

# Attorneys Rally Around High Court's Gay Marriage Decision

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Law360, New York (June 26, 2015, 7:18 PM ET) -- From BigLaw to boutiques, lawyers were united in their praise for the [U.S. Supreme Court](#)'s landmark 5-4 decision Friday in favor of same-sex marriage, with many calling it a victory for humanity.

They applauded the court for making the union 'a little more perfect' while reflecting on what a long struggle it has been for gay couples nationwide to gain full acceptance in the eyes of the law. They acknowledged the same-sex battles that still lie ahead, especially on the employment front, but also spoke of the compassion and understanding that Justice Kennedy's opinion revealed.

Here, attorneys tell Law360 why the decision in Obergefell et al. v. Hodges et al. is a watershed moment.

David Alfini, [Hinshaw & Culbertson LLP](#)



"This will go down as one of the most influential decisions in the history of the Supreme Court. It is not an overstatement to say that the world will never be the same. Justice Kennedy's opinion was impressive in both its legal analysis and the compassion with which the issues were addressed. Even Justice Roberts' dissent evidenced respect for the LGBT

community. The court has sent a clear message that LGBT people can live and love openly in the United States of America.”

**Cristina Alonso, [Carlton Fields Jordan Burt](#)**



“Today’s ruling in Obergefell v. Hodges puts an end to discriminatory laws that bar same-sex couples from marriage and is a step in the journey of our nation toward becoming ‘a more perfect union.’ In addition to recognizing marriage equality and thereby solidifying the strength of the institution of marriage, the decision will bring all Americans closer and will allow our state and nation to reap the economic benefits that come with inclusion.”

**Wendi D. Barish, [Weber Gallagher](#)**



“The Supreme Court’s decision should now end the debate on the rights of same-sex couples to marry. The court issued a powerful opinion and focused on the fundamental right to marriage in this country. Consistent with its prior opinions, the court reaffirmed the positive impact that marriage has on children. The court’s opinion should set the stage for expanding coverage under Title VII and state anti-discrimination laws to acknowledge sexual orientation as a protected class. The fact that same-sex couples are entitled to marry should entitle them to the same protection that minority groups are afforded in other areas of the law.”

**Ruth N. Borenstein, [Morrison & Foerster LLP](#)**



“Obtaining marriage equality is a tremendous victory for the LGBT community and for everyone who supports equality. But make no mistake — the Obergefell opinion will have effects far beyond marriage. Justice Kennedy’s beautifully written opinion recognizes the common humanity of gay men and lesbians and holds that the Constitution grants us equal dignity in the eyes of the law. Equal dignity requires equal treatment, not just in marriage but in all things. Obergefell will form the foundation of civil rights cases and victories to come.”

**W. Ira Bowman, [Godwin Lewis PC](#)**



“The Obergefell decision reinforced the Supreme Court's equality of power under checks and balances with the legislative branch in protecting the rights of individuals under the umbrella of the Constitution. The court's distinction between the political sphere's democratic process and the courts' judicial process provides two discrete paths to protection of liberties under the Constitution. In its decision, the Supreme Court exercised its power to redress injuries to individuals denied of their fundamental rights. The political gridlock of the issue set up the court's reasoning to cut the Gordian knot and ultimately rule in favor of liberty, happiness and love.”

**G. Eric Brunstad Jr., [Dechert LLP](#)**



“The Supreme Court today recognizes the right of gay and lesbian couples to participate fully in the institution of marriage, and by extension their right to participate fully as citizens

in our social order. As the court remarks, the stories of the individuals and couples before the court ‘reveal that they seek not to denigrate marriage but rather to live their lives, or honor their spouse’s memory, joined by its bond.’ Notably, the court observes the history of the evolution of marriage, remarking on the many ‘deep transformation[s] in its structure’ that have occurred over time. For example, the court notes, marriage was once viewed as an arrangement in which women were treated as the property of their husbands and subordinate to their will. As the court observes, this came to be viewed as grossly unjust and so the institution of marriage evolved to rid itself of the injustice. As the court states, such changes ‘have strengthened, not weakened, the institution of marriage.’ Today the court announces that that time has come to recognize the injustice in the disparate treatment of gays and lesbians seeking the right to marry. As the court explains, this is necessary to vindicate the right of personal choice in the selection of one’s spouse, to permit gays and lesbians to exercise the same fundamental right to marry that others possess, to ensure the full enjoyment of the unique status and benefits that marriage brings within our social order, and to support loving and nurturing homes. In sum, it is necessary to vindicate the principles of liberty and justice sheltered at the very heart of our constitutional order. On behalf of our clients who we represented in this matter, we are deeply gratified by the court’s ruling.”

