

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JULIET EVANCHO; *et al.*,

Plaintiffs,

v.

PINE-RICHLAND SCHOOL DISTRICT; *et al.*,

Defendants.

PITTSBURGH DIVISION

Civil Action No. 2:16-cv-01537-MRH

**MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF OF
THE WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER
HEALTH, PEDIATRIC ENDOCRINE SOCIETY, ET AL.
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

The associations of medical professionals and clinics specializing in healthcare for transgender youth, as listed in the Statement of Interest below, respectfully move the Court for leave to file the accompanying proposed *Amici Curiae* Brief of the World Professional Association for Transgender Health; Pediatric Endocrine Society; Child and Adolescent Center at the UCSF Benioff Children's Hospital; Center for Transyouth Health and Development at Children's Hospital Los Angeles; Gender and Sex Development Program at the Ann & Robert H. Lurie Children's Hospital of Chicago; Gender and Sexuality Development Clinic at Children's Hospital of Philadelphia; Mazzoni Center; and Gender & Sexuality Service at Child Study Center at Hassenfeld Children's Hospital of New York in support of Plaintiffs' Motion for Preliminary Injunction.

Undersigned counsel for *amici* Asaf Orr contacted counsel for all parties in this case to request their consent to the relief sought in this motion. Plaintiffs consent to this motion and Defendants take no position.

STATEMENT OF INTEREST

The Proposed *Amici Curiae* have a substantial interest in this case as organizations and professionals dedicated to the health and wellbeing of transgender individuals and, in particular, transgender children and adolescents. The promise of equal educational opportunity—as provided for under the Equal Protection Clause of the Fourteenth Amendment and Title IX—can be fulfilled for

transgender students only if they are not treated differently than other youth because they are transgender and are given the same opportunity as other students to live in full conformity with their gender identities. Proposed *amici curiae* submit this brief to offer valuable perspectives on a number of the issues in this case, based on their collective experience working with transgender youth, the standards of care for the treatment of gender dysphoria, and child development.

Proposed Amicus Curiae the World Professional Association for Transgender Health (WPATH), formerly known as the Harry Benjamin International Gender Dysphoria Association, is an international professional association with membership consisting of more than 900 physicians, psychologists, social scientists, and legal professionals committed to developing the best practices and supportive policies to promote health, research, education, respect, dignity, and equality for transgender people in all settings. WPATH develops and publishes the Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People (Standards of Care), recognized in the medical community as the authoritative standards for the provision of transgender healthcare. The Standards of Care are informed by medical evidence and the current consensus in medical research and clinical practice to provide treatment protocols specific to the nature and severity of an individual's condition. For over thirty years, the Standards of Care have emphasized the importance of

social integration in an individual's gender role.

Proposed Amicus Curiae the Pediatric Endocrine Society (PES) has over 1,400 members representing the multiple disciplines of Pediatric Endocrinology. Consistent with the organization's mission, its members are dedicated to research and advancing the treatment of children with endocrine disorders. PES develops and publishes consensus documents that establish the standard of care for a wide range of endocrine disorders, as well as for conditions where endocrine treatments are a central component of care. In 2009, PES joined the Endocrine Society and other professional organizations to co-sponsor the creation of "Endocrine Treatment of Transsexual Persons: An Endocrine Society Clinical Practice Guideline," which, along with the WPATH Standards of Care, are the two standard-setting publications for the treatment of gender dysphoria.

Proposed Amicus Curiae the Child and Adolescent Gender Center (CAGC) at the UCSF Benioff Children's Hospital is a collaboration between UCSF and community organizations and offers comprehensive medical and psychological care, as well as advocacy and legal support, to gender non-conforming/transgender youth and adolescents. CAGC opened in May 2012 and currently serves over 250 patients, ranging in age from three to twenty-two. The healthcare team at CAGC provides consultation to other providers around the United States regarding affirming medical treatment and hormone therapy for transgender patients. Most

recently, in 2015, Dr. Rosenthal, CAGC's Medical Director, together with three principal investigators were awarded a \$6 million grant from the NIH for a longitudinal consortium study of transgender adolescents and young adults. Dr. Rosenthal is the Principal Investigator for the CAGC site.

Proposed Amicus Curiae the Center for Transyouth Health and Development at Children's Hospital Los Angeles promotes healthy futures for transgender youth by providing services, research, training, and capacity building that is developmentally informed, affirmative, compassionate, and holistic for gender nonconforming children and transgender youth. The Center is the largest clinic of its kind in the United States and is currently serving approximately 500 patients. The healthcare team at the Center provides consultation to other providers around the United States regarding affirming medical treatment and hormone therapy for transgender patients. Most recently, in 2015, Dr. Johanna Olson, the Center's Medical Director, together with three principal investigators were awarded a \$6 million grant from the NIH for a longitudinal consortium study of transgender adolescents and young adults.

