

The *Brian Tingley* Case

Case Name: *Tingley v. Ferguson*

Status: Filed Notice of Appeal with the 9th Circuit Court of Appeals on September 28, 2021.

Significance: Whether the government can censor private conversations between counselors and their patients.



Background: Brian Tingley is a licensed Marriage and Family Therapist practicing in Fircrest, Washington. For over twenty years, Brian has helped adults, couples, teenagers, and children identify and achieve the goals that they set for themselves, consistent with their own moral values and religious beliefs. Under his guidance, his patients have pursued meaningful and positive changes in their lives. But Brian’s practice is threatened by a Washington state law that allows government officials to censor private conversations between counselors and their clients. The law prohibits any conversation between an individual and his or her chosen counselor that seeks to help the client achieve comfort with his or her biological sex or tries to reduce unwanted same-sex attractions—even for clients who desire this counseling to help them bring their hearts and conduct in line with the teachings of their faith. This law forces Brian to censor his own speech and violates the free speech and religious rights of both Brian and the clients who voluntarily seek his counsel. The law threatens Brian with fines of up to \$5,000 per violation, suspension from practice, and even losing his license and his livelihood.

Key Points:

- The government must respect the freedom to discuss beliefs about human sexuality, identity, relationships, and the possibility of change that are shared by many Jews, Christians, and Muslims.
- A counselor shouldn’t be used as a tool to impose the government’s views on his clients.
- The government has no business dictating what personal goals a client can or can’t pursue in counseling.
- The State of Washington doesn’t get to censor speech it disagrees with—that’s not what free speech means.

Key Facts:

- Brian always works with his clients in achieving goals they set for themselves.
- The government is trying to silence those who disagree with its views.
- [New research](#) shows that far too many young people—particularly teenage girls—are being steered towards transgender identification before receiving adequate psychological evaluation and counseling.
- These are victims of what is really malpractice and are entitled to the help of professional counselors, like Brian, as they work to reclaim their true identities.
- Courts have consistently kept the government from prying into conversations between individuals and the professionals from which they seek help. Brian and his clients deserve this freedom as well.

The Bottom Line: The government doesn’t belong in a counselor’s office.