



Idaho

## **Ninth Circuit Court of Appeals Says Lawsuit to Block Law Targeting Transgender Student Athletes is Not Moot**

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**BOISE** – This week the Ninth Circuit federal court of appeals ruled that *Hecox v. Little*, the lawsuit challenging the Idaho law that sought to ban transgender student athletes from participating in school sports, is not moot and may proceed. The Idaho law has been temporarily blocked because of the *Hecox* lawsuit. Last November, lawyers for the state argued the lawsuit should not proceed and the Idaho law should be unblocked and enforceable because of certain facts that developed after the case was filed, including that runner Lindsay Hecox’s temporarily withdrew from Boise State University. Now that this procedural issue has been resolved in favor of Lindsay Hecox, the Ninth Circuit will next rule on the merits of the *Hecox* case, answering the question whether Idaho’s ban on transgender women participating in any women’s sports sponsored by a public school is unconstitutional or violates the Equal Protection Clause of the U.S. Constitution.

Aadika Singh, an attorney who litigated the case for the ACLU of Idaho, had the following reaction: “The Ninth Circuit got it exactly right. Lindsay’s case is alive and well and continues to successfully block what we believe is a flagrantly unconstitutional and harmful law. This is a great victory at a time when transgender people are experiencing unprecedented attacks by Idaho lawmakers.”

Last July, federal district court judge David Nye initially ruled that the lawsuit should proceed. The state of Idaho appealed that ruling and the Ninth Circuit federal court of appeals heard arguments on November 22, 2022.

The lawsuit was filed by the American Civil Liberties Union and the ACLU of Idaho, Legal Voice, and Cooley LLP on behalf of Lindsay Hecox—a student at Boise State University—and Jane Doe—a Boise High School student who is no longer a part of the case.

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