

GIBSON DUNN  
PRO BONO

# Justice for Women and Girls

OCTOBER 2024



We are thrilled to launch the Gibson Dunn Justice for Women and Girls initiative, which will bring together attorneys from across the firm's many offices and practice groups to advance five distinct yet overlapping goals: (1) educational equity; (2) access to healthcare; (3) legal and social equity; (4) economic empowerment; and (5) prevention of violence against women. Work on behalf of women and girls, as well as other marginalized communities, has always been a cornerstone of our pro bono practice. This initiative seeks to deepen and expand our existing work on behalf of women and girls, with the goal of making real, systemic, and lasting change.

We recognize that individuals have different views about what equality or justice for women and girls looks like, or the best ways to achieve it. But we can all agree that women and girls deserve better and that we, as lawyers, must be part of the solution. As always, we believe our diversity—of worldviews, interests, and experience—is one of the firm's greatest strengths. And we hope everyone at the firm will find projects within this initiative that resonate with them and drive them to get involved. We are always stronger when we work together.

We look forward to working with all of you to fight for a society that is more just for the women and girls in our families, our communities, and our world.

## 01 Educational Equity

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# 01

Educational inequality remains a pervasive challenge that undermines the potential of women and girls worldwide. Millions of girls around the world are denied access to education due to systemic barriers such as poverty, gender discrimination, and cultural biases. In addition to these barriers, many countries enact laws that expressly permit, require, or foster a culture where girls are excluded from the education system. Improving access to education for girls has the power to further legal, social, and economic equity for women, in addition to reducing the incidence of gender-based violence.

Lawyers have a crucial role to play in this fight for educational equity. Together, we can challenge the systems that hold back our future leaders and ensure that every girl has the chance to reach her full potential.

## Educational Equity

### Schools Consent Project

Lifting both the legal and non-legal barriers to meaningful education for girls is critical to achieving success in the fight for educational equity. Research clearly demonstrates that incidents of sexual assault can lead to poor performance in school, increased mental health problems, and increased school drop out rates. One powerful way to increase access to long-term, quality education is to decrease the rate of sexual violence perpetrated against school-age girls.

Gibson Dunn works with the Schools Consent Project (“SCP”), a nonprofit organization that sends lawyers and law students into schools across the UK and New York to teach young people about consent and the laws governing sexual offenses. The aim of SCP is to normalize conversations about consent, encourage respectful interactions between young people, and provide them with a toolkit to change the culture in schools, universities, and workplaces—and ultimately drive down the prevalence of sexual offenses.

Gibson Dunn lawyers are trained to deliver SCP’s workshops to 11–18-year-olds on topics covering the definition of consent, the ages of consent, how to identify consent, bystander intervention, the options available in the event of sexual assault, and the offenses of rape, sexual assault, and ‘sexting’/‘nudes.’ The workshops are provided through a series of interactive games and exercises that aim to challenge students’ misconceptions, root out toxic attitudes, and reinforce healthy sexual outlooks.

SCP’s innovative, legally-grounded framework is unique in its ability to effectively educate school-age children on rights and responsibilities when it comes to sex and relationships. In a world where sexual violence is rampant, we are honored to work alongside SCP as they work to end the epidemic.

“ 1 in 3 women experience sexual violence during their lifetime. Something has to change. At the Schools Consent Project, we believe that education is prevention: by introducing consent-literacy at school, young people are less likely to experience or perpetrate sexual violence in later life. To date, we have educated over 55,000 young people globally about consent through our work.

The Schools Consent Project is delighted to partner with Gibson Dunn, whose lawyers have collectively delivered consent workshops to over 600 students globally, including delivering our first workshop to students on the ASD spectrum in New York. A huge achievement! We look forward to witnessing more milestones from Gibson Dunn lawyers as our partnership develops.



Kate Parker,  
Founder, SCP

“ It has truly been an honor to be invited into high school classrooms to lead discussions with New York City youth about consent, bystander intervention and the law. SCP’s presentation materials feature comprehensive explanations, a realistic lens of modern urban life, and an emphasis on compassion and education over judgment. Through this program, youth engage in important—albeit sometimes uncomfortable—conversations that will serve them in high school and beyond.



