



dbbr DAILY BUSINESS REVIEW

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DEALMAKERS

\$53 MILLION LOAN SECURED

Randy Rienas and Matt Hochradel of Compass Commercial Mortgage joined with Sherry Rienas to help arrange \$53 million in construction financing for the 350-unit Quaye at Wellington apartment community. **A16**

LAW

MOST EFFECTIVE LAWYER FINALISTS

The Daily Business Review has selected finalists for its 11th annual Most Effective Lawyers recognition. Honorees will be recognized at a December luncheon. **A2**

NOVA LAW LIBRARY RENAMED

Nova Southeastern University has named its law library the Panza Maurer Law Library in honor of the Fort Lauderdale law firm that gave the school a \$1 million donation for law scholarships. **A6**

PRACTICE FOCUS: FAMILY LAW

Legalization of same-sex marriage nationally raises questions about same-sex divorce and the role of prenuptial agreements in marital planning, writes attorney Mitchell K. Karpf. **A4**



Karpf

Report: Tampa Is Nation's Top Legal TV Ad Market

by Julie Kay
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Lawyer spending on television advertising is growing six times faster than all other types, and Tampa is the top legal TV ad market in the nation, according to a report released Tuesday by the U.S. Chamber Institute for Legal Reform.

The report found lawyers are projected to spend \$892 million on TV ads this year, up 68 percent since 2008.

The top markets for commercials by personal injury lawyers are in Tampa, with 164,781 broadcast spots, Orlando with 142,607, Atlanta with 123,501 and Las Vegas with 119,563.

Topping the list of legal advertisers nationally was Houston-based AkinMears, which was projected to spend \$25 million this year, and Orlando-based Morgan & Morgan and Houston-based Pulaski & Middleman at about \$24 million each. Legalzoom.com, an online legal technology company, came in fourth at about \$13 million, while Fort Lauderdale-based plaintiffs firm James Sokolove Law Firm was at \$12 million.



John Morgan, whose firm spent \$24 million, fired back at the report, saying law firm advertising is regulated by the bar unlike pharmaceuticals.

The institute said 23 of the top 25 Google keywords linking ads to searches are for personal injury firms. "San

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PRACTICE FOCUS / FAMILY LAW

What Are Considerations for Same-Sex Couples After Marriage Legalization?

Commentary by Mitchell K. Karpf

After years of heated debate, the U.S. Supreme Court in *Obergefell v. Hodges* declared state bans on same-sex marriage to be unconstitutional and ruled that the Fourteenth Amendment includes a fundamental right to marry for all citizens.



Karpf

Now that same-sex marriage is legal, same-sex couples intending to tie the knot should not

overlook a potential same-sex divorce and should prepare accordingly.

Until recently, Florida has been one of the more oppressive states when it came to recognizing or expanding rights to same sex couples. In 1977, in reaction to a Miami gay-rights ordinance banning discrimination, Florida enacted legislation prohibiting gays from getting married or adopting children.

Twenty years later, the Legislature bolstered that law by adopting a Defense of Marriage Act, which stated that marriage was the "union between one man and one woman" and barred state courts from recognizing same-sex marriages from other states. Gov. Lawton Chiles refused to sign that law and optimistically predicted Floridians "will one day come to view a broader range of domestic partnerships as an acceptable part of life."

Public opinion confirms Chiles' forecast with more than 57 percent of Floridians now supporting same-sex marriage, according to polls conducted by the Public Religion Research Institute.

The Supreme Court ruling finally provides relief for many same-sex couples living in Florida who were married in other states and now wish to dissolve their marriages here. Previously, these couples were either forced to remain married or establish residency in one of the few states that would allow same-sex divorce.

After *Obergefell*, Chapter 61 (Florida's dissolution of marriage statute) applies equally to all couples. Courts must adjudicate division of property, alimony, timesharing, child support and all other issues that same sex couples now face upon dissolution of their marriage. Now more than ever, these couples must consider the pitfalls they face should their marriage fall apart and plan accordingly.

PLANNING AHEAD

To avoid the emotional and economic consequences of divorce and to address issues often unique to same-sex couples, couples should consider entering into a prenuptial agreement. Although this could be an unpleasant topic for blissful couples hoping to be together forever, it

need not be. Today, people are marrying later in life and may have accumulated a great deal of wealth which they wish to protect.

Same-sex couples who have lived together for many years without the benefit of marriage may have acquired assets and debts. If they marry without an agreement, assets acquired before marriage would be considered separate, nonmarital property. This too could be addressed in a prenuptial agreement.

Some couples may already combine their incomes in joint bank or brokerage accounts. A prenuptial agreement allows the couple to decide for themselves which spouse will retain which bank accounts in the event of divorce.

A couple can, in advance, agree to waive or limit alimony.

On the other hand, the type and term of alimony is predicated upon the length of the marriage.

A same-sex couple who couldn't marry may have lived together in a long-term relationship. Upon marriage, under Florida law the past is not considered when determining alimony. The couple may wish to provide alimony or support by giving consideration to the term of their relationship, not just the length of the marriage. A prenuptial agreement would enable them to do this.

Florida's ban on same-sex adoption was also repealed earlier in 2015.

Although the courts will always have the last word when it comes to the best interests of children, couples can address certain issues that a court could not in a prenuptial agreement such as religious upbringing, private school education and the distance that each spouse can move. An agreement could be even more crucial for couples who adopted children before getting married or when only one parent was considered a legal parent.

A prenuptial agreement allows the parties rather than the court to determine their own rights and responsibilities in the event of a breakdown in a relationship, minimizing legal fees and preventing a long, drawn-out legal battle.

If Florida same-sex couples do not consider a prenuptial agreement in advance of their wedding, the couple will be subjected to the law and mandates of the judge assigned to their case. Couples can and should take control of their own divorce. In what can be considered one of the most traumatic events in a person's life, an investment in a prenuptial agreement can make a stressful divorce a little more tolerable.

Mitchell K. Karpf, managing shareholder of Young Berman Karpf & Gonzalez. He is a board-certified marital and family law lawyer and family trial advocate. Karpf focuses his practice on complex, high-net-worth marital and family law cases. He may be reached at mkarpf@ybkglaw.com.

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