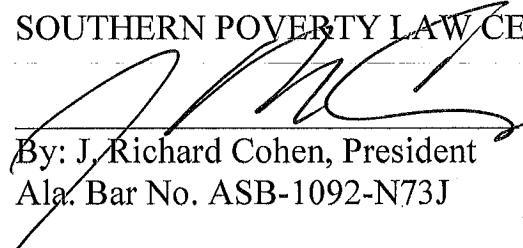




2016, advising Alabama probate judges that they “have a ministerial duty not to issue any marriage license contrary to the Alabama Sanctity of Marriage Amendment or the Alabama Marriage Protection Act” and that the “existing orders of the Alabama Supreme Court . . . remain in in full force and effect.” *See* Exhibit C at 4.

Dated: January 6, 2016

SOUTHERN POVERTY LAW CENTER

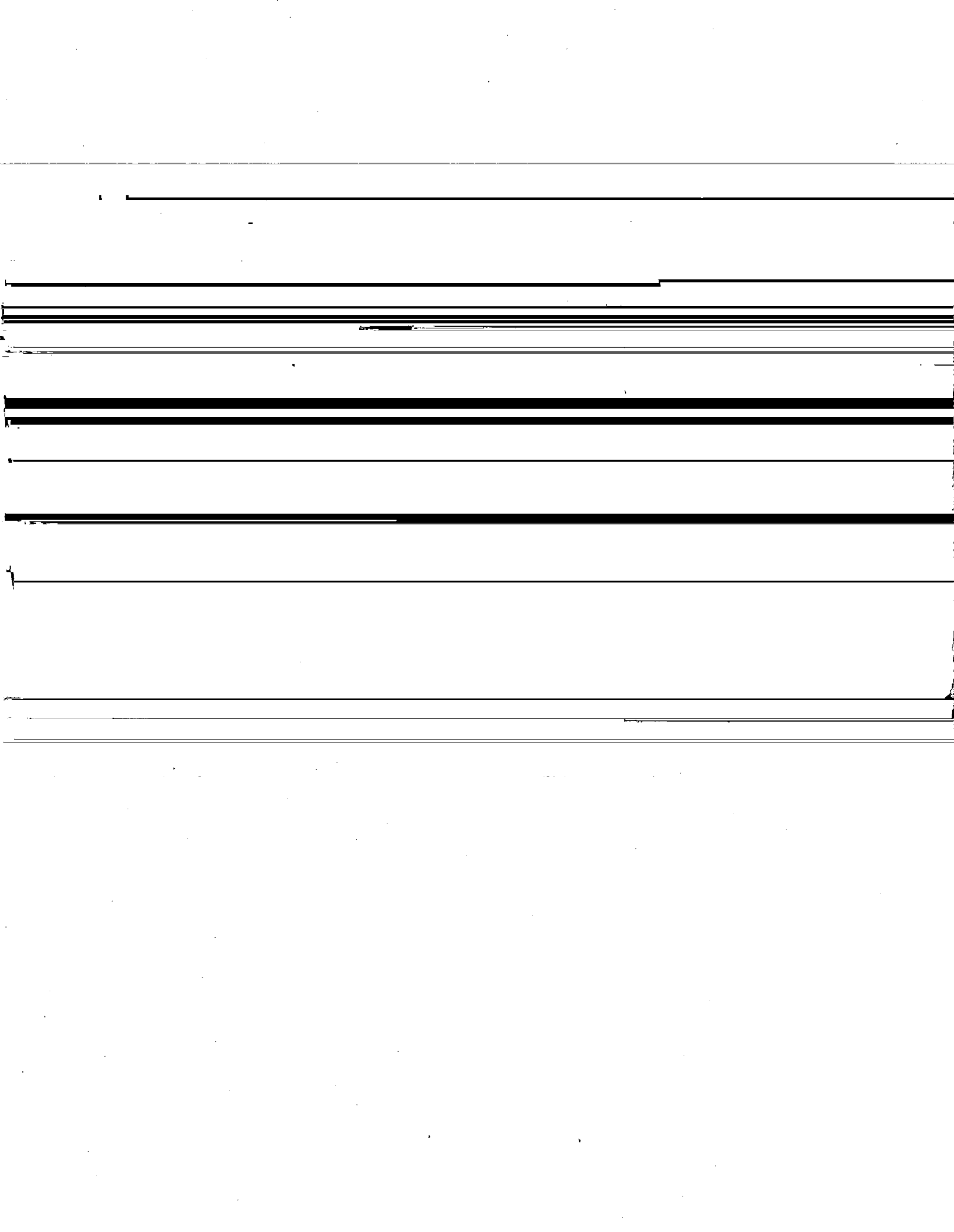


By: J. Richard Cohen, President  
Ala. Bar No. ASB-1092-N73J

01-06-16 10:00:00 AM







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that requires Alabama probate judges to issue marriage licenses to same-sex couples. Judge

Russell argues that he was entitled to quasi-judicial immunity due to an order of the Alabama





**ADMINISTRATIVE ORDER OF THE  
CHIEF JUSTICE OF THE ALABAMA SUPREME COURT**

**WHEREAS, IN CONSIDERATION OF THE FOLLOWING:**

On March 3, 2015 the Alabama Supreme Court issued a lengthy opinion upholding the constitutionality of Article I, Section 36.03(b), Ala. Const. 1901 ("the Sanctity of Marriage Amendment"), and Section 30-1-19(b), Ala. Code 1975 ("the

states of Michigan, Kentucky, Ohio, and Tennessee, which fall within the jurisdiction of the Sixth Circuit Court of Appeals.

come from Michigan, Kentucky, Ohio, and Tennessee."

On June 29, 2015, three days after the issuance of the

I am not at liberty to provide any guidance to Alabama probate judges on the effect of Obergefell on the **existing orders** of the Alabama Supreme Court. That issue remains before the entire Court which continues to deliberate on the matter.

Nevertheless, recent developments of potential relevance since Obergefell may impact this issue. The United States Court of Appeals for the Eighth Circuit recently ruled that Obergefell did not directly invalidate the marriage laws of states under its jurisdiction. While applying Obergefell as precedent, the Eighth Circuit rejected the Nebraska defendants' suggestion that Obergefell mooted the case. The

reasoning of the United States Court of Appeals for the Eighth  
Circuit, the United States District Court for the District of

Yet the fact remains that the administration of justice in the

State of Alabama has been adversely affected by the enactment