Ashley Marcus,  
Associate, New York

# 01 Educational Equity

## Malala Fund

The Malala Fund is a global organization dedicated to, among other things, advocating for girls' education and promoting educational equity. Founded by Nobel laureate Malala Yousafzai, the organization works to ensure that every girl has the right to 12 years of free, quality education. The Malala Fund invests in education initiatives, particularly in regions where girls face significant barriers to learning due to poverty, conflict, or discrimination. Gibson Dunn is proud to have partnered with the Malala Fund on numerous projects, all in furtherance of its mission to create a world where all girls can achieve their potential and contribute to their communities.

## Supporting Educational Activists in Crisis

In some countries and under certain regimes, the barriers to access to girls' education are codified into law. The penalty for breaking those laws can be severe. In Afghanistan, the Taliban has a history of carrying out targeted attacks on individuals and groups promoting girls' education, which puts Afghan educational advocates at heightened risk of serious harm or even death.

After the U.S. military withdrew from Afghanistan in August 2021, hundreds of Gibson Dunn attorneys quickly formed a firmwide task force dedicated to helping Afghans reach safety. Over the past three years, lawyers across the Firm have dedicated tens of thousands of hours to pro bono matters on behalf of Afghan clients, including those who led the girls' education movement before the Taliban rose to power, boarding school representatives who braved rural provinces to recruit girls to schools, women who pursued higher education in Afghanistan, and families who ran underground schools for girls even after the Taliban took over. Gibson Dunn has helped these clients get safely and legally out of the Afghanistan, and eventually work towards permanent legal status often in the United States or the United Kingdom.



“ As a stalwart supporter of educating girls and women in Afghanistan, our client and her family faced extreme hardships in the country following the Taliban takeover. It’s been incredibly fulfilling helping them gain entry into the United States after three years of work on their humanitarian parole applications. Our team continues to work with our client seeking her long-term legal status, and we are excited to see what the future will hold for her and her young son and the contributions they will undoubtedly make to the United States.



Kim Vallot,  
Associate, Orange County

# 02

## Access to Healthcare

Prioritizing women's and girl's health and access to quality healthcare is paramount to empowering women around the world. Of course, access to good healthcare is a challenge that cuts across gender, but the challenges facing women and girls in the space are unique and inextricably tied to their ability to break through other systemic barriers. Cultural and social barriers to equal access to healthcare can create other challenges, including stigmas around discussing sexual health with women and girls. Access to healthcare for women and girls includes the need to address the full range of reproductive care, including maternal care, postpartum care, and access to safe abortion care. In an era of evolving laws and increasing restrictions, many individuals face significant legal barriers in accessing the reproductive healthcare they need.

By providing legal counsel, advocating for policy reforms, and supporting community and advocacy groups working to enhance safety and dignity for every person interacting with the healthcare system, lawyers can play a vital role in addressing these issues.

### Advising Black Pregnancy Health Organizations

The United States has a pregnancy health crisis, with a national maternal mortality rate around ten times higher than other high-income countries. Black mothers face disproportionately high rates of mortality. Many estimates place the risk of dying during or after childbirth between three and four times higher for Black women—a disparity driven by a complex interplay of factors, including racism, sexism, lack of access to quality care, and socioeconomic challenges.

Gibson Dunn partners with several nonprofit organizations working on the front lines to end this intolerable disparity. Our lawyers have assisted organizations striving to ensure that all families have access to safe, respectful, and equitable care throughout the birthing process and during the postpartum period. This includes representing organizations focused on increasing access to holistic perinatal care and advocacy in the form of midwives and doulas.

One of the organizations Gibson Dunn is proud to represent pro bono is birthFUND, a nonprofit founded by Elaine Welteroth that focuses on making midwifery more accessible. After her own personal life-changing birth experience with exceptional midwives, Elaine began a 1 to 1 model of fundraising to pay for the costs for families to access midwife-supported births. This initiative has blossomed into a full-fledged nonprofit, with numerous individual and institutional funders and an innovative funding-circle strategy that allows individual donors to collectively raise funds for families in need, expanding program awareness and donor effectiveness. Gibson Dunn is honored for the opportunity to work with birthFUND in support of its essential mission.