**Randy A. Bullard, [Greenberg Traurig PA](#)**



“This is a momentous day in the history of our nation and our jurisprudence. One of the quotes from the Jefferson Memorial in Washington, D.C., states, ‘Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and

opinions change, with the change of circumstances, institutions must advance also to keep pace with the times.’ Nothing could be more appropriate and fitting to the Supreme Court decision handed down today.”

**Roberta Chevlowe, [Proskauer Rose LLP](#)**



“From an employee benefits perspective, it appears that Obergefell may most significantly impact sponsors of insured health and welfare plans in states that currently ban same-sex marriage. Employers and other plan sponsors in those states will be required to offer insured benefits to same-sex spouses because state insurance law will require that the term ‘spouse’ be interpreted to include them. Some employers may also reconsider their domestic partner benefits programs now that same-sex couples have the right to marry and have their marriage recognized across the entire country.”

**Martha Coakley, [Foley Hoag LLP](#)**



“Today, the Supreme Court came out on the right side of history, and the directive to states is clear. Unlike Justice Kennedy’s previous opinions using an ‘animus’ doctrine, this decision falls within a history of the court ruling that marriage is fundamental, and denying access to a class of couples violates equal protection. Kennedy wrote, ‘The nature of injustice is that we may not always see it in our own times.’ The dissenting justices cite Massachusetts as the first state to declare LGBT couples have a constitutional right to marry. I could not be prouder of Massachusetts for that legacy.”

**Timothy Downing, [Ulmer & Berne LLP](#)**



“As someone who has spent his career resolving issues about equality and discrimination in the workplace, the Supreme Court’s decision in Obergefell v. Hodges is nothing short of remarkable. This is a monumental moment for equality in America and another step in the right direction. From a purely business standpoint, the Supreme Court’s ruling makes things easier on businesses. Employers now enjoy more uniformity in the application of rules for employee benefits. For example, employers no longer need different forms and rules for

providing employees in committed relationships health care and other benefits — one for those who, before this, were not considered to be legally married under the law and another for those the law recognized. This case did not address how employers in many states can continue discriminating based on sexual orientation and/or gender identity, whether actual or perceived. If you live in one of those states, you could get married tomorrow, come to work the next day, set a picture from the celebration on your desk, and promptly get fired. Many employers have policies that specifically address this issue but, sadly, that is not the reality everywhere, especially in small towns. A national, uniform law that applied equally to all employers of a certain size would give employers more certainty and level the playing field against their competitors when dealing with employment law issues.”

**Robert Epstein, [Fox Rothschild LLP](#)**



“After much anticipation, the Supreme Court of the United States today definitively held in *Obergefell v. Hodges* that same-sex marriage is a protected, fundamental right central to one’s individual dignity under the Constitution’s 14th Amendment. This was nothing short of a defining generational decision containing sweeping language that went to the heart of what it means to be married, as states are no longer permitted to ban such unions. From a family law perspective, among other implications, there will no longer exist the potential conflict between states that hampered couples’ ability to move freely throughout the country without concern of impact upon their marital rights.”

**Christina Gianopulos, [Day Pitney LLP](#)**





“Today’s historic decision in Obergefell v. Hodges finally resolves the estate planning questions left open by Windsor. No longer will same-sex couples who marry in a state that recognizes their marriage risk the loss of their spousal inheritance rights by moving to a state that does not. Nor will a married same-sex couple risk paying state estate or inheritance taxes by moving to a nonrecognition state. Same-sex spouses can finally rest easy knowing that they have ‘equal dignity in the eyes of the law,’ and that a move across state lines will not thwart their ability to provide for the survivor and for their children as they wish.”

**Ronald L.M. Goldman, [Baum Hedlund Aristei & Goldman PC](#)**



“Today is an historic day in the continuing battle for civil rights in the United States. As we celebrate this victory of humanity and equality over intolerance, we must be mindful that ‘the price of liberty is eternal vigilance,’ for there are those who surely will continue the assault on this, and other, fundamental human rights.”

**Yelena Gray, [Nixon Peabody LLP](#)**



“Although states aren’t required to extend benefits to same-sex spouses, this decision makes a compelling case for abolishing workplace discrimination against married couples based on gender. The same goes for private employer-benefit plans. While federal law doesn’t require health coverage be offered to same-sex spouses, this ruling strengthens the case for banning discrimination against same-sex couples. One unintended consequence of the new marriage protections is the likely elimination of domestic partner benefits many employers offer to unmarried couples of both same and opposite sex. This development cannot outweigh the benefit of universal protection of couples’ rights.”

