



NEWS RELEASE

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Supreme Court to Hear Oral Arguments in Prop. 8 Cases on March 5, 2009

San Francisco—The California Supreme Court today announced that it will hear oral arguments on Thursday, March 5, 2009, from 9:00 a.m. to 12:00 p.m., in three cases challenging the constitutionality of Proposition 8, a statewide ballot initiative that was passed by a majority of California voters in November 2008. (*Strauss v. Horton*, S168047; *Tyler v. State of California*, S168066; *City and County of San Francisco v. Horton*, S168078).

The oral argument session will be held in the Supreme Court's Courtroom, Earl Warren Center, Fourth Floor, 350 McAllister Street, San Francisco, as part of the court's regular monthly calendar session in March 2009. The complete March 2009 oral argument calendar is available at <http://www.courtinfo.ca.gov/courts/supreme/#cal>.

In the cases before the court, the court has issued an order listing the following three issues to be briefed and argued:

- (1) Is Proposition 8 invalid because it constitutes a revision of, rather than an amendment to, the California Constitution?
- (2) Does Proposition 8 violate the separation of powers doctrine under the California Constitution?
- (3) If Proposition 8 is not unconstitutional, what is its effect, if any, on the marriages of same-sex couples performed before the adoption of Proposition 8?

The three cases before the court were filed directly in the California Supreme Court on November 5, 2008, the day following the voters' approval of Proposition 8 at the November 4, 2008 election.

On November 19, 2008, the court agreed to hear the cases, denied a request to stay the operation of Proposition 8 pending the court's resolution of the cases, granted the motion of the official proponents of

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Proposition 8 to intervene in the action, and established an expedited briefing schedule. Briefing in the Supreme Court was completed on January 21, 2009.

In an order issued today, the Supreme Court specified the amount of time each of the petitioners, the Attorney General, and the interveners will be allocated for oral argument (see below).

ACCESS TO ORAL ARGUMENTS

To increase public access to the court session, the Supreme Court has designated the California Channel, a public affairs cable network, to provide a live TV broadcast of the session and to serve as the “pool” channel. California Channel will provide a press pool outside the State Building to facilitate coverage of the oral argument by television and radio stations. For a list of cable companies that carry the network, see <http://www.calchannel.com/carriage.htm> .

Oral arguments also will be broadcast in an overflow viewing auditorium in the Milton Marks Conference Center, Hiram J. Smith State Office Building, Lower Level, 455 Golden Gate Avenue, San Francisco. In addition, the Supreme Court has announced that all briefs in the Proposition 8 cases are now posted to a special section of the California Courts Web site at <http://www.courtinfo.ca.gov/courts/supreme/> .

Under the applicable court rules, the Supreme Court generally issues a decision, through a written opinion, within 90 days of oral argument. For more information on the cases, including the attorneys of record, please see the Supreme Court’s online Case Information System at <http://appellatecases.courtinfo.ca.gov/search.cfm?dist=0>.

Public and press seating in the courtroom will be extremely limited. Press seats will be available on a first-come, first-served basis, with one seat to be allocated per media organization. Requests for press seats should be sent to Lynn Holton, Public Information Officer, at lynn.holton@jud.ca.gov or 415-865-7726/7740.

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