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**20TH ANNUAL** 

# Family Law Institute

### Michigan's Must-Attend Family Law Event

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## Michigan's Must-Attend Family Law Event

Stay connected to the family law community with critical insights you won't find anywhere else. Hear straight from nine judges—including Hon. Janice K. Cunningham, who delivers another popular caselaw update. Gain perspectives from colleagues, court staff, and financial experts.

Get ahead of the curve on the new Michigan Parenting Time Guideline, which has been updated for the first time in 20 years. Refresh yourself on the rules of evidence. Take away the latest thinking on pandemic-related issues, from school choices to Zoom hearings to tax tips. Avoid mistakes when crafting a discovery plan.

#### Invaluable Insight from Michigan Judges

Nowhere else can you find this much candid advice straight from the bench. Hon. Janice K. Cunningham is back with her analysis of recent court decisions. Plus, an all-star judicial faculty provides answers to questions such as:

- How would a judge rule on a range of hypothetical alimony and child support cases?
- How would a judge rule on various evidentiary issues?
- What constitutes a successful Zoom hearing?
- What limits can a judge put on a legal marijuana user?
- What is truly confidential—and what is not?
- How can lessons they gained going from private practice to the bench help you?



Hon. Janice K. Cunningham 56th Circuit Court, Charlotte

"Incredibly informative." "Brilliant." "A highlight each year." It goes without saying that Hon. Janice K. Cunningham is one of ICLE's most popular speakers. Her experience speaks for itself: she was the first woman to take the circuit court bench in Eaton County after 25 years in private practice. She's back to deliver another insightful, practical update session.

#### INTERACT WITH NINE JUDGES FROM ACROSS THE STATE



Hon. Melissa A. Cox 3rd Circuit Court



Hon. Jacob James Cunningham 6th Circuit Court



Hon. Joseph J. Farah 7th Circuit Court



Hon. Linda S. Hallmark 6th Circuit Court



Hon. Kathleen M. McCarthy 3rd Circuit Court



Hon. Lorie Nancy Savin 6th Circuit Court



Hon. Carla G. Testani 3rd Circuit Court



Hon. Jon A. Van Allsburg 20th Circuit Court

**66** From a judge's perspective, this is the can't-miss event of the year for family law practitioners."

> Hon. Kathleen M. McCarthy 3rd Circuit Court, Detroit

**ON DEMAND** 

## **NEW! TWO OPTIONS THIS YEAR**

Which format works best for you? Either way, you get the same great content.

November 18-19, 2021

#### Suburban Collection Showplace, Novi

Enjoy the networking you've missed, with safety in mind. Visit www.icle.org/safeevents. Plus, access the electronic materials you've come to expect. Don't wait! In-person registrations will be limited this year.

#### Available December 24, 2021

Stay connected to the family law community at your convenience. We bring the experts to you. Video recordings of all sessions, and other electronic materials, are available for three years.

#### Featured Speakers



J. Matthew Catchick, Jr. Catchick Law PC, Southfield Matt has 25+ years of experience and is founder and president of the firm. He joins a panel to discuss best practices for litigating trials and evidentiary hearings via Zoom.



Shalini Nangia Varnum LLP, Ann Arbor Shalini is a member of the firm's family law practice team and specializes in high-asset divorces, custody, and more. She shares strategies for avoiding parenting time battles.

#### COMPLETE COVERAGE OF THE HOTTEST ISSUES

#### **Parenting Time**

The Michigan Parenting Time Guideline was revised in February 2021—the first time in 20 years. Be sure you're up to speed. Hear straight from a longtime practitioner and FOC, and learn creative ways to form a schedule that is in the best interest of the child.

#### **Evidence**

A refresher on evidence is always welcome. Lawyers from both a large and small firm join a longtime judge to demonstrate everything from authentication to qualifying your expert. Watch the arguments and hear the judge's rulings—complete with color commentary throughout.

#### Support Income

When it comes to alimony or child support cases, what counts as income? A former family court judge and referee share their most candid feedback. In this unique presentation, watch two financial experts argue cases and see how the decision makers would rule. Learn what really drives their decisions.

