



Attorney of the Year Finalist

Neel Lane

» PARTNER, AKIN GUMP STRAUSS HAUER & FELD

Although the U.S. Supreme Court gets all of the credit, as a matter of law, a San Antonio lawyer and his colleagues planned a hit job and dealt the death blow to the Texas same-sex marriage ban back in February 2014.

Neel Lane, partner in Akin Gump Strauss Hauer & Feld, explained that his colleague, Frank Stenger, came up with the idea to challenge the Texas ban after the U.S. Supreme Court decided *United States v. Windsor*, which struck down parts of the federal Defense of Marriage Act.

"I believe passionately about civil rights," Lane said. "I've always been interested and passionate in what it takes to be a more just society."

The first step was to find some clients.

"We needed to make the case beyond the courtroom. We knew we had a legal fight; it was critical to win that," he recalled. "But we also knew we had to have plaintiffs who would make the case, who could persuade people."

Akin Gump found the desired plaintiffs in Cleopatra DeLeon, Nicole Dimetman—a

Lane Challenged Texas Ban on Gay Marriage and Won

former Akin Gump associate—Vic Holmes and Mark Phariss—an old friend of Stenger's.

In 2013, they filed a federal lawsuit, *DeLeon v. Perry*. On Feb. 26, 2014, U.S. District Judge Orlando Garcia of the Western District of Texas found the same-sex marriage ban was unconstitutional, and preliminarily enjoined the state from enforcing it. Garcia stayed his injunction pending the state's appeal. The parties argued their case before the U.S. Court of Appeals for the Fifth Circuit and awaited a ruling.

But on June 26 the U.S. Supreme Court issued its ruling in *Obergefell v. Hodges*, which struck down same-sex marriage bans nationwide. Lane noted that the only

"I believe passionately about civil rights...I've always been interested and passionate in what it takes to be a more just society."

amicus brief that the high court referenced in *Obergefell* was an Akin Gump brief that he had signed.

Also on June 26, Garcia lifted his stay of the preliminary injunction in *DeLeon*. Later, the Fifth Circuit affirmed Garcia's ruling.

In a related matter, a same-sex widower—who married in 2014 in New Mexico because of the *DeLeon* ruling—contacted Lane for help getting the state to amend

his deceased husband's death certificate to add him as the surviving spouse.

Lane represented John Allen Stone-Hoskins in filing an emergency motion to intervene in *DeLeon*, asking the court to order the state to revise the death certificate and to hold the state in contempt for violating the *DeLeon* injunction.

Garcia on Aug. 5 ordered the state to issue the new death certificate. He set a contempt hearing, which was eventually canceled because the state complied with Garcia's order and changed its policy. The state sent Lane draft copies of its revised policies to amend death and birth certificates. The new policies are now in effect, Lane said.

"It was a one-two punch: We hit them and they hit the floor," Lane said. "John, my client, was very gratified that at the end of the day he not only got what he needed, and felt was just, but he had been able to do so much for so many other people."

Lane worked pro bono on both matters. He explained that in his "day job," he is a commercial litigator and focuses on insurance coverage litigation. But he said that at the end of his career he'll look back and think about *DeLeon*.

"I feel privileged to have played a part," Lane said. "Sometimes you receive a call and it's your duty to step up. I did so enthusiastically and with a lot of joy."

Akin Gump

STRAUSS HAUER & FELD LLP