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Trial Begins in New Jersey Suit Against Conversion Therapy Provider

May 30, 2015

Yesterday, trial began in [Michael Ferguson, et al. v. JONAH, et al.](http://www.hrc.org/), a case brought by the Southern Poverty Law Center against practitioners of so-called "conversion therapy" in New Jersey Superior Court, under a theory that these practices are a form of fraud under New Jersey's consumer protection laws. Conversion therapy is a harmful and discredited practice that falsely claims to change a person's sexual orientation or gender identity. The judge in this case [previously ruled](http://www.hrc.org/blog/entry/new-jersey-superior-court-rules-against-conversion-therapy) that misrepresenting conversion therapy as an illness or disorder when marketing conversion is fraud. Every credible medical and mental health organization rejects conversion therapy.

While laws passed in New Jersey and other states protect youth from conversion therapy performed by a licensed practitioner, this case would go further to make clear that conversion therapy may be fraud under state law 1) regardless if the provider is licensed and 2) this applies to both youth and adults. The defendant in this case a religious conversion therapy provider known as JONAH (Jews Offering New Alternatives to Homosexuality).

The fraud theory in this case is similar to the approach taken by federal [Therapeutic Fraud Prevention Act](http://www.hrc.org/blog/entry/first-federal-bill-to-prevent-dangerous-anti-lgbt-conversion-therapy-introd) (H.R. 2450), introduced by Representative Ted Lieu (D-CA), which if passed, would make conversion therapy an unfair trade practice enforced by the Federal Trade Commission.

HRC and the National Center for Lesbian Rights (NCLR) have partnered with state equality groups across the nation to pass state legislation to end this dangerous practice, including the laws passed in California, New Jersey, Oregon, and the District of Columbia. Yesterday, the Illinois Senate passed similar legislation, which will now go to Governor Rauner for approval. In August of 2013, the 9th U.S. Circuit Court of Appeals upheld California's law, which was signed by Democratic Governor Jerry Brown in 2012. On Monday May 4, 2015 the U.S. Supreme Court declined to review the 3rd U.S. Circuit Court of Appeals decision to uphold New Jersey's law, which was signed by Republican Governor Chris Christie in August of 2013. NCLR attorneys have assisted in the defense of every state bill to date.

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