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Bay Area Lawyers for Individual Freedom Files Amicus Brief in Nevada and Hawaii Marriage Equality Cases

Brief argues civil unions are inherently unequal and unconstitutional

OCT. 25, 2013 – San Francisco – Bay Area Lawyers for Individual Freedom (BALIF) filed an amicus curiae brief today with the Ninth Circuit Court of Appeals supporting the right of same-sex couples in Nevada and Hawaii to marry. A three-judge panel from the court will hear *Jackson v. Abercrombie*, on appeal from the District of Hawaii, and *Sevcik v. Sandoval*, on appeal from the District of Nevada, with the oral argument schedule to be set.

“The Nevada and Hawaii cases are critically important, because they will likely be the first time a federal court of appeals evaluates a state same sex marriage ban in the wake of the *Perry* and *Windsor* decisions,” said Nickolas Kacprowski, partner at Kirkland & Ellis in San Francisco and chair of BALIF’s Amicus Committee, referring to the historic decisions by the U.S. Supreme Court in June of this year upholding marriage equality in California and extending federal benefits to legally married same-sex couples. “The cases in Nevada and Hawaii will be key precedents in the effort to attain marriage equality in all 50 states, and therefore the need to achieve a favorable outcome before the Ninth Circuit cannot be overstated.”

The brief argues that the bans on same-sex marriage in Nevada and Hawaii stigmatize gay men and lesbians and their families, expose them to increased discrimination, and deprive them of benefits enjoyed by their heterosexual counterparts in violation of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. Notably, the availability of civil unions (in Hawaii) or domestic partnerships (in Nevada) for same-sex couples does not cure the marriage bans’ constitutional deficiencies, but creates impermissible state-sponsored separation of a disfavored class.

More than thirty other civil rights groups joined BALIF on the brief, with pro bono support from the law firm of Munger, Tolles, & Olsen. Jerome C. Roth and Nicole S. Phillis of Munger, Tolles, & Olsen led the effort.

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About BALIF

Bay Area Lawyers for Individual Freedom (BALIF) is the nation's oldest and largest bar association of lesbians, gay men, bisexuals and transgendered persons in the field of law. Founded in 1980, BALIF represents its members' interests in the wider San Francisco Bay Area. BALIF members and supporters include San Francisco Bay Area judges, lawyers, law students and legal workers.