

Wiley *Amicus* Brief Urges Ninth Circuit to Protect Rights of Transgender Female Athletes

CASE INVOLVES IDAHO LAW BARRING TRANSGENDER GIRLS AND WOMEN FROM PARTICIPATING IN FEMALE SCHOOL SPORTS TEAMS

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Washington, DC – On behalf of 13 prominent health care advocacy groups, Wiley submitted an *amicus brief* urging the U.S. Court of Appeals for the Ninth Circuit to protect the rights of transgender women who want to participate in school sports consistent with their gender identity.

The December 21 *amicus* brief, filed in support of the plaintiffs-appellees in *Lindsay Hecox, et al. v. Bradley Little, et al.*, was authored by Wiley on behalf of the American Academy of Pediatrics, the American Medical Association (AMA), the American Psychiatric Association, and 10 other health care organizations. The brief argues that an Idaho law barring transgender girls and women from playing on female school sports teams would have “severe adverse consequences for the health and well-being of transgender female students.”

The Idaho law, the first of its kind in the United States, prohibits transgender girls and women from participating in female sports teams in the state at the K-12 and college levels. The law, enacted in March 2020, also allows individuals to dispute the gender of any athlete seeking to compete on a female school sports team, in a process that can only be resolved through a medical examination. The law is being challenged by transgender and cisgender women who claim it violates several provisions of the U.S. Constitution and Title IX. A district court in August 2020 granted the plaintiffs’ request for a preliminary injunction, and the law remains on hold during the subsequent appeal to the Ninth Circuit.

Practice Areas

Issues and Appeals

Litigation

“Barring transgender girls and women from participating in school sports consistent with their gender identity frustrates the treatment of gender dysphoria by preventing transgender girls and women from living openly in accordance with their true gender,” Wiley argued in the *amicus* brief. “Experiencing discrimination in a fundamental aspect of childhood, adolescence, and young adulthood – participation in school sports – makes it very difficult, if not impossible, for transgender female students to live in full accordance with their gender identity. The fear of facing such discrimination alone may prompt transgender girl and women students to hide their gender identity, directly thwarting accepted treatment protocols.”

In a prior *amicus* brief filing in a separate case, Wiley – on behalf of numerous advocacy groups, including the AMA – helped persuade the U.S. Supreme Court that employers may not discriminate against LGBTQ individuals in the workplace. In the June 2020 landmark ruling, *Bostock v. Clayton County*, a majority of the Court held that “an employer who fires an individual merely for being gay or transgender violates Title VII” of the Civil Rights Act.

The Wiley brief for *Hecox v. Little* can be read [here](#).