### Fòs Feminista

For the past two years, Gibson Dunn has provided advice to Fòs Feminista, a nonprofit that works with local partners in the Global South on sexual and reproductive health services, community-

based strategies to increase access to sexual and reproductive healthcare among women and girls, and an education and care initiative. Fòs Feminista engaged Gibson Dunn when it was considering whether to create an affiliated 501(c)(4) that could engage in expanded lobbying work. Gibson Dunn provided advice on the appropriate considerations for whether opening an affiliated 501(c)(4) was in the organization's best interest. Following Fòs Feminista's decision to set up an affiliated 501(c)(4), Gibson Dunn assisted with strategic guidance, governance document and contract drafting, and other critical and often complex legal issues relating to that effort.



## 02 Access to Healthcare

### *Johnson v. Wyoming*

On July 25, 2022, a group of women, OBGYNs, and abortion providers filed an emergency Temporary Restraining Order (“TRO”) and lawsuit against the State of Wyoming and other parties to enjoin a statewide abortion ban that would go into effect following the U.S. Supreme Court’s landmark *Dobbs v. Jackson Women’s Health Organization* ruling. In September 2023, a team of Gibson Dunn attorneys joined the case to represent the plaintiffs alongside Wyoming lawyers.

The suit presents numerous challenges under the Wyoming Constitution, including under a unique provision guaranteeing citizens the right to control their own health care decisions. Gibson Dunn successfully moved for TROs enjoining the enforcement of Wyoming’s 2023 abortion legislation, which included a first-of-its-kind ban on abortion medications. These injunctions remain in place today.

Gibson Dunn also defeated an effort by an antiabortion advocacy group and state legislators to intervene in the case—a decision that recently was unanimously affirmed by the Wyoming Supreme Court. Gibson Dunn also briefed and argued a summary judgment motion seeking a permanent injunction and declaration that the abortion ban is unconstitutional, which is still pending before the court. As a result of Gibson Dunn’s work, people in Wyoming and neighboring states (primarily Idaho and South Dakota) have been able to continue to access essential reproductive health care in the State of Wyoming.



“ Nearly every week, we read in the news about pregnant persons who are denied essential healthcare due to state abortion bans, often with dire consequences. Because of our work, pregnant persons in Wyoming (and neighboring states with bans such as Idaho and South Dakota) have been able to continue accessing critical healthcare since the *Dobbs* decision. It has been enormously gratifying to hear from total strangers who have reached out to thank us for making a real difference in their lives. This point was driven home to us recently when we learned that one of our clients was able to obtain prompt, evidence-based healthcare for an undiagnosed ectopic pregnancy that would have posed a threat to her health and possibly her life if the Wyoming abortion ban had been in effect.



Peter Modlin,  
Partner, San Francisco

# 03

Discrimination against women and girls pervades society in many ways. Sometimes, legal systems effectively enshrine discrimination against women and girls. In these instances, the first step towards equal treatment is to eradicate those laws from the books and ensure that laws protecting women and girls are adequately enforced. More often, discrimination exists in subtler forms, codified in cultural norms, societal expectations, and longstanding systemic biases. Combatting these more invidious forms of discrimination can be even more challenging, requiring both the willingness to identify the true roots of the discrimination and the creativity and determination to make meaningful change.

Discrimination of any sort, including against women and girls, thrives in darkness. By challenging the unequal treatment of women and girls, explicit and implicit alike, we can use the law to shine a light on gender-based inequality and work to advance legal and social equity for women and girls around the world.

## Legal and Social Equity

### *Kin v. Ralbag*

In August 2023, a team of litigators in Gibson Dunn's New York office secured the dismissal of all claims filed against their client, Lonna Ralbag, in a case arising from Ms. Ralbag's long-running advocacy for herself and other agunot, or "chained women." The term agunot refers to women who are trapped in religious marriages by husbands who refuse to give them a get (i.e., a bill of religious divorce under Jewish law). Without a valid get, agunot are unable to remarry, even if they are considered divorced in the eyes of American civil law. Nearly ten years ago, Ms. Ralbag's ex-husband civilly remarried, while still refusing to provide Ms. Ralbag a get from a valid rabbinical court. Since then, Ms. Ralbag has advocated nationally for her religious divorce, organizing protests and pickets and speaking out on behalf of the rights of other agunot.

