


FOR IMMEDIATE RELEASE

TO: MMACJA MEMBERS

FROM: FRANK VATTEROTT, ESQ., CHAIRMAN, MARRIAGE COMMITTEE 

CC: JUDGE KAREN KRAUSER AND JUDGE ARDIE BLAND

RE: JUDICIAL COMMISSION OPINION – PERFORMING SAME
SEX MARRIAGES

DATE: NOVEMBER 25, 2014

The MMACJA Marriage Committee asked the Commission on Removal, Retirement and Discipline of Judges (“Judicial Commission”) this question:

“Is a municipal judge required to perform same sex marriages, assuming such marriages are found on appeal to be legal in the State of Missouri?”

On November 20, 2014, Jim Smith of the Judicial Commission responded to me as follows:

“In the Commission’s opinion, per Supreme Court Operating Rule 14.02 “Any judge, including a municipal judge, may solemnize a marriage...” As such, unless there is an administrative assignment by a supervising judge requiring that the municipal judge perform marriages, the decision to perform marriages is a voluntary one. However, once the municipal judge chooses to perform marriage or is ordered to do so by a supervising judge, the municipal judge must conform with Canon 2-2.3. Canon 2-2.3 requires a judge to perform judicial duties without bias against, among other things, “sexual orientation”.

The Commission may review its opinion in this matter once the clear meaning of the law regarding same sex marriages is resolved on appeal. Please call if you wish to discuss this matter. js”

The Marriage Committee will be preparing a sample marriage ceremony for same sex couples. We will publish that on the website of the Association after it is completed