



Jury Awards Detransitioner \$2 Million for Medical Malpractice

In a first-of-its-kind decision, a jury ordered a psychologist and surgeon to pay a young woman \$2 million in damages for their roles in the double mastectomy she underwent as a teenager because of alleged gender dysphoria.

The White Plains, New York, jury found Friday that psychologist Kenneth Einhorn and surgeon Simon Chin had “depart[ed] from the standard of care” in, respectively, recommending and performing the surgery on then-16-year-old Fox Varian in 2019.

Varian, now 22 and firmly identifying as female after wavering between female and male during her teen years, said “she experiences ongoing pain, has post-traumatic stress disorder, and requires corrective surgery,” reported [The Epoch Times](#).

According to the [Free Press](#), Varian’s parents divorced when she was seven years old, and the ensuing custody battle left her “estranged from her father” and suffering “from a constellation of mental health problems, including depression, anxiety, and social phobia.” She was diagnosed with autism, had an eating disorder, and “by mid-adolescence ... was completely lost.”

By age 15, Varian — no doubt influenced by the media, schools, and her visits to the Albany Pride Center — decided she was transgender. She repeatedly changed her name and pronouns, cut her hair short, and began binding her breasts to keep them from growing. She had also considered suicide.

Transformational Psychology

Varian’s attorney, Adam Deutsch, tried to convince the jury that Einhorn had put these ideas in her head. But given that her troubles, including suicidal thoughts, began before she became his patient, that was a tough sell.

Instead, the impression one gets is that Einhorn, like so many other professionals, simply accepted the transgender propaganda and encouraged Varian to pursue “gender-affirming” treatment. According to [The Epoch Times](#):

Varian also told the court that Einhorn repeatedly counseled her to take hormone therapy, but she firmly resisted that advice.

“He made it sound like I would never be happy” without the hormones, Varian said. “The way he brought it up over and over again” made her feel that he didn’t “support” her decision to skip taking hormones.



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Einhorn's attorney contended that the mastectomy, like the name changes and breast binders, was Varian's idea, though Einhorn supported it.

"Deutsch, in his closing statements, said that was the problem, describing Einhorn's attitude as 'Whatever the kid wants, the kid gets,'" wrote [The Epoch Times](#).

Einhorn also appears to have bought into the [now-discredited notion](#) that withholding "gender-affirming care" from a youth would likely lead to that person's suicide. Varian's mother, Claire Deacon, [testified](#) that, while she initially told Einhorn she was against the surgery, he kept "pushing and pushing" until she consented, fearing her daughter's life was at stake.

"I don't believe it was malice," she said. "I think he believed what he was saying ... but he was very, very wrong."

Einhorn also told Varian's father "he would never see his daughter again if he did not consent to the surgery," penned [The Epoch Times](#) — a fact that only came out in court because Varian's father had secretly recorded their telephone conversation.

Letter's Lacunae

Eventually, Deacon gave in, though she said it was "the hardest, most difficult, gut-wrenching" decision to make.

Varian's father, on the other hand, remained resolutely opposed to the surgery. Yet when Einhorn wrote a letter to Chin recommending the surgery for Varian, he failed to include that information because, he testified, Varian and her father were not on speaking terms. Had he known of the father's objection, Chin said, he might have engaged in "further conversation" with Varian and her parents before agreeing to perform the surgery.

Chin also testified that another significant omission would have completely changed his mind about performing the surgery. The details Einhorn provided, combined with his own conversations with Varian and Deacon, convinced him that Varian was indeed suffering from "gender dysphoria," he said. However, reported [The Epoch Times](#):

it was later revealed that ahead of the surgery, Varian had told specialists at the Albany Pride Center that she "felt pressure to decide" on a male identity or a female identity "by family, friends, and culture." She also said she continued to question her gender identity, but was afraid she might "lose credibility" if she discussed it with her mom.

Chin said that, had he known this, he would not have removed Varian's breasts.

Einhorn claimed he, too, might have opposed the surgery if he had been aware of Varian's gender uncertainty.

Deutsch argued that Einhorn should have contacted the Albany Pride Center for records of Varian's visits, though that might not have mattered: Einhorn's attorney produced a document in which the center claimed Varian's belief in her transgender identity was "firm."

Seven-figure Disfiguration

Chin, of course, proceeded with the surgery.

Varian's response to the results was anything but positive, noted [The Epoch Times](#):



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“I immediately had a thought that this was wrong, and it couldn’t be true,” Varian said. She also said that the surgery left her with nerve pain, which she described as “searing hot ... ripping sensations across my chest.”

“Shame. I felt shame,” she added. “It’s hard to face that you are disfigured for life.”

While she told Chin in follow-up visits that she was happy with her new body, she told the court she had “cognitive dissonance” and “had to bury” her true feelings at the time.

Although Deutsch had requested \$8 million in damages, the jury awarded just a quarter of that. Still, it was enough to send the message that mutilating children’s bodies to “affirm” their gender choices is a risky business indeed — and that adults, who should serve as a check on kids’ shortsighted, emotion-based decisions, ought to do everything possible to prevent it.

As Varian told the court, “I don’t think that [responsibility] really falls squarely on my shoulders. It falls on the shoulders of the adults that were supposed to guide me.”



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