In December 2022, Ms. Ralbag's ex-husband's family sued Ms. Ralbag for defamation in New York Supreme

Court, arguing that her public advocacy wrongly accused them of supporting her ex-husband's get-denial. Gibson Dunn represented Ms. Ralbag and filed a motion to dismiss. On August 1, 2023, the Supreme Court ruled in favor of Ms. Ralbag, dismissing all claims against her in their entirety on the ground that the plaintiffs failed to state a claim for defamation or negligent or intentional infliction of emotional distress.

### APPEAL

Gibson Dunn has a longstanding partnership with APPEAL, a London-based charity and law practice dedicated to challenging wrongful convictions and promoting a fairer justice system. In one case, we are investigating the conviction of "Lucy," who was convicted of joint enterprise murder and sentenced to life imprisonment after being present at the scene of a death. One key piece of evidence against Lucy was testimony from her ex-boyfriend, who claimed that she had confessed to being

involved in the attack on the victim. The ex-boyfriend reported this claim to police just hours after he and Lucy broke up, and Lucy believes he did so because he was spiteful about the end of their relationship. Our investigation has focused on his motive and credibility, among other issues.

Together with APPEAL, we have conducted a detailed review of the case and conducted witness interviews to determine whether "fresh evidence" is available that would cast doubt on Lucy's conviction. We uncovered evidence that was not presented to the jury that the ex-boyfriend had previously made similar false allegations to the police and obtained numerous records from Lucy's past, which sadly demonstrate a significant history of trauma, including sexual violence, coercive and/or controlling relationships, and grooming. We are working with APPEAL on obtaining expert evidence on our client's mental health, and considering what impact this evidence would have had on the jury and on her conviction.

“Working with Ms. Ralbag was one of the highlights of my professional career. Ms. Ralbag has been a tireless advocate for herself and other agunot trapped in broken marriages, and I hope this case sends a strong message that the legal system cannot be used to intimidate and bully agunot into silence. I am grateful that this representation allowed me to take the lead as a relatively junior associate and to work closely with our client on such an important issue.”



Brian Yeh,  
Associate, New York



## 03 Legal & Social Equity

### *Andrew v. White*

Brenda Andrew, the only woman on death row in Oklahoma, was convicted in 2004 for the fatal shooting of her estranged husband, after a trial that prosecutors tainted with evidence that inflamed jurors' gender bias. Throughout the trial, prosecutors introduced testimony about Ms. Andrew's sexuality, the purportedly revealing clothes she wore, the extramarital affairs she had, and opinions about how she did not behave like a mother should. At one point, prosecutors went so far as to hold up Ms. Andrew's lingerie, in an effort to paint her as a seductress. Ms. Andrew has challenged her conviction, and has a petition for a writ of certiorari concerning her petition for habeas corpus pending before the Supreme Court. In support of Ms. Andrew's petition for a writ of certiorari, Gibson Dunn filed an amicus brief applying sociological and criminological research to demonstrate how the aforementioned evidence inflamed gender biases and deprived Ms. Andrew of a fair trial. Gibson Dunn's amicus brief was supported by the 55-page dissent authored by Judge Robert E. Bacharach of the United States Court of Appeals for the Tenth Circuit, in which he wrote that "[t]he state focused from start to finish on Ms. Andrew's sex life" and "[t]his focus portrayed Ms. Andrew as a scarlet woman, a modern Jezebel, sparking distrust based on her loose morals. The drumbeat on Ms. Andrew's sex life continued in closing argument, plucking away any realistic chance that the jury would seriously consider her version of events."

Ms. Andrew's pending petition before the Supreme Court, and Gibson Dunn's amicus brief in support of it, has generated substantial national and international attention for her case. Recently, Gibson Dunn's amicus brief was quoted in a New York Times article about Ms. Andrew's case: "Did Prosecutors' Sex Shaming Help Send Brenda Andrew to Death Row?"

