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## From Marriage Equality To Amazon: Marek Bute, RWU Class of 2005 (May 2018)

Roger Williams University School of Law

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# From Marriage Equality to Amazon



Marek Bute, RWU Class of 2005

**Juris Doctor  
Alumni**

Marek P. Bute '05 has a business law dream job as corporate counsel with Amazon Web Services, Inc., focusing on the retail giant's markets in Latin America, Canada and the Caribbean. ("Yes, it's as cool as it sounds," he allows.)

But when Bute returned to RWU Law recently to deliver the school's Stonewall Lecture – honoring individuals who have fought for LGBTQ equality and justice – his primary topic was about his 2014 experience representing Antioco Carrillo and Theo Small, one of eight same-sex couples in the case of *Sevcik v. Sandoval*, which successfully overturned Nevada's ban on gay marriage (less than a year before the U.S. Supreme Court overturned such bans nationally in *Obergefell v. Hodges*).

In the Nevada case, after the ruling was upheld by the Ninth U.S. Circuit Court of Appeals, a conservative group called the Coalition for the Protection of Marriage filed motions to stay marriage licenses pending appeal to the Supreme Court of the United States. A day later, those motions were withdrawn, and Small and Carrillo became the first same-sex couple to be granted a marriage license in Las Vegas.

Here, Bute recalls the dramatic days following the Ninth Circuit decision:

At 12:52 pm on Tuesday, October 7, 2014, the notice came through in bold letters on my iPhone: FILED OPINION AFFIRMED, REVERSED, AND REMANDED. Clumsily rushing to pull

up the opinion, I read all 95 pages on my tiny screen – weeping, first gently, then uncontrollably, in the privacy of my parked car. One simple line from Judge Reinhardt stood out more than any other: “The lessons of our constitutional history are clear: inclusion strengthens, rather than weakens, our most important institutions.”

We had done it. The lower court’s decision was reversed. Marriage equality now existed in Nevada. Then a text came from Antioco: “Hi dear we won the case check your email!!!!!!” Soon emails were flying amongst the legal team. Social media exploded. I had no words. Though I knew this moment was coming, it was surreal. At 5:08 p.m., the Ninth Circuit issued its mandate – now it was real. Licenses would issue the next day at 2:00 p.m. Hugs, kisses, tears, smiles, joy, frustration, exasperation, relief, disbelief – you could feel and see it all. And a moment to recognize and celebrate the decades of work put in by local and national legislators, community leaders, advocates, organizations and allies – because this was not something that happened overnight. The foundation they built through years of blood, sweat and tears gave us the legal ammunition we needed to succeed. We stand proudly on their shoulders today.

As I got ready for work the next morning, on Wednesday, October 8, another notice popped into my inbox. An order. From SCOTUS. The case had been stayed. Marriage equality had existed for 14 hours and 28 minutes, only to be stayed? Obviously this was a mistake, so we worked on fixing it. I waited with Antioco and Theo and several other couples at the courthouse, hoping things would clear up by 2:00 p.m. At 3:31 p.m., SCOTUS corrected its order and vacated the stay as to Nevada. Marriage was back. But wait: no licenses would issue that day because of pending motions by the Coalition. Absurd! The stay had been lifted – there was no legal basis to withhold licenses! Utterly disappointed, but remaining optimistic, the couples took their line passes and called it a day. The confusion was exhausting. Meanwhile, our legal team pulled together a 30-page brief in response to the Coalition. It was now Thursday. Marriage equality had existed for 32 hours and 42 minutes, but not a single license had yet issued. We were still on hold, though it was unclear why. At 10:15 a.m., in a surprise move (and before we could file our brief), the Coalition withdrew its motions. At 11:53 a.m., the Ninth Circuit reissued its mandate. Marriage equality was (once again!) the law in Nevada.

I rushed to meet Antioco and Theo at the courthouse. They were hesitantly hopeful. I was determined. For hours, the media frenzy kept the energy buzzing, while all contacts worked to get the injunction signed. Finally, at 4:51 p.m., the injunction was filed. Those receiving the notice, including myself, simultaneously shouted out confirmation and the crowd went wild. The clerk announced the immediate issuance of licenses, and escorted Antioco and Theo through the media tunnel to the window – as plaintiffs in the case, they would be the first in Clark County.

The next moments were a blur – until I saw them step out of the crowd, proudly clutching their license and absolutely beaming with joy, pushing through to give me a big hug and kiss before

being consumed by the media. Within minutes, [fellow plaintiffs] Ron Quinn and Ken Solis stepped out in the same fashion. They were followed by Senator Kelvin Atkinson and Sherwood Howard, who surprised the entire crowd with a pop-up wedding on the courthouse steps, making history as the first gay couple legally married in Clark County. The moment was unforgettable.

We owe a debt of gratitude to our predecessors (too many to name) who fought for decades to get us here. Thanks are also due to our legislators, community leaders, and advocacy organizations that continue to fight for our basic human rights. Although marriage equality is not the end of our work (think ENDA, transgender rights), take a moment to revel in this victory. And, now that we have marriage equality, respect the institution. Don't rush to get married just because it's legal. Appreciate that, whether or not you ever do, you now have the right to marry anyone you love in Nevada.

*That* is freedom. *That* is equality.