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Supreme Court Update

This morning the court released two important rulings on same gender marriage.

First, in a 5-4 decision, the United States Supreme Court ruled the Defense of Marriage Act (DOMA) unconstitutional. In general, this means that same-gender couples who are legally married will be entitled to equal treatment under federal law, including income taxes and social security benefits. It is important to note that the court did not authorize same gender marriage, but rather said that the Federal government will recognize those same gender marriages that are validly entered into. The full opinion can be seen here:

Second, the United States Supreme Court dismissed the California Proposition 8 appeal for lack of standing. This related to whether California's ban on same gender marriage was unconstitutional. In general, this means that the proponents of the Prop 8 ban have no legal right to defend the law in court. The case is effectively thrown back to the lower courts. The lower courts will need to determine whether Prop 8 still stands and whether California can refuse to enforce it. The full opinion can be seen here:

These cases played out as many had suspected, in that DOMA was held unconstitutional at the federal level, but left all the decisions as to what is or is not a legal marriage to the states. We will be following up in a few days with a more detailed report on the effects of the rulings. But, the key takeaways at this time include (1) no more federal income tax imputation for same gender spousal health benefits, and (2) same gender spouses have all the rights of a spouse under qualified retirement plans.