


A close-up, high-resolution photograph of a rainbow flag, showing the vibrant colors of the stripes (red, orange, yellow, green, blue, and purple) and the texture of the fabric. The flag is draped, creating soft folds and highlights that add depth to the image.

WINSTON
& STRAWN
LLP

PRO BONO MATTERS

Advocating for the LGBTQ+ Community



“ We are proud that this litigation has compelled the PAPD to meaningfully reevaluate the way it trains and supervises its officers and the way they engage with the diverse communities that pass through its facilities—both in New York and New Jersey. This lawsuit and our plaintiffs have proven that it is unacceptable for anyone, let alone a police force, to blatantly discriminate against those in the LGBTQ+ Community based solely upon their appearance—and that change, although slow and gradual, is achievable. ”

MICHAEL ELKIN, NEW YORK PARTNER

Winston Wins Historic Reforms Preventing Police Profiling of LGBTQ+ Individuals

Winston and The Legal Aid Society of New York have reached a settlement agreement in an LGBTQ+ profiling case against the Port Authority of New York and New Jersey. The agreement provides compensatory damages as well as significant changes to the way that Port Authority Police Department (PAPD) officers interact with the LGBTQ+ community.

The federal lawsuit, filed in 2017 in the United States District Court for the Southern District of New York, asserts that PAPD officers routinely engaged in policing that illegally targeted men perceived to be members of the LGBTQ+ community.

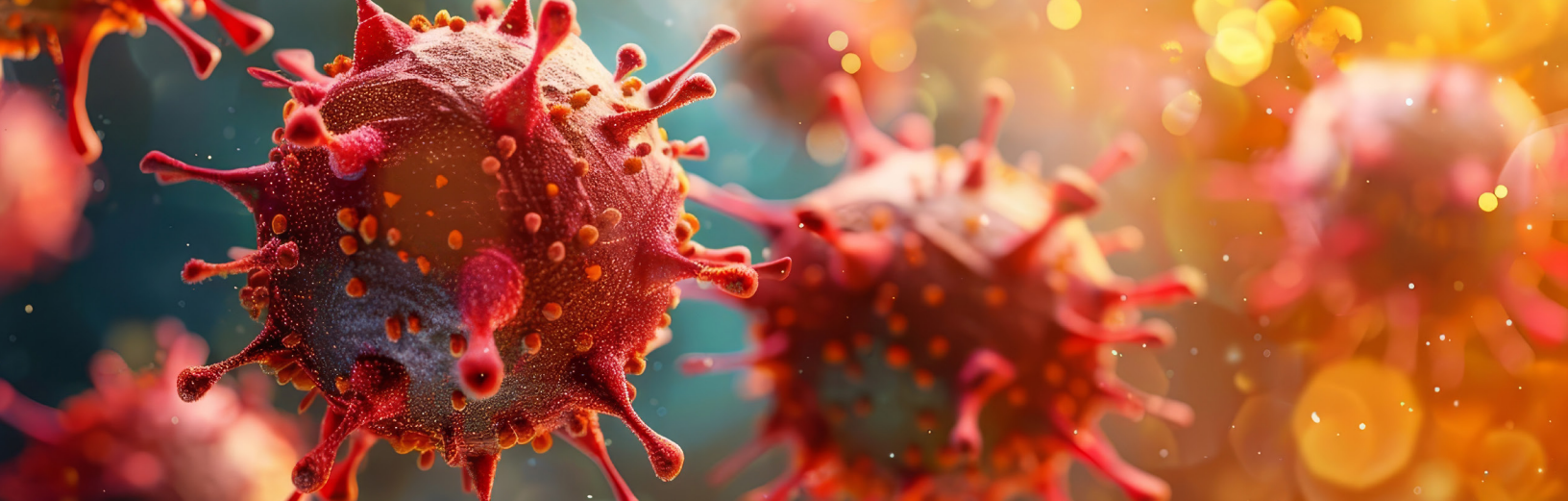
In a February 2021 summary judgment decision allowing the case to move to trial, the court found plaintiffs had “proffered evidence to establish that the PAPD officers had engaged in a pattern of policing specifically targeting men perceived as gay, bisexual, or otherwise gender non-conforming for arrest without probable cause on charges for Public Lewdness after using the Port Authority Bus Terminal men’s restrooms.”

