

CAPABILITIES / FAMILY LAW

## Reproductive Law

There is nothing more basic to any life than creating a family. Technology now helps millions of people who formerly were unable to accomplish this basic, but often profoundly difficult, goal. The Obermayer Reproductive Law team helps them understand and avoid the challenges involved, and instead, focus on (and revel in) the infinitely rewarding and most important role of their lives: being parents.

### OVERVIEW

Obermayer's Reproductive Law practice group assists clients in navigating one of the most important, rapidly-changing areas of the law, and one with an immense impact on their lives – assisted reproduction. The field includes a staggering variety of situations, including (and increasingly) LGBTQ clients, donated genetic material, IVF, the surrogacy journey, fertility clinic issues, embryo donation/adoption, and birth orders/parentage issues – and more. Our clients range from intended parents, donors, or gestational carriers in surrogacy arrangements; company clients to fertility clinics, surrogacy matching programs, egg, embryo, or sperm matching or donor banks, or counseling/coaching businesses. Whatever the issue, situation or challenge, Obermayer can help.

Beginning with the birth of Louise Brown, the first child conceived using in vitro fertilization, the definition of parenthood, and the technologies for achieving it, have expanded with astonishing speed. Simultaneously, society itself has changed rapidly, as have attitudes towards adoption, parenthood, same-sex marriage, and a host of other fundamental issues. This trend shows no sign of slackening any time soon. Results that would have seemed like science fiction a decade ago are now commonplace.

As a result of the speed and scope of these changes, the law in this area is often unsettled, conflicting, or emerging. There are now ways to create a family that were simply unfathomable a few short years ago, but there are also new risks and complexities in one of life's most fundamental and meaningful endeavors: parenthood. Experienced, strategic legal counsel is now essential. When the law is unclear or evolving, there is no substitute for the judgment and strategic capabilities of experienced legal counsel. This is what our clients come to rely on.

While we advise clients in the full range of reproductive legal issues, a few of the most prominent are:

- **Donor Agreements:** We work with either the known donor or the intended parents on drafting and negotiating a donor agreement for genetic material, as well as providing legal clearance to the clinic upon signing the agreement.
- **Counseling through Donor Programs:** Clients seeking to become parents may choose to go through an egg, sperm, or embryo matching program. The Obermayer team reviews any contracts and agreements connected with the process.
- **Surrogacy:** Surrogacy agencies are not licensed entities like adoption agencies or attorneys. We provide intended parents and gestational carrier with independent legal representation, provide guidance on the distribution of funds, review contracts, as well as overseeing management of issues such as health insurance for the carrier and the baby, designation of guardians and power of attorney, and working with government agencies as necessary on issues like the content of the birth certificate.
- **Disposition of Genetic Material:** We advise clients on questions related to issues like disposing of eggs, sperm, or embryos in fertility clinic documents, donor agreements, post-nuptial agreements, and estate planning documents.
- **Donor Conceived Issues:** We counsel donor-conceived individuals seeking counsel, whether to find/connect with family or genetic siblings if they're potentially part of a fertility fraud situation or under other circumstances.

Reproductive Law is highly personal, and almost always, emotionally charged. There are few issues, if any, more important than those connected with the creation of a family, particularly under challenging or unusual circumstances. We know this terrain, usually completely unfamiliar to our clients, well, and along with providing legal guidance, act as strategists, counselors, and sources of support and information. Whatever the situation, we strive to ensure that our Reproductive Law clients are always fully informed, understand their alternatives and our recommendations, and are treated with compassion by everyone involved. Given what's at stake, we believe there's no other way to practice law.

In addition, we also provide resources and expertise in all the areas of law adjacent to Reproductive Law when required. These range from Estate Planning to Tax to Family Law to, if necessary, Litigation. Whatever legal capability a client's journey through parenthood may demand, Obermayer offers an integrated, full-service team that can deliver it.

Just as families, children, and parents no longer fit into neat, predetermined categories, the legal issues connected with assisted reproduction often overlap and change, and sometimes create situations far beyond the current scope of the law. When this occurs, the innovative thinking and risk management capabilities we provide to our clients help us deliver equally innovative solutions.

## ATTORNEYS

### Key Contacts

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