#### Zoom Hearings and More

The pandemic seems to be easing, but is the virtual courtroom here to stay? Get advice from an experienced judge, lawyer, and FOC on conducting a successful Zoom hearing, including introducing contested exhibits. Plus, get tips on other pandemic-related issues like stimulus checks and schools.



Hulen R. Simpson 3rd Circuit Court, Detroit Hulen has been a Friend of the Court referee since 2011 and ran a successful solo practice for many years. He gives advice "from the other side" so you can better serve clients.



James J. Harrington III Harrington Law PLC, Novi "The voice of experience." With 40+ years in practice, Jim concentrates solely on complex family law cases. He shares best practices on the Verified Financial Information Form.

### In-Person Schedule

CLE: 20 Level: Basic/Intermediate/Advanced



8:00am Registration, Continental Breakfast, and Vendor Showcase (Both Days)

#### THURSDAY, NOVEMBER 18, 2021

9:00am	Welcome, Introductions, and Section Update
9:25am	Domestic Relations Caselaw and Statutory Update with Analysis
10:45am	Networking Break

	Core Concepts Track	Intermediate/Advanced Track	Bench and Bar Track
11:00am	QDRO Fundamentals	Discovery and the Verified Financial Information Form: Best Practices	My First Year on the Bench or in the Referee Hearing Room: Guidance for Practitioners
11:50am	Networking Lunch on Premises		
1:05pm	Using the Science of Settlement to Better Represent Your Clients	Crimes and Misdemeanors	Cannabis and Family Court
2:05pm	Effective and Efficient Discovery Plans	Privacy 2021: You May Have to Think Twice with That Phone Recording	Confusing Confidentiality: Confidential Records, Sealed Records, and Protected Records
2:55pm	Networking Break		
3:10pm	Support Income: Experts Battle, Bench Weighs In	College Planning for Divorcing Parents	Threshold Hearings Point- Counterpoint
4:10pm	Advocating for the Child and Remembering the Family in Family Law	Privileged: A Practical Primer on Privileges	Assessing for Domestic Violence: Improve Legal Outcomes and Reduce Harm

5:00pm Closing Keynote: Family Law Town Hall

5:30pm Networking Reception

#### FRIDAY, NOVEMBER 19, 2021

9:00am 20 Years in the Making: The Updated Parenting Time Guideline!

	– Financial Track	– Litigation Track	Drafting Track
10:10am	Tax Tips for Practitioners	Litigating Trials and Evidentiary Hearings Using Zoom	Drafting Essential Provisions in a Prenuptial Agreement
11:00am	Networking Break		
11:15am	Timing Is Everything: Dates that Matter in Your Property Division and Valuation	Essential Evidence Demonstrations	Planning Parenting Time and School Orders for the Next Zombie Apocalypse

#### **Tracks**

#### Plenary

#### Welcome, Introductions, and Section Update

(Thursday, November 18, 2021, 9:00am-9:25am)

Christopher J. Harrington, Chair-Elect, Family Law Section of the State Bar of Michigan, Oakland County Friend of the Court, *Pontiac* 

## Domestic Relations Caselaw and Statutory Update with Analysis

(Thursday, November 18, 2021, 9:25am–10:45am)
Hon. Janice K. Cunningham returns with her expert analysis of recent court decisions and legislative enactments.
Hon. Janice K. Cunningham, 56th Circuit Court, *Charlotte* 

#### Closing Keynote: Family Law Town Hall

(Thursday, November 18, 2021, 5:00pm–5:30pm) Select faculty members lead an interactive discussion of new developments, statewide and local trends, and up-to-theminute practice strategies in this freewheeling session. Get in on the discussion and get your questions answered. James J. Harrington III, Harrington Law PLC, *Novi*; Jenny L. McNeill,

James J. Harrington III, Harrington Law PLC, *Novi*; Jenny L. McNeill, Muskegon County Friend of the Court, *Muskegon*; Shalini Nangia, Varnum LLP, *Ann Arbor*; Hon. Jon A. Van Allsburg, 20th Circuit Court, *Grand Haven* 

## 20 Years in the Making: The Updated Parenting Time Guideline!

(Friday, November 19, 2021, 9:00am-10:00am)

The Michigan Parenting Time Guideline has been revised and updated for the first time in 20 years. Learn how to use the new Guideline to your advantage in your practice. Explore the myriad of parenting time schedules and developmental considerations to help you fashion a unique parenting time schedule geared to the individualized needs of the children in your case. Be familiar with this universally accessible tool to be ahead of the curve.

