The Potential Fallout of Sofia Vergara’s Impending Embryo Case

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(Newswire.net -- January 25, 2017) -- One of the hardest things to legally regulate, are issues related to embryos and fetuses. Not only is it a right-to-life issue, but the case between Sofia Vergara and her ex Nick Loeb over the ownership of their frozen embryos may have a far-reaching impact on reproductive law. The Judicial District Court is set to determine a lawsuit filed on behalf of Vergara’s embryos against the actress in a Louisiana Court.

The case being brought before the court could establish a precedent for the definition of embryos and the rights they have. If lawyers for the embryos win the case, it could give pro-life proponents, the legal push they need to establish that life starts at conception, which could grant human rights to life to unborn fetuses and could challenge existing abortion laws.

If they grant the embryos the right, not to be destroyed, then that could result in the argument that a fetus has the right to life at any stage of pregnancy, even to being fertilized outside of a woman’s body. Many legal scholars are worried about the impact that this ruling could have and the way it might challenge abortion laws going forward - potentially even challenging the legality of the procedure.

As a right-to-life case, the argument is that Vergara is denying the embryos. (named in the suit as “Isabella” and “Emma”) the ability to receive their inheritance (labeled Emma and Isabella Louisiana Trust Number One). The aim is to prevent Vergara from being able to destroy the embryos, which are currently frozen in a fertility center in California. It also asks that Loeb is granted rights and custody of the embryos and that Loeb can implant them to result in a live birth in the future.

A suit was dropped in 2015 when Loeb filed against Vergara to demand that she not destroy the embryos. Loeb dropped the suit because Vergara insisted that she had no intention of destroying the embryos. She just didn’t want to marry or procreate with her ex, and was fine with leaving them frozen forever.

Originally, the embryos were asked to be considered as children in the union, which the court never accepted. Loeb’s lawyers have switched course to sue on behalf of the embryos themselves. As a completely separate case, it takes any connection from Loeb and Vergara and puts the right-to-life issue in the forefront.

State law Louisiana Revised Statute 9:121 certifies that a fertilized in-vitro human ovum is legally a “judicial person,” and therefore, has a right to sue or be sued in the courts. It also says that embryos can’t be the property of those who fertilized the ovum and that they deserve a duty of protection. It is the only state in the union that has such laws, which is why lawyers filed suit in Louisiana.

It was only a matter of time before someone challenged the embryo’s rights in court. In fact, many pro-life advocates are wondering why this is only the first case of its kind. Perhaps it is because Vergara is such a high-profile celebrity, it will bring more attention to the outcome. The law has been around since the 80s when infertility treatment was just in its infancy, yet not one case has challenged the extent of it until now.

All legal eyes and the best Sexual Harassment Attorney are watching and waiting to see how the suit plays out in court. It has the potential to change not only IVF laws and the ability to dispose of embryos at all, but also modify abortion rights laws and procreation rights across the board.

If embryos are considered to have full rights, then lawsuits will likely spring up across the nation using this case as a precedent. Also of great concern is the legal maneuver to let Loeb have a surrogate, carry the babies to term and then deny Vergara parental rights because she neglected or abandoned her children by not wanting to carry them. The whole thing could end in a mess of legalities.
Louisiana judges have their hands full with this case and the potential implications of it. What is for sure is that pro-rights and pro-abortion advocates are all watching to see how this case will turn out.