After more than 12 months of negotiations, the PAPD has agreed to provide monetary relief to plaintiffs and institute sweeping reforms including:

- Ending plainclothes patrols of restrooms for lewdness and exposure and requiring the highest level senior PAPD sign-off for any future patrols
- Designating a high-ranking PAPD staffer as the Chief of Agency Affairs to be a point of contact for LGBTQ+ community members
- Adopting revised LGBTQ+ non-discrimination policies that incorporate modern terminology
- Implementing LGBTQ+ non-discrimination training for new recruits that will be conducted by the Gay Officer Action League

- Roll-call trainings on PAPD’s policy banning bias-based policing and requiring a statement of individualized probable to justify an arrest
- Posting signs outside single stall restrooms designating them as gender neutral
- Updating the Civilian Complaint form to include broader categories of sexual orientation and gender identity categories and to make it more accessible on the Port Authority website

Additionally, the PAPD will advise commands that the department views any substantiated complaint of discrimination based on race, religion, national origin, or sex as a serious violation of an officer’s oath of office that warrants disciplinary charges. ■



Winston Wins Third Landmark Victory Against the DOD Allowing People Living with HIV to Serve Their Country

A team of Winston attorneys, along with co-counsel, secured a permanent injunction that removed the final barrier preventing people living with HIV from joining the U.S. Armed Services.

“This is a victory not only for me but for other people living with HIV who want to serve,” said Winston client Isaiah Wilkins. “As I’ve said before, giving up on my dream to serve my country was never an option. I am eager to apply to enlist in the Army without the threat of a crippling discriminatory policy.”

In 2022, Winston won two landmark rulings against the U.S. Department of Defense (DOD)—the world’s largest employer—ordering it to stop discriminating against service members living with HIV and to allow them to deploy and commission as officers. In its ruling, the court held that the DOD policies violated the equal protection component of the Fifth Amendment’s Due Process Clause and the Administrative Procedures Act (APA).

The court, however, did not address whether DOD policies barring similar individuals from joining the military also violated the Constitution and the APA. As a result, DOD did not adjust its policies barring people living with HIV from enlistment, appointment, and induction into the U.S. military.

In November 2022, Winston and co-counsel filed a lawsuit on behalf of three individuals who were barred from either enlisting or re-enlisting based on their HIV status. On August 20, the United States District Court for the Eastern District of Virginia granted the plaintiffs’ motion for summary judgment, stating that the DOD’s policies were “irrational, arbitrary, and capricious.” ■

“This is a victory not only for me but for other people living with HIV who want to serve,” said Winston client Isaiah Wilkins. “As I’ve said before, giving up on my dream to serve my country was never an option. I am eager to apply to enlist in the Army without the threat of a crippling discriminatory policy.”

ISAIAH WILKINS, WINSTON CLIENT

Transgender Runner Wins Groundbreaking Exemption For The Therapeutic Use of Testosterone

Winston attorneys prevailed on behalf of transgender athlete Cal Calamia in securing United States Anti-Doping Agency (USADA) approval of a Therapeutic Use Exemption (TUE) for Calamia's use of testosterone in male, nonbinary, and open running categories. This landmark exemption—believed to be the first of its kind—is an important victory for all nonbinary and trans athletes who take gender-affirming hormone treatments banned by USADA.

Calamia, who uses both he and they pronouns, was assigned female at birth and began taking testosterone as part of their gender transition. Earlier this year, Calamia learned he was at risk of being sanctioned by USADA for testosterone use. With a Therapeutic Use Exemption, Calamia is now able to continue competing in events subject to USADA rules. Winston has been representing Calamia on a pro bono basis during the USADA review of his TUE application, without any formal appearance before USADA.

