

LEGAL



BRIEFS

The When, Where, and How of Saying Those Vows

BY BETH ROBINSON AND
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It's June — wedding season — and we've been inundated with inquiries. Most of them run something like: "If we do win the marriage case, how do my partner and I go about getting married?"

A few qualifications before we delve into that topic. First, we have no way of knowing when the Vermont Supreme Court will decide the marriage case. It could be next week, or it could be next year. Second, we have no way of knowing what the court will decide. We certainly have strong opinions about what the court should do, but it's possible that the court doesn't agree with us.

There are really three possibilities. The court could rule against us, concluding that the state can constitutionally discriminate against same-gender couples and the families they form. The court could send the case back to a lower court for further proceedings. Last, but not least, it could rule in our favor, concluding that the Vermont Constitution does not tolerate laws that relegate a class of citizens and their families to second-class status.

For the purposes of this column, let's assume the court does the right thing and chooses the latter option. Then what?

When?

The court's decision will become final after 14 days (unless the state files a Motion to Reconsider). That means that if

the court rules in our favor, same-gender couples who otherwise qualify to marry (they aren't minors or incompetent, etc.) can apply for marriage licenses after 14 days.

Where?

You can obtain a marriage license from the clerk of the town where either party to the marriage lives, or, if neither party is a resident of the state, from a town clerk in the county where the marriage is to be 'solemnized,' or performed. At least one party to the proposed marriage needs to sign the application. You will

have to pay a nominal fee for the license.

What next?

Once you get a license, you have 60 days to actually get married. If you don't marry within 60 days, the license becomes void, so resist the temptation to run straight to the town clerk's office

by 'a minister of the gospel residing in this state and ordained or licensed, or otherwise regularly authorized...[by] his [or her] denomination.'

The statute also allows out-of-state clergy to solemnize marriages with the approval of the probate court, and allows Quakers, the Christadelphian

the families they form — second-class citizens — even if they need to advocate amending the Vermont Constitution to do so.

So please, before you start making wedding plans, please think about how you can contribute to securing this important right for our community. Volunteer for the Vermont Freedom to Marry Task Force. Have a wedding shower and ask guests to make donations to the Vermont Freedom to Marry Task Force. Send a marriage announcement and picture to your local newspaper. Join the Task Force Vermont Voices for Equality project and let your legislator know how much it means to you to share in the same legal protections and obligations that your heterosexual neighbors enjoy. ▼

Our opposition has pledged to continue its quest to make gay and lesbian Vermonters — and the families they form — second-class citizens — even if they need to advocate amending the Vermont Constitution to do so.

to get a license if you don't expect to actually get married within a couple of months.

If you do get married within 60 days, a person authorized to solemnize marriages needs to sign the marriage license, thereby converting it into a 'marriage certificate.' You then have 10 days to return the marriage certificate to the town clerk for filing in the town records.

Who is authorized to solemnize marriages?

Marriages may be solemnized by any Vermont judge, assistant judge, or justice of the peace, or

Ecclesia, and the Baha'i to solemnize their marriages consistent with their traditions (which may not involve a minister, per se).

How can we protect our right to marry?

Of course, we can't end this column without a heartfelt plug. Even if the Vermont Supreme Court recognizes our constitutional right to equal treatment under this state's marriage laws, the struggle may not be over. Our opposition has pledged to continue its quest to make gay and lesbian Vermonters — and

Susan Murray and Beth Robinson are attorneys at Langrock Sperry & Wool in Middlebury whose practices include general commercial and civil litigation, employment, family, estate, personal injury, and worker's compensation cases. If you'd like our column to cover a particular legal issue of interest to our community, please write OITM or call us at 388-6356.

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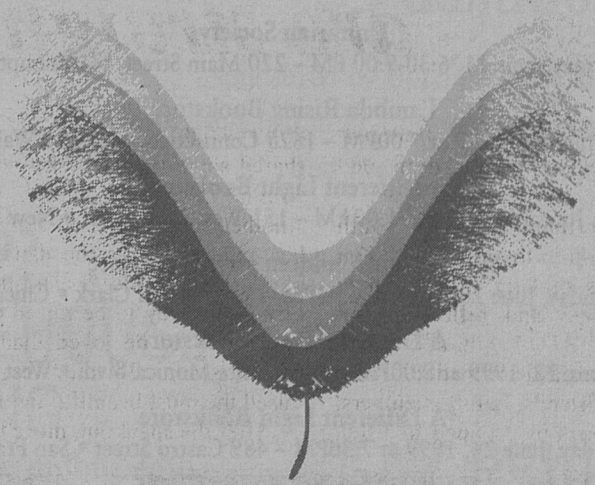
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Our Mission

The Samara Foundation of Vermont is a charitable foundation whose mission is to support and strengthen Vermont's gay, lesbian, bisexual, and transgendered communities today and build an endowment for tomorrow.

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