



Jill Metz hopes for order in the court

by Melissa Wasserman

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Awaiting the dates next week when the U.S. Supreme Court is scheduled to hear cases challenging California's Proposition 8 and the federal Defense of Marriage Act's (DOMA) constitutionality, Chicago-based attorney and marriage equality advocate Jill M. Metz, Esq., has taken an optimistic stance on the future of LGBT rights expecting change.

"I think people should be hopeful," said Metz. "I think everything that's being done to impress upon those nine Supreme Court justices that the world is accepting of our relationships and wants the full effect of our government and our laws to stop the discrimination. I'm really quite hopeful. I think the DOMA case is going to fall and that's going to make a huge change for everybody, but I also have just the slightest kind of hope that maybe we'll go the whole way and say marriage is a fundamental right and if you want to marry your same sex partner, so be it."

After growing up in small-town Michigan, attending college in Kentucky and graduating from Loyola University of Chicago School of Law in 1978, Metz has practiced law for almost 35 years and currently serves on the Board of Directors of the American Civil Liberties Union of IL (ACLU) among other organizations.

Jill M. Metz and Associates, which she describes as a small-town practice in a big city, has a focus on LGBT (and friends) rights and offers legal services in areas of adoption, family law, LGBT family law, civil union, estate planning, probate and estate administration, real estate, condominium law and business law.

"I wanted to make sure there was good legal representation for the LGBT community and friends," said Metz of the initial mission of her practice. "I wanted to make sure the highest quality services could be provided to that community, so that's what we've been doing."

Metz was drawn to the legal profession as she felt like it was an area where she could make change. Her own sexual orientation as a lesbian had brought about issues and her friends brought additional

issues to her and with those matters she wanted to ensure they were not being treated differently from the rest of the population.

"It's very interesting because my desire to make change and push the inclusiveness really doesn't come from my own feelings of personal injustice," said Metz. "I actually feel more pain now. Not personally, but just about people's belief still that there's something wrong with gays; that they're less than equal."

When beginning her law practice, she recalls one of the biggest issues she came across among her clients was men and women—mostly women—coming out during marriage and having their kids taken away due to the belief that they were unfit parents with no evidence. Currently the biggest issue within the LGBT community Metz says she sees is economic equality as well as acceptance.

"If you decide you want to create your life with another person and bring children into that relationship, you should have that same economic equality that heterosexual married people have," said Metz. "The discrimination in those ways are both subtle and startling. I think both the push in the military to make sure that women and LGBT members of the military get the same pay grade, they get the same combat pay, they get the same promotions because of combat, they get the same skill training, I think that military push and family creation push is going to take us the rest of the way to being physically safer and to diminish the acceptability of discrimination and hate."

On March 26, the case of *Hollingsworth v. Perry* will question the constitutionality of California's Proposition 8 that restricts legal marriage to opposite-sex couples in California.

"That's a very startling thought that a small group of people could have their rights taken away," said Metz. "Our constitution says we can't do that unless there is a government interest in doing so and there has been presented no rational governmental interest in denying marriage benefits. Life, liberty and the pursuit of happiness is in our constitution and marriage is a fundamental right. If marriage is a fundamental right, unless you can show there's some governmental interest to discriminate or deny a group of people that right, it must be unconstitutional."

The following day, March 27, Justices will hear the *United States v. Windsor* case, which disputes DOMA. In this case, Edith (Edie) Windsor and her late wife, Thea Spyer, were in relationship for over 40 years. When Spyer passed away in 2009, Windsor was forced to pay \$363,000 in federal estate taxes, which she would not have to pay if the law held the same-sex marriage at the same standards as a opposite-sex marriage. Windsor then began a legal battle to challenge the constitutionality of the DOMA.

Currently, DOMA defines marriage as a relationship between a man and a woman. Section 3 of DOMA does not recognize same-sex marriages for all federal purposes, including insurance benefits for government employees, Social Security survivors' benefits, immigration and the filing of joint tax returns.

Metz explained that it is the first time the federal government has written discrimination into its laws in that way. States, she said, have different age requirements, states have different relationship requirements, the federal government has never set aside a definition until DOMA.

"I think the Supreme Court is going to overturn that," said Metz. "I think it was a grab of federal power. I think on a states rights basis, though it's not being argued quite that way, but on a states rights basis, the federal government should never have defined marriage. I think they will overturn DOMA."

Passing marriage bills in Illinois, overturning DOMA and declaring marriage as a fundamental right are all ways Metz thought that national discrimination and hate can be diminished.

"I think it's really important if we're going to have a shared fabric of our country, that we have to realize we cannot have these holes punched in based on people's personal prejudices that don't have any basis in public policy or in the good of all of us," she said. "Once you get to that place, people can have different religious beliefs, and they can have those beliefs, but they can't act on them in the public place. They can't discriminate in their personal businesses based on personal beliefs. It tears apart the fabric of our country and we have to stop doing that."

According to Metz, the term "civil union" is something many people do not understand and is a significant concern among her same-sex couple clients and their children. People are frightened about their children in certain situations like health care and if their civil union spouse will be allowed to make health care decisions for the child.

"We're reinventing the wheel with civil unions or with any other way that we want to call something to give equal rights without really the equal acknowledgement that a marriage does," said Metz. "A kid understands a marriage. They [the parents] want to commit in that marriage and be allowed to do that so he can be certain that he's [their child] got a stable permanent home, that they have committed in their relationships to each other and to him, so he doesn't feel any kind of insecurity. I think that's profound."

Metz said the nation needs to live up to its principles without identifying a group of people and making them the target of government discrimination for no reason. It gives people the permission to hate in the public square, she says. She adds her view people learn discrimination and hate with these policies and our government perpetuates those negative ideas and must stop.

"I'm really fighting for this for the fact that I love our constitution and I love our role of law and when something's wrong, it really just riles against me," said Metz.

"That's really where my fight comes from; not really on a personal level like that like I need marriage, but we as a society need this marriage."