“Now that this conversation has been opened up and the TUE has been approved, there's an exponential amount more space for other people to follow my lead in this process and have that opportunity to transition and be themselves and still be able to do their sport.”

CAL CALAMIA, TRANSGENDER ATHLETE

This important Winston win on behalf of Calamia received global media coverage, including a front-page story in The Washington Post with the headline, “A Transgender Runner's Push for Inclusion May Have Changed the Sport.” ■





Winston Obtains Long-Awaited Asylum for LGBTQ+ Honduran

Our client came to the United States at the age of 20, after suffering years of persecution and violence in Honduras specifically because she is a lesbian. At one point, gang members brutally beat her, breaking her clavicle. The threats and violence against her continued to escalate until she was forced to flee Honduras.

She crossed the U.S. border into Texas on May 14, 2014 and promptly filed an asylum application. Four months later, she represented herself in a removal proceeding in San Antonio, but the judge denied her request for asylum due to perceived issues of credibility and the judge's determination that her claims of persecution were based on violence to the general public as opposed to her being gay. She appealed and her case was referred to the National Immigration Justice Center. Winston & Strawn began representing her shortly thereafter.

Winston represented her on appeal, and in March 2015, the Board of Immigration Appeals granted her a de novo hearing and she was released from immigration custody and relocated to New York City, where she now lives.

Following a series of delays, prompted first by a federal government shutdown and then the pandemic, our client finally got her day in court in

February of this year. The immigration judge agreed that our client had credibly testified to the abuse she suffered on account of her sexual orientation and granted her application for asylum, and the government waived appeal, allowing her to permanently remain in the United States. ■

“We have been honored to represent our client in what has been a long journey to asylum. Since living in the United States, she has been able to start to overcome her past abuses and we are happy that the grant of asylum will afford her the opportunity to continue to build a better life here.”

LAUREN DUXSTAD, NEW YORK ASSOCIATE

Winston Secures Asylum for Russian Who Was Persecuted Because of His Sexual Orientation

A Winston team helped a Russian man receive a grant of asylum after he fled to the United States in 2022 because he experienced intense state-sponsored persecution and brutal violence simply because he was gay.

Our client knew he was gay by the time he was in ninth grade. Out of fear, he kept his sexual orientation a secret, but other boys spread rumors about him and bullied him relentlessly. This same type of homophobic harassment followed him when he attended university in a different town.

Hoping that life in a larger city would allow him to fully express himself without fear, he moved to Moscow in 2012. Nonetheless, throughout the next decade of his life, he suffered severe discrimination, persecution, and violence because of his sexual orientation.

He was fired from his job for being gay and arrested for protesting homophobia. He was arrested a second time when St. Petersburg police raided a gay bar. While in custody, our client and a friend were brutally beaten, with his friend eventually dying from injuries inflicted by the police. Seeking justice for his friend's death, our client filed a complaint against the St. Petersburg Police Department.

A few weeks later, he was summoned to the police station, where officers handcuffed him to a chair and tortured him until he was close to losing consciousness. After being released, he began receiving anonymous phone calls threatening his life. The calls continued until he was violently assaulted outside his apartment building.

Shortly afterward, our client fled to the United States and Winston began representing him in his quest for asylum. In early 2024, his petition for asylum was granted. ■

“Our client's life illustrates why the asylum process is necessary. He protested his government's treatment of the LGBT community and in response his government harassed, tortured, and nearly killed him. Helping him obtain asylum and the freedom to fully express himself and his sexual orientation was one of the most impactful things I have done in my career”

NATHAN GILBERT, CHICAGO ASSOCIATE

LGBTQ+ Workers Gain Protections Against Discrimination for First Time Ever Under Texas State Law

In March 2021, the Texas Fifth District Court of Appeals ruled that a Texas state law prohibiting employment discrimination on the basis of sex also provides protections for LGBTQ+ workers.

A Winston & Strawn team represented the Human Rights Campaign (HRC) on briefs and in oral argument as amicus before the Texas Fifth District Court of Appeals and addressed the scope of protections against discrimination for LGBTQ+ workers under Texas state law.

