GROOM LAW GROUP

News

Baker Weighs in on Eleventh Circuit Case Shaping Transgender Benefits Law with Law360

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Groom principal Xavier Baker was featured in the *Law360* article, "11th Circ. Bias Fight Could Set Bar For Trans Benefits Suits," where he discussed *Lange v. Houston County, Georgia* and how the Eleventh Circuit's Title VII analysis could determine whether exclusions for gender-affirming care in employer health plans violate federal law.

Law360 reported that Baker said that "the Eleventh Circuit's analysis of Title VII in the case 'will have far-reaching implications for how employers design their employee benefit plans.'"

The platform further reported that Baker added that "the appeal was important because it focused on 'whether an exclusionary provision in an employer's health plan violates Title VII.'"

According to *Law360*, Baker said that "cases involving ACA Section 1557 or the equal protection clause 'don't have as broad applicability as Title VII, which covers almost all employers.'"

Law360 wrote that Baker pointed out that "an en banc hearing at the Eleventh Circuit coincides with the U.S. Supreme Court's consideration of the *Skrmetti* case."

"If the [Eleventh Circuit] affirms the trial court and holds that Title VII prohibits the exclusion of procedures that otherwise would be covered but for the employee's transgender status, that will provide a separate avenue for potential coverage of gender-affirming care in state and local governmental plans distinct from the equal protection arguments," Baker said.

The platform reported that Baker cautioned that "equal protection arguments for gender-affirming care 'may be harder to make if the Supreme Court rules in *Skrmetti* that only a rational basis is required for government regulation or limitations on gender-affirming care.'"

To read the article, click here.