

MEMORANDUM
(Confirmation item)

DATE: July 28, 2014

TO: ASA Council

FROM: Sally T. Hillsman, Executive Officer

RE: **ASA Council's and Secretary's Approval of Amicus Curiae Briefs Submitted in Marriage Ban Cases**

Background

At its March 1-2, 2014 Meeting, Council unanimously approved the submission of an ASA *amicus curiae* brief to the US Circuit Court of Appeals for the 10th Circuit in Kitchen v. Herbert. That brief contained the same research summary on child outcomes for children raised in two-parent homes comparing same and different sex parents as was presented in the amicus brief ASA submitted to the United States Supreme Court in the DOMA and Prop 8 cases and to the 9th Circuit Court of Appeals in Sevcik v. Sandoval, both in 2013.

New Submissions

Subsequently, via unanimous email votes, Council authorized the submission of amicus briefs containing the same substantive content in Bostic v. Rainey (4th Circuit Court of Appeals) on April 11, 2014 and in Obergefell v. Himes (6th Circuit Court of Appeals) on April 28, 2014. On April 20, 2014, by unanimous email vote, Council also approved submission of an amicus brief containing the same substantive content in Louis Felipe Rodriguez Rodas y Edward Soto v. Notario Cuarta del Circuito de Cali to the Corte Constitucional (Colombia, SA) on April 20, 2014.

The ASA Secretary, Mary Romero, under her bylaws authority, also approved several additional submissions of amicus briefs having the same substantive content in several additional marriage ban cases, after consultation with the ASA presidents. They are: Jackson v. Abercrombie (10th Circuit Court of Appeals), July 4, 2014; Latta v. Otter (9th Circuit), July 25, 2014; Baskin v. Bogan, Fujii v. Indiana Governor, Lee v. Pence (7th Circuit), August 5, 2014; and DeLeon v. Perry (5th Circuit), August 15, 2014.

All briefs were submitted on behalf of the ASA by the law firm of Cleary Gottlieb Steen and Hamilton, LLP, of New York City.