

Los Angeles

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For my Pegasus Scholarship, I spent three months at Vorzimer Masserman, a Los Angeles-based law firm specialising in surrogacy and fertility law.

Whilst commercial surrogacy remains unlawful in the UK, reforms to the law in California have facilitated a steady increase in surrogacy cases. As a family law practitioner, I was keen to see how commercial surrogacy operates within a regulated model. Vorzimer Masserman is one of California's leading surrogacy firms, so it was the ideal place to be a Pegasus Scholar interested in surrogacy law.

The California Family Code Section 7960, enacted last year, codified Californian surrogacy law. Amongst other things, the statute contains a number of safeguards to protect the parties to a surrogacy arrangement, such as requiring both parties to be represented by independent lawyers.

The placement itself was a bit like an extended mini pupillage. I shadowed lawyers at the firm in their conferences with clients; this allowed me to get first hand experience of how surrogacy arrangements were approached.

Consultations with intended parents (IPs) were particularly illuminating in providing an overview. The legal process is made up of two major steps: first, the contractual phase, and afterwards, securing parental rights. The first phase is largely transactional and broken down into a number of stages, including matching the IPs with a surrogate

(pregnancy). The financial component of the agreement is dictated largely by the agency. Once the contract has been considered and agreed by the IPs, it is then sent to the lawyers representing the surrogate mother to be agreed.

The scenario of a surrogate not wanting to relinquish custody of the new born to the intended parents, from my observations and discussions with lawyers in California are few and far between. The reality, it seems, is that when those situations do arise, they tend to arise where individuals have entered into informal arrangements, often, but not exclusively, with friends and without the assistance of legal advice.

My observations of surrogacy in California were quite positive and I saw no evidence of exploitation. In all of the cases I saw, the parties had freely and with the benefit of legal advice entered into surrogacy arrangements. It has, however, highlighted the lack of support that an unregulated system can engender.

I thoroughly enjoyed my time at Vorzimer Masserman. I have been fortunate to gain an insight into the law related to surrogacy and fertility law in California from the leading lawyers in this field. More importantly, I have made new friends and I shall miss them all terribly.

On my way back to the UK, I stopped off in Boston and met academics at Harvard Law School to discuss global

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mother, a process undertaken by a certified surrogacy agency. The second phase was more procedural and involved me attending court for a pre-birth order, where a judge hands down a short judgment terminating the surrogate's parental rights (and that of her husband if she is married) and affording the intended parents with parental rights.

I also assisted the junior lawyers at the firm draft surrogacy agreements. Each agreement varies depending on the particular needs of the parties involved and may stipulate certain requirements (for example, refraining from particular activities during the final trimester of

surrogacy issues. This opened up the surrogacy debate on a wider socio-legal scale asking, for example, should there be a greater emphasis on international adoption over international surrogacy? And, if commercial surrogacy arrangements are lawful in some US states, why shouldn't commercial aspects in international adoption also be permitted?

I highly recommend junior members of the Bar applying for the Pegasus Scholarship. I can't thank Inner Temple enough; it has been an invaluable experience.

Andrew Powell