

Justice Matters: Pro Bono Newsletter

November 2016

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Simpson Thacher Hosts Sixth National Call Center for Election Protection

The Firm hosted its sixth national Election Protection call center on November 7 and 8, 2016. Election Protection, a signature pro bono project of Simpson Thacher and the Lawyers’ Committee for Civil Rights Under Law, is the nation’s largest non-partisan voter protection coalition. Through its hotline, 1-866-OUR-VOTE, the program provides voters from around the country with comprehensive voter information and advice on how they can make sure their vote is counted.

On November 7 and 8, hundreds of volunteers answered calls from North Carolina, Texas and Mississippi on the 30th floor of the Firm’s New York office. In total, Simpson’s call center fielded just under 2,500 calls. Our volunteers documented extensive reports from Durham, North Carolina of technical issues with electronic books used to check voter registrations, causing long lines. These reports resulted in the North Carolina State Board of Elections

approving a request to extend the voting time in eight precincts. There were also reports of confusion around voter identification, electioneering, and registration processes leading to voters being denied a regular ballot. Attorneys from other offices in the United States also participated in Election Protection efforts throughout the country.

We were happy to welcome many alumni and clients of the firm to the call center and want to say a heartfelt thank you to them, and to all the



Volunteers field calls on Election Day.

Upcoming Pro Bono Training/CLE Programs:

Small Business Clinic Training: Corporate Structure and Contracts

Monday, December 12, 12:30pm – 1:30pm,
STB, Room 6BC

Simpson attorneys will give an overview of the types of corporate structures available to small business owners, as well as a discussion of tax issues entrepreneurs commonly face.

Education Advocacy Project Training

Wednesday, January 11, 12:30pm – 2:00pm,
STB, Room TBA

Staff attorneys from MFY Legal Services will train Simpson attorneys and our colleagues at Blackstone to advocate for families of disabled children to help them negotiate their individual education plans (IEP) with the Dept. of Education.

Representing Undocumented Children Applying for Special Immigrant Juvenile Status

January 2017, Room TBA

Representing Nonprofits: Formation 101

Wednesday, February 8, 12:30pm – 2:00pm,
Room TBA

Attorneys from the Firm’s Exempt Organizations practice will train participants on representation of nonprofits seeking to incorporate and apply for federal tax exemption.

Simpson Thacher volunteers who gave so generously of their time. We especially want to thank the IT and conference services departments for their exceptional work and the captains and leadership of the 2016 Simpson Call Center: **John Bennett, Harlene Katzman, John Ericson, Victoria Bjorklund** (retired partner), **Carola Beeney, Rustin Brown, Gary Horowitz, Matthew Levy, Morris Massel, Nadine Mompremier, Laura Palma, Drew Rabe** (Exempt Organizations 07-12), Daniel Shin (Litigation 09-15); **Amanda Weiss, Maura Whelan**, Myrna Perez (Brennan Center), Susan Miller (Verified Voting), Naila Awan (Demos) and Larry Schiffer (Squire Patton Boggs).



Alumni Amy Rowland (Real Estate 03-10) and Ingrid Miller (Exempt Orgs 04-10) on the 5:45am shift!



Captains Gary Horowitz and Meredith Duffy and alumna Adam Frankel (Corporate 95-99).



Volunteers field nonstop calls by midday on November 8.

Simpson Thacher Profiled in *Law360* for “Pro Bono Firm of the Year” Award

Simpson Thacher was profiled in *Law360* as a Pro Bono Firm of the Year for 2016. The profile recognized the Firm’s longstanding commitment to pro bono. In addition, the profile includes recent pro bono highlights, including advocating for death row inmate Reggie Clemons; expanding girls’ access to sports in three California schools; and extensive involvement in pro bono clinics that provide legal help to families, communities and small businesses. The article quoted Partners **Buzz Frahn, Andy Lacy, Josh Levine, David Shevlin** and Pro Bono Counsel **Harlene Katzman**.

Josh said that over the 20 years working on the Reggie Clemons death row case, the Firm put in more than 50,000 hours. Andy commented that the Clemons case is one of the “most active” cases he’s worked on during his career. Josh added, “it’s definitely not a culture where pro bono cases take a backseat to other paid cases, it’s all part of the important work that we do here at the firm, and obviously a case like this, where it’s a matter of life or death, is a matter where people make it a high priority.”

In addition, the Firm encourages early involvement in pro bono. Mentioning how he had recently seen a third-year and a first-year associate win a pro bono case, Buzz said, “Here they are just out of law school getting this fantastic experience that really does change people’s lives.”

HUD Adopts Recommendations in Comment