

**No. 17-1460**

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**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

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**DEE FULCHER, GIULIANO SILVA, AND THE TRANSGENDER  
AMERICAN VETERANS ASSOCIATION,**

*Petitioners,*

v.

**SECRETARY OF VETERANS AFFAIRS,**

*Respondent.*

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*On Petition for Review from the United States Department of Veterans Affairs*

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**CONSENT MOTION OF AMERICAN MEDICAL ASSOCIATION TO  
JOIN BRIEF OF *AMICI CURIAE* MEDICAL AND MENTAL HEALTH  
PROFESSIONALS IN SUPPORT OF PETITIONERS  
AND GRANTING THE PETITION**

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COMES NOW the American Medical Association (AMA), and seeks leave to join the *amici curiae* brief of Medical and Mental Health Professionals in support of Petitioners and granting the petition, filed with this Court on June 28, 2017. Both parties consent to this motion. A copy of the proposed amended brief is submitted concurrently with this motion.

The AMA is the largest professional association of physicians, residents and medical students in the United States. Additionally, through state and specialty medical societies and other physician groups seated in its House of Delegates, substantially all US physicians, residents and medical students are represented in the AMA's policy making process. AMA members practice in every state and in every medical specialty. The AMA was founded in 1847 to promote the science and art of medicine and the betterment of public health, and these remain its core purposes.

The AMA believes medical care should be provided for the treatment of gender dysphoria, when appropriate, without limitations arising from social stigmas. Its relevant policies include H-40.966 (supporting medical care for transgender military service members according to the same medical standards that apply to non-transgender personnel) and H-185.990 (supporting public and private health insurance coverage for treatment of gender dysphoria as recommended by the patient's physician). Furthermore, the AMA joined the *Amicus* Brief of Medical and Mental Health Professionals submitted in *Fields v. Smith*, 653 F.3d 550 (7th Cir. 2011), which is referenced at page 20 of the Medical and Mental Health Professionals' brief in this case.

This Consent Motion is necessary to present this Court with the views of the AMA. Based on the collective medical and social policy experiences of the

AMA's members, the AMA supports the positions taken in the Medical and Mental Health Professionals' *Amici Curiae* Brief, which the AMA did not learn of until after it was filed. No party will be prejudiced by the addition of the AMA to this Brief, as evidenced by the fact that both parties have consented to this Motion. The Amended Brief includes no substantive changes from the brief already on file with this Court; it merely adds an additional *amicus*. As oral argument has not yet been scheduled, the Amended Brief will not delay the Court's disposition of this case.

WHEREFORE, it is respectfully requested that this Court grant leave to file the brief submitted concurrently with this motion.

Dated: July 21, 2017

Respectfully submitted,

By: /s/ Barry Levenstam

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**CERTIFICATE OF SERVICE**

I hereby certify that, on the 21st day of July, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the CM/ECF system, which will send notice of such filing to all registered CM/ECF users.

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