

Selendy & Gay Wins Pro Bono Victory Maintaining Ban on LGBTQ Conversion Therapy

10/11/18

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Contact: info@selendygay.com

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NEW JERSEY – In a victory for Selendy & Gay and its client, Garden State Equality, as well as for thousands of LGBTQ youth across New Jersey, the Third Circuit Court of Appeals today denied a procedural motion to reverse a 2014 decision affirming New Jersey’s ban on “sexual orientation change efforts” (“SOCE”), also known as ex-gay or gay conversion therapy. The ruling comes on National Coming Out Day.

In 2013, with bipartisan support, New Jersey lawmakers passed and then-Governor Chris Christie signed A3371, a law protecting minor patients from the harmful practice of SOCE by state-licensed mental health professionals. The law was challenged, and after making its way through the U.S. District Court for the District of New Jersey and the Third Circuit Court of Appeals, was unanimously upheld.

The motion filed by the plaintiffs argued that a 2018 Supreme Court decision in *National Institute of Family and Life Advocates v. Becerra*, 138 S. Ct. 2361 (2018) (“NIFLA”), a case adjudicating the constitutionality of a California statute mandating that certain state-licensed clinics provide information regarding abortion services to pregnant women, rendered New Jersey’s law banning SOCE unconstitutional and warranted a recall of the Third Circuit’s previous mandate and reversal of the earlier decision upholding the law. The NIFLA decision did no such thing, and the Third Circuit today rightly rejected this extraordinary and baseless motion.

“This last-ditch effort seeking to undermine several courts’ rulings upholding the ban on conversion therapy should never have been filed in the first place, and today’s ruling is a victory for LGBTQ youth across New Jersey,” said David Flugman, Partner at Selendy & Gay. “Conversion therapy has no medical basis in fact and has been roundly condemned as junk science. Today’s ruling reaffirms New Jersey’s critical, life-saving law, which protects LGBTQ youth from being subjected to these harmful practices.”

Selendy & Gay partnered with the National Center for Lesbian Rights in representing pro bono Garden State Equality and thousands of LGBTQ New Jersey youth.

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Attorney

- David S. Flugman

Practice

- Public Interest and Pro Bono