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Miami lawyer Elizabeth Schwartz: Gay or straight, read my book before you say 'I do'

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Elizabeth Schwartz, the Miami family and estate attorney who helped win marriage equality in Florida, has a message for same-sex couples thinking of getting wed: Just because you can doesn't mean you should.

"Now that we are over a year past nationwide marriage equality and the reality of this hard-fought right has sunk in, it's important to think about the ways in which getting married might be right for some people and not for others," said Schwartz, who has just authored "Before I Do: A Legal Guide to Marriage, Gay and Otherwise" ($15, The New Press).

Schwartz, 44, has long fought to legally protect same-sex couples and help them become parents, through adoption, sperm-bank and surrogacy programs. An attorney since 1997, she became a South Florida expert in helping gay and lesbian couples plan their estates before they could legally marry in Florida.

On June 26, 2013, the U.S. Supreme Court ruled the federal government must recognize widow Edith Windsor's Canadian marriage to Thea Spyer. Six months later, Schwartz and several other attorneys represented LGBT-rights group Equality Florida and six same-sex couples in a lawsuit demanding the Miami-Dade County Clerk's office issue them marriage licenses.

The couples won their Miami-Dade Circuit Court case in July 2014 and after several similar suits in Monroe, Broward and Palm Beach Counties, as well as federal court in Tallahassee, four of Schwartz's plaintiffs became the first same-sex couples to marry in Florida on Jan. 5, 2015.

Schwartz counsels her clients on things to do before they get married.

"The legal and financial consequences are not anything that's in our DNA, that we just know," Schwartz said, reminding that most gay and lesbian couples never properly learned the dos and don'ts of getting married.

"Marriage is not an institution that many of us could ever dream of being able to participate in," she said. "Most of us did not have model relationships that we thought we'd be able to enjoy."

North Miami Beach partners Jaclyn Davis and Adam Gash, who identify as a non-heterosexual couple (Jaclyn says she's pansexual and agender, neither male or female; Adam is a transgender woman in transition), agree with Schwartz.

"Me being a queer person, and being in a relationship where we are considering marriage, is a very important topic to consider because now that we have the freedom to marry, I don't feel that it's necessarily the right thing to do," said Davis, a student at Florida International University.

"Since we've gotten the ability to get married, people are just rushing in, like 'Oh, we can get married now, let's do it like heterosexual couples do!' I think everyone should take a step back and evaluate where they are in their lives and what they want and where they are in their relationship," Davis said.

Schwartz said that regardless of whether a couple is same sex or different, people should become informed on all aspects how marriage will affect them.

"If you are getting benefits from the government, Social Security, Medicaid or the like, it's important to know marriage might have an impact on that," Schwartz said. "No one is saying don't get married. But you should really know what you're getting yourself into."

"Before I Do" — with an afterward by Jim Obergefell, the plaintiff whose 2015 Supreme Court case opened up same-sex marriage across the entire United States — features contributions from tax preparers, clergy, military people and psychologists.

The book discusses life — and death — issues.

"Have a real sense of what the automatic rights are on death and divorce for you and your spouse, and whether it's prudent to modify those rights with documents like a prenuptial agreement and an estate plan," she said. "There's a lot of information that people really need to make this, one of the most major of life decisions. The idea behind this book is to give you that information and to flag some of those issues to consider, and make your time with your lawyer, tax preparer, financial advisor and therapist more productive by giving you the questions to ask."

Schwartz herself is a married woman. She wed her longtime partner, Miami Herald columnist Lydia Martin, in Vermont in 2013.

So what concerned Schwartz before they finally wed after 11 years together?

"I was worried about an income tax penalty so, in a stroke of breathtaking romance, I spoke to my CPA before we tied the knot to be sure that we structured ourselves in a way that wouldn't result in a big fat tax bill."

IF YOU GO

Miami attorney Elizabeth Schwartz will discuss her new book, 'Before I Do: A Legal Guide to Marriage, Gay and Otherwise,' 1 p.m., Saturday, Nov. 19, Miami Book Fair, Miami Dade College, Room 2106 (Building 2, First Floor), 300 NE Second Ave., Miami.