

# Couples, especially high-net worth ones, should consider prenups

With every spring comes the inevitable parade of brides and grooms exchanging solemn vows of marriage. While few couples enter marriage anticipating divorce, about 10 percent of them end up parting ways by the end of their fifth year. Given that sta-



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tistic, attorney Russell Marnell believes more couples should consider prenuptial agreements. "The decision to create a prenuptial agreement is a highly personal one. Often, one may be reluctant to explore this topic with a prospective spouse out of concern that such a discussion could put a cloud over the marriage and cast doubt on the devotion of the person seeking the agreement," said Marnell, who runs law offices in East Meadow and Melville.

"Considering that couples are marrying later in life and that divorced spouses are remarrying, I recommend that a couple contemplating marriage consider whether a prenuptial agreement is appropriate for them," he said.

Such an agreement – a contract aimed partly at limiting New York's equitable distribution or child support laws – must be in writing and must be signed and acknowledged by both parties to be legally binding.

The terms of the agreement will often be referred to when there's a disparity regarding each person's premarital property holdings or the earning power of the couple.

Another trend in our society suggesting the growing need for prenuptial agreements is the growing number of remarriages involving older persons with grown children, Marnell said. Under the state's elective-share statute, a surviving spouse is entitled to the greater of \$50,000 or one-third of the decedent's estate, regardless of how assets are disposed of in a will.

A parent's contemplation of remarriage can cause concern among grown children, especially when substantial assets, such as a family business, are at stake. Since prenuptial agreements may include contemplation of death and are enforceable upon death, they could provide greater certainty by limiting the assets to be left to the surviving spouse and thus accomplishing what a will cannot because of the elective-share statute, Marnell said.

"While prenuptial agreements are often not an easy topic to discuss, more couples

should consider doing so," he said. "If used properly, they can help to reduce fears and uncertainty, while ensuring that spouses and children are properly provided for."

## NYSBA establishes new committee

The New York State Bar Association has established a committee to examine state government.

The 11-member "Special Committee on the State Constitution and Governance" will examine the workings of various facets of state government for the purpose of making specific and detailed recommendations on how to improve the system.

"The committee's objective is to help move the process forward," said A. Thomas Levin, partner in Mineola-based Meyer Suozzi English & Klein and the NYSBA's immediate past president. "While we recognize the reality of the current operations, we hope to propose a new paradigm for dealing with the complexities of state governance."

Levin, who will serve on the committee, said it will examine the workings of various facets of state government for the purpose of making specific and detailed recommendations on how to improve the system.

Albany Law School Professor Michael J. Hutter Jr. will serve as chair. In addition to Levin, other members include John Armentano of Farrell Fritz, Richard Bartlett

of Bartlett Pontiff Stewart & Rhodes, Hermes Fernandez of Bond Schoeneck & King, Eric Lane of Hofstra University School of Law, Elizabeth Moore of Nixon Peabody, Richard Rifkin of the Albany Department of Law, Phillip Pinsky of Pinsky & Skandalis, Lester Steinman of Wormser Kiely Galef & Jacobs and Michael Whiteman of Whiteman Osterman & Hanna.

## Stein named chair of Touro visitor's board

Howard Stein, head of the real estate practice group at Certilman Balin Adler & Hyman, was promoted to chair of the board of visitors at Touro College Jacob D. Fuchsberg Law Center.

The board of visitors is responsible for Touro's institutional advancement as the campus plans an ambitious move to a state-of-the-art facility adjacent to courts in Central Islip. The board also helps the Law Center in such key areas as marketing, government relations, program development and bar/bench relations.

Stein, who is also an adjunct professor of real estate law at Touro, received a bachelor's degree from the University of Rochester and a juris doctorate from Case Western University.

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