

Philadelphia Bar Association

Family Law Section Minutes

July 9, 2018

- I. **WELCOME AND INTRODUCTION:** Ann welcomed the group and attending Judges.
- II. **ANNOUNCEMENTS**
  - a. Thanks for attending Summer Reception. Please renew your FLS membership for the rest of the year (if you have not already).
  - b. The FLS section is making a \$500 contribution to the general fund for the bar association
  - c. There is a memorial service this Saturday for Judge Thompson's clerk, Petra Hoeschele
  - d. New CLE on shaken baby syndrome - will be circulated by email.
- III. **COMMITTEE REPORTS**
  - a. Bench Bar Programing Committee: CLEs to be presented on
    - i. PFA Practice and Procedure
    - ii. Complex Support
    - iii. Third Party Standing in Custody Cases
    - iv. Implicit Bias Panel Featuring Kristen Lane (on the Faculty at Bard College and involved in the Harvard Implicit Bias Study)
  - b. Court Relations Committee is meeting with Judge Murphy on 7/20 to address the prolonged scheduling issues
  - c. Legislative: Mark Momjian - HB 1038 would modify 1304(b) so that no marriage license could be issued for a party under 18 years of age. PA now allows minors to marry with parent permission or judges consent. NJ and DE both have similar bills which have stalled in committee. No statistics on child marriage in PA. Handout with language attached.
- IV. **PROGRAM - Part 1: Hanrahan v. Baker - Michael Bertin**
  - a. Certification to PA Supreme Court is a rare honor - only 2-3% of cases appealed achieve this.
  - b. Counsel agreed on the facts of the case, so only issue was the support due on the one year of high fluctuation (when father's income increased to \$15M).
  - c. Three step analysis
    - i. PA Guidelines
    - ii. Meltzer/Needs based - what do the children need?
    - iii. Apply Meltzer # to the Guidelines # (is it insufficient or excessive?)
  - d. Superior Court held that children's needs were irrelevant - only looked at Step 1. The Supreme Court disagreed.
  - e. Focused on that the guidelines were based on economic data but after \$30k per month, this was all extrapolated and not based on real data - therefore needed to look at needs. Both parties stipulated here that children's needs were \$2500/month, and guidelines were \$700,000/month.
  - f. Argument was fascinating. All 7 justices, sitting in Harrisburg. 45 minutes of argument for each side, no rebuttal. Very active questioning by the judges,

particularly Judges Baer and Wecht. Research showed that this was the highest child support order in the country.

- g. Parties must exchange expense sheets 5 days in advance (with supporting documents). Need to show a history of the standard of living. Per footnote 24, this does not apply to APL calculations (i.e. APL is about income shifting).
- V. PROGRAM - Part 2 - Confessions of Experienced Practitioners - Names not listed to protect the innocent**
- a. Check your PNA carefully, especially for typos (and do good to your fellow counsel)
  - b. Google your prospective clients - and once they hire you, set up a google alert on your client, the opponent, and the opponent's business
  - c. Always run the guidelines on your own when modifying support, since it can go up or down
  - d. Anything at a deposition is fair game to the other side (and don't accidentally bring your child's plastic grenade to court).

**Next Meeting:** August 6, 2018

**Respectfully submitted:** Eileen G. Murphy