

THOUGHT LEADERSHIP

NEWS RELEASES

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Husch Blackwell Prevails in Major Prisoner Rights Litigation in Wisconsin

ORDER PROTECTS EIGHTH AMENDMENT RIGHTS OF TRANSGENDER INMATE

Husch Blackwell secured victory in federal district court on behalf of a transgender female inmate in Wisconsin, protecting her constitutional right to necessary medical care while incarcerated.

A prisoner in the custody of the Wisconsin Department of Corrections (WDOC) since 2008, Nicole Campbell is currently housed at the male state prison in Racine, Wisconsin. Campbell was diagnosed with gender dysphoria and has received some medical treatment while incarcerated, including counseling and cross-gender hormone therapy. She has requested gender confirmation surgery since 2013, which the WDOC repeatedly rejected. Ms. Campbell filed a civil rights suit in federal court, and Husch Blackwell took on the case on a pro bono basis.

After a trial held earlier this year, the court found that Ms. Campbell suffers from severe unremitting anatomical gender dysphoria. Despite years of extensive treatment, gender confirmation surgery remains medically necessary in her particular case; no other treatment will alleviate her gender dysphoria. As a result, the court also found WDOC officials violated the Eighth Amendment's right to necessary medical care and were deliberately indifferent to Ms. Campbell's serious medical need when they refused to provide the surgery to Ms. Campbell.

"The court made several significant findings regarding the rights and status of transgender individuals in the prison setting," said Husch Blackwell partner

Tom Heneghan, who led the firm's efforts. "Our team had to overcome many challenges with the case. The first day of the bench trial was the same day in March that our firm implemented its Work From Home protocols. We started out in the courtroom with social distancing but switched to virtual presentations for the final witness and closing arguments. I'm very proud of the way the team rallied and adapted to the circumstances."

The Husch Blackwell team was led by Heneghan and included Joseph Diedrich, Natalia Kruse, Iana Vladimirova, and Deanna Neumann.

The case was captioned *Campbell v. Kallas et al.*, case number 16-cv-261, in the U.S. District Court for the Western District of Wisconsin.