**“ I was excited to work on this case, particularly given the high stakes, and the prosecutor’s deplorable conduct in this case. It is axiomatic that everyone is entitled to a fair trial, and Ms. Andrew—facing the ultimate punishment—undoubtedly did not receive one here. It is telling that our amici group consisted of folks from all walks of professional life – a judge, academics and researchers, and other lawyers who work in this space – because the conduct here was simply so egregious that everyone could readily see the need for the Supreme Court to correct this wrong.**



**Timothy Zimmerman,**  
Of Counsel, Denver



### **Fighting Gender Apartheid**

Gibson Dunn is working with the Malala Fund, the organization founded by Nobel laureate Malala Yousafzai, on its Afghanistan Initiative. This initiative includes a campaign to have states codify gender apartheid—a system to maintain institutionalized, systematic oppression and domination of one gender group over another—as a crime against humanity under international criminal law. This is an effort to address the systemic discrimination against women living under Taliban rule in Afghanistan. In the three years since the Taliban seized control of Afghanistan, more than 20 million women and girls in the country have been transformed into second-class citizens and denied freedoms, from traveling independently to

pursuing anything beyond an elementary education. The Malala Fund is working with Afghan civil society leaders seeking to recognize the Taliban's oppression of women as a crime against humanity.

The United Nations is negotiating a new Crimes Against Humanity Treaty, which could include gender apartheid. Gibson Dunn is assisting in advocating for and inclusion of the concept of gender apartheid ahead of relevant United Nations meetings with various of the relevant stakeholders. As part of this effort, we have also analyzed the existing legal avenues under international law for holding the Taliban to account for their extreme and systemic gender discrimination policies in Afghanistan.



# 04

## Economic Empowerment

Independence, security, and freedom can only be achieved when a person has the means to support herself financially. Yet all around the world, women face oppression that prevents or impedes their ability to achieve economic equality. This oppression takes many forms—sometimes codified in laws and sometimes enforced through societal norms and traditions.

The effect of the disparity in economic opportunity bleeds into every aspect of life for women and girls, but perhaps is most starkly reflected in their economic status. Around the world, women are more likely to live in poverty, more likely to suffer from severe food insecurity, more likely to lack access to safe water, less likely to have bank accounts, and less likely to own land.

Gibson Dunn is committed to fighting this tide of inequality and advancing the cause of economic empowerment for women and girls. By fighting to give women equal access to economic opportunities, we empower them to enjoy the same inalienable rights to life, liberty, and the pursuit of happiness that everyone deserves.

### Start Small Think Big

Gibson Dunn routinely engages in direct representations of women starting and running their own small businesses, providing pro bono legal services as they build and grow their economic footprint. To help facilitate this work, we partner with organizations like Start Small Think Big, Hatch Enterprises, and Prime Advocates, organizations which work with entrepreneurs facing systemic barriers, including women and people of color. Our goal in providing these legal services is to help provide the resources and support entrepreneurs need to sustain a successful business, build their economic power, and support their broader community.

In one representation, the Firm provided pro bono legal services to Kasandra Kachakji, a small business owner based in Sacramento, California. Kasandra has worked tirelessly to build her business from the ground up, turning her dream of sharing delicious Arab-Mexican fusion food into a pop-up restaurant and catering business, and now, with the firm's assistance, into a full service brick-and-mortar location. Our attorneys worked on Kasandra's behalf to conduct an environmental review of the prospective brick-and-mortar location, negotiate Kasandra's lease agreement, form a corporate entity for the restaurant and catering business, and create employment and catering agreements that will scale as Kasandra's business grows further.

In another matter, our attorneys represented Teresa Madrigal, who started a home décor business that focuses on sustainable fashion through quality vintage apparel. Her goal in starting her business was to mitigate the environmental impact of the fashion industry by offering stylish, carefully curated pieces that are either hand-picked or personally reworked. Each item is crafted with love, and all orders are shipped in 100% eco-friendly packaging, showcasing her commitment to sustainability. Gibson Dunn worked with Teresa to analyze the lease for the space her business operates in, and to help navigate discussions with her landlord.



