

June 20, 2009

STATE BAR ASSOCIATION ENDORSES CIVIL MARRIAGE TO PROVIDE FULL EQUALITY TO SAME-SEX COUPLES & FAMILIES

(Cooperstown, New York) – The New York State Bar Association's House of Delegates today adopted a resolution to amend the state's Domestic Relations Law to give same-sex couples the right to marry; and to recognize civil marriages that have been contracted elsewhere.

The resolution was presented to the House of Delegates -- the decision and policy-making body of the Association - in a comprehensive 180-page report prepared by the Special Committee on LGBT People and the Law, titled "Report and Recommendations on Marriage Rights for Same-Sex Couples."

New York State Bar Association President Michael E. Getnick (Getnick Livingston Atkinson & Priore, LLP of Utica and of counsel to Getnick & Getnick of New York City) said, "Today, tens of thousands of New Yorkers do not have the protections, responsibilities and dignity associated with marriage. These same-sex couples lack basic legal rights in such critical areas as health care, hospital visitation rights and child custody issues. Frequently, they also suffer intangible harm – the indignity and stigma of not being able to marry. The State Bar has taken an important step forward in support of same-sex marriage. We urge our state legislators to do the same."

The State Bar has long supported equal rights for same-sex couples. A top legislative priority, the Association adopted a resolution in 2005 calling for legislation that would provide same-sex couples with the same comprehensive set of rights and responsibilities that are available to heterosexual couples either in the form of domestic partnerships, civil unions, or as an amendment expanding the statutory definition of marriage.

The new report, however, noted that a great deal had changed in the landscape of marriage rights since 2004. Same-sex couples can now marry in Vermont, Iowa, Connecticut and Massachusetts – with marriage equality advancing in New Hampshire and Maine. Additionally, Governor Paterson has ordered state agencies to recognize same-sex marriages performed elsewhere, creating an inherent inequality in New York today: same-sex couples can live as married partners in New York, but they cannot enter into a valid marriage in their own home state.

Getnick added, "The irony is that same-sex couples can be married in New York; they just can't get married in New York. It is appropriate and timely that the State Bar amend our position to reflect the sea change that is occurring across the nation."

Citing freedom of religion as an essential American institution, the resolution also states that any legislation shall exempt clergy from the obligation to perform any marriage to which they object.

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