**Doug Hallward-Driemeier, [Ropes & Gray LLP](#)**



“Today’s landmark decision in Obergefell v. Hodges marks a turning point in American history. It affirms that LGBT people have the same constitutional rights of liberty and equality as others do. The court’s ruling means that same-sex couples can experience the rights and privileges of marriage in any state in our union. No longer will married same-sex couples face the prospect of their family relationships being dissolved upon crossing state borders. We are one very significant step closer today to fulfilling the constitution’s promise of equal protection for all our people. Today, a same-sex couple in Knoxville, Tennessee, enjoys the same right to marry, and to remain married, as a couple in New York City. America is a better place because of this decision. By affirming the constitutional rights of LGBT individuals and same-sex couples, the court has made the rights of all of us more secure. We celebrate with all LGBT individuals, their families, friends, and faith communities this wonderful confirmation that they, and their relationships, have value and dignity.”

**Erika Haupt, [Roetzel & Andress LPA](#)**



“Writing for the majority in Obergefell v. Hodges, Justice Kennedy compassionately confirms the right of all people to marry. The opinion is consistent with U.S. v. Windsor, which declared DOMA unconstitutional under the Fifth Amendment. Obergefell carries Windsor further in holding that the ‘right of same-sex couples to marry is part of the liberty promised by the 14th Amendment.’ Kennedy acknowledges that marriage is fundamental to our legal and social order. To deny that right to same-sex couples serves to subordinate them. While religious views — protected by the First Amendment — on marriage may differ, our Constitution requires us to treat our citizens equally. However a higher power may judge same-sex couples, the Obergefell decision is legally sound.”

**Jordan M. Heinz, [Kirkland & Ellis LLP](#)**



“June 26 is now a day that will endure for generations: the day *Lawrence v. Texas*, *U.S. v. Windsor* and now *Obergefell v. Hodges* were all decided — an incredible triumph of courage for the many plaintiff couples across the country who stepped forward in the dozens of cases that all led to this historic ruling.”

**Matthew M. Hoffman, [Goodwin Procter LLP](#)**



“The Supreme Court’s decision today in *Obergefell v. Hodges* is a triumph for all Americans — gay and straight — who believe that the law should not discriminate based on sexual orientation. While the Court stopped short of holding that sexual orientation classifications are inherently suspect and should always be subject to heightened scrutiny, many lower courts have already reached that conclusion and today’s ruling strongly reinforces the logic of those decisions.”

**Jason Holloway, [Stokes Lawrence](#)**



“This decision affects me in three different ways: as an LGBT individual, a parent and a family law attorney. From the legal perspective, the ruling provides us with uniformity across the country. I can now advise clients who may be moving from or to another state knowing that they will now have the same rights everywhere. From a personal perspective, it is exciting to know that the rights we have been afforded in Washington state for the past three years will now be extended in all 50 states.”

**Regina Hurley, [Verrill Dana LLP](#)**



“Marriage between two people is one of society’s most important structures for ordering itself. It establishes crucial legal rights and obligations and in so doing it protects the

members of society who choose to enter into it, and the children who are products of it. Today's Supreme Court ruling that marriage is a fundamental right protected by our constitution, affirms its crucial role in our society and in so doing strengthens both marriage and the families created by it."

**Elaine Johnson James, [Berger Singerman](#)**



"By ruling that a state must license a marriage between two people of the same sex, the court has profoundly affected the lives of gays, lesbians and their children. The supremacy clause of the United States Constitution provides that, when a state's law is inconsistent with federal law, federal law prevails. Today, state laws that deny people of the same gender a right to marry, deny recognition to same-sex marriages performed in another state, deny a married person the right to adopt her same-sex spouse's child, do not recognize the parental rights of a same-sex married couple to a child conceived during their marriage through artificial reproductive means, or deny recognition to a widowed spouse in a same-sex marriage implicitly have been declared unconstitutional."

**Eamon Joyce, [Sidley Austin LLP](#)**



“In the 5-4 decision today in Obergefell v. Hodges there were few surprises. With Justice Kennedy continuing to lead the court’s jurisprudence on gay rights issues, this will surely be the area of law in which his work is most remembered, especially given the American public’s march toward full acceptance of LGBT persons in recent years. From my perspective in having represented retired military officers in a number of LGBT-related cases, I was struck by Justice Kennedy’s early acknowledgement of one of the perverse consequences that these state laws have inflicted on American service members — the very individuals the nation and our Constitution should do the most to support.”

**Yetta G. Kurland, The Kurland Group**



“Today’s decision is a beautiful moment for my community and a beautiful moment for America. While I am sure I will experience other victories for the LGBTQ community during my lifetime, few I believe will have such widespread appeal. As of today, there should be no

further question as to the applicability of the 14th Amendment to members of the LGBTQ community. This has legal ramifications far broader than the immediate issue of marriage. Inequality isn't easy to remedy. Yet there are moments like this that truly make history and right injustice. It makes it worth the fight.”

