

A Will For Fairness

The legal wrangling resulting from the March helicopter crash that killed award-winning NBC 6 cameraman Rob Pierce has made at least one point crystal clear, especially for the gay and lesbian community: Make sure you and your lifemate have complete estate plans.

That's the advice of attorney Elizabeth Schwartz (of the South Beach firm Crockett & Chasen), whose client Frank Gagliano was Pierce's long-time life partner. The pair had lived together in a Deerfield house for four years yet, because only Pierce's name appeared on the deed when he died intestate, Gagliano was summarily locked out of his own home by Pierce's blood relatives two days after Pierce's death. Gagliano was



When Rob Pierce died intestate in a highly publicized helicopter crash, Frank Gagliano (above) lost not only his lifemate, but his home and belongings too.

denied access to his belongings — even his dog — until Schwartz filed an emergency injunction that allowed Gagliano back into his home.

"Situations like this occur all the time," says Schwartz, "but it's especially difficult for gays and lesbians because they have to deal with the added

component of discrimination." Schwartz points out that when heterosexuals marry, they immediately obtain "more than 1,000 rights" that aren't available to gays and lesbians — benefits related to insurance, taxes, property and the like. "Since present-day laws don't do it for them," says Schwartz, "the only way for gays and lesbians to protect themselves and their loved ones is to put everything in writing: • domestic partner designations, cohabitation agreements, relationship dissolution agreements, wills, living wills, health care surrogate designations — everything."

Gagliano, who has filed a civil suit against Pierce's immediate family, has since moved out of the Deerfield house (which had been stripped bare by Pierce's relatives) because he says he knew it was only a matter of time before the family evicted him legally. Gagliano hopes his travails will at least allow others to avoid a similar fate: "I want to make sure this never happens to anyone else again."