Proposed Amicus Curiae the Gender & Sex Development Program at the Ann & Robert H. Lurie Children's Hospital of Chicago offers medical and psychosocial support for gender variant, gender nonconforming, and transgender children and youth up to 21 years of age and their families. The clinic at Lurie

Children's began in 2012 and currently has over 500 patients. The healthcare team at Lurie Children's also provides consultation and training for providers and organizations interested in learning how to serve the needs of gender variant youth. Most recently, in 2015, Dr. Garofalo, Medical Director for the clinic, together with three principal investigators were awarded a \$6 million grant from the NIH for a longitudinal consortium study of transgender adolescents and young adults. Dr. Garofalo is the Principal Investigator for the Lurie Children's site.

Proposed Amicus Curiae the Gender and Sexuality Development Clinic at Children's Hospital of Philadelphia was started in 2014 and offers medical and psychosocial support for gender variant, gender non-conforming and transgender children and youth up to 21 years of age and their families. The clinic is a multi-disciplinary collaboration between the divisions of Adolescent Medicine and Endocrinology, and the departments of Behavioral Health and Social Work and Family Services at CHOP and has provided care to over 450 patients. The clinic also provides consultation and training for providers and organizations interested in learning how to serve the needs of gender variant youth.

Proposed Amicus Curiae the Mazzoni Center was founded in 1979 and is the only health care provider in the Philadelphia region specifically targeting the unique health care needs of LGBT community by providing comprehensive health and wellness services in an LGBT-focused environment while preserving the

dignity, and improving the quality of life of the individuals it serves. Mazzoni's Pediatric & Adolescent Comprehensive Transgender Services program, also known as P.A.C.T.S., is a comprehensive approach to addressing the specific needs of trans youth and their families. Our collaborative approach to care draws on the input and expertise of multiple departments within Mazzoni Center - medical providers, social workers, therapists, and legal staff - to provide the best possible care for clients. P.A.C.T.S. currently serves 342 youth, ranging in age from 4 to 18, along their families.

Proposed Amicus Curiae the Gender & Sexuality Service at Child Study Center, part of Hassenfeld Children's Hospital of New York at NYU Langone, provides healthcare services for youth experiencing gender dysphoria, including transgender youth and adolescents. The Gender & Sexuality Service was started in 2011 and is currently serving approximately 100 patients. The healthcare team at the Gender & Sexuality Service also provides consultation to other providers regarding affirming medical treatment and hormone therapy for transgender patients and have served as expert witnesses in cases involving transgender youth.

REASONS FOR GRANTING PROPOSED AMICI CURIAE PARTICIPATION

The decision whether to permit *amici curiae* to participate in a pending case lies "solely within the discretion of the court." *Newark Branch, NAACP v. Town of Harrison*, 940 F.2d 792, 808 (3d Cir. 1991). Because amicus curiae participate in a

case for the benefit of the court, the Court can “determine the fact, extent, and manner of participation by the amicus.” *Id.*; see also *Stuart v. Huff*, 706 F.3d 345, 355 (4th Cir. 2013) (“amici often make useful contributions to litigation”).

Although there is no rule of procedure to govern the appearance of *amici* in a district court, it is well settled that courts have broad discretion to appoint *amici* with various interests, on the basis that “[a] restrictive policy with respect to granting leave to file” risks creating “the perception of viewpoint discrimination” within the court. *Neonatology Assocs., P.A. v. Commissioner of Internal Revenue*, 293 F.3d 128, 133 (3d Cir. 2002).

As described in the statements of interest above, proposed amici curiae represent experts in the health and well-being of transgender youth, including the standards of care for the treatment of gender dysphoria as well as child development, and gender identity development. Proposed amici curiae offer valuable perspectives on a number of the issues in this case. The principles set forth in this brief are well-established fundamental concepts of adolescent psychosocial development applied to the unique circumstances of individuals whose gender identity is different than their sex assigned at birth. For these individuals, normal psychological development and educational growth, including the critical ability to form peer relationships, requires that they be accepted as who they are in their daily lives, including the ability to use the same restrooms as other

students.

Recognizing the value professional associations and clinics specializing in healthcare for transgender youth, many of these same amici have been granted leave to file similar briefs in similar cases including *Carcaño v. McCrory*, No. 16-1989 (4th Cir. Oct. 28, 2016); *G.G. ex rel. Grimm v. Gloucester County School Board*, 822 F.3d 709 (4th Cir. Apr. 19, 2016); *Doe v. Reg'l Sch. Unit 26*, 86 A.3d 600 (Me. 2014).

CONCLUSION

For all of the reasons above, proposed *amici curiae* respectfully seek permission to file the brief provisionally filed herewith.

Dated: November 23, 2016

Respectfully submitted,

/s/ Erin Stottlemyer Gold

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CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2016, I electronically filed the foregoing Motion for Leave to File Brief of Amici Curiae of the World Professional Association for Transgender Health, Pediatric Endocrine Society, et al. in Support of Plaintiffs' Motion for Preliminary Injunction with the Clerk of the Court using the CM/ECF system, which will automatically serve electronic copies upon all counsel of record.

/s/ Erin Stottlemyer Gold

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ORDER

Upon consideration of the Motion for Leave to File of Brief of Amici Curiae World Professional Association for Transgender Health, Pediatric Endocrine Society, et al. it is hereby ordered that said motion is granted.

SO ORDERED.

Date

J.