

Prenuptial agreements: The busy season is upon us

Summer is almost here. The birds are back in the trees, the flowers are in bloom and the back-ups have begun at the Bay Bridge. It's the season for weddings, and for many domestic relations and estate planning attorneys, this means it's also the season for prenuptial agreements. While many of us are asked to draft them throughout the year, the busy season starts in the spring and runs through Labor Day.

In an opinion issued this year - *Cannon v. Cannon* - the Court of Appeals examined the nature of "confidential relationship" that exists between parties entering into a prenuptial agreement, including the need to avoid "overreaching" - unfairness or inequity in the result of the agreement or its procurement - and to provide "full, frank and truthful" disclosure of assets. However, before the prenuptial process reaches the stage discussed in *Cannon* - the negotiation of the actual agreement - the attorney must first look at the big picture and determine his client's purpose in seeking a prenuptial agreement.

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