Shelley A. Kester, Wilson Kester PLLC, *Traverse City;* Traci Lynn Schenkel, Kent County Friend of the Court, *Grand Rapids* 

#### **Core Concepts Track**

#### **QDRO Fundamentals**

(Thursday, November 18, 2021, 11:00am–11:50am)
Grasping the nuances of retirement plan division considerations ensures your client's interests are adequately protected in the parties' settlement agreement and subsequent QDRO. Learn to draft and issue appropriate discovery so you understand the retirement plan benefits to which your client is entitled. Understand the law regarding retirement benefits

and leave with a fundamental knowledge of what retirement plan division aspects must be considered, negotiated, and documented.

Sharee Burkel, The QDRO Company LLC, *Chelsea;* Karen M. Ross, Ross Legal Group PC, *Waterford* 

## Using the Science of Settlement to Better Represent Your Clients

(Thursday, November 18, 2021, 1:05pm–1:55pm)
Understanding the science of settlement is essential in successfully representing clients in negotiations. Recognize the impact that anchoring, attribution error, BATNA (best alternative to a negotiated agreement), biased punctuation of conflict, confirmation bias, ongoing relations, endowment effect, framing, and reactive evaluation have on negotiations. What is the effect of unconscious bias? Learn the importance of cognitive fluency, game theory, mimicry, sunshine, and touch in negotiations.

Lee Hornberger, Lee Hornberger Arbitration and Mediation Office, *Traverse City* 

#### **Effective and Efficient Discovery Plans**

(Thursday, November 18, 2021, 2:05pm–2:55pm)
Grasp the legal framework and gain practical ideas so that you strategically ask for the right information at the right time from the right person. Use discovery to your advanta

time from the right person. Use discovery to your advantage and avoid overwhelming yourself and your client with information you do not need.

Elizabeth K. Bransdorfer, Mika Meyers PLC, Grand Rapids

#### Support Income: Experts Battle, Bench Weighs In

(Thursday, November 18, 2021, 3:10pm-4:00pm) When it comes to alimony or child support cases, what counts as income? Are you always left guessing what the judge or referee really cares about? See experts argue their cases live, followed by rulings from former family court judges and referees who share what matters most in their decision-making. Benjamin I.S. Bershad, Stout Risius Ross LLC, *Royal Oak;* Jason Bodmer, Bodmer Price, *Ann Arbor;* Hon. Linda S. Hallmark, 6th Circuit Court, *Pontiac;* Kent L. Weichmann, *Ann Arbor* 

## Advocating for the Child and Remembering the Family in Family Law

(Thursday, November 18, 2021, 4:10pm–5:00pm)
Discover strategies on how to avoid high-conflict parenting time battles and how to best use multi-professional collaborations in your cases. Explore pros and cons of using therapists, GALs, LGALs, and parenting coordinators.

Shalini Nangia, Varnum LLP, Ann Arbor; Carrie W. Rosenbloom, Carrie Rosenbloom LLC, Ann Arbor

#### **Tracks**

#### Intermediate/Advanced Track

## Discovery and the Verified Financial Information Form: Best Practices

(Thursday, November 18, 2021, 11:00am–11:50am)
Dive into the Verified Financial Information Form (VFIF) and take a targeted approach to discovery from day one. Explore strategies for integration of VFIF with formal discovery. Weigh the pros and cons of using interrogatories versus document production requests. Effectively define discrete subparts in your next set of interrogatories and satisfy the mandatory supplementing requirement. Start with the end in mind and be ready to use the VFIF and formal discovery at trial.

James J. Harrington III, Harrington Law PLC, *Novi* 

#### **Crimes and Misdemeanors**

(Thursday, November 18, 2021, 1:05pm–1:55pm) Criminal acts often intertwine in family law matters. Some of those acts include tax fraud, illegal wiretapping, DUI, CSC, and domestic violence. Gain techniques for dealing with criminal accusations, handling witnesses, and working with investigators. Plus, know when to refer a matter to a criminal defense lawyer.

