

Statement on United States Court of Appeals for the Ninth Circuit Prop 8 Ruling on February 7, 2012

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Today is a momentous day for the cause of justice and equality under the law. Proposition 8 has been a blight on California. As President of The Bar Association of San Francisco (BASF), I am proud to salute the decision of the United States Court of Appeals for the Ninth Circuit in affirming the trial court decision to overturn Proposition 8, the ban on same-sex marriage, as well as its decision rejecting the argument that now retired Chief Judge Vaughn Walker should have recused himself from hearing the case because of his own sexual orientation.

The Ninth Circuit was absolutely correct in recognizing that “Proposition 8 serves, and has no effect, other than to lessen the status and human dignity of gays and lesbians in California, and to officially classify their relationships and families as inferior to those of opposite-sex couples. The Constitution simply does not allow for laws of this sort.” We at BASF could not have said it better.

BASF has long championed access to justice for all people, and we have been on the forefront in seeking fairness for lesbian, gay, bisexual, and transgender Americans. In 1991, BASF issued the first published study of sexual orientation bias by an organized bar association. In the 1990’s, BASF continuously urged its member firms and legal departments to adopt best practices to ensure the retention and advancement of LGBT lawyers. BASF surveyed firms regarding those results in 1996 to encourage further progress. In 2007, BASF once again published a groundbreaking study of best practices in the hiring, retention, and advancement of LGBT lawyers. But this was far from BASF’s only work for LGBT equality.

Beyond promoting employment best practices, BASF has consistently supported the evolving understanding of LGBT rights more broadly. BASF has recognized that access to justice is illusory if LGBT people are denied basic rights or stigmatized solely due to their sexual orientation or gender identity. Thus, through its amicus work, BASF supported the successful legal efforts to secure a constitutional authorization of same-sex marriage. When Prop 8 was announced, BASF’s Marriage Fairness Task Force galvanized the San Francisco legal community, and over 40 bar associations around the state, to oppose the initiative. BASF’s Lawyers’ Campaign Against Prop 8 raised voter awareness and supported organizations who raised hundreds of thousands of dollars to defeat the initiative. When the initiative passed, BASF immediately offered assistance to the legal teams, through amicus briefs and pro bono legal work. BASF also issued numerous statements condemning the initiative, and later the attacks on Chief Judge Walker.

We are proud today, as officers of the justice system and as human beings. And we pledge that BASF will continue to support the fight for justice for all people.