

Faulk, Camilla

From: Ed Skone [ers@kinzelallenskonesearring.com]
Sent: Friday, June 04, 2010 9:35 AM
To: Faulk, Camilla
Cc: lroubik@site7000.com
Subject: Proposed Family Law rules

Dear Ms. Faulk

1. I entirely agree with Ms. Roubik's comments.
2. I am especially concerned about the authors' assumption that an order requiring each party to be responsible for their own debts at the inception of the case. Often a spouse [usually the wife] is often without access to funds and has no independent income [especially since the proposed immediate restraining order prohibits access to funds, even for the "necessities of life"] and can only raise funds to meet immediate expenses and hire an attorney by borrowing money.
3. Have the authors' considered that their order on responsibility for new debts may eliminate the right to make a claim for fees? Obviously if a client signs a fee agreement requiring the client to pay fees and the lawyer is willing to wait, this would be a "debt" and under the proposed order the responsibility of the client. The other side would argue that the client's right to ask for a fee award is superseded by the order requiring the client to be responsible for new debt.
4. Leave well enough alone.

One new rule that is not proposed would be helpful. There should be a rule [present in some counties as a local rule] requiring the petitioner to present a documented personal financial statement within 60 days of filing under oath, and the respondent to do the same 30 days after receipt of the petitioner's statement. Meanwhile the right to serve interrogatories and requests for production without court permission should be suspended. This would save a significant amount of fees in responding to often unnecessary discovery requests. Please present this idea to the committee.

I too was unaware of the proposed rules. Your methods of notice should be revised so that notice is reasonably anticipated to reach attorneys affected by the rules.

Regards ERS

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