

Equitable Distribution Committee Minutes

6-27-07

Chair, David Manz, opened the meeting by discussing the status of potential legislation from the 2006-2007 year and stating that a primary goal of the committee for the 2007-2008 year was that those two statutes be drafted in final form, approved by the EQ Committee and by the Legislation Committee, approved by EC, and then provided to the Board of Governors.

The two primary potential statutes from 06-07 are the partial equitable distribution and special equity. Chair Manz related that both statutes were approved by the prior year's committee in theory, and that the special equity abrogation statute has been drafted by the drafting sub-committee and approved by that committee. The statute in final form was circulated. The Chair stated that the special equity abrogation statute would be directed to the Legislation Committee meeting after EQ. The draft partial equitable distribution statute was then circulated to the committee. After significant discussion, the committee approved that the drafting committee provide an edited draft of the statute to the entire committee prior to the September meeting, to include provisions that the movant seeking partial equitable distribution must evidence the "good cause" requirement of the statute by a sworn motion, that the movant must evidence intent to seek stipulation from the other party prior to filing the motion, and that an evidentiary hearing was a last resort as to resolution of any partial equitable distribution issue. Further, the committee considered the res judicata effect of an order on a motion for partial equitable distribution and determined the edited statute should provide that the order in fact act as a partial distribution of assets.