



## **Federal Court Hears Arguments In Case Defending Transgender People's Right To Access Medical Treatment in Prison**

**ACLU And Lambda Legal Argue That Doctors, Not Legislators, Should  
Determine Medical Treatment**

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CHICAGO – The U.S. Court of Appeals for the Seventh Circuit heard oral arguments today in a case defending the right of transgender people to receive medical care while they are incarcerated. Under Wisconsin law, prison doctors are prohibited from prescribing hormone treatment to transgender inmates. The law is being challenged by the American Civil Liberties Union, the ACLU of Wisconsin and Lambda Legal.

"The district court correctly struck down a discriminatory law that denied transgender people, and no one else, crucial care for a serious medical condition," said John Knight, senior staff attorney with the ACLU Lesbian, Gay, Bisexual and Transgender Project. "We hope that the court of appeals affirms this ruling and recognizes that medical treatment decisions must be based on medical, rather than political, justifications."

In 2005, the state of Wisconsin passed a law that barred prison doctors from providing transgender inmates medically necessary hormone therapy or sex reassignment surgery while in state custody. The ACLU, the ACLU of Wisconsin and Lambda Legal sued the state on behalf of transgender inmates, some of whom had been receiving hormone treatment in Wisconsin prisons for years. An injunction was granted to continue hormone treatment until a ruling was made. In April 2010, after a full trial, a federal district court struck down the so-called "Inmate Sex Change Prevention Act."

"The trial court ruled that it is cruel and unusual punishment to deny medical treatment to transgender prisoners for a serious medical need," said Dru Levasseur, Lambda Legal's Transgender Rights attorney. "We hope this court will affirm the principle that is so important to all of us – doctors, and not legislators, should decide what medical treatment is critical for their patients."

The clients in this case were represented by Knight of the ACLU LGBT Project, Levasseur of Lambda Legal, Larry Dupuis of the ACLU of Wisconsin, Erik Guenther of Hurley, Burish & Stanton and Jonathan Baum and Alyx Pattison of the Chicago firm Katten Muchin Rosenman.

More information on this case, *Fields v. Smith*, can be found on the American Civil Liberties Union case profile page at: [www.aclu.org/lgbt-rights\\_hiv-aids/sundstrom-v-frank-case-profile](http://www.aclu.org/lgbt-rights_hiv-aids/sundstrom-v-frank-case-profile) or on Lambda Legal's case page at: [www.lambdalegal.org/in-court/cases/fields-v-smith.html](http://www.lambdalegal.org/in-court/cases/fields-v-smith.html)