

BASF Board Supports Amicus Curiae in Utah and Oklahoma Marriage Equality Cases

March 10 – San Francisco -- The Board of Directors of The Bar Association of San Francisco (BASF) voted to join with the Bay Area Lawyers for Individual Freedom (BALIF) and thirteen other bar associations and nonprofit organizations in submitting an amicus curiae brief to the U.S. Court of Appeals for the Tenth Circuit the Utah case of Kitchen v. Herbert and the Oklahoma case of Bishop v. State of Oklahoma. Both cases are on appeal to the Tenth Circuit and center on issue of marriage equality.

The amicus brief explains “the harm inflicted on gay men and lesbians as a result of the bans that prohibit same-sex couples from marrying in Utah and Oklahoma. It also explains how nothing short of or different from marriage itself can cure the constitutional violations.”

Specifically, this brief discusses why neither civil unions nor domestic partnerships, which are available to same-sex couples in some states (though not Utah or Oklahoma), would be an adequate or appropriate constitutional remedy. Because the bans “exclude committed same sex couples from access to the institution of marriage, they and their families are separated out, stigmatized, deprived of benefits and responsibilities enjoyed by their heterosexual counterparts, and exposed to increased discrimination.”

Amici urge the Tenth Circuit to uphold the district courts’ conclusions and find that the bans disadvantage gays and lesbians without any legitimate justification.

The following amici include a broad array of organizations, including national, metropolitan, local, and minority bar associations and national and local nonprofit organizations dedicated to ensuring that its constituents and all others in this country receive equal treatment under the law:

Austin LGBT Bar Association
Bar Association of San Francisco
Colorado Gay Lesbian Bisexual Transgender Bar Association
Freedom to Marry
LGBT & Allied Lawyers of Utah Bar Association
Love Honor Cherish
Marriage Equality USA
Minnesota Lavender Bar Association
National Asian Pacific American Bar Association
New Mexico Lesbian and Gay Lawyers Association

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The OUTLaws
QLaw, the GLBT Bar Association of Washington
Stonewall Bar Association of Georgia, Inc.
Stonewall Bar Association of Michigan
Stonewall Law Association of Greater Houston

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The Bar Association of San Francisco (BASF) is a nonprofit voluntary membership organization of over 8,000 attorneys, law students and legal professionals in the Bay Area. Founded in 1872, BASF is one of the largest and most dynamic metropolitan bar associations in the U.S., with a long and distinguished record of community action, public service and service to the legal profession.