**Brad LaMorgese, Orsinger Nelson Downing & Anderson LLP**



“Today, the United States Supreme Court issued its opinion in the same-sex marriage case in Obergefell v. Hodges, in a 5-4 split opinion. The bottom line from the majority’s holding is that the court held that the 14th Amendment of the United States Constitution requires states to issue marriage licenses to same-sex couples, and that states must recognize marriage between two people of the same sex when the marriage was lawfully licensed and performed out of state. The implications of this ruling will extend from marriage to divorce, to employment benefits, to inheritance and many other issues.”

**Lisa Linsky, [McDermott Will & Emery LLP](#)**





“Today the Supreme Court of the United States gave us a historic decision. The majority’s opinion, rooted in equal-protection and due-process considerations, goes a long way to validate and support the relationships of gay and lesbian people. Despite an often heartbreaking history, and stories throughout the ages replete with discrimination, animus, revulsion and unkindness, today’s decision rights many of the past wrongs that society has meted out against LGBT Americans. For decades, LGBT Americans and our allies in the fight for equality have tried to educate the public that what we want is respect, and recognition and the same civil rights as our fellow Americans. While the marriage decision will not be a panacea, it is a giant step forward in changing hearts and minds and moving our country toward full equality for all.”

**Laura Maechtlen, [Seyfarth Shaw LLP](#)**



“The Obergefell decision has far-reaching effects on the employment relationship. Until today, employers faced a patchwork of state laws relating to relationship recognition for same-sex couples. The Obergefell decision unifies the patchwork of laws and creates a more uniform landscape for employers in the provision of employee benefits, retirement plans, health and welfare plans, leave entitlement, and other issues. With this change in the law, employers should undertake a review of their offered employee benefit plans, including a review of the definition of ‘spouse’ in plan documents. They should also re-evaluate their own internal policies and training materials to ensure that they adequately address new employee leave rights, and application of existing law protecting employees based on marital status.”

**Will Manuel, [Bradley Arant Boult Cummings LLP](#)**



“Today’s landmark decision on same-sex marriage will likely have an effect on everything from employee benefit plans to FMLA procedures. While employers should take a good look at their policies and procedures to be sure they are consistent, some of the hardest work will be checking employee benefit information to make sure that all married couples are being treated equally.”

**Susan Baker Manning, [Morgan Lewis & Bockius LLP](#)**



“The hundreds of clients we represented in this matter are very pleased the court has recognized equal marriage rights across the country. Our clients who signed on to the brief did so because they wanted to be heard on this issue, and to put forward the business case for marriage equality. These clients believe that diversity and inclusion are good for business, and applaud the court’s decision.”

**George Marek, [Quarles & Brady LLP](#)**



"This landmark decision is a powerful affirmation of the 14th Amendment, providing equal protection of the laws to all of our nation's citizens. It is fitting that Obergefell v. Hodges was announced in the midst of LGBT pride celebrations across the country, as same-sex couples and their children now are recognized under the law as equal to all other families."

**Margaret H. Marshall, [Choate Hall & Stewart LLP](#)**



"Our Constitution, as interpreted by the Supreme Court, is the great protector of minorities or the marginalized. This is what has made the United States a great country. Legislatures, where majority rule is the rule, too often fail to give full meaning to the equal treatment of all peoples, especially minorities."

**Amanda Martinsek, [Thacker Martinsek LPA](#)**



“Ten years ago when I told colleagues that the fight for gay rights was the civil rights issue of our time, they thought that I was crazy. Obergefell is the Brown v. Board of Education of gay civil rights. Justice Roberts is correct when he expresses concern that the application of Obergefell is going to raise intertwined legal issues in other arenas. The same thing happened with the application of Brown. It needed to happen and we are all better because those issues were raised, addressed, and decided in favor of equality and dignity. It is time, once again, for us to face our wrongs and to change our practices. Thomas Jefferson said that ‘every generation needs a revolution.’ Obergefell is our revolution and we all needed it — whether we know it or not.”

**Myrna L. Maysonet, [Greenspoon Marder Law](#)**



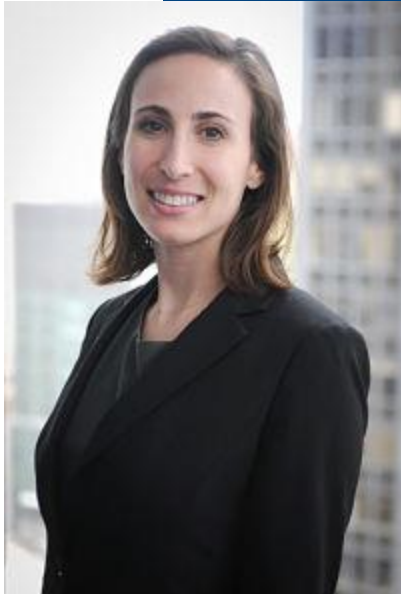
“Fourteen years ago, I met the love of my life. In 2001, when we spoke about the future, we could not see a clear one, as we were gay. I did not think that marriage would be in our future. Today, our very existence has been vindicated. Human dignity has prevailed and my children will not have to suffer the indignities associated with a less-than-equal status. They will certainly experience other hurdles, but it will not be the belief that our marriage and our family is less valid under the law.”

