

A close-up, slightly blurred photograph of a rainbow flag, showing the vibrant colors of red, orange, yellow, green, cyan, and blue. The flag is draped and folded, creating soft shadows and highlights that give it a three-dimensional appearance. The colors transition smoothly from top to bottom, with the red at the top and blue at the bottom.

WINSTON  
& STRAWN  
LLP

PRO BONO MATTERS

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# Advocating for the LGBTQ+ Community

Winston & Strawn is proud to be a longstanding advocate for the LGBTQ+ community.

While society and corporate America have made great strides in recognizing the rights of LGBTQ+ individuals, far too many members of the community still experience prejudice and face discrimination—especially those who identify as transgender or in other nonbinary ways.

That's why we're dedicated to fighting for the rights of the LGBTQ+ community and will remain so until discrimination and bias are eliminated.

On the following pages you will find summaries of some of our most recent and significant pro bono wins that impact the LGBTQ+ community.

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“ 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

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# 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

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“ 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, VICE CHAIRMAN**

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- 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.

The Winston team that worked on this matter includes New York Partners **Michael Elkin, Seth Spitzer,** and **Matthew Stark,** New York Associates **Michelle Tuma** and **Jack Cartwright,** San Francisco Associate **Cesie Alvarez,** Washington, D.C. Associate **David Houck,** and New York Senior Paralegal **Karen Forte.** ■

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“ We are elated for our clients and the public at large that the PAPD has finally embraced reforms that will bring an end to these discriminatory practices. This settlement caps many years of tireless litigation that has achieved a just outcome for which we simply should not have had to fight so hard. ”

**SETH SPITZER, NEW YORK PARTNER**

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# WINSTON SECURES GROUNDBREAKING VICTORY FOR SERVICE MEMBERS LIVING WITH HIV

**Pursuant to a federal district court ruling, the Department of Defense must now allow asymptomatic HIV-positive service members with undetectable viral loads to deploy and commission as officers in the U.S. military—ending decades of discriminatory treatment not backed by science. This groundbreaking ruling represents a significant win in the fight to protect the rights of people living with HIV and reflects that HIV is a chronic, treatable condition, not a reason to discriminate.**

The federal district court’s permanent injunction stems from two lawsuits filed in 2018 by Winston, Lambda Legal, and the Modern Military Association of America. The first lawsuit was filed on behalf of Sgt. Nick Harrison, a lawyer and veteran of two overseas combat tours who was denied a position in the Judge Advocate General “JAG” Corps because Pentagon policy considers service members living with HIV non-deployable. The second lawsuit was filed on behalf of two active-duty airmen who were notified by the Air Force that they would be discharged because they could not deploy under current Department of Defense policies due to their HIV-positive status.

The decision follows a January 2020 ruling by the U.S. Court of Appeals for the Fourth Circuit, which upheld a preliminary injunction preventing the discharge of the two airmen and stated that “any understanding of HIV that could justify this [deployment] ban is outmoded and at odds with current science.”

The federal district court opinion follows the reasoning of an amicus brief filed in the Fourth Circuit by high-ranking former military leaders—including the secretaries of the Army, Navy, and Air Force—that stated, “The United States’ all-volunteer military depends on allowing every citizen who is fit to serve to do so. In our professional military judgment, any policy that discharges willing, and able service members based on chronic, but well-managed, medical conditions should be based on the most up-to-date science and be justified by credible—not theoretical—risks. ... It is our professional military judgment that there is no legitimate reason to deny HIV-positive service members the opportunity to deploy.”

The Winston attorneys who worked on this matter include Chicago Partner **Bryce Cooper**, Of Counsel **Julie Bauer**, Associates **John Drosick** and **Jason Pesick**, and Senior Paralegal **Gregory Skogg**, Washington, D.C. Associates **John Harding** and **Lauren Gailey**, and New York Associate **Jack Cartwright**. ■

# WINSTON WINS LANDMARK VICTORIES FOR TRANSGENDER INDIVIDUALS IN FEDERAL CUSTODY

**Following a three-year battle with the U.S. Bureau of Prisons (BOP), a transgender woman will soon be the first person in federal custody to receive gender-affirming surgery.**

Additionally, in May 2021, she became one of the first federal prisoners to be transferred to a facility matching their gender identity; and BOP has now revised its Transgender Offender Manual to recommend that housing decisions be made based on a person's gender identity rather than their anatomy.

Winston & Strawn, with co-counsel the American Civil Liberties Union, represent Cristina Iglesias against BOP, which diagnosed her with gender dysphoria in 1994 but refused to provide her with gender-affirming medical care. Additionally, she remained housed in a male facility until May 2021 despite suffering physical and sexual violence.

In December 2021, a federal court ordered BOP to evaluate Cristina for gender-affirming treatment, stating that she “suffers daily and is at risk of self-mutilation and suicide” due to her gender dysphoria and is “running out of time.”

In April 2021, the federal court accused the BOP of delay tactics akin to playing a game of “whack-a-mole” and ordered the BOP to immediately find a qualified surgeon to provide Cristina with male-to-female sex reassignment surgery.

The Winston team working on this matter includes Chicago Partner **Kurt Mathas** and Associates **Frank Battaglia, Courtney Block, Henry Blattner, Alexander Kontopoulos, Shannon Lemajeur, Gianna Santoro,** and **Megan Tobin.** ■

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“These are significant and very meaningful victories for the 1,200+ transgender individuals currently in federal custody who have been denied gender-affirming care.”

**FRANK BATTAGLIA, CHICAGO ASSOCIATE**

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“We are thrilled that our client will finally receive the gender-affirming care she desperately needs and deserves.”

**SHANNON LEMAJEUR, CHICAGO ASSOCIATE**

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## 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.

The Winston team included Dallas Partner **Natalie Arbaugh**, Chicago Partner **Kyle Gann**, Dallas Associate **Claire Dial**, and New York Associate **Patrick Opdyke**. ■

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“ 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**

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## 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.

The Winston team working on this matter includes New York Partner **Aldo Badini**, and Associates **Maggie Brown** and **Lauren Duxstad**. ■

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“ 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**

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## 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.

The Winston team that worked on this matter included Chicago Associates **Jordan Bucci**, **Rachel Wilson**, and **Nick Worden**. ■

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“It was an honor to be serving in the U.S. military in 2011 when the ‘Don’t Ask, Don’t Tell’ policy was repealed, and it is an honor still to help those who were negatively impacted by the former policy. In this particular case, a family can now see the remains of their son and brother buried with full military honors. It is a good day.”

**JORDAN BUCCI, CHICAGO ASSOCIATE**

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## 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.

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“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**

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Since 2019, Winston & Strawn attorneys have helped nearly 30 transgender individuals complete the identify-affirming and life-changing process of having an ID that matches their gender identity.

The Winston attorneys working with the Name Change Project include New York Partners **Dominick DeChiara**, **Bryan Goldstein**, and **Scott Naidech**, New York Associates **Sean Anderson**, **Lola Longe**, **Ben Popeck**, **Jay Wexler**, and **Ekaterina Wyn Jones**, Practice Attorney **Jason Lipkin**, and Chicago Partner **Olga Loy**. ■



## ABOUT WINSTON & STRAWN

Winston & Strawn LLP is a global law firm with 900+ attorneys across 16 offices in Brussels, Charlotte, Chicago, Dallas, Hong Kong, Houston, London, Los Angeles, Miami, New York, Paris, San Francisco, São Paulo, Shanghai, 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.

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