

Justice & Diversity Center Places Groundbreaking Federal Pro Bono Case Regarding Transgender Prisoner's Rights

March 22, 2016 -- San Francisco -- A groundbreaking case placed with counsel by the Justice & Diversity Center's Federal Pro Bono Project has made California the first state in the country to adopt a policy ensuring transgender people in prison can access appropriate medical care, including gender-affirming surgery.

Plaintiff Michelle-Lael Norsworthy sought injunctive relief based on the state's refusal to provide her with the medically necessary surgery. In April 2015, United States District Judge Jon S. Tigar ordered the California Department of Corrections and Rehabilitation (CDCR) to provide Norsworthy with access to adequate medical care immediately, including surgery. On February 24, 2016, the state finally dropped its request to vacate the ruling, and agreed to change prison policy and pay nearly half a million dollars in attorneys' fees.

The settlement sets criteria for transgender prisoners' access to medical care, safe housing, and commissary items. Norsworthy was released on parole before the final settlement was confirmed; however, a related case filed by Shiloh Quine, also placed with counsel through the Federal Pro Bono Project, moved forward.

Quine will be the first transgender woman permitted to receive comprehensive medical care while incarcerated. The result of these cases marks a significant step towards ensuring the safety of transgender people incarcerated in California. Norsworthy experienced vicious assaults while housed in men's prisons, while Quine suffered from severe mental anguish, including suicidal ideation. Although she is alarmingly still housed in a men's facility, Quine will be moved to a women's prison once her surgery is performed.

As part of the settlement, the CDCR also modified its commissary policies such that transgender people in prison can access items consistent with their gender identity. Both plaintiffs are represented pro bono by the Transgender Law Center, Ad Astra Law Group, Inc., and Morgan, Lewis & Bockius, headed by lead co-counsel Herman Hoying and Christopher Banks. JDC's Federal Pro Bono Project offers a wide range of legal services to unrepresented litigants, provided by JDC staff attorneys and pro bono attorneys.

In 2015 JDC staff attorneys held 880 appointments and assisted 350 litigants at the project's offices in the San Francisco and Oakland federal courthouses. During that year the project also placed 37 cases with pro bono counsel.