Virginia E. McGarrity, [Robinson & Cole LLP](#)



“The Supreme Court’s decision in Obergefell v. Hodges effectively requires states to recognize same-sex unions as valid marriages. With this ruling, there will be greater clarity in the workplace especially for employers with a multistate workforce. For example, employers will not have to determine the validity of an out-of-state same-sex marriage. In addition, no longer faced with disparate federal and state tax treatment between legally married same- and opposite-sex couples, the administration of employee benefits and employment policies will be a simpler process for all employers and their payroll and benefits administrators.”

Lila Miller, [Sanford Heisler Kimpel LLP](#)



“This is a monumental civil rights decision that vindicates the right, regardless of sexual orientation, to marry the partner of one’s choosing anywhere in the United States. Justice Kennedy rightfully observed that inconsistent state marriage laws, including nonrecognition

laws, impose a 'substantial burden' on same-sex couples by promoting instability and uncertainty and inflicting financial and dignitary harm when those couples cross state lines. LGBT students entering the job market may now pursue employment opportunities in any state without being forced to sacrifice their marriage rights and the integrity and well-being of their families.”

**Richard Milstein, [Akerman LLP](#)**



“Today marks a historic triumph for human equality and the most important expansion of marriage rights since the landmark ruling that barred interracial marriages. The Supreme Court’s ruling is a long-awaited recognition of equality by allowing all genders to marry. Same-sex couples will now have rights on many levels that they did not previously have — Social Security benefits, inheritance benefits, family leave rights, just to name a few. The rights also will come with obligations, including prenuptial agreements and divorce. In terms of the business community, the banking, insurance and wealth-management sectors have already recognized a need to reach the so-called ‘gay industry.’ Now that marriage has officially expanded to all couples, many companies will grow to make their businesses more attractive to the LGBT community.”

**David Miranda, [Heslin Rothenberg Farley & Mesiti PC](#)**



“We are pleased the court found that only marriage can grant full equality to same-sex couples and their families. This decision protects same-sex couples married in New York by requiring every state to legally recognize their marital status — when they travel or relocate to another state. It also extends to all gays and lesbians the right to marry in their home states — something New Yorkers have been able to do since 2011. Today is a great day for equal justice.”

**Jack Nadler, [Squire Patton Boggs LLP](#)**



“The Supreme Court has ruled, on the broadest possible grounds, that the guarantee of liberty and due process of law contained in the 14th amendment to the United States Constitution requires states to extend the same marriage rights to same-sex couples that they extend to all other couples. We are pleased to have been able to represent the views of older LGBT people as counsel for SAGE in this case. As we demonstrated, older married opposite-sex couples tend to live happier, healthier, longer and more prosperous lives. The Supreme Court's decision ensures that older same-sex couples will now have the same opportunity to enjoy the unique benefits that marriage can offer. Moreover, from this day

forward, neither the states nor the federal government will ever again be allowed to deny older same-sex couples critical government benefits available to other married couples.”

**Stephen E. Norris, [Horvitz & Levy LLP](#)**



“As a gay attorney, I applaud Justice Kennedy’s momentous decision — this is a day of celebration for gay Americans. There’s even a little something to celebrate in the conservatives’ dissenting opinions. When arch-conservative Warren Burger wrote his opinion in *Bowers v Hardwick* in 1986, he had the audacity to cite Roman law making homosexual conduct a capital offense. The irony that Burger seems to have missed is that those same ancient Romans who wrote that law also crucified Christians for their religious beliefs, demonstrating that it’s not always wise to interpret the constitution based on the mores of ancient civilizations. The dissenting opinions issued with today’s majority opinion may have their ‘silly extravagances,’ but I don’t sense the same hatred that imbued Burger’s infamous *Bowers* opinion.”

**Michelle May O’Neil, O’Neil Wysocki PC**





“Today’s decision is one of the biggest decisions of our generation and will have far-reaching effects beyond what we even recognize today. In my practice as a Texas family lawyer, making same-sex marriage legal will also extend legal remedies to couples that they do not have now, such as right to divorce, right to inherit, right to be listed as a beneficiary. In the child-related arena, legitimizing same-sex marriage will also legitimize the parenting relationship of many children with their same-sex parents.”

**Edith G. Osman, Carlton Fields Jordan Burt**



“This is a historic day. It is the culmination of so much hard work by so many people. We are proud that the Supreme Court has made marriage equality the law of the land. It is a huge step towards the elimination of discrimination on all fronts. We as Americans should be proud.”

