

# BARBARA LAGOA AND LGBTQ RIGHTS

## Highlights:

- Barbara Lagoa consistently ruled against the LGBTQ+ community.
  - In August 2023, Lagoa ruled that Alabama's ban on transgender hormone therapy for people under 19 was constitutional.
    - Lagoa went on to cite the majority in *Dobbs v. Jackson*, that argued abortion was not enshrined in the constitution, for her reasoning that transgender medical treatments were not constitutionally protected and Alabama could proceed with their ban.
  - In November 2020, Lagoa, argued that conversion therapy was protected by the 1<sup>st</sup> Amendment, and local ordinances banning it could not be enforced.

## Lagoa Ruled Against The LGBTQ Community In The Courtroom

### **AUGUST 2023: LAGOA RULED IN FAVOR OF ALABAMA'S BAN ON GENDER-AFFIRMING CARE FOR TRANSGENDER YOUTH**

#### **2022: Alabama Implemented A Ban Gender Affirming Care For People Under 19**

**2022: Alabama Made It A Felony To Prescribe Puberty Blockers Or Hormones To People Under 19.** According to the Nebraska Examiner, "Alabama's 2022 ban makes it a felony, punishable by up to 10 years in prison, for a physician to prescribe puberty blockers or hormones to a person under the age of 19. The law also bans genital surgeries on minors, which medical professionals repeatedly stressed were not performed in Alabama." [Nebraska Examiner, [8/21/23](#)]

#### **August 2023: Lagoa Was Part Of Judge Panel for The U.S. Court Of Appeals That Found The Law Was Constitutional**

**August 2023: Lagoa Was On The 11<sup>th</sup> Circuit Judge Panel That Ruled That The Law Was Constitutional.** According to Chris Greidner via Law Dork, "On Monday afternoon, a unanimous three-judge panel of the U.S. Court of Appeals for the Eleventh Circuit ruled that Alabama's 2022 law making '[p]rescribing or administering' hormone therapy to a minor a felony is likely constitutional. In so doing, the appeals court tossed out a district court's preliminary injunction that had been barring enforcement of the law for more than a year. Monday's decision, then, will allow the law to take effect." [Substack-LawDork, [8/22/23](#)]

**Lagoa Said That Transgender Plaintiffs Had Not "Presented Any Authority" That Supported The Existence Of A "Constitutional Right" To Treat Their Child's Gender Transition.** According to the Nebraska Examiner, "A federal panel Monday allowed Alabama's ban on medical care for transgender youth to go into effect, reversing an injunction from a lower court judge issued last year. "The plaintiffs have not presented any authority that supports the existence of a constitutional right to 'treat [one's] children with transitioning medications subject to medically accepted standards,' said the opinion from U.S. Circuit Judge Barbara Lagoa of the U.S. 11th Circuit Court of Appeals. "Nor have they shown that (the law) classifies on the basis of sex or any other protected characteristic." [Nebraska Examiner, [8/21/23](#)]

*August 2023: Lagoa Ruled That Due Process And The Constitution Did Not Establish A Fundamental Right To Gender-Affirming Care*

**August 2023: Lagoa Said That Previous Due Process Cases Did Not "Establish A Fundamental Right To Gender Affirming Care."** According to the Nebraska Examiner, "Lagoa wrote that previous due process cases do not establish a 'fundamental right' to gender affirming care." [Nebraska Examiner, [8/21/23](#)]

**August 2023: Lagoa Wrote That Parents Did Not Have A Fundamental Right To Obtain "A Particular Medical Treatment For Their Children."** According to the Nebraska Examiner, "Those decisions applying the fundamental parental

right in the context of medical decision-making do not establish that parents have a derivative fundamental right to obtain a particular medical treatment for their children as long as a critical mass of medical professionals approve,' the judge wrote." [Nebraska Examiner, [8/21/23](#)]

### **August 2023: Lagoa Cited Dobbs s. Jackson In Her Opinion That Ruled Against Transgender Medical Care**

**August 2023: Lagoa Cited Dobbs v. Jackson In Her Opinion That Concluded Abortion And Gender Affirming Care Were Not Constitutionally Protected.** According to the Nebraska Examiner, "Lagoa also cited the U.S. Supreme Court's decision in Dobbs v. Jackson Women's Medical Center, where Justice Samuel Alito wrote that the 14th Amendment to the U.S. Constitution does not protect any right 'not deeply rooted in the nation's history and traditions.' The attorney general's office cited the ruling in appealing Burke's ruling, which came before Dobbs." [Nebraska Examiner, [8/21/23](#)]

## **LAGOA SUPPORTED CONVERSION THERAPY**

**November 2020: The 11<sup>th</sup> Circuit Blocked The Enforcement Of Local Ordinances That Banned Conversion Therapy On Minors.** According to the Associated Press, "A federal appeals court is blocking the enforcement of local ordinances in Florida that ban therapy that seeks to change the sexual orientation of LGBTQ minors. The ruling issued Friday could put similar prohibitions at risk. The U.S. 11th District Court of Appeals in Atlanta overturned a lower court decision not to grant an injunction in a lawsuit challenging ordinances established by Palm Beach County and Boca Raton that ban what's known as conversion therapy." [Associated Press, [11/20/20](#)]

**Lagoa Supported The Injunction To Stop The Block Of Conversion Therapy.** According to the Associated Press, "The judges who supported the injunction were appointed by President Donald Trump, including Barbara Lagoa, who previously served on the Florida Supreme Court." [Associated Press, [11/20/20](#)]

**Lagoa Ruled That The First Amendment Protected Conversion Therapy.** According to Forbes, "Judges Britt C. Grant and Barbara Lagoa, who were both appointed by President Donald Trump, wrote that while they 'understand and appreciate that the therapy is highly controversial...the First Amendment has no carveout for controversial speech.'" [Forbes, [11/20/20](#)]

### **November 2020: Lagoa Claimed That Conversion Therapy Could Not Be Proved As Harmful**

**November 2020: Lagoa Claimed There Had Not Been Enough Research Into Conversion Therapy To Prove That It Was Harmful.** According to Forbes, "The judges cast skepticism on evidence provided by the defendants showing conversion therapy is harmful enough to justify the speech restrictions, claiming there has not been enough research done on the topic to show actual evidence of the danger it poses, and saying the court 'cannot rely' on professional organizations that oppose the practice because organizations can 'do an about-face' on their views, as the American Psychiatric Association did when it reversed its opposition to homosexuality." [Forbes, [11/20/20](#)]