Law Case Analysis

 [Name of the Writer]

[Name of the Institution]

**Name, location, and year of case**

Baker v. Vermont case was a legal lawsuit which was decided on Dec. 20, 1999. This case was actually a lawsuit and its decision was given by the Supreme Court of Vermont. This was the first legal case that set the precedent to give the same treatment to the couples of the same sex as that of the couples of different sex. According to this case, the Supreme Court gives the right to the couples of same marriage a right which was denied by the state

**Description of case**

In Hawaii, the foundation stone of this case was laid earlier in 1996 which was later been undone by 1998 popular referendum. In towns of Milton and South Burlington city, cases of 3 couples with same-sex were denied licenses of marriage who later sued the state jurisdiction on this case. Name of people who sue the jurisdiction were Peter Harrigan and Stan Baker, Lois Farnham, and Holly Puterbaugh, and Stacy Julies and Nina beck. Among these three couples, two of them have children that they raised together. These three couples sue their local jurisdiction and also Vermont State by requesting that by denying them their licenses, state, and locality violates the Constitution of the state and marriage statutes of Vermont's. Marry Bonauto represents the case from plaintiffs, who himself was Gay & Lesbian Defender and advocate attorney, and other two attorneys were Beth Robinson and Susan Murray.

A lawsuit was moved by the defendants to dismiss the lawsuit that the plaintiff's grievances could not have any legally granted relief. Linda Levitt who was the Judge of Superior Court allowed the motion to be passed by the dependents which rule that same-sex marriage cannot be taken because the public interest is served by the constitution by promoting child-rearing and procreation link. According to her, she differed from defendants disputation that tradition and history and said that it is justified interest of the state to preserve marriage. This decision was appealed by the plaintiffs in the Supreme Court of Vermont. The Supreme Court of Vermont received briefs from experts known as amicus briefs, from commission of Human rights Vermont, Educational fund and legal defense of Lambda, Gay, and Lesbian rights Coalition of Vermont, Friends and parents of lesbians and gays, Same Gender organization of Vermont, Psychiatry Association of Vermont, Research Associate specialty, Law professors. Oral arguments were heard on 18th November 1998.

**Oral Arguments**

Representation from the plaintiff side is Beth Robinson (Attorney). In her argument, she states that same-sex couples should be given marriage rights. She further states in her argument that in absence of any statutes interpretation Common Benefit of Vermont's Constitution Clause (Article 7, Chapter 1), equal benefits, and law protection should be given to all its citizens also guarantees right to couples of the same sex to protect and benefit all their rights. In her statement, she says and questions the decision made by the lower court that by limiting the status of marriage to different-sex couple denied the rights by the law of Vermont to recognize the right of couples adopting children's and child conceiving by natural and artificial means.

The decision by the lower court is questioned when they allow the parents of the same sex to be partners but take away the rights of adopted children of marriage security and benefits. A question by the decision of the lower court is raised about discrimination of gender and undermining the results of natural science that male-female can reproduce. When it was asked by the Justice to state marriage as law which is a fundamental right, the state attorney answer was yes but the fundamental right is given to the marriage of male and female.

**Description of resolution**

The Supreme Court of Vermont gives its ruling on 20th December 1999 on three opinions differed from one another that it is the state constitution violation to deny benefits of marriage. Majority constituted of three judges was written by Jeffrey Amestoy Chief Justice who wrote that guarantee must be given by the state that protects and benefits of couples should be provided to couples of same sex as that of different-sex couples, and state that in a reasonable time period a legislature should devise a way to provide benefits to couples of same sex.

Opinion by the majority let down the request of plaintiff's to grant marriage license but it allowed that in future some of the cases may establish protection and equal benefits under the law of Vermont, as by denying the license of marriage deny protected rights that were constitutionally given. In its place, it was directed to the states to establish a system that gives statutory rights to couples of the same sex as those to different-sex couples(Kujovich, 2000). Implementation of this system can be done by making another such name under parallel status like “domestic partnership system”

**Precedent**

This case sets the precedents for the latter cases as in 2000; it was responded by the legislature in Bakers case decision by implementing the same couple sex civil union after the very divergent debate. The highest court of New Jersey's gives its ruling in a unanimous decision on 25th October 2006 in Lewis v. Harris case that by making exclusion of couples of the same sex from marriage violates the constitution of the state to guarantee of protection of equality. Justice made the decision by 4/3 that proper cure has to be left to the democratic process legislature.

**Impact of case**

In a few weeks after the decision of the court, the initiation of legislation came in working condition. Witnesses were invited by holding hearings of the committee. People from Vermont spoke in large at public hearing launched by committee(Chambers, 2000). The polarized debate begins with people in favor and against the decision, while no one favored the legislation of "domestic partnership" by the decision of the Supreme Court.

**Opinion on the case**

This law marks the pavement for equal rights for the same-sex couples which in my opinion are the right decision because denying such thing is against fundamental human right. Such cases make the way to debate on the topic which makes the law to be passed for people benefit.

**Refrences**

Chambers, D. L. (2000). The Baker [Baker v. State, 744 A. 2d 864 (Vt. 1999)] Case, Civil Unions, and the Recognition of our Common Humanity: An Introduction and a Speculation.

Kujovich, G. (2000). An essay on the passive virtue of Baker v. State. *Vt. L. Rev.*, *25*, 93.