Steven A. Reed, Reed Law Group PC, Ann Arbor

## Privacy 2021: You May Have to Think Twice with That Phone Recording

(Thursday, November 18, 2021, 2:05pm–2:55pm)

Smartphone audio and video recordings couldn't be easier or more prevalent in society and many recordings are posted on social media. Up until now, Michigan was a one-party consent state, but the Michigan Supreme Court has taken up the issue. The eventual ruling will have broad implications for family law lawyers, criminal defense lawyers, and civil practitioners handling surreptitious recordings of their clients, witnesses, opposing parties, and more.

Michael C. Naughton, North Coast Legal PLC, Traverse City

#### College Planning for Divorcing Parents

(Thursday, November 18, 2021, 3:10pm-4:00pm)
Applying to college is stressful, but for divorced families, admissions can be even more overwhelming. Grasp key challenges that families face as they navigate the college landscape while gaining practical advice on how lawyers can help their clients negotiate and add language related to college into their settlement agreements.

Kathy Noble, Start With Your Story Educational Consulting, Ann Arbor

#### Privileged: A Practical Primer on Privileges

(Thursday, November 18, 2021, 4:10pm–5:00pm)
Asserting a privilege (e.g. medical, attorney-client, etc.) can be a powerful shield to prevent the discovery of information in a family law case. But the assertion may have drastic ramifications for your client. Take a deep dive into a variety of privileges encountered in family law cases, and learn the risks, benefits, and consequences associated with each.

Natalie Alane, Alane Family Law PLC, *Lansing;* Kyle J. Quinn, McShane & Bowie PLC, *Grand Rapids* 

#### Bench and Bar Track

#### My First Year on the Bench or in the Referee Hearing Room: Guidance for Practitioners

(Thursday, November 18, 2021, 11:00am–11:50am) Imagine you're humming along as a family law practitioner and then, poof, you're suddenly ruling from the bench as a judge or referee. Viewing the law from the other side, what advice would you give practitioners now that you're a neutral decision maker rather than a zealous advocate? Panelists will "pull back the curtain" to share their best advice to help lawyers hone their techniques of persuasion to the family judges and referees in a way that will best represent your clients' interests.

Christopher J. Harrington, Chair-Elect, Family Law Section of the State Bar of Michigan, Oakland County Friend of the Court, *Pontiac;* Hulen R. Simpson, 3rd Circuit Court, *Detroit;* Hon. Carla G. Testani, 3rd Circuit Court, *Detroit* 

#### Cannabis and Family Court

(Thursday, November 18, 2021, 1:05pm–1:55pm)
What are the impacts of recreational and medical cannabis in abuse/neglect and family law matters? How are these issues coming up and how are courts handling these matters? Come to discuss the high points from the applicable statutes and recent caselaw developments with views from the practitioner's standpoint as well as the perspective from the bench.
Shon A. Cook, Shon Cook Law PC, Whitehall; Hon. Jacob James Cunningham, 6th Circuit Court, Pontiac

## Confusing Confidentiality: Confidential Records, Sealed Records, and Protected Records

(Thursday, November 18, 2021, 2:05pm–2:55pm)
What is confidential and what is not? What can be filed, what can't be filed, and what shouldn't be filed? Learn the differences between filing under seal and filing subject to a protective order, plus how recent court rule changes have dealt

with the confusion. Does MCR 3.229 change the procedures to be followed?

Mathew Kobliska, Debrincat Padgett Kobliska & Zick, Farmington Hills; Hon. Jon A. Van Allsburg, 20th Circuit Court, Grand Haven

#### **Threshold Hearings Point-Counterpoint**

(Thursday, November 18, 2021, 3:10pm-4:00pm)

Do the threshold standards have you confused? Learn when to use the varying threshold standards in *Vodvarka*, *Shade*, and *Kaeb*, and how to best utilize them for your clients' cases. Experts help you decipher which standard applies, address the burden of proof for each, and help you develop the facts in your pleadings based on the appropriate standard. We will discuss the who, what, when, where, and how of threshold decisions, and how they are being handled differently around

Jenny L. McNeill, Muskegon County Friend of the Court, *Muskegon;* Erin Morrae Rothfuss Magley, 20th Circuit Court, *Grand Haven;* Liisa R. Speaker, Speaker Law Firm, *Lansing* 

## Assessing for Domestic Violence: Improve Legal Outcomes and Reduce Harm

(Thursday, November 18, 2021, 4:10pm–5:00pm)
Assessing every client for domestic violence and coercive controlling behaviors will help lawyers develop a trusting client relationship and build a strong case, while improving outcomes and reducing risk of harm. Learn why domestic violence assessments are a necessary step for lawyers, evaluators, and decision makers, and how domestic violence, once identified, impacts custody, parenting time, property, and support determinations.

