



Marla Neufeld, J.D. '07, Draws on Personal Experience in Building a Practice in Reproductive Law

MARLA NEUFELD, J.D. '07 WITH HUSBAND, JASON NEUFELD AND SONS ETHAN AND ASHER

By Richard Westlund

Attorney Marla Somerstein Neufeld, J.D. '07, understands the personal and the legal issues facing those couples who find it difficult to start a family. For four years, she and her husband Jason tried pills, inseminations, and *in vitro* fertilization, before engaging a gestational surrogate. Today, Neufeld is the proud mother of twin sons

Ethan and Asher, and the founder of the Assisted Reproductive Technology practice at Greenspoon Marder in Fort Lauderdale.

"I consider it a privilege to provide both emotional and legal support to my clients," said Neufeld. "Just a few weeks ago, a couple who had been trying to conceive a child for six years became the parents of

twins through a surrogacy. This is an incredible option for starting a family, provided you take the right legal steps."

In her practice, Neufeld represents married couples, individuals, and same-sex couples who reside in Florida who are considering adoption or using a gestational surrogate. In either case, would-

be parents need enforceable legal agreements in place to protect their rights.

Under Florida law, except for very limited exceptions, the donor of any egg, sperm, or embryo relinquishes all parental rights and it is imperative that those using frozen genetic material have the proper agreements in place to ensure that the parties' intent is properly documented. Additionally, under Florida law, it is required that all parties using a gestational surrogate must sign an agreement that covers issues like medical care for the surrogate, liability for potential complications, and the parental rights of the future children.

Florida is considered a surrogacy-friendly state, and more couples are considering this approach to have a potential genetic connection to their child," said Neufeld. "However, a gestational surrogacy must be a medical necessity for the health of the mother or the child or if the mother cannot gestate to term—it's not something that can be done for personal convenience."

An early interest in the law

Growing up in Fort Lauderdale, Neufeld became interested in the law at an early age. Her father, Barry Somerstein, J.D. '76, is a partner at Greenspoon Marder. "I always enjoyed seeing my father at work and felt that a law degree, combined with a business education, would give me a good foundation for a rewarding professional career," she said.

After high school, Neufeld went to American University in Washington,

D.C., where she earned a bachelor's degree in business. After college, Neufeld worked on a presidential and U.S. senatorial campaigns and spent time on Capitol Hill as a legislative assistant. Following her political experience, Neufeld attended the University of Miami School of Law. "I have always been interested in writing," says Neufeld, who joined the *Inter-American Law Review* and contributed articles to *The Miami Herald*. "I really focused on doing well in school and graduating with honors," she said.

While in law school, she met her husband. "Since my father and my father-in-law Alan Neufeld, J.D. '75, are both alumni of UM's School of Law, they had the privilege to hood Jason and me at our graduation," Neufeld said, adding that her younger sister, Elizabeth Somerstein Adler, is also a graduate of UM's School of Law.

Neufeld joined Ruden McClosky, later acquired by Greenspoon Marder as an associate and spent five years in transactional law, drafting, reviewing, and negotiating legal documents. Meanwhile, Jason Neufeld became a personal injury attorney with Neufeld, Kleinberg & Pinkiert, P.A. in Aventura.

While launching their legal careers, the Neufelds also spent four years trying to start a family. But like one of every six U.S. couples of childbearing age, they struggled with infertility. "Eventually, I decided not to subject my body to any more medical procedures," she said. "So, we began searching for a gestational surrogate."

Through the services of an agency, the Neufelds were able to find a surrogate, go through medical and

psychological screenings, and draw up a contractual agreement, paying the applicable expenses and legal fees in the process. "It's an involved process, and ultimately you have to find a surrogate you can really trust," she said.

Drawing on her personal experiences, Neufeld persuaded her colleagues at Greenspoon Marder to open an Assisted Reproductive Technology practice within the firm's family law group.

Now, Neufeld serves as a legal guide for prospective parents considering their options and writes an educational blog, *The Reproductive Lawyer* (www.thereproductivelawyer.com), about this evolving field of the law. "When a client calls, I talk about my own process as well as the legal issues," she says. "I really want to be able to guide people to the right resources and get them thinking about the questions they need to ask themselves."

For example, a couple considering an egg, sperm, or embryo donation should consider the issues of openness and transparency in drafting the genetic material donation agreement. "Do you want to have a form of communication with the donor after the birth?" she said. "What if you or your child wants information about genetic health conditions of the donor in the future? That is just one of the many issues that need to be discussed when drawing up an agreement."

When not practicing law, Neufeld relishes spending time with her husband and young sons. "Coming home from work and seeing them is a wonderful feeling," she said. "There's nothing like being a mom." ■