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11 *Attorneys for Amici Curiae*
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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 KRISTIN M. PERRY, SANDRA B. STIER,
17 PAUL T. KATAMI, and JEFFREY J.
18 ZARRILLO,

18 Plaintiffs,

19 v.

20 ARNOLD SCHWARZENEGGER, in his official
21 capacity as Governor of California; EDMUND G.
22 BROWN, JR., in his official capacity as Attorney
23 General of California; MARK B. HORTON, in his
24 official capacity as Director of the California
25 Department of Public Health and State Registrar of
26 Vital Statistics; LINETTE SCOTT, in her official
27 capacity as Deputy Director of Health Information
28 & Strategic Planning for the California Department
of Public Health; PATRICK O'CONNELL, in his
official capacity as Clerk-Recorder for the County
of Alameda; and DEAN C. LOGAN, in his official
capacity as Registrar-Recorder/County Clerk for
the County of Los Angeles,

Defendants.

Case No. CV-09-2292 VRW

**APPLICATION TO FILE AN
AMICUS CURIAE BRIEF IN
SUPPORT OF PLAINTIFFS AND
STATEMENT OF INTEREST OF
AMICI CURIAE**

Judge: Chief Judge Vaughn R. Walker

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**APPLICATION TO FILE AN AMICUS CURIAE BRIEF
IN SUPPORT OF PLAINTIFFS AND
STATEMENT OF INTEREST OF AMICI CURIAE**

Amici curiae hereby respectfully apply for leave to file an amicus curiae brief in support of the plaintiffs.

Amici are all professors of family law in California. Amici include the authors of major casebooks and treatises on family law, as well as numerous scholarly works related to the issue before this Court. Amici are extremely familiar with California and national family law history, legislation, case law, and policy as they apply to this case. As family law scholars, amici have a substantial interest in the issue before this Court, which concerns a central aspect of family law, the nature of marriage.

Amici agree with both the plaintiffs and defendants in this case that marriage is a critical institution in society. Through both law and culture , marriage carries with it distinctive personal, psychological, and social benefits to both adults and children. Thus, any laws that deprive individuals of access to marriage raise substantial concerns regarding the promotion of family life and the well-being of adults and children. Amici support plaintiffs’ claims that there are no reasonable justifications, in terms of the purposes of family law, for depriving individuals of the opportunity to marry someone of the same sex and that Proposition 8 therefore violates plaintiffs’ rights under the Due Process and Equal Protection Clauses of the United States Constitution.

In this brief, amici focus on two of the arguments proffered by those seeking to justify the constitutionality of denying same sex couples the opportunity to marry: (a) that the desire to preserve a “traditional” definition of marriage is an adequate justification for denying individuals the right to marry someone of the same sex; and (b) that by providing same-sex couples the opportunity to enter into domestic partnerships California has afforded them a marriage-like status that is sufficient to meet the State’s obligations under the Equal Protection Clause. Amici believe

1 that both contentions lack merit from a constitutional or family law perspective. We believe that
2 our expertise with respect to these issues will contribute to the deliberations of this Court.

3
4 Amici Curiae include:

- 5 • **Scott Altman**, Vice Dean and Virginia and Fred. H. Bice Professor of Law, University of
6 Southern California Law Center;
- 7 • **R. Richard Banks**, Jackson Eli Reynolds Professor of Law Professor of Law, Stanford
8 University;
- 9 • **Grace Ganz Blumberg**, Professor of Law, University of California, Los Angeles School
10 of Law;
- 11 • **Janet Bowermaster**, Professor of Law, California Western School of Law;
- 12 • **Carol S. Bruch**, Distinguished Professor Emerita, University of California, Davis School
13 of Law;
- 14 • **Patricia Cain**, Professor of Law, Santa Clara School of Law;
- 15 • **Jan C. Costello**, Professor of Law, Loyola Law School, Loyola Marymount University;
- 16 • **Barbara J. Cox**, Clara Shortridge Foltz Professor of Law, California Western School of
17 Law;
- 18 • **H. Jay Folberg**, Professor of Law Emeritus, University of San Francisco School of Law;
- 19 • **Deborah L. Forman**, Professor of Law and J. Allan Cook & Mary Schalling Cook
20 Children's Law Scholar, Whittier Law School;
- 21 • **Joan H. Hollinger**, Lecturer-in-Residence/Director Child Advocacy Program, University
22 of California, Berkeley School of Law;
- 23 • **Lisa Ikemoto**, Associate Professor of Law, University of California, Davis School of Law;
- 24 • **Courtney G. Joslin**, Acting Professor of Law, University of California, Davis School of
25 Law;
- 26 • **Herma Hill Kay**, Barbara Nachtrieb Armstrong Professor of Law, University of
27 California, Berkeley School of Law;

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- **Lawrence Levine**, Professor of Law, University of the Pacific, McGeorge School of Law;
- **Maya Manian**, Associate Professor of Law, University of San Francisco School of Law;
- **Melissa Murray**, Assistant Professor of Law, , University of California, Berkeley School of Law;
- **John Myers**, Distinguished Professor and Scholar, University of the Pacific, McGeorge School of Law;
- **Doug NeJaine**, Assistant Professor of Law, Loyola Law School, Loyola Marymount University;
- **Patti Panicia**, Assistant Professor of Law, Pepperdine School of Law;
- **Shelley Saxer**, Professor of Law, Pepperdine School of Law;
- **E.Gary Spitko**, Professor of Law, Santa Clara School of Law;
- **Nomi Stolzenberg**, Nathan and Lilly Shappell Professor of Law, University of Southern California Law Center;
- **Michael S. Wald**, Jackson Eli Reynolds Professor of Law Emeritus, Stanford University;
- **Janet Weinstein**, Professor of Law, California Western School of Law;
- **D. Kelly Weisberg**, Professor of Law, Hastings College of the Law;
- **Lois Weithorn**, Professor of Law, Hastings College of the Law;
- **Michael Zamperini**, Professor of Law, Golden Gate University.

1 Dated: February 1, 2010

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3 Respectfully submitted,

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