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Bay Area Lawyers for Individual Freedom Files Amicus Brief in Utah and Oklahoma Marriage Equality Cases

Brief argues that the Supreme Court's decision in Windsor prohibits bans on same-sex marriage

MARCH 4 – San Francisco – Bay Area Lawyers for Individual Freedom (BALIF) filed an amicus curiae brief today with the Tenth Circuit Court of Appeals supporting the right of same-sex couples in Utah and Oklahoma to marry. A three-judge panel from the court will hear *Kitchen v. Herbert*, on appeal from the District of Utah, and *Bishop v. Smith*, on appeal from the Northern District of Oklahoma, in April.

“These two cases are particularly important, because without judicial intervention it is unlikely that marriage equality will come to states like Utah or Oklahoma any time soon,” said Nickolas Kacprowski, partner at Kirkland & Ellis in San Francisco and chair of BALIF’s Amicus Committee.

The brief argues that because the sole purpose and effect of the Utah and Oklahoma bans on same-sex marriage is to impose inequality on same-sex couples, the bans are unconstitutional in the wake of the Supreme Court’s decision in *United States v. Windsor*. Further, because *Windsor* opened the door to federal recognition of same-sex marriage, the tangible benefits associated with same-sex marriage and denied to same-sex couples by the bans are substantial.

The brief was filed 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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BALIF is the nation’s oldest and largest bar association of lesbian, gay, bisexual and transgender 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.