

Law in Transition

Recent Developments in the Law
Affecting Transgender People

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Introduction

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Introduction – Preview

Overview of Title VII, Title IX, and Equal-Protection Clause

Major 2020 opinions:

- *Bostock v. Clayton County, Georgia*, 140 S. Ct. 1731 (2020): Title VII
- *Grimm v. Gloucester County School Board*, 972 F.3d 586 (4th Cir. 2020): Title IX and Equal-Protection Clause

Development of law—discrimination against transgender people, pre-*Bostock*

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Introduction – Preview

Eleventh Circuit—microcosm of trends

- *Glenn v. Brumby*, 663 F.3d 1312 (11th Cir. 2011)
- *Adams v. School Bd. of St. Johns County, Florida*, 3 F.4th 1299, vacated, en banc reh'g granted, 9 F.4th 1369 (11th Cir. 2021)

Department of Education & Department of Justice Guidance—another microcosm

- 2016: Dear Colleague letter
- 2017: Letter vacating 2016 Dear Colleague letter
- 2021: Notice of interpretation

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Introduction – Preview

Sports

- NCAA
- Department of Education
- Idaho
- Texas

Texas Update

- 2021 Legislative Session
- DFPS lawsuit
- 2023 Legislative Session

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Introduction – Outside Scope

- Right to privacy—Draft opinion in *Dobbs v. Jackson Women's Health Organization*
- Discrimination in Healthcare claims
 - Affordable Care Act: prohibits sex discrimination in the provision of healthcare by any health program or activity receiving federal financial assistance. 42 U.S.C. § 18116.
 - Lawsuits under Medicaid regarding coverage for treatment.
- Religious exemptions from anti-discrimination laws

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