

Court of Appeals

STATE OF NEW YORK

H.M. (ANONYMOUS),

Petitioner-Appellant,

—against—

E.T. (ANONYMOUS),

Respondent-Respondent.

**BRIEF OF *AMICUS CURIAE*
NEW YORK COUNTY LAWYERS' ASSOCIATION**

MATTHEW L. CRANER

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New York County Lawyers' Association

December 24, 2009

**COURT OF APPEALS
STATE OF NEW YORK**

H.M. (Anonymous)

Petitioner-Appellant,

-against-

E.T. (Anonymous)

Respondent-Respondent.

Rockland County Family Court
Clerk's Index No. U-110-07

**NOTICE OF MOTION FOR
LEAVE TO FILE BRIEF AS
*AMICUS CURIAE***

- Motion by:** The New York County Lawyers' Association
- Date, Time and Place of Motion:** January 4, 2010, 9:30 a.m., or as soon as counsel can be heard, at the Court of Appeals, 20 Eagle Street, Albany, New York, 12207-1095
- Supporting Papers:** Affirmation of Matthew L. Craner, dated December 24, 2009; and the proposed Brief submitted therewith
- Relief Requested:** An order, issued pursuant to Court of Appeals Rule 500.23, permitting the New York County Lawyers' Association to participate in this matter as an *amicus curiae* and to file the proposed Brief
- Dated: New York, NY
December 24, 2009

Respectfully submitted,

Matthew L. Craner

Counsel of Record

Lisa M. Cirando

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**COURT OF APPEALS
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**AFFIRMATION IN SUPPORT OF
MOTION FOR LEAVE TO FILE
BRIEF AS *AMICUS CURIAE***

MATTHEW L. CRANER, an attorney duly admitted to practice before the Courts of the state of New York, affirms the following under penalty of perjury:

1. I am a partner in the firm of Orrick, Herrington & Sutcliffe LLP, counsel to the New York County Lawyers' Association ("NYCLA"). I submit this Affirmation in support of NYCLA's Motion for Leave to File Brief as *Amicus Curiae* in the above-captioned matter.

2. NYCLA is a not-for-profit membership organization of approximately 10,000 attorneys practicing primarily in New York County, founded and operating specifically for charitable and educational purposes. NYCLA's certificate of incorporation specifically provides that it is to do what it deems in the public interest and for the public good, and to seek reform in the law.

3. Founded in 1908, NYCLA was the first major bar association in the country that admitted members without regard to race, ethnicity, religion or gender and has since played a leading role in the fight against discrimination both in the profession and under local, state and federal law. NYCLA's bedrock principles have been the inclusion of all who wish to join and the active pursuit of legal system reform.

4. Consistent with its founding and sustaining principles of non-discrimination and inclusion, NYCLA has repeatedly appeared as *amicus curiae* in cases before this Court to endorse rights for same-sex couples. Indeed, NYCLA has a significant interest in seeing that all families in New York, including families of same-sex couples and non-traditional families formed by non-biological, non-adoptive parents, enjoy the same rights and protections under the law.

5. Two of NYCLA's Committees have considerable expertise with the issues involved in the instant appeal: The Family Court and Child Welfare Committee, which concerns itself with legislation and substantive law, the conduct of the judiciary, and general matters regarding the Family Court; and the Lesbian / Gay / Bisexual / Transgender Issues Committee, which focuses on issues relating to lesbians, gays, bisexuals and transgender persons in the legal profession and in society.

6. NYCLA is familiar with the questions involved in this appeal and seeks to file its *amicus curiae* Brief in order to assist the Court in its consideration. Because of its founding principles, long history of advocacy around same-sex equality, and Committee expertise, NYCLA believes it could identify law or arguments that might otherwise escape the Court's consideration and that its Brief would otherwise be of assistance to the Court, as set forth in Court of Appeals Rule 500.23(a)(4).

December 24, 2009

MATTHEW L. CRANER