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Trafficking Cops

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Honoree: White & Case

In early 2012 the United Nations was searching for real-life stories of trafficked persons who made their way through the courts. But there were none in clear view. "While people talk a lot about criminal trafficking, even we couldn't find concrete examples," says Martin Fowke of the U.N. Office on Drugs and Crime. "We could find arrest and conviction numbers, but there was nothing behind them."

So the U.N. leaned on White & Case for help. To the firm, building a globe-straddling database of human trafficking law was a long-sought opportunity. "We had been hoping for many years to truly use our global network on a pro bono matter," says Someera Khokhar, a finance partner who is active in pro bono. "Then this came across my desk." On November 9, 2011, Khokhar sent out an all-points recruiting email. Within 48 hours, she had some 200 volunteers from 26 White & Case offices. "The U.N. tried to do it themselves and had 30 cases after 18 months," says White & Case head of social responsibility Jo Weiss. "In four months our firm swallowed the world."

Khokhar ran the matter like a high-stakes cross-border transaction, which, after all, it was. She tapped the firm's ace librarians to find resources and created a system for online document management. Khokhar recruited 27 partners, organized a hierarchy of team leaders, and held regular conference calls. Scouring public records in 163 countries, the team found over 600 cases. Now there is a body of case law that will make the crime better understood and make enforcement more visible—and hopefully spur more prosecution.

White & Case's human trafficking initiative includes several other matters that would be the headliners at most other shops. To help set up a hotline for the nonprofit Polaris Project, lawyers in Bratislava, Brussels, Warsaw, and the United States studied the legal vulnerability of trafficking victims in 10 countries. In a project referred by the Thomson Reuters Foundation, attorneys in Istanbul, Johannesburg, London, Milan, Paris, and Singapore checked the laws of seven countries for compliance with a new treaty that extends labor protections to household servants—including millions of girls under age 15.

The U.N. database and these geographically sprawling reports prove the worth of the global practice approach that White & Case has taken to pro bono since 2010. But what set White & Case apart from other candidates for The American Lawyer Global Citizenship Award was its refusal to be satisfied with reports alone. Pro bono practice head Ian Forrester continually asks: "What are we going to do to make sure that our work doesn't just sit on a shelf?" Khokhar echoes the point. "What's key for us is that our database isn't static," she says. "To create civil prosecutions makes it an ongoing project."

A team of New York litigators led by White & Case partner Gregory Little is now doing just that. As the U.N. project was winding down in late 2012, a nonprofit called the Human Trafficking Pro Bono Legal Center began to promote civil suits against traffickers. Little attended a training session and—seeing a chance to take White & Case's war on trafficking into the trenches—signed on to the cause. Known for tobacco, securities, and pro bono education litigation, Little plans to bring the fourth civil sex trafficking suit in U.S. history. He hopes it will be the first to reach trial. Little has a story to tell that is depressingly universal, disturbingly local, and sure to make the jurors in a Detroit courthouse cry.

Little's client, A.S., was born into a family of engineers in a small Ukrainian town. While attending college in Kiev, she went looking for a job. (This account of what followed is based on the allegations in her draft civil complaint, and the related U.S. indictment for sex trafficking, which resulted in pleas of guilty to lesser charges. White & Case planned to file the civil complaint as this story went to press—and the allegations have not been proved.)

A.S. responded to an ad for a waitress, but at the interview, she was told that the \$5-a-night waitress position was not available. Her interviewer, Veniamin Gonikman, persuaded her to become a stripper for \$50 a night at a Kiev club instead.

Several months later, knowing that A.S. was unhappy, Gonikman offered her a lucrative job at a restaurant in Virginia Beach, Virginia, that did not involve taking off her clothes. He arranged for a student visa and airline tickets, gave her \$400 in cash, and promised she could return to the Ukraine within six months.

