

NEWS RELEASES

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Husch Blackwell Authors Amicus Brief to Georgia Supreme Court in Occupational Licensing Dispute

Husch Blackwell prepared and filed an amicus curiae brief on behalf of Dr. Morris M. Kleiner, Dr. Alicia Plemmons, and Dr. Edward J. Timmons—three of the leading scholars studying occupational licensing—urging the Supreme Court of Georgia to affirm a lower court’s equal protection ruling and reverse its substantive due process ruling.

The case, *Jackson v. Raffensperger*, was initially brought in 2018 by the Institute for Justice, a nonprofit, public interest law firm, and Reaching Our Sisters Everywhere, a grassroots nonprofit dedicated to providing breastfeeding support to minority communities. They challenged a state law—unique in the country—that would require lactation consultants to obtain a state license. The licensure standards, which are extremely costly and require the equivalent of an advanced degree, would make it nearly impossible for many—especially minorities and those of modest means—to work as lactation consultants.

The case is on appeal from Fulton County Superior Court, where in March 2022, the court deemed the state law unconstitutional under the Georgia Constitution.

The Husch Blackwell-authored brief argues that “[c]ontrary to oft-asserted rationales, empirical evidence shows that occupational licensing regimes...provide little or no public benefit, while imposing significant costs and causing harm,” or as noted by the Institute for Justice, “In 46 states, lactation consultants are not required to get licenses. There is zero evidence that unlicensed lactation care has ever harmed anyone, anywhere.”

HUSCH BLACKWELL

Oral argument before the Supreme Court of Georgia is set for December 6, 2022.

The brief was authored by Joseph Diedrich, Rebecca Furdek, and James Spung.