“ Meza California started as a small pop-up up in Sacramento in 2021. It was born from a deep sense of hospitality and community rooted in Arabic and Mexican culture. In a short span of time, we’ve cultivated a loyal following, and expanded to markets, festivals, breweries, and most recently, into the Midtown Farmers Market, the largest farmer’s market in Sacramento. Gibson Dunn has been crucial support to Meza as the business has grown. With their guidance and support, we’ve been able to develop a catering agreement, convert from a sole proprietorship to an LLC, and negotiate a contract to enter into our first brick-and-mortar space in 2025!

Kasandra Kachakji,  
Founder of Meza California

## 04 Economic Empowerment

### Diversity, Equity, & Inclusion

Businesses and nonprofits with the mission of supporting women's economic freedom and development exist around the globe. Many of these organizations view women's economic empowerment with an intersectional lens, as systematic inequalities faced by women are compounded when they meet the systemic inequalities faced by certain races and ethnicities. This means that individuals who exist in multiple historically disadvantaged groups, such as women of color, often face increased discrimination and oppression.

The Supreme Court's 2023 decisions in *Students for Fair Admissions v. Harvard* and *Students for Fair Admissions v. University of North Carolina* threw the efforts of organizations doing this work into flux. By a 6–3 vote, the Supreme Court held that Harvard's and the University of North Carolina's use of race in their admissions processes violated the Equal Protection Clause and Title VI of the Civil Rights Act. That decision marked an increase in reverse-discrimination claims against a wide array of companies, organizations, and entities, challenging their race-conscious employment, funding, admission, and grantmaking decisions.

Gibson Dunn has quickly emerged as a leader in this space. The Firm has provided legal services to nearly 50 businesses and nonprofits that are seeking to navigate the changing legal landscape while addressing the economic discrimination faced by historically disadvantaged groups. For example, Gibson Dunn represented a nonprofit that works to advance international economic and educational equality. As part of their mission, the organization provides grants to grassroots

organizations that are advancing gender justice and equality domestically and abroad. These funds help ensure that women and allies pursuing feminist agendas have the resources they need to innovate and respond to crises and entrenched issues. As part of its grantmaking process, the nonprofit places value in funding organizations whose leadership is representative of the communities the organizations serve. The nonprofit retained Gibson Dunn to analyze its grantmaking process and provide a legal risk assessment of that process based on the laws of the many jurisdictions the nonprofit operates in around the country and the globe, with the goal of continuing to pursue its mission of funding critical gender equality initiatives in an informed way.

Notably, Gibson Dunn also represented the Fearless Foundation, a nonprofit that aims to increase access to capital for under-resourced entrepreneurs, such as women of color. The Foundation was sued in a high-profile, high-stakes litigation that sought to force it to end a charitable grant program that gave grants and mentorship to small businesses owned by one or more Black women. After more than a year of intense litigation, in which Gibson Dunn successfully opposed a preliminary injunction against the Foundation in federal district court in Georgia and then litigated an appeal before the United States Court of Appeals for the Eleventh Circuit, a settlement was announced in September 2024. The settlement ended the specific grant program at issue but allowed the Foundation and its sister venture capital firm to continue to donate and invest capital in support of under-resourced entrepreneurs, including women of color.



“ In my first year at Gibson Dunn, I had the privilege of working closely with the leadership team of a nonprofit dedicated to advancing the economic empowerment of impoverished women and their families. Our research and counseling work helped this organization navigate critical corporate governance issues. It was deeply rewarding to develop and execute a direct client counseling program and to help this organization pursue their incredible mission.



**Maura Carey,**  
Associate, Palo Alto

# 05

It is estimated that around 736 million women—nearly one in three—have been subject to physical and/or sexual violence at least once in their life. According to UNICEF, one in 10 girls under the age of 20 has been a victim of rape or sexual violence. Gender-based violence impacts all facets of a woman or girl's life and long-term well-being, including their physical and mental health, their access to education, and their ability to succeed financially. Although gender-based violence is criminalized in many countries, there are myriad challenges to enforcing these laws. In seeking to advance justice for women and girls, it is critical that we work both to prevent violence against women and to ensure that, when violence is perpetrated, those responsible are held to account.