Upon her arrival at Dulles International Airport in Virginia, one of Gonikman's associates told her: "There's been a change in plans." He took her passport and money, and deposited her on a bus to Detroit. There, A.S. was kept as a virtual prisoner with several other Eastern European women by Gonikman, his son Michail Aronov, and their associate Aleksandr Maksimenko.

Six days each week, Maksimenko and Aronov would drive the young women to a strip club on 8 Mile Road at about 11 a.m. The women would dance until 2 or 3 a.m. and turn over all their tips and income to their Ukrainian handlers, who would then return them to their apartment.

The three Ukrainian men used calculated methods of intimidation, which they referred to as "the System." They would beat the women, brandish handguns and baseball bats, and threaten to handcuff them over any suspected offense—if they did not earn enough money, if they did not turn over all their earnings, or even if they were seen talking to a customer in Russian.

According to the U.S. indictment, two of the Ukrainian men boasted to the strip club owner: "We taught them well. We smacked 'em around and everything. . . . You gonna see them right now. . . . So quiet. So respectful. No problems."

One of the men routinely demanded sex unless A.S. could prove that she was menstruating. She was beaten and threatened if she did not do what she was told.

A.S. tried keeping records of how much money she earned. The Ukrainian men found the records, and forced the young women to burn them. As time went by A.S. began to feel more and more helpless. Several times she attempted suicide.

A.S. and one of her friends decided to escape. Because they were required to turn over all of their money, they began hiding in a cookie jar the change they got on convenience store runs, and buried the cookie jar under a tree at night.

A.S. was becoming desperate to leave, but Maksimenko told her repeatedly that she could not leave and that she was going to have to do what he told her to do as long as he wanted her to do it. He told her repeatedly, "You are our property."

Finally, a customer at the strip club expressed concern, and A.S. decided to risk confiding in him. He said he would take her away and go to the Federal Bureau of Investigation for protection. The customer asked for the address of her apartment, which she didn't even know. The next night she looked at an unopened piece of mail from a neighbor to learn the address.

At 4:30 a.m. one night in February 2005, A.S. signaled with her window shades that she and a friend were alone. Her customer pulled up outside her apartment complex in his car. A.S. and her friend made a break for the car, carrying what little they had in garbage bags. A few nights later, an FBI SWAT team burst into the apartment, rescued the remaining girls, and arrested the Ukrainian men.

Gonikman pleaded guilty to money laundering conspiracy in 2012 and was sentenced to three years in prison and \$340,000 in restitution. Maksimenko and Aronov pleaded guilty to involuntary servitude, alien smuggling conspiracy, and money laundering conspiracy in 2007. Maksimenko was sentenced to 168 months in prison, and Aronov to 90 months. They were ordered to pay restitution in the amounts of \$1,570,450 and \$1,018,450, respectively.

A.S. was not satisfied. At press time, White & Case planned to bring a civil suit on behalf of her and possibly another young Ukrainian woman. They would seek damages not only from the Ukrainian men and their business, but also (unlike the indictment) from the strip club, BFC Management Company, which did business as Ace of Spades Detroit, and Cheetah's On The Strip. The causes of action would be sex trafficking by force, fraud, or coercion, forced labor, and aiding and abetting each of those offenses. Little's theory is that the strip club was well aware of the women's circumstances and provided substantial assistance to the alleged traffickers. The defendants could not be contacted for comment in advance of the civil filing.

A.S., who is building her life anew in the United States, feels empowered by the litigation. That pleases Martina Vandenberg, who believes that every trafficking victim should have a pro bono attorney. Vandenberg filed a dozen civil forced labor suits as a Jenner & Block partner before founding the Human Trafficking Pro Bono Legal Center. In its first year she trained 700 lawyers. She wants them to do what Little has done with the Michigan case she referred to him, but she knows that White & Case has created something special.

"I used to joke that I headed my firm's human trafficking practice group, which existed only in my mind," says Vandenberg. "Well, I want it to be a real practice area, and White & Case has done it. They have made it a diverse and real practice area for a large number of attorneys."

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