

Court's Marriage Ruling Not to Be Ignored

News

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Joe Gagnon and Kevin Troutman, partners in the Houston office, were both interviewed for the July 25 *Houston Chronicle* article "Court's Marriage Ruling Not to Be Ignored."

The article noted that although many states do not recognize same-sex marriage, the Supreme Court ruling allowing same-sex couples federal marriage benefits should not be ignored by employers in those states.

Joe said that employers could eventually be on the losing end of a court battle if they exclude same-sex spouses as beneficiaries and plan participants.

Some companies may have one office in a state that recognizes same-sex marriage and another office in a state that does not.

Although how the ruling will impact some companies is still up in the air, Joe said that the issue will focus on the fact that many employee benefit programs are established and regulated by federal law.

That federal connection may be the basis for requiring employers to extend benefits to same-sex spouses, even in states that don't recognize same-sex marriage.

Joe and Kevin are both advising their clients to be cautious even if their state does not recognize same-sex marriage.

Kevin noted that the landscape is shifting as more states change their definitions of marriage. He added that he's been asking his clients: "Do you want to be the test case?"

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