



FACT SHEET

Lewis v. New York State Department of Civil Service

ABOUT Lewis v. New York State Department of Civil Service

On behalf of New York taxpayers, Alliance Defense Fund attorneys filed a lawsuit against the New York State Department of Civil Service, alleging that it illegally ordered all state agencies to recognize out-of-state same-sex “marriages.” The department redefined the term “spouse” to include “the parties to any same-sex marriage performed in jurisdictions where that marriage is legal.” This was done to set up its directive to all state agencies to provide health insurance benefits to same-sex couples “married” in other states or countries. The directive unconstitutionally undermines state law and replaces it with law from foreign jurisdictions at the expense of taxpayers and families who have not consented to it.

CURRENT STATUS OF Lewis v. New York State Department of Civil Service AS OF 10/12/09

In May 2007, ADF attorneys representing New York taxpayers filed suit in the New York Supreme Court for Albany County against the New York State Department of Civil Service for directing all state agencies to recognize out-of-state same-sex “marriages” in contradiction to state law. After ADF attorneys filed to appeal the suit to the state’s highest court in February 2009, the court agreed the next month to hear the case. ADF Senior Legal Counsel Brian Raum is scheduled to present oral argument before the New York Court of Appeals on Oct. 13.

FOCUS OF HEARING – WHAT IS AT STAKE?

The court will decide in this case whether state officials will be allowed to unconstitutionally seize the authority to rewrite and undermine state law in favor of political agendas and the laws of other jurisdictions. A ruling will also determine whether state officials will be allowed to illegally give away taxpayers’ dollars without their consent. If the court rules in their favor, same-sex couples who are cohabitating or planning to live together in New York state can obtain “marriage” licenses in other states, countries, or jurisdictions where same-sex “marriage” is considered legal and avoid New York law and public policy.

CONTACT

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ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Brian Raum

Brian Raum serves as senior counsel with the Alliance Defense Fund at its headquarters in Scottsdale, Arizona, where he works on cases around the country as the head of its Marriage Litigation Team. Having earned his J.D. from the Regent University School of Law, Raum has been practicing law since 1995. He is admitted to the bar in New York and Virginia, along with the federal bars in all the districts of New York, as well as the Central District of Illinois and the U.S. Court of Appeals for the Second, Third, Seventh, Ninth, and Federal Circuits. Before joining ADF in 2006, Raum served as the New York State Director for the American Center for Law and Justice and then worked in private practice in New York City, concentrating on constitutional and civil rights litigation.