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# Pro Bono Innovators 2025 Honoree Latham & Watkins

### SPECIAL REPORT

Lisa Helem, Executive Editor | MP McQueen, Editor

*Latham & Watkins' key pro bono matters include achieving a unanimous US Supreme Court victory for Ava Tharpe, a student with severe epilepsy, in *A.J.T. v. Osseo Area Schools*. The ruling established that children with disabilities suing for education-related discrimination must be treated like all other plaintiffs. Latham also used its experience advising on low-carbon energy matters in a novel environmental project on Chicago's South Side. The firm's lawyers prepared a renewable natural gas offtake agreement that allowed Green Era, housed at a remediated brownfield, to optimize the creation of its food waste recycler, known as an anaerobic digester. How did your firm strategize on how to approach these matters?*

**Safeguarding the rights of students with disabilities:** We argued that imposing stricter standards on children with disabilities under the ADA and Rehabilitation Act was unjust, using the text, history, and structure of both statutes for support. When the school district sought to restrict protections for all people with disabilities, Latham opposed this position as procedurally improper and lacking merit. The firm's work in [\*A.J.T. v. Osseo Area Schools\*](#) builds on a unanimous victory Latham secured in 2023 in *Perez v. Sturgis Public Schools*, in which the U.S. Supreme Court also expanded legal protections for children with disabilities.

**Revitalizing the South Side:** First, we listened to Green Era to ensure we thoroughly understood its enterprise-wide objectives, which are broader than renewable natural gas production. Second, we marshalled Latham's internal skill to "look around the corner" to proactively address issues that were sure to pop up, such as resiliency of feedstock supply. Third, we provided advice designed to align [\*Green Era's\*](#) commercial needs with its holistic goals for the community at-large.

**What were the most innovative aspects of two of your clients' matters in your view? And who took the lead on driving innovation with the work?**

**Safeguarding the rights of students with disabilities:** Before this case, five circuits had uncritically adopted the US Court of Appeals for the Eighth Circuit's longstanding rule requiring children with disabilities to satisfy a uniquely strict legal standard when seeking relief for discrimination related to their education under the ADA and Rehabilitation Act. After the Eighth Circuit rejected Ava's ADA and Rehabilitation Act claims under that heightened standard, Latham persuaded the Supreme Court to grant review.

At the merits stage, even the school district conceded that the asymmetric legal regime prevailing in the lower courts was incorrect and argued instead that everyone suing under these statutes should have to satisfy a heightened standard that would be impossible to meet in all but the most exceptional cases.

Latham convinced the [Supreme Court](#) to hold that children with disabilities suing for education-related discrimination must be treated like all other plaintiffs—and to reject the district's late-breaking attempt to drastically narrow the scope the ADA and Rehabilitation Act's protections across the board. Partner Roman Martinez and associates Nick Rosellini, Peter Prindiville, Uriel Hinberg, and former associate Graham Ambrose were instrumental in tirelessly pursuing victory for Ava Tharpe

**Revitalizing the South Side of Chicago:** Green Era's closed-loop digester system benefits the environment as well as the community by tackling the problems of food waste and a shortage of compost needed by urban farmers throughout Chicago, as well as producing renewable natural gas to help decarbonize the natural gas pipeline grid. With our experience advising on low-carbon energy matters, we prepared a renewable natural gas offtake agreement and negotiated feedstock supply agreements that allowed Green Era to optimize its anaerobic digester. Green Era hopes to be at the forefront of what's next for sustainable, equitable urban development. Partner Josh Bledsoe has been at the forefront of these efforts.

**Tell us more about the impact of these two matters on the local, national, and/or global level.**

**Safeguarding the rights of students with disabilities:** The unanimous US Supreme Court ruling is a major victory. The decision makes it easier for students with disabilities and their families to prove education-related discrimination and ultimately obtain relief under federal law. Before our victory, federal appeals courts were divided on how the ADA and Rehabilitation Act apply in the school setting, with five circuits holding that children with disabilities must satisfy a uniquely stringent legal standard to obtain relief and two applying the same standards to all plaintiffs suing under those statutes, regardless of who they are or how their claims arose.

Following the Supreme Court's ruling, children with disabilities across the country will no longer be singled out for disfavored treatment under the ADA and Rehabilitation Act. Just as importantly, Latham defeated the district's eleventh-hour effort to limit the legal protections available to all people with disabilities nationwide, ensuring that those protections remain in full force nationwide.

**Revitalizing the South Side of Chicago:** Green Era is more than an urban farming campus; it seeks to provide innovative solutions to complex issues throughout communities in Chicago with high levels of need through a

unique closed-loop system. As a result of its anaerobic digester, millions of pounds of food waste will be diverted from landfills, and approximately 42,500 tons of carbon dioxide equivalent per year will be avoided.

**Why do you think your team ultimately achieved successful results in these two matters?**

**Safeguarding the rights of students with disabilities:** Latham advanced a powerful argument that, under the ADA and Rehabilitation Act, it is wrong to impose any sort of uniquely stringent standard on children with disabilities facing discrimination in schools. Latham's argument leveraged the text, history, and structure of both statutes, while emphasizing the unfairness of singling out perhaps the most vulnerable subset of people with disabilities for disfavored treatment under two landmark antidiscrimination laws. And after the school district asked the Supreme Court to limit ADA and Rehabilitation Act protections for all people with disabilities, Latham mounted an equally persuasive case that the district's sweeping new position was procedurally improper and incorrect on the merits.

The Supreme Court's decision is a great win for Ava, and for children with disabilities facing discrimination in schools across the country. This outcome gets the law exactly right, and it will help protect the reasonable accommodation needed to ensure equal opportunity for all.

**Revitalizing the South Side of Chicago:** Latham deployed its experience accrued on the development of energy mega-projects but calibrated our advice to fit Green Era's particular needs and overarching objectives. We also were continuously inspired by Green Era's mission and its community-oriented, holistic perspective on environmental sustainability. Seeing how our assistance, particularly on the renewable natural gas sales agreement, transformed a food recycling facility into a financially self-sustaining energy production facility highlights how Green Era can serve as a model for cities across the United States.

*Responses provided by Latham & Watkins partner Roman Martinez, Global Chair of the Latham & Watkins' Supreme Court & Appellate Practice, and Supreme Court & Appellate Practice associates Nick Rosellini, Peter Prindiville, and Uriel Hinberg for rights of the students with disabilities matter.*

*Responses provided by Latham & Watkins partner Josh Bledsoe, Environment, Land & Resources Practice, for the revitalizing of the South Side of Chicago matter.*