

Equitable
distribution
HERDING CATS IS EASIER AND MAKES YOU LAUGH

2013 Statistics...CTM
ALL FAMILY COURT CASES FILED
537
CASES WITH EQUITABLE DISTRIBUTION CLAIMS
120
EQUITABLE DISTRIBUTION TRIALS
19

GETTING STARTED
1. MOTION FOR INTERIM
DISTRIBUTION
2. DISCOVERY HEARINGS
3. INTIAL PRETRIAL CONFERENCE
4. WORD ON THE STREET

INTERIM DISTRIBUTION

- 1.SHALL...GOOD CAUSE
- 2.OVERALL VALUE OF NET MARITAL ESTATE
- 3.DO NO HARM

INTIAL PRETRIAL CONFERENCE

- 1.ASSIST IN FINE TUNING ISSUES
- 2.KEEP CASE ON TRACK
- 3.IRON OUT LOGISTIC ISSUES
- 4.IF A LARGE ESTATE SET TRIAL DATE

DISCOVERY CONFERENCES

- 1.ALLOW FOR TIME TO SCHEDULE DISCOVERY MOTIONS
- 2.DON'T LET PROBLEMS INTERFER WITH TRIAL DATE

FINAL PRETRIAL CONFERENCE

- 1. JUDGE SHOULD INSIST ON FPTO BEING ENTERED PRIOR TO START OF TRIAL
- 2. PERSONAL PROPERTY CHART
- 3. LITIGANT'S SIGNATURES MUST BE NOTARIZED
- 4. INSIST ON REMARKS SECTION BE SPECIFIC
- 5. ASSET NUMBERS IN PART III "DIVISBLE PROPERTY" SHOULD MIRROR THE NUMBERS USED IN PART I "MARITAL AND SEPARATE PROPERTY"
- 6. SPECIFIC UNEQUAL FACTORS

FINAL PRETRIAL CONFERENCE CHECKLIST

- 1.ASK EVERY QUESTION
- 2.SET DEADLINES
- 3.INSIST ON DISCUSSION
- 4.MAKE IT AN ORDER

EXHIBITS/EXHIBIT LIST

- 1. COLOR CODE EXHIBIT LIST...BLUE FOR HUSBAND AND PINK FOR WIFE
- 2. EXHIBIT NOTEBOOKS NEED LABELS ON SIDE, BACK AND FRONT
- 3. EXHIBIT NUMBERS FOR EACH ASSET SHOULD MIRROR THE NUMBER ON FPTO (EXAMPLE: FPTO ASSET NO. 1=1A, 1B, 1C. ETC.)
- 4. COPY OF EXHIBITS FOR JUDGE, WITNESS AND OPPOSING SIDE
- 5. HUSBAND AND WIFE USE DIFFERENT COLOR NOTEBOOKS
- 6. EXHIBIT LIST SHOULD HAVE COLUMNS FOR "I" (IDENTIFIED), "A" (ADMITTED) AND "D" (DENIED)

KEEPING UP DURING TRIAL

1. USE CONSISTANT NUMBERING SYSTEM
2. USE OF HIGHLIGHTERS OR COLORED PENSORS
3. MAKE FINDINGS AS YOU GO
4. STOP AND ASK QUESTIONS
5. FOR EXPERT WITNESS ASK THEM TO RUN NUMBERS WITH DIFFERENT ASSUMPTIONS
6. HOUSEHOLD GOODS
7. FACTORS
8. WORK COPY OF FPTO

CLOSING ARGUMENTS

1. WRITTEN CLOSINGS
2. INSIST ON SPECIFICS ON PROPOSED ISSUES
3. DO THE MATH
4. ASK FOR EXHIBIT NUMBERS THAT SUPPORT POSITION

ORDERS

1. JUDGE DRAFT VS. LAWYER
2. SET A DEADLINE FOR YOURSELF
3. SUBMIT FINDINGS TO LAWYERS
4. CHECK YOUR MATH
