's Dean
- One-year complementary section membership

Third Prize:

- Certificate of Recognition as Third Prize Winner
- Consideration of publication of the article on the ABA Section of Family Law website
- Letter to Law Student's Dean
- One-year complementary section membership

#### **11. Model Act Governing Assisted Reproductive - Bruce Wilder**

Bruce reported on the model act and advised that his committee will seek input from others and anticipates a vote in about a year.

#### **12. Government Affairs Committee Report - Marshall Wolf**

Bankruptcy bill passed with atrocious consequences for bankruptcy lawyers and public in general. He has worked on this for eight years, but the companies put \$56 million into the bill and it finally passed.

The Violence against Woman Act is sun setting and an extension has not yet been introduced. Marshall will be going to Washington for ABA Day in two weeks and with Lisae Jordan will concentrate on lobbying to get an extension enacted.

Tim Walker complimented Marshall on the comprehensive report by Government Affairs and Council expressed its appreciation as well.

### **13. Diversity Committee Report - Greg Ortiz**

Greg reported that the committee met yesterday and discussed the scholarship and internship programs. After reviewing the plans, the committee found some ambiguities in the plan approved by Council at the San Juan meeting and suggests some clarifications which are set forth in a motion which is attached to these minutes.

Greg thanks Christina Plum and Jason Kohlmeyer for their proposed fellowship plan.

Herb Belgrad made a motion that clarified the program as outlined in the diversity plan and moved its admission. Seconded by Jackie Valdespino. Friendly amendment by Maryann Foley to modify the language regarding expense reimbursement. Friendly amended accepted by mover and seconder. Another friendly amendment was made by Lisae Jordan regarding to add transgender and bisexual lawyers as minorities. The mover and seconder also adopted this.

Peggy noted that this amendment to the plan is not intended to affect law student reimbursement.

The motion, as twice amended, passed unanimously by voice vote. The motion passed is as follows:

RESOLVED, that the motion adopted by the ABA Section of Family Law Council on May 1, 2004 at the Spring Meeting in San Juan be amended as follows:

The Section of Family Law shall continue to fund the two young lawyer recipients of the scholarship program who would attend both the San Diego and Washington D.C. meetings in 2005 and 2006. The funding would include their hotel expense, airfare and miscellaneous expenses. Both registration fees and ticketed event fees would be waived. Furthermore, the Sponsorship Committee shall have as one of its goals to raise the money for the sponsored individuals.

FURTHER that, the Section of Family Law, through its Diversity Committee, shall select two minority law students from ABA-accredited law schools in the geographic area of the Section fall and spring CLE meetings to attend those meetings. To qualify, a law student shall be at least one of the following: a woman, a law student with disabilities, gay or lesbian, bisexual or transgender, or from a diverse ethnic background. The Section will waive the registration fee for the meeting, the cost of meeting events other than special tour costs, and the cost of written materials. The Section will not make reimbursement for travel expenses other than local parking. Hotel expense or expense for ticketed tour events are also exempt from reimbursement. At the discretion of the Diversity Committee, additional funding for travel and hotel expenses may be provided if there is no qualified law school within driving distance of the meeting. In

such cases, the Diversity Committee shall provide the source of funding and shall make every effort to select students in close proximity of the meeting. The recipients will be expected to attend CLE programs and committee meetings and shall submit a written report of his/her experience as a recipient to the Diversity Committee. The Diversity Committee shall assign one or more mentors from the Section to each recipient. The Sponsorship and Fund-Raising Committee shall have as one of its goals to raise the money to fund the law students scholarship program.

Peggy thanked Greg and his committee for their contributions to the section.

#### **14. NCCUSL Report - Mike Kerr**

Mike reported that the UCCJEA has been enacted in most states now. He reported on the status of drafting a Uniform Role of Attorneys Representing Children in Custody Disputes Act. He also reported on the draft of Standards for the Protection of Children From International Abduction Act. A committee is working on uniform acts for guardianship, removal and collaborative law.

Harry Tindall reported on the Joint Editorial Board of NCCUSL on family law and the collaboration between JEB and the section.

All the current and past drafts can be reviewed at [www.nccusl.org](http://www.nccusl.org).

#### **15. Fund Raising & Sponsorship Report - Herb Belgrad**

Herb thanked those on the fund-raising committee as well as section staff for their help and cooperation. Herb noted the special problem this year that Chair-elect Howard Lipsey is prohibited by judicial ethics from soliciting funds. Herb has asked staff to mail a list of current sponsors to members of Council and asks that they keep track of mail they get from solicitors. Herb also thanked those contributed as sponsors to the spring meeting and to the diversity program. Special thanks go to the contribution by Wolf and Akers.

#### **16. Publication Board Report - Linda Ravdin**

Linda reported that there is a net profit of \$49,000. In the pipeline is a book on military law by Mark Sullivan, which should be out before the San Diego meeting. Time Management for Family Lawyers, a book on Removal by Prof. Elrod, reproductive technology co-written by Prof. Kindregan and a book on marketing a law practice by Mark Chinn and also upcoming.

Pub Board will be trying to communicate better with the *Advocate* to try to advertise books while providing material to the *Advocate*.

Most marketing is now by email that is far less expensive and increases the bottom line. Through Judge Lehrmann, we have a relationship with the Texas State Bar and we have already

earned \$3,000 through that collaboration. Pub Board is working on developing relationships with other state bars.

Linda gave credit to the ABA staff that has worked hard in making Pub Board successful.

### **17. Family Law Quarterly Report - Linda D. Elrod**

Linda reported that the latest issue is the Law in 50 States and should be mailed out next week. There are two memorials, Louis Parley and Jim Podell. There will be also an article by Janet Johnston on alienation. As a result of the larger issue, *Quarterly* may be over budget this year. However, an upcoming issue will have seven issues on domestic violence and any CLE on domestic violence should include a copy of this issue. In addition, the Coalition may buy a number of copies to give to legislators.

Linda is looking for articles on professionalism for an upcoming issue.

### **18. Family Advocate Report - Willard H. DaSilva**

In Bill's absence, Jackie Valdespino gave the report. The tax issue is out and a client issue will be next. A military issue will be coming out in fall, 2005 to coincide with the publication of Mark Sullivan's book. A relocation issue will synchronize and will publicize the upcoming book by Linda Elrod.

### **19. New Business**

Peggy reported that the officers met yesterday to go over committee appointments. The officers are asking for the creation of a technology committee. So moved by Linda Elrod. Seconded by Tim Walker and passed unanimously by voice vote.

Dick Podell asked everyone to read the recommendation from the Los Angeles Bar Association on children and foster care.

Peggy introduced Lonny Balby from Calgary, representing the Canadian Bar Association, who thanked everyone for their hospitality.

### **20. Adjournment**

The meeting was adjourned at 4:40 p.m.