The Texas appeals court's ruling was consistent with the recent U.S. Supreme Court decision in *Bostock v. Clayton County*, which determined that discrimination against employees on the basis of sexual orientation and gender identity is a form of sex discrimination prohibited by federal law. ■

“We are proud to have worked alongside the dedicated litigation team at The Human Rights Campaign throughout the duration of this appeals process and could not be more satisfied with the court's opinion. The law is clear—the *Bostock* ruling must be applied in every state without explicit non-discrimination statutes, just as it was today in Texas.”

NATALIE ARBAUGH, DALLAS PARTNER



Winston Secures Honorable Discharge and Military Burial for LGBTQ+ Navy Veteran

After serving his country honorably, our client was removed from service in the late 1980s by the U.S. Navy with an “other than honorable” discharge after he admitted to being gay. He then spent much of the next 30 years of his life homeless and fighting both depression and illness.

In 2011, after the U.S. military repealed its “Don’t Ask, Don’t Tell” policy, he attempted to have his discharge upgraded but was unsuccessful.

Shortly before his death, however, our client contacted the National Veterans Legal Service Program (NVLSP) for help with having his discharge

changed. Following his death, his mother postponed his burial service with the hope that his discharge would be upgraded, and he could receive a military burial. NVLSP then reached out to Winston & Strawn for help, and together with his mother, we ensured that our client received the full military honors he had earned and deserved. ■

Winston Helps Transgender Individuals Receive Identity-Affirming Support Through the Name Change Project

Transgender individuals face numerous challenges, many of which are life-threatening. They are four times more likely to live below the poverty line than the average American, and the average life expectancy of a transgender Black woman is only 35 years.

Transgender individuals also face a long list of daily indignities and insults when they are simply trying to board a flight, check into a hotel, or order an alcoholic beverage and their government-issued ID does not match their gender identification. In fact, the U.S. Transgender Survey found that 32% of transgender individuals with ID photos and names that don't match their appearance reported being verbally harassed, denied benefits or services, asked to leave, or even assaulted.

Unfortunately, the process of legally changing one's name is usually time-consuming and complicated. And all too often, it is also cost-prohibitive for transgender individuals.

To help address these significant day-to-day challenges, Winston & Strawn collaborates with the Transgender Legal Defense Fund and its Name Change Project to connect low-income individuals with pro bono attorneys who can help them navigate the name change process and represent them in court when necessary.

Since 2019, Winston & Strawn attorneys have helped nearly 120 transgender individuals complete the identity-affirming and life-changing process of having an ID that matches their gender identity. ■



“It’s an immense privilege to use our legal expertise in a way that has such a profound impact on the lives of our transgender clients. Without Winston’s help navigating what is most often an incredibly daunting process, most of our clients would not be able to obtain a new government-issued ID that matches their gender identity.”

BRYAN GOLDSTEIN, NEW YORK PARTNER



“It takes no compromise to give people their rights...it takes no money to respect the individual. It takes no political deal to give people freedom. It takes no survey to remove repression.”

HARVEY MILK, FIRST OPENLY GAY MAN ELECTED TO PUBLIC OFFICE IN CALIFORNIA



ABOUT WINSTON & STRAWN

Winston & Strawn LLP is a global law firm with 975+ attorneys across 14 offices in Brussels, Charlotte, Chicago, Dallas, Houston, London, Los Angeles, Miami, New York, Paris, San Francisco, São Paulo, Silicon Valley, and Washington, D.C. Additionally, the firm has significant resources devoted to clients and matters in Africa, the Middle East, and Latin America. The exceptional depth and geographic reach of our resources enable the firm to manage virtually every type of business-related legal issue. We serve the needs of enterprises of all types and sizes, in both the private and the public sectors. We understand that clients are looking for value beyond legal talent. We take time to learn about our clients' organizations and their business objectives. And we leverage technology and collaborate seamlessly to respond quickly and effectively to our clients' needs.

Please visit winston.com for additional information about our services, our experience, and the industries we serve.

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