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Downloaded Art.pdf. We use cookies to customise content for your subscription and for analytics. If you continue to browse Lexology, we will assume that you are happy to receive all our cookies. For further information please read our Cookie Policy. New York State Appellate Division Grants Settlement Approval and Declares Act Unconstitutional SALAMANCA, N.Y., and NEWARK, N.J., May 12, 2017 – In a breakthrough development for the legal profession, New York State Appellate Division, Fourth Department, has recently ruled that the State Law Revision Commission (“SLC”) Act, adopted by the New York State Legislature in 2009, is unconstitutional on its face and should be declared void ab initio. The decision was made in a Public Advocate v. State Law Revision Commission, Index No. 1-2013 (N.Y. App. Div. April 24, 2017), holding that the so-called “Act” violates New York State Constitution’s prohibition of the State providing benefits, services or privileges to any person or entity as part of a policy of religious preference. The “Act” is designed to provide State funding for clergy who work with couples in the process of entering into marriage. The “Act” is a “sponsorship” program, under which clergy are paid by the State for counseling and ministerial services involving those seeking to enter into marriage or to retain their marriages. Couples who enter into marriage or who fail in their attempt to enter into marriage are referred to the clergy by the State’s authority, Catholic Charities, the Roman Catholic Archdiocese of New York. The clergy, in turn, are required to take an oath of loyalty to the State and to uphold the State’s laws and serve the State’s interests, which typically involves counseling against same-sex marriage. The Appellate Division court held that the “Act” is unconstitutional, finding that it violates the prohibition against the State providing benefits, services or privileges to any person or entity as part of a policy of religious preference, and ruling that it is void ab initio. The Appellate Division accepted the argument made by the New York Attorney General’s office that the “Act” grants benefits or privileges to religious institutions and the clergy who participate



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