Jade J. Edwards, Oakland County Friend of the Court, *Pontiac*; Rebecca E. Shiemke, Michigan Poverty Law Program, *Ypsilanti* 

#### **Financial Track**

the state.

#### **Tax Tips for Practitioners**

(Friday, November 19, 2021, 10:10am-11:00am)

Returning for 2021, this segment never fails to both educate and entertain. Join our faculty as they present this year's roundup of the latest and greatest tax tips for lawyers who are NOT tax experts, including how COVID stimulus checks should be handled and important changes to the treatment of one-time capital gains. Learn how these easy-to-implement ideas can benefit your clients and your practice.

Randall J. Chioini, Chioini Group PLLC, *Mount Clemens;* Jessica L. Larson, Mallory Lapka Scott & Selin PLLC, *Lansing;* Karen S. Sendelbach, Nichols Sacks Slank Sendelbach Buiteweg & Solomon PC, *Ann Arbor* 

#### **Moderators**



Plenary Session
Christopher J. Harrington
Chair-Elect, Family Law Section of the
State Bar of Michigan, Oakland County
Friend of the Court, *Pontiac* 



Core Concepts Track
Shalini Nangia
Varnum LLP, Ann Arbor



Intermediate/Advanced Track
Diana Raimi
Diana Raimi Law & Mediation,
Ann Arbor



Bench and Bar Track Hon. Kathleen M. McCarthy 3rd Circuit Court, *Detroit* 



Financial Track
Karen S. Sendelbach
Nichols Sacks Slank Sendelbach Buiteweg
& Solomon PC, Ann Arbor



Litigation Track
Sahera G. Housey
Oakland County Friend of the Court, *Pontiac* 



Drafting Track
Jennifer M. LaTosch
Jaffe Raitt Heuer & Weiss PC, Southfield

#### Timing Is Everything: Dates that Matter in Your **Property Division and Valuation**

(Friday, November 19, 2021, 11:15am-12:00pm) Master the complexity of valuation dates. Know the ins and outs of advocating for your client when: selecting valuation dates, addressing assets with fluctuating values and protecting against market volatility, calculating pension benefits and coverture fractions, defining the division of defined contribution plans, dealing with discovery deadlines and judicial discretion, strategizing for the benefit of your client, finding the solution that fits best, and more. Get tips you can use today. Jason W. LeRoy, Doeren Mayhew, Troy; David C. Sarnacki, The Sarnacki

#### **Litigation Track**

Law Firm PLC, Grand Rapids

#### **Litigating Trials and Evidentiary Hearings Using Zoom**

(Friday, November 19, 2021, 10:10am-11:00am)

Does the thought of using Zoom to introduce contested exhibits or impeach an untruthful witness keep you up at night? Then join our experienced panel of experts and learn many tips to successfully prepare for and litigate trials and evidentiary hearings. There will be a particular emphasis on how to navigate some of the most challenging and frustrating aspects of remote litigation, including hazards and pitfalls to avoid.

J. Matthew Catchick, Jr., Catchick Law PC, Southfield; Hon. Melissa A. Cox, 3rd Circuit Court, Detroit; Sahera G. Housey, Oakland County Friend of the Court, Pontiac

#### **Essential Evidence Demonstrations**

(Friday, November 19, 2021, 11:15am-12:00pm) See live demonstrations of critical evidentiary techniques that will undoubtedly come up in your next evidentiary hearing. Two experienced litigators teach you how to lay a foundation and authenticate your exhibits, qualify your expert, and gain admission of your expert's report. See the arguments and then hear the trial judge's rulings with color commentary throughout. Additionally, gain confidence and be prepared to handle your opponent's common evidentiary objections.



