

IRAC Case Brief Template

Complete all sections in your own words. Do not copy sentences from the opinion.

NAME	CASE NAME & YEAR	DATE
Jamie R.	Obergefell v. Hodges (2015)	March 4, 2025

F

Facts

What happened? Who are the parties? How did the case reach the Supreme Court?

Jim Obergefell lived in Ohio and married his partner, John Arthur, in Maryland because Ohio didn't allow same-sex marriage at the time. John Arthur was very sick and died shortly after they got married. When Ohio wouldn't put Obergefell's name on the death certificate as the surviving spouse, Obergefell sued. There were actually several cases combined together from different states — Ohio, Michigan, Kentucky, and Tennessee — all dealing with whether states had to allow same-sex couples to marry OR recognize same-sex marriages that happened in other states. The lower courts (6th Circuit) ruled against the couples, which created a conflict with other circuit courts that had ruled differently. That conflict is why the Supreme Court took the case — to settle the disagreement once and for all.

Note to self: double check which circuit courts disagreed — I think the 4th and 9th had gone the other way but not 100% sure

I

Issue

State the constitutional question as a specific legal question

Does the 14th Amendment require states to issue marriage licenses to same-sex couples, and must states also recognize same-sex marriages that were legally performed in another state?

I think there were technically two questions — the license one AND the recognition one. I tried to put both in one sentence which might not be exactly right but they're related.

R**Rule**

Name the constitutional provision AND the specific legal standard or test the Court applies

Constitutional provision

The 14th Amendment — specifically the Due Process Clause AND the Equal Protection Clause. The Court uses both together.

Legal standard / test the Court applies

The Court applied the fundamental rights doctrine from substantive due process, which says that if something is a fundamental right, the government can't take it away without a really strong (compelling) reason. Marriage has been recognized as a fundamental right in earlier cases like *Loving v. Virginia* (1967) and *Zablocki v. Redhail*. The Court basically said that denying marriage to same-sex couples fails to give them equal protection AND violates their due process rights because they are being denied a fundamental liberty.

I'm a little fuzzy on exactly which 'test' they used — strict scrutiny? The professor mentioned the Court kind of avoided naming a test directly, which was controversial. I'll re-read the Kennedy opinion to clarify.

A**Application**

Trace the Court's reasoning — how did it apply the Rule to the facts?

Key facts the majority emphasized

Justice Kennedy (who wrote the majority) kept coming back to the idea that marriage isn't just a legal contract — it's one of the most important personal decisions a person can make. He said the right to marry is fundamental to individual autonomy and dignity. The Court emphasized that same-sex couples weren't asking for a NEW right, they were asking for the same fundamental right to marry that straight couples have always had. The majority also pointed out that banning same-sex marriage hurts children being raised by same-sex couples because it makes their families seem 'less.'

How the majority applied the Rule to those facts

Because marriage is a fundamental right AND Ohio and the other states were denying it to same-sex couples without justification, the states violated the 14th Amendment. Kennedy laid out four reasons why marriage is fundamental: it touches on individual autonomy, it supports a two-person union unlike any other, it protects children and families, and it is the foundation of social order (I'm paraphrasing here — he worded it more poetically). Since these reasons apply equally to same-sex couples, there's no valid reason to deny them the right.

Arguments the Court accepted / rejected

The states argued that marriage has always been defined as between a man and woman and that changing it should be up to voters, not courts. The majority basically said that constitutional rights can't be put up to a popular vote — that's the whole point of having rights. They also rejected the argument that marriage is only about procreation (since we don't deny marriage to people who can't have kids). The Court did NOT formally adopt a specific level of scrutiny like strict scrutiny which some people criticized.

The dissents (there were four separate ones!) argued the majority was overreaching and that this was a question for democracy not judges. Roberts said the majority was confusing what's good policy with what the Constitution requires. I think this is a strong argument even if I disagree with the outcome.



Conclusion

State the holding clearly, then complete: "This decision established that..."

The Court held

The Court ruled 5–4 that the 14th Amendment requires states to license marriages between two people of the same sex AND to recognize same-sex marriages lawfully performed in other states. This overturned the 6th Circuit's ruling and effectively made same-sex marriage legal in all 50 states.

This decision established that...

This decision established that same-sex couples have a fundamental constitutional right to marry under the 14th Amendment's Due Process and Equal Protection Clauses, and that states cannot refuse to issue marriage licenses to same-sex couples or refuse to recognize their marriages from other states.



Opinion Analysis

Majority · Concurring · Dissent

Majority Opinion

Author: Justice Anthony Kennedy

Vote: 5–4

Key reasoning: Marriage is a fundamental right protected by liberty and equality. Same-sex couples deserve the same dignity and legal recognition as opposite-sex couples. The 14th Amendment's protections evolve with our understanding of freedom.

Concurring Opinion (if any)

Justices Ginsburg, Breyer, Sotomayor, and Kagan joined the majority. I don't think there was a separate concurring opinion — they all just signed onto Kennedy's opinion. (I may be wrong — will double-check.)

Dissenting Opinion

Authors: Roberts, Scalia, Thomas, Alito (each wrote their own)

Core argument: The Constitution doesn't address same-sex marriage; this decision belongs to voters and elected legislators, not unelected judges.

Why it matters: The dissents raise serious questions about judicial power vs. democracy that will come up in future cases about the Court's role.



Self-check before submitting

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| ✓ Issue is stated as a specific legal question | ✓ Rule names both the constitutional provision AND the legal standard |
| ✓ Application traces the reasoning, not just the outcome | ✓ I explained which facts the Court found most important and why |
| ✓ Conclusion states the holding AND its precedential significance | ✓ Every component is written in my own words — no copied sentences |
| ✓ I briefed the dissent and explained its core argument | ✓ I ended with "This decision established that..." |
| ■ I can explain this case out loud without looking at my brief | ■ I connected the holding to the broader constitutional principle |

Still need to review this more before class — especially the exact test the Court used and whether there were any concurrences. Also want to re-read Roberts' dissent because it was really interesting.