

*****PLEASE DISTRIBUTE TO ALL ATTORNEYS PRACTICING FAMILY LAW IN YOUR FIRM.*****


**JUDGE'S CHAMBERS
TWENTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA
LYCOMING COUNTY**

Joy Reynolds McCoy
JUDGE
COURT OF COMMON PLEAS

LYCOMING COUNTY COURTHOUSE
48 WEST THIRD STREET
WILLIAMSPORT, PA 17701
(570) 327-2340

MEMORANDUM

TO: *All Family Law Practitioners*

FROM: *Joy Reynolds McCoy, Judge* 

RE: *Equitable Distribution Pre-Trials before the Court*

DATE: *October 18, 2010*

Judge Gray and Judge Anderson have both expressed their frustration with attorneys who appear at equitable distribution pre-trial conferences unprepared and unable to even articulate the value of marital assets. The pre-trial order requires each party to provide directly to the pre-trial judge with a copy to the opposing party, a pre-trial memorandum at least 48 hours prior to the pre-trial containing the following:

- a) short memo with the parties' ages, health, annual earnings, value of the marital estate and any other information applicable to the case evaluation;
- b) written statements of the offers made and the counter-offers made;
- c) a list of exhibits (without the exhibits themselves).

Unfortunately, there are many attorneys who are appearing at the pre-trial conference without completing the memorandum and without being able to articulate the marital assets. There are also many cases that are not ready to proceed to a full hearing as there are evaluations that need to be conducted or appraisals that need to be completed.

It is the expectation of the pre-trial judge that not only will the pre-trial memorandums be complete and exchanged in a timely manner, but that each attorney will be to articulate the value of each marital asset and the basis for their client's position on distribution. If a case is not prepared to proceed to a hearing on the date of the pre-trial conference, it will not be assigned a equitable distribution hearing date. Instead, the matter will be scheduled for a second pre-trial

conference. If the situation arises where one counsel is prepared and the other counsel is not prepared at the time of the pre-trial conference, the prepared party will have the right to request sanctions be entered including things such as an award of attorney's fees, suspension of APL, etc. Any sanctions will be at the sole discretion of the pre-trial judge.

The Court's goal is to make productive use of time scheduled for pre-trials. This cannot occur if both attorneys are not prepared.

JRM

- c. The Honorable Dudley Anderson
The Honorable Richard Gray
Dana Jacques, Family Court Hearing Officer
Diane Turner, Family Court Hearing Officer