The Firm has a longstanding commitment to representing survivors of gender-based violence. This work takes many forms, from representing survivors seeking domestic violence restraining orders to helping women who have been trafficked obtain immigration relief and other forms of legal relief, and from vindicating the rights of stalking victims to representing women fleeing abusive marriages. Through this initiative, Gibson Dunn recommits to not only representing and advocating for the survivors of gender-based violence, but also to working to combat the issues in our societies that foster and allow for such violence in the first place.

## Prevention of Violence Against Women

### Restraining Orders and Non-Molestation Orders for Domestic Violence Survivors

Intimate partner violence is a leading cause of physical injuries, mental health problems, and even death for women and girls around the globe. Although domestic violence can affect anyone, women are at particular risk: in the United States, more than 40% of women experience sexual violence, physical violence, or stalking by an intimate partner, and over half of female homicide victims reportedly are killed by a current or former intimate partner. Attorneys across Gibson Dunn's offices regularly work to prevent domestic violence by seeking restraining orders and non-molestation orders to protect survivors of domestic violence from their abusers.

Earlier this year, a Gibson Dunn team helped a low-income mother who was sexually assaulted by her ex-boyfriend obtain a domestic violence restraining order protecting our client and her daughters from being contacted or harassed in any way by her former

partner. At the evidentiary hearing, our client's primary goal was to look her former partner in the eye and tell her story in open court. Our client's brave testimony was validated after the judge sided with her, making explicit findings on the record that our client's testimony and her supporting witness were credible.

In another recent case, a Gibson Dunn team secured a two-year domestic violence restraining order in favor of a low-income mother of a developmentally delayed child, who suffered years of physical, psychological, and financial abuse from her husband. We presented compelling evidence that our client suffered abuse from her husband throughout their 11-year marriage, and the court ultimately sided with our client and issued a restraining order against our client's husband. The court also awarded our client sole legal and physical custody of their child, exclusive use of the residence, and immediate return of her vehicle—ensuring our client and her child had access to stable housing and reliable transportation.

In the UK, Gibson Dunn is proud to be a founding member of the Domestic Abuse Response Alliance ("DARA"), an advocacy alliance made up of ten law firms. DARA was launched to represent survivors of domestic abuse who are ineligible for legal aid and who cannot afford to pay for private representation. One of the most notable cases coming from DARA involved an 87-year-old woman who had suffered from years of financial and emotional abuse at the hands of her son. The Firm successfully obtained a restraining order to protect the client and guided her through the proceedings while also navigating the sensitivities of the subject matter and the familial dynamics at play.



# 05 Prevention of Violence Against Women

## Family Violence Appellate Project

As part of a longstanding partnership with the Family Violence Appellate Project (“FVAP”), we have assisted FVAP with its Case Publication Project, an initiative that seeks publication of unpublished California appellate cases to create binding legal precedent that benefits domestic violence survivors in California. Gibson Dunn analyzes unpublished California appellate opinions to identify opinions that, if published, would be beneficial to domestic violence survivors. We then draft and file letters to the relevant courts of appeal arguing that the opinions meet the statutory standards for publication.

In 2023, FVAP and Gibson Dunn successfully sought publication of a number of cases that will benefit domestic violence survivors for years to come. These victories include obtaining the publication of: (1) a case holding that a firearms restriction in the Domestic Violence Prevention Act (“DVPA”) is not unconstitutional in light of the U.S. Supreme Court’s 2022 ruling in *N.Y. State Rifle & Pistol Ass’n v. Bruen*; (2) the first published case to analyze whether allegations of abuse fall under the definition of “coercive control” that the legislature added to the DVPA in 2021; (3) a case holding that the existence of a retaliatory motive when filing a domestic violence restraining order (“DVRO”) request does not negate compelling evidence that the applicant had a reasonable apprehension of future abuse; and (4) a case dispelling common misconceptions about domestic violence, such as that a DVRO applicant who truly had been abused would not continue to interact with the abuser.

Gibson Dunn was recently honored with FVAP’s Inaugural California Pro Bono Cup award for our work on this important initiative.

“ The Case Publication Project was the first matter I joined at Gibson Dunn, and it has been such a rewarding opportunity to help shape the development of the law in this area even as a junior associate. I’ve learned so much from our wonderful Bay Area team and hope to continue to support FVAP’s efforts on behalf of domestic violence survivors.