**Nicole Pearl, McDermott Will & Emery LLP**



“Today’s Obergefell decision allows all same-sex couples — regardless of the state in which they live — to take advantage of the many federal and state rights inherent in marriage. The impact that it will have on the day-to-day lives of LGBT couples will depend both on their state of residency and their current marital status. While the decision affords a basic level of dignity to same-sex relationships everywhere, it stops short of treating LGBT individuals as a suspect class. Perhaps Justice Kennedy’s acknowledgment that sexual orientation is an immutable trait — implicitly rejecting the argument that sexual orientation is a choice — will assist future litigants who seek to challenge other types of discrimination against LGBT individuals.”

**Kirk Pelikan, [Michael Best & Friedrich LLP](#)**



“From a benefits perspective, this may change how employers in the 13 states that did not already recognize same-sex marriage view their coverage obligations. Technically plans that excluded same-sex couple coverage can still do so, but risk challenges from state discrimination laws, public relations and recruitment. The bigger issue may be reactions to eliminate domestic partner benefits in areas where marriage has become possible (i.e., now that you can get married in this state, you must to obtain coverage for your same-sex partner in the plan) or employer decisions to eliminate spousal benefits altogether (both same and opposite sex).”

**Michelle Phillips, [Jackson Lewis PC](#)**



“The Supreme Court’s decision in Obergefell is a historic turning point in the recognition of LGBT civil rights which should be celebrated throughout the U.S. This is a decision about dignity for all in the most basic of human rights, including the right to ‘personal choice,’ to same-sex unions and to safeguard children and families. The decision has wide-ranging implications for employers, who should review all applicable policies, such as medical, life insurance, pension, 401(k) and other benefits, tax treatment, leave of absence, bereavement and paternity policies, to ensure compliance with the decision.”

**Andrew Prescott, Nixon Peabody LLP**



“The holding that the 14th Amendment requires states to license same-sex marriages and to recognize same-sex marriages performed in other states does not directly vest gays and lesbians with new workplace rights. The decision will almost certainly, however, lead to greater protections from employment discrimination. Twenty-nine states lack laws of statewide applicability banning sexual orientation discrimination in employment. Expect renewed and reinvigorated efforts, armed by the spirit of equality and fundamental rights endorsed in Obergefell, to convince Congress to pass a nationwide prohibition against sexual orientation discrimination in private-sector employment.”

**Nathaniel P.T. Read, [Cohen & Gresser LLP](#)**



“The Obergefell decision extending the fundamental right to marry to same-sex couples is a substantial step in the court’s jurisprudence recognizing equal rights for LGBT individuals. Justice Kennedy’s majority opinion is rooted in his opinions in Romer and Lawrence — which recognized that discrimination based on sexual orientation is not a legitimate state interest — but is also a logical extension of Loving, which extended the right to marry to interracial couples. Although the dissents decry the court’s action as legislation, in fact the ruling is a well-founded rejection of historical prejudice and affirmation of the principle of equal protection under law.”

**Edward J. Reeves, [Stoel Rives LLP](#)**



“This historic opinion means that same-sex couples in the U.S. can marry no matter where they live and that states may no longer restrict marriage only to heterosexual couples. While

opinion polls now show a solid majority nationwide supporting marriage equality, that level of support is not uniform and this decision will not eliminate continued debate and controversy. However, marriage equality is now the law of the land. States must allow same-sex couples to wed and governments and employers must extend the rights and benefits of marriage to wedded same-sex couples.”

**Sanford Jay Rosen, [Rosen Bien Galvan & Grunfeld LLP](#)**



“The Supreme Court has once again made June 26 a joyous day for all who believe in ‘equal dignity in the eyes of the law.’ Two years to the day after the court declared unconstitutional the core provision of the Defense of Marriage Act, and 13 years to the day after it held that the liberty to engage in intimate conduct between two consenting adults is protected by the Constitution, a 5-4 majority of the Supreme Court has held that the fundamental right to marry the person who you love applies equally to everyone, regardless of sexual orientation. This is a great victory for liberty and equality for all of us.”

**Richard A. Rosenbaum, [Greenberg Traurig LLP](#)**



“For the past 30 years, I have grown up in Greenberg Traurig, a uniquely empowering and diverse firm we call a family. A family built on a foundation of fairness, equality and authenticity, where each individual is respected and can contribute and enjoy the opportunity to live her or his dream no matter who they are or where they came from. So it was a particular privilege for me to recently serve as host of this year's Out in the Law Summit and the joint dinner with Out on the Street, a moving experience indeed. I am now proud to celebrate with so many others in and out of our firm this special moment in legal history. We should be inspired to strengthen the culture throughout the legal profession, such that every lawyer can feel safe and be authentic no matter who they are or who they love.”

