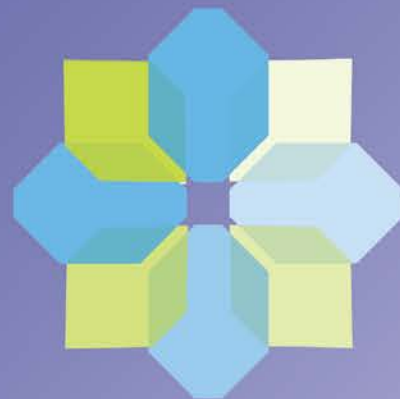




# Introduction to the Judicial Process

Kelsey Grimes, Legal Fellow, NFPRHA

Ruth Harlow, Senior Staff Attorney, ACLU  
Reproductive Freedom Project



**2020 NFPRHA**  
**NATIONAL CONFERENCE**

# Road Map

- Overview of NFPRHA's lawsuits
- Title X Rule
- Judicial Process



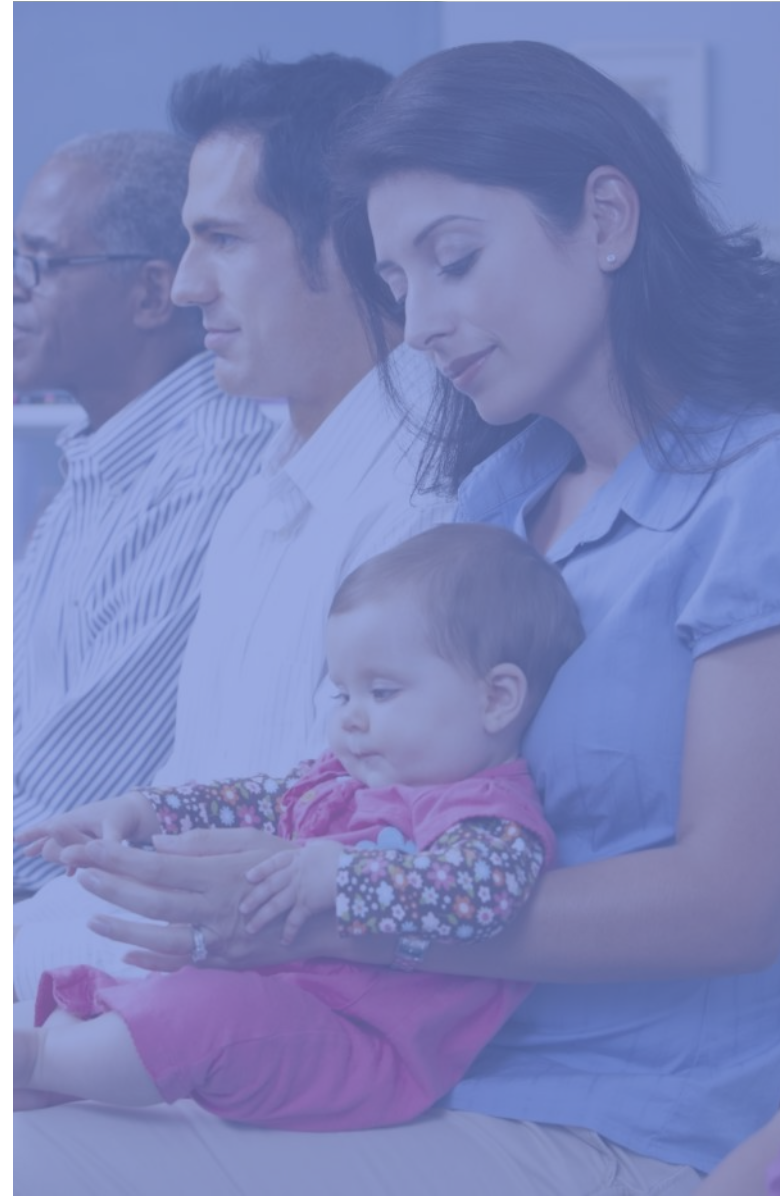
# Goals of This Presentation

- Increasing comfort level with the legal system
- Demystifying judicial process
- As much interaction as possible
  - we will ask you questions, and would love for you to ask us questions, too



# Question:

- Where do you work? What do you do?
- What made you want to become a health care provider/administrator or work in the health care field?



