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## **Pacifica and Client National Network of Abortion Funds File Amicus Brief in Supreme Court Emergency Abortion Case**

Brief highlights the perspectives of abortion funds working to help people overcome barriers to accessing abortions.

SEATTLE, WA—Pacifica Law Group and its client the [National Network of Abortion Funds](#) (NNAF) collaborated to file an amicus brief in the United States Supreme Court. The brief urges the Court to affirm that emergency abortion care is protected from state abortion bans by federal law under the Emergency Medical Treatment and Labor Act (EMTALA).

At issue in the case, consolidated as *Idaho v. United States* and *Moyle v. United States*, is whether states can prevent pregnant people from receiving life- and health-saving abortions under EMTALA, which requires Medicare-funded hospitals to provide stabilizing care to people experiencing medical emergencies, regardless of ability to pay. In the wake of the Supreme Court's decision overturning *Roe v. Wade*, the United States sued Idaho in federal district court, arguing that Idaho's near-total abortion ban prohibits emergency abortions required under EMTALA and thus conflicts with federal law. The federal district court granted a preliminary injunction prohibiting Idaho from enforcing its ban as applied to emergency abortions required by EMTALA, and the Supreme Court will now decide whether to uphold that decision. Idaho's ban remains in effect while the Court considers the case.

NNAF's friend-of-the-court brief makes clear that state abortion bans like Idaho's prevent people who need emergency abortions from accessing care, and disproportionately impact those who hold marginalized identities or are from under-resourced communities. Without the protection of EMTALA, the brief argues, pregnant people in states with restrictive laws "will be forced to risk their lives and health with lasting physical, mental, emotional and financial harm to them and their families."

NNAF is a national membership organization for abortion funds in the United States. Abortion funds are community-based organizations that support people to overcome the financial and logistical barriers that prevent them from getting the abortions they need and want. The arguments presented in the NNAF brief draw on the lived experiences of abortion funds and abortion seekers,

and detail the reasons EMTALA is “a critical backstop” for pregnant people seeking emergency care. Those arguments include:

- That all people “should have the power and resources to decide whether, when, and how to create a family.” Access to abortion is a critical component of that choice. But, as the brief explains, abortion bans and restrictions put abortion out of reach for many pregnant people.
- That so-called “emergency” exceptions in abortion bans are designed to be difficult or impossible to use. The exceptions’ deliberately vague and confusing language, coupled with significant legal and professional repercussions, in effect prevent doctors from providing abortions even when a pregnant patient has a serious medical condition that threatens their life or health. Patients are forced to wait until their conditions deteriorate to the point where the narrow life or health exceptions unmistakably apply (if ever) before their doctors will provide abortions. This erodes doctor-patient trust and can cause “serious and often permanent physical and psychological harm to the pregnant person.”
- That pregnant people in restrictive states face significant structural barriers that prevent or delay them from accessing abortions in states where abortion is lawful. Those barriers, which are often insurmountable in emergency situations, include lengthy travel, staggering costs for care and additional expenses like travel and lodging, complex logistics, and a lack of reliable information about how and where to obtain care.
- That systemic inequities exacerbate barriers for people who hold marginalized identities or are from under resourced communities. Black and Indigenous people, other people of color, low-income people, transgender and nonbinary people, disabled people, immigrants, and young people are more likely to face difficulty in accessing abortions, the brief emphasizes, urging the Court to weigh the “gross inequities in access to health care and outcomes for pregnant people” in reaching its decision.
- That Idaho and other restrictive states are “essentially abandoning pregnant patients and forcing them to seek emergency support from under-resourced and overwhelmed out-of-state healthcare providers, abortion funds, and other support organizations.” As the brief details, NNAF’s 100 independent member funds are working tirelessly to meet the massive increases in requests for support since the Supreme Court overturned the constitutional right to abortion. “But the current need for financial and other support far exceeds their capacity,” resulting in some funds having to turn away people seeking abortion care.

By affirming the federal district court’s preliminary injunction, the Court will ensure that “a pregnant person who needs an emergency abortion will still be able to get it, no matter where they live,” the brief concludes.

The Supreme Court’s decision is expected in June.

A Pacifica team including [Jamie Lisagor](#), [Sarah Washburn](#), and [Christopher Sanders](#) collaborated with NNAF to draft and file the amicus brief.

[Click here to view the filed brief.](#)

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