Jayee Malwankar,  
Associate, Palo Alto



# 05 Prevention of Violence Against Women

## *Monasky v. Taglieri*

Gibson Dunn’s work on behalf of domestic violence survivors extends far beyond securing restraining orders. Even after a survivor has escaped the physical violence of an abusive relationship, the abuser often continues to exert power over the survivor through financial burdens or through shared children. To truly break the cycle of violence, it is often necessary to provide survivors with more holistic legal support.

Several years ago, the Firm represented Michelle Monasky in a Hague Convention case that ultimately went up to the U.S. Supreme Court. Ms. Monasky was a U.S. citizen who was living in Italy with an abusive husband when she became pregnant. Our client had demanded a divorce and made plans to leave Italy before her daughter was born, but she was prevented from doing so due to a difficult pregnancy. Weeks after the child was born, they fled to the United States.

After their departure, Ms. Monasky’s husband filed a return petition in U.S. district court under the Hague Convention, which prescribes that custody issues in international child custody disputes should be resolved in the country where the child has her “habitual residence”

– an undefined term. After the district court held that the child’s country of habitual residence was Italy, Gibson Dunn handled the appeal. A divided panel of the Sixth Circuit affirmed and, after Gibson Dunn successfully obtained en banc review, a fractured 10-8 en banc court also affirmed. In June 2019, Gibson Dunn successfully persuaded the Supreme Court to grant review to decide the standard of appellate review for habitual residence determinations, and whether an infant’s habitual residence can be established in the absence of a mutual agreement by the parents to raise the child in that country. The Court determined that a child’s “habitual residence” depends on the totality of the circumstances and does not require an actual agreement between the parties. Although the Supreme Court affirmed the Sixth Circuit’s decision, we were proud to fight for Ms. Monasky and her daughter’s safety.

“ It was exceedingly difficult to learn from our client, Michelle, what she and her daughter endured from her abusive ex-husband (an Italian doctor), but it was also an honor for her to trust me and the Gibson Dunn team with both her story and her legal representation. I was privileged to fight for Michelle and her daughter in the Sixth Circuit and the U.S. Supreme Court. Our commitment to Michelle and her daughter was unwavering, and the Firm had our back through it all.



Melanie Katsur,  
Of Counsel, Washington, D.C.



## *Counterman v. Colorado*

Although intimate partner violence is a pervasive, dangerous problem to grapple with, it is not the only type of gender-based violence. Many women and girls find themselves the targets of gender-based violence from strangers—terrifying, life-altering encounters that must be prevented, not just punished. To do that, we must take credible threats of violence seriously before a woman is harmed or killed.

In 2014, singer-songwriter Coles Whalen was on the cusp of making it big when she began receiving thousands of unsolicited messages from Billy Ray Counterman. These messages intensified in frequency and hostility over time, ultimately coming to a head in 2016 when Mr. Counterman messaged her, “Die, don’t need you” and “Staying in cyber life is going to kill you.” Ms. Whalen was terrified, especially as it became clear that Mr. Counterman had been stalking and observing her. Ms. Whalen turned to her family and law enforcement for help, and Mr. Counterman, who had a history of threatening multiple women, was arrested and convicted for stalking. The judge sentenced him to prison, allowing Ms. Whalen to begin moving forward with her life in safety and security.

Later, the Supreme Court agreed to review Mr. Counterman’s conviction to determine whether it should be invalidated because the prosecutor did not prove that he subjectively intended to threaten Ms. Whalen. Gibson Dunn submitted an amicus brief on Ms. Whalen’s behalf, explaining how victims of stalking and other crimes would be harmed if the First Amendment were interpreted to require specific intent for prosecuting true threats. The amicus brief argued that requiring prosecutors to show that defendants specifically intended to threaten their victims would unduly and inappropriately interfere with effective prosecution of stalking and similar crimes. The Court ultimately held that the state could satisfy that mental state requirement with a showing of recklessness, which it defined as a conscious disregard for “a substantial and unjustifiable risk that the speech in question will cause harm to another.”

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# Pro Bono Practice

For more information or to get involved in these efforts directly, please reach out to a member of the Firm's pro bono team.



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