Introduction to the 2026-2027

New and important material in your 2026-2027 Edition includes:

- The so-called "military ban" on transgender servicemembers remains in litigation, with the DC Circuit affirming an injunction against enforcement of the policy directives as to current service members but vacating with instructions to reconsider as to persons seeking to enlist. *See Talbott v. US*, § 8:35.
- In *Maldonado-Ruiz v. Bondi*, the First Circuit offers a useful example of the challenges facing asylum applicants relying on instances of violence and harassment by private actors. *See* § 9:16.
- The U.S. Supreme Court allowed a policy change concerning sex notations on passports to go into effect, blocking a lower court's preliminary injunction. *See Trump v. Orr*, § 10:14.
- The U.S. Supreme Court held in *West Virginia v. B. P. J.* that Title IX and the U.S. Constitution permit states to require sex-specific athletic teams in schools and bar participation by transgender students. *See* § 10:17.
- That decision has implications in other issues, with the Eighth Circuit upholding an Iowa law that banned "instruction relating to gender identity or sexual orientation to students in kindergarten through grade six" and also required parental notification if a student seeks "accommodation that is intended to affirm the student's gender identity," including pronouns. *See Iowa Safe Schools v. Reynolds*, § 10:17.
- In June 2026, the U.S. District Court in Massachusetts denied the federal government's motion to dismiss a challenge to its stated policy of investigating and prosecuting pharmaceutical companies, hospitals, medical professionals, and others involved in providing gender-affirming care for minors. *See Massachusetts v. Trump*, § 10:19.
- The Fourth Circuit extended the rationale of last year's *Skrmetti* decision to adult healthcare as well as the Affordable Care Act, reversing its earlier approaches and holding that West Virginia could exclude Medicaid coverage of surgical treatments for gender dysphoria. *See Anderson v. Crouch*, § 10:20.
- We discuss the U.S. Supreme Court's decision *Chiles v. Salazar* that found a free speech right to use "talk therapy" to effect "conversion therapy," as well as other challenges to

progressive legislation based on the First Amendment — including the First Circuit decisions in *Saint Dominic Acad. v. Makin* and *Crosspoint Church v. Makin* holding that Maine could apply its nondiscrimination law to private religious schools that receive state funds, and the Sixth Circuit's decision in *Defending Education v. Olentangy Local School District Board of Education* that Ohio could not enforce its policy prohibiting students from using another student's pronouns that do not align with their gender identity — in § 12:18.