

BASF Board Joins As Amicus Curiae in Utah and Oklahoma Marriage Equality Cases

March 25, 2014 – 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 seventeen other bar associations and nonprofit organizations in submitting an amicus curiae brief to the U.S. Court of Appeals for the Tenth Circuit, which is reviewing the *Kitchen v. Herbert* decision out of Utah and the *Bishop v. Smith* decision out of Oklahoma. Both cases center on the issue of marriage equality.

The brief addresses why civil unions nor domestic partnerships, which are available to same-sex couples in some states (although not Utah or Oklahoma), are not an adequate or appropriate constitutional remedy for the prohibition of same sex marriage. Because same sex marriage 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.”

The brief, which was drafted by Jerry Roth and Nicole Phillis of Munger Tolles & Olson, urges the Tenth Circuit to uphold the district courts’ rulings and find that such bans disadvantage gay and lesbian couples without any rational justification.

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

Austin LGBT Bar Association
Bay Area Lawyers for Individual Freedom (BALIF)
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
The OUTLaws
Oklahoma City University School of Law OutLaws
University of Oklahoma College of Law Legal Group for Building Tolerance and

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Acceptance (L.G.B.T.A.)
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.