**Michael P. Sampson, Carlton Fields Jordan Burt**



“The majority got it right. Marriage is a fundamental right all states must uphold for all couples, regardless of sexual orientation. The issue is one of identity and liberty, and seeking both through the profound commitment of marriage. Free societies like ours honor individual autonomy. The choice to commit to and intimately associate with the person you love through marriage flows from, remains connected to, and strengthens liberty for all of

us. This decision is a win for marriage, a win for families and children, a win for liberty, and a win for Americans.”

**Scott Schneider, [Fisher & Phillips LLP](#)**



“It is a historic decision and the culmination of considerable work by a bevy of rights activists, lawyers and litigants. Both Justice Kennedy’s majority decision and Chief Justice Roberts’ dissent are thoughtful and respectful of the passionate feelings on both sides. From a practical perspective, the impact of this decision will be felt in states where same-sex unions were not recognized. Now, rules with respect to entitlement to government and employer benefits will have to be reconsidered. Additionally, employers will have to reassess employee entitlement to leaves of absence and other protections, including protections under the FMLA and state-leave laws.”

**Pratik Shah, [Akin Gump Strauss Hauer & Feld LLP](#)**



“The use of history is an interesting aspect of today’s opinions. The dissenting opinions emphasize the traditional definition of marriage, through almost all of history, as between a man and a woman — a point central to the states’ argument. But Justice Kennedy’s majority opinion does not shy away from that history; rather, it invokes history to demonstrate that the institution of marriage has nevertheless evolved over time in significant ways. In that way, the majority uses history to bolster, rather than undermine, a right to same-sex marriage.”

**Nonnie Shivers, [Ogletree Deakins Nash Smoak & Stewart PC](#)**



“Obergefell is being hailed as a significant victory on its face by LGBT employees and their allies, including companies who believe equality is good business. Although Obergefell is a



fascinating historical, cultural and societal exploration of the evolution of marriage and lesbians and gays in modern America, employers may be pleasantly surprised to find a practical effect of the decision is to relieve some of their administrative burdens since they no longer have to interpret wildly differing state laws on marriage and marriage recognition in order to create and implement compliant policies. Because employees across all 50 states who are part of a same-sex couple now have the unequivocal right to marry and have their marriages recognized regardless of where the marriage was performed or they live or work, employers no longer have to crack out thousand-page horn books on marriage laws to conduct a case-by-case assessment of whether a same-sex employee is truly married for purposes of FMLA and other similar benefits. While employers should assess compliance carefully, employers should be on alert that more legal challenges and seismic events impacting LGBT employees will soon be in the pipeline, especially given the equal-protection and due-process grounds for the decision.”

**Allison Smith, [Weiss Serota Helfman Cole & Bierman](#)**



"From an employment perspective, this groundbreaking decision will have a significant impact on states where gay marriage is not recognized or allowed, particularly if employers in those states have not been offering the same benefits to married same-sex couples, as they have to married heterosexual couples. Employers should be mindful that, if they provide benefits to married heterosexual couples that are not provided to married same-sex couples, such conduct could be considered discriminatory, even if the benefit at issue is not one that the employer is legally required to provide to its employees. In other words,

married same-sex couples should not be treated differently than married opposite-sex couples."

**Paul M. Smith, [Jenner & Block LLP](#)**



"Justice Kennedy's majority opinion is both rhetorically eloquent and legally persuasive. Given the reality of millions of same-sex couples exercising their constitutional rights, forming long-term relationships and often raising children, it is rank discrimination to deny them the status, recognition and legal protections of marriage. The only plausible justification for maintaining this discriminatory regime would be the state's moral disapproval of same-sex relationships. But 12 years ago, *Lawrence v. Texas* took that justification off the constitutional table. As today's decision reflects, opponents of equality have nothing else to say that makes any sense."

**Robert Stanley, [Jaffe and Clemens](#)**



“From a family law perspective, today’s ruling is a tremendous improvement for same-sex couples living in states that still forbid same-sex marriage under their state laws, and/or refuse to recognize same-sex marriages performed in other states. It is also a major step forward for all same-sex couples in this country, even those that live in states which already had full marriage-equality rights at the state level, as it means they can now travel freely within the country and expect that their marriages, and the associated rights and responsibilities, will not change from state to state. This will also be a major improvement toward equality in managing the legal rights of persons in same-sex relationships. Same-sex couples and their legal, accounting and tax advisors will now have a tremendously improved set of tools in their toolboxes to address these marriages just as they have as always had with respect to opposite-sex marriages.”

**Damon Suden, [Kelley Drye & Warren LLP](#)**



“In 1999, my political science thesis at MIT was a theoretical legal argument in favor of same-sex marriage — progressive for a time when no state recognized such marriages. Now, 16 years later, LGBT people have the constitutional right to get married. Justice Kennedy’s opinion does more than simply expound on the law, it beautifully articulates the dignity of gay and lesbian people, the human desire for love and companionship, and the aspirational goals of marriage. This is the best of what the law can do and it makes me proud to be a lawyer, and proud to be gay.”