Roquia Draper Warner Norcross + Judd, Bloomfield Hills



Hon. Joseph J. Farah 7th Circuit Court, Flint



John K. Kline Kline Legal Group PLC, Ann Arbor



The nice thing about the institute is that they do it all for you. The planners and the speakers are committed to making sure that you have the most up-to-date information."

Diana Raimi, Diana Raimi Law & Mediation, Ann Arbor

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The networking that goes on here is invaluable. You should make it your business to attend the Family Law Institute."

> Hon. Gregory C. Pittman Muskegon County Probate Court, Muskegon

#### **Drafting Track**

#### **Drafting Essential Provisions in a Prenuptial** Agreement

(Friday, November 19, 2021, 10:10am-11:00am) Walking through the critical provisions of a prenuptial agreement, grasp the advantages and disadvantages of both routine and unusual terms. The presenters will also offer their insight and advocacy tips to meet their individual client goals and needs.

Jennie Boldish Bryan, McShane & Bowie PLC, Grand Rapids; Richard A. Roane, Warner Norcross + Judd, Grand Rapids

#### Planning Parenting Time and School Orders for the Next Zombie Apocalypse

(Friday, November 19, 2021, 11:15am-12:00pm) COVID forced rapid change and left many two-household families facing tough parenting time and school-related problems. Many families are still navigating difficult and unexpected parenting time and schooling decisions, while judges have little guidance from pre-COVID judgments and orders. Explore creative ways judges and practitioners have worked through COVID-related grievances and gain drafting tips and suggestions for navigating future unforeseen events. Jennifer M. LaTosch, Jaffe Raitt Heuer & Weiss PC, Southfield; Hon. Lorie N. Savin, 6th Circuit Court, Pontiac

#### Why You Should Register for This Event

#### You Will Be Able to:

- Stay current on recent court decisions and legislative enactments
- Learn to use the new Michigan Parenting Time Guideline to your advantage
- Get a refresher on authenticating documents and more evidentiary issues
- Formulate an efficient discovery plan in light of timing challenges
- Hone your arguments with real-life advice straight from judges and referees
- Understand the intersection of family/ criminal law and impacts on your case

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**20TH ANNUAL** 

## Family Law Institute

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A. Personal Info	C. Available Formats   Pick One
Name	In-Person Event (11/18-19/21) On-Demand Event (Available 12/24/21)
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Firm	D. Materials Format   Pick One
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City State Zip	\$35 Print Handbook <sup>4</sup> and Electronic Materials
Phone Fax	E. Payment Info
Email	
	Institute Registration (Box B) \$
D. L. C. C. D. C.	Add \$35 for Print Handbook (Optional, Box D) \$
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\$50 Referees and Friends of the Court	PO Box 1343, Ann Arbor, MI 48106
(Limit 40. 5 max per office. Call ICLE to obtain the promo code needed to register online.) <sup>3</sup>	Check No Payable to: ICLE
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Prices guaranteed until 11/19/21. Cannot combine discounts. In-person registration will be limited and adhere to CDC, state, and local guidelines. ¹Please attach additional sheet listing registrants attending. All registrations must be submitted and paid for at the same time. ²Current sitting state court judges attend free. ³Limited to five registrations from any one office, only two of which can be for the in-person event. ⁴Handed out at the in-person event. Shipped to on-demand event registrants. Complete Seminar Policies: www.icle.org/info/seminarpolicies. Cancellation Policy: For a full refund, notify ICLE by 11/04/21. Registrants who cancel after that date will be charged a \$60 cancellation fee. No refunds will be issued after 11/11/21. Terms and Conditions: Access to online seminar materials for an ICLE institute/conference/ summit or an on-demand event (including the materials, video, and audio files) is granted only to me, the customer registered for the event, and I am not permitted to share my access. See www.icle.org/info/termsconditions.

HOTEL INFORMATION: A block of rooms has been reserved at the Hyatt Place Hotel Novi for 11/17-18/21. Reservations must be made by 10/17/21 before 5:00pm to receive the discounted rate. Visit www.icle.org/hyattnovi (group code: G-law2) or call 800-633-7313. Reference the ICLE Family Law Institute. Registrants are responsible for their own hotel expenses.