

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**Case No. 9:18-CV-80771-ROSENBERG/REINHART**

ROBERT W. OTTO, PH.D. LMFT,  
individually and on behalf of his patients,  
JULIE H. HAMILTON, PH.D., LMFT,  
individually and on behalf of her patients,

Plaintiffs,

vs.

CITY OF BOCA RATON, FLORIDA,  
and COUNTY OF PALM BEACH,  
FLORIDA,

Defendants.

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**THE TREVOR PROJECT'S MOTION FOR LEAVE TO FILE  
AMICUS BRIEF & SUPPORTING MEMORANDUM OF LAW**

The Trevor Project moves for leave to file an *amicus* brief in support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction. Plaintiffs have filed a constitutional challenge to ordinances enacted by defendants City of Boca Raton, Florida and County of Palm Beach County, Florida that prevent minors from being subjected to conversion therapy. ECF 1. Plaintiffs seek a preliminary injunction enjoining defendants from enforcing these ordinances. ECF 8. The Court will hold a hearing on plaintiffs' motion on October 4, 2018. ECF 25. The Trevor Project, as the nation's largest lesbian, gay, bisexual, transgender, queer, and questioning ("LGBTQ") youth crisis intervention and suicide prevention organization, offers the Court an additional, unique perspective on the relevant facts and law, based on what it has learned from the LGBTQ youth it serves. The grounds for The Trevor Project's motion are set forth in the following memorandum.

## MEMORANDUM OF LAW

This Court has the inherent authority to allow an *amicus curiae* to participate and assist the Court. *In re Bayshore Ford Trucks Sales, Inc.*, 411 F.3d 1233, 1249 n.34 (11th Cir. 2006); *Resort Timeshare Resales, Inc. v. Stuart*, 764 F. Supp. 1495, 1500–01 (S.D. Fla. 1991). The Middle District of Florida recently allowed another LGBTQ nonprofit organization to serve as *amicus curiae* and to file a brief in defense of a nearly identical ordinance in Tampa so that it could provide a “helpful, alternative viewpoint” on conversion therapy. *See Vazzo v. City of Tampa*, No. 8:17-cv-2896-T-36AAS, 2018 WL 1629216, at \*6 (M.D. Fla. Mar. 15, 2018). The Trevor Project’s proposed brief will similarly provide a “helpful, alternative viewpoint” for this Court to consider when adjudicating Plaintiffs’ motion for preliminary injunction. The Trevor Project respectfully requests that this Court grant leave for its *amicus curiae* brief to be filed within twenty (20) days from the Court’s order. *See Conversation Alliance of St. Lucie Cty. v. U.S. Dep’t of Transp.*, 2015 WL 11254382, at \*2 (S.D. Fla. Sept. 2, 2015) (permitting *amicus curiae* twenty days from the court’s order to file its memorandum).

The Trevor Project is the nation’s largest LGBTQ youth crisis intervention and suicide prevention organization. Founded in 1998, The Trevor Project is the only organization that offers accredited, free, and confidential phone, instant message, and text messaging crisis intervention services for LGBTQ youth. These services are used by thousands of individuals each month. Through monitoring, analyzing, and evaluating data obtained from these services, the Trevor Project produces innovative research that brings new knowledge, with clinical implications, regarding issues affecting LGBTQ youth.

The Trevor Project has a special interest in supporting the enforcement of ordinances prohibiting the practice of conversion therapy. This type of “therapy” is a dangerous and discredited practice denounced by every major medical and mental health association in the United States, as it psychologically damages the person subjected to it. Many of the young people that The Trevor Project serves are survivors of conversion therapy. Because The Trevor Project has witnessed firsthand the devastating impact that conversion therapy can inflict on LGBTQ youth, it can provide a unique and important perspective for the Court. *See, e.g., Fla. Wildlife Fed’n v. U.S. Army Corps. of Eng’rs*, No. 05-80339-CIV, 2005 WL 8156862, at \*6 (S.D. Fla. Aug. 2, 2005) (allowing non-parties to serve as *amicus curiae* because of “the unique and important perspective they can contribute to the Court’s consideration of this matter”).

In its *amicus* brief, The Trevor Project intends to explain how the practice of conversion therapy threatens LGBTQ youth by drawing on The Trevor Project's own experiences with LGBTQ youth as well as academic literature. Proponents of conversion therapy rely upon the archaic and erroneous belief that being LGBTQ is a disorder, and that it can somehow be eradicated. However, research unequivocally demonstrates that treating sexual orientation and gender identity as a mental disorder, in and of itself, can have devastating life-long effects on LGBTQ youth. For example, conversion therapy can irreparably fracture the relationship between a child and parent. LGBTQ youth who report high levels of family rejection are "8.4 times more likely to report having attempted suicide, 5.9 times more likely to report high levels of depression, and 3.4 times more likely to use illegal drugs," when "compared with peers from families that reported no or low levels of family rejection." Caitlin Ryan et al., *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults*, 123 PEDIATRICS 1 (2009), available at <http://pediatrics.aappublications.org/content/123/1/346>. LGBTQ youth experience conversion therapy as a severe form of family rejection.

It is no surprise that fourteen states, as well as dozens of cities and counties and the District of Columbia, prohibit the practice of conversion therapy for minors. Defendants' ordinances protecting minors are, quite simply, necessary to prevent serious, life-long harm to LGBTQ youth. The Trevor Project's interest in and perspective on this matter justify the exercise of the Court's inherent authority to permit *amicus* participation. See *Resort Timeshare Resales*, 764 F. Supp. at 1500-01.

WHEREFORE, The Trevor Project respectfully requests that this Court grant it leave to file, within twenty (20) days of this Court's Order, an *amicus curiae* brief in support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction.

**LOCAL RULE 7.1 CERTIFICATE OF GOOD FAITH**

The undersigned contacted counsel for all parties via email in a good faith effort to resolve the issues raised in the motion. Plaintiffs Robert W. Otto and Julie H. Hamilton oppose this motion. Defendants City of Boca Raton, Florida, and Palm Beach County, Florida, do not oppose this motion.

Dated: August 22, 2018

Respectfully submitted,

/s/ Douglas C. Dreier

Douglas C. Dreier, FBN 104985

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### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record on the Service List below.

/s/ Douglas C. Dreier

Douglas C. Dreier

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