**Jeffrey S. Trachtman, [Kramer Levin Naftalis & Frankel LLP](#)**



“Nobody is really surprised by this outcome, but the impact is still huge — a fight that’s raged for decades is over, backed by a strong national consensus, and LGBT people across the country can now marry the person they love. Perhaps even more important, the court has reaffirmed principles of equal dignity under the law that can be applied to seek fairness for other groups still treated as second-class, including transgender people.”

**Steven A. Velkei, [Dentons](#)**



“Today, the United States Supreme Court declared what we already know to be true: that same-sex couples have the right to marry and that the right is protected under the 14th Amendment of the Constitution. We applaud the Supreme Court's decision and congratulate our LGBTQ colleagues and friends and all of those who fought to establish this important right. The decision affirms basic principles of human dignity and the freedom to love those we choose and to honor that love through marriage. For the decision to come as it does during LGBTQ Pride Month gives honor to where this movement started back in 1969.”

**Brett Ward, [Blank Rome LLP](#)**



“The court made a historic decision today by recognizing same-sex marriage and providing millions of people with the equality they deserve and are guaranteed under our Constitution.

Today's opinion goes far beyond financial and even custodial matters — this ruling implicates basic civil and fundamental rights that before today were still undeveloped and, in many places in this country, unrecognized. With this ruling many complexities related to same-sex marriage disappear. However, with the legal recognition same-sex couples received today come legal obligations. Before getting married, same-sex couples should strongly consider negotiating a prenuptial agreement to protect themselves from the ravages that an unfortunate divorce can bring.”

**Stephen Warch, [Nilan Johnson Lewis PA](#)**



“This is an important decision for the country. It affirms the principles of fundamental fairness and equality that are embedded in the Constitution. Our firm is a long-standing advocate for LGBT rights including our public opposition to the Minnesota state marriage amendment in 2012. We are proud to celebrate this milestone day with our LGBT attorneys and staff!”

**David Weiner, [Arnold & Porter LLP](#)**



“There are three notable aspects to the court’s majority opinion. First, the majority recognized that marriage is a unique bond ‘unlike any other’ and that it fosters autonomy, development of children and families, and social order. Second, the majority grounded its ruling in established precedent, thus providing a powerful rebuttal to the dissenting opinions. Third, and importantly, the majority acknowledged that refusing to recognize an equal right to marriage would cause profound negative effects to individuals who wish to marry, and to their families — a fundamental right like marriage cannot be left to plebiscite.”

**Katelyn Winslow, [Ford & Harrison LLP](#)**



“Today’s historic ruling for same-sex marriage means federal and state law will now apply equally to all individuals regardless of their spouse’s gender. Universal same-sex marriage provides universal access and uniform taxation of employee benefits, which has long been

at odds at the federal and state level. As same-sex marriage is recognized nationwide, states must redraft and even overturn prior legislation that controverts today's ruling. And employers are likely to see an increase in anti-discrimination litigation as new laws go into effect. While this ruling may have won the war, many same-sex legal battles are still to come."

**Cynthia Wright, [Boyd Collar Nolen & Tuggle](#)**



"This is a day that means so much to so many. From today forward, finally, everyone may enjoy the freedoms that marriage equality affords and, rightfully so, the near term will be a time of celebration. Legal issues affecting couples and families will arise and need to be addressed in light of this landmark decision. And there will be many other issues to consider in courts, broader government and in the business community such as employee benefits, expiration of domestic-partner regulations and policies, and, inevitably, divorce and custody matters. But no matter the administrative challenges of implementing this decision, the deeper significance of equality is good for all."

**Michael D. Wysocki, O'Neil Wysocki PC**



"Many people, through many generations, have been confused as to the purpose of our legal system — often confused as to the role of equality and equal protection in that system.



Over those generations this confusion was cleared up as it related to gender, race and, today, sexual orientation. The Supreme Court has ruled that same-sex couples have a constitutional right to marry under the 14th Amendment. As stated by Justice Kennedy, 'They ask for equal dignity in the eyes of the law. The Constitution grants them that right. It is so ordered.' Well said."

**R. Alan York, Godwin Lewis PC**



"Today's opinion in Obergefell v. Hodges is not the result of any one person or organization. It is not the result of a crafty legal strategy or a single voice. It is the result of a determined and focused community refusing to accept second-class status. It is a result of the members of that community and its supporters standing up and saying, 'We will be treated as equals. The Constitution guarantees us nothing more, but we will accept nothing less.' Today is a great victory for all Americans who believe in equality under the law."

--Editing by Mark Lebetkin.