# Themes of NFPRHA's Active Lawsuits

- Title X
- Health Care Refusals
- We sued for you – NFPRHA's members, providers and administrators, and the patients they serve
  - Providers/administrators: to provide high-quality services and information without unnecessary/improper restrictions
  - Patients: to access essential health care they need

# 5

## Things to Know about the Title X Rule

Patients are no longer guaranteed nondirective counseling on all pregnancy options.

Regardless of their patients' wishes, health care providers must refer all pregnant patients for prenatal care.

Referral for abortion care is prohibited.


The rule opens the door to projects that refuse to offer a broad range of FDA-approved contraceptive methods.

The rule puts pressure on providers to push adolescents to share information about who they have sex with and include their parents in their family planning care.

# Road to NFPRHA's Title X Lawsuit

- How does a case get to court?
- Notice and comment rulemaking
- What do we look for in a plaintiff?
- How do we help the court understand the effect of a rule?

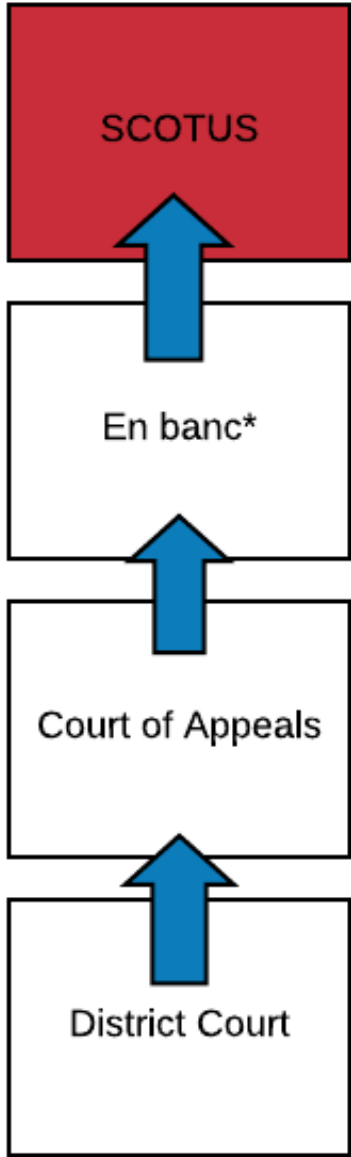
Question: What comes to  
your mind when you  
think about a trial?





# Judicial Process 101

- What is a normal trial like?
- Why do we have the court processes in place that we do?



# Judicial Process 101

- What is a normal trial like?
- Why do we have the court processes in place that we do?
- How is NFPRHA's case different?
  - 1) The facts we use to prove our case;
  - 2) The pathway ("process") of the case

# The facts

- Our facts come from:
  - The comments
  - The agency's (HHS') "evidence" and anything else it used to support the rule
- APA cases are based on rationality, not rightness

# The Procedure – Title X Case

- 3.7.19 – NFPRHA filed suit
- 4.25.19 – PI granted (from the bench)
- 6.3.19 – HHS PI stay denied in district court, merits stay denied on 6.14.19
- 6.20.19 – 9<sup>th</sup> circuit motions panel granted stay
- 7.3.19 – en banc 9<sup>th</sup> circuit grants rehearing
- 7.11.19 – same court clarifies the stay is not set aside
- 2.24.2020 – same court rules on the merits and upholds the Title X rule

A close-up photograph of a hand with the index finger pointing upwards, set against a blurred background of a crowd of people with their hands raised. The image is overlaid with a semi-transparent blue horizontal band.

**QUESTIONS?**

# THANK YOU



[kgrimes@nfprha.org](mailto:kgrimes@nfprha.org)



202-871-3705

National  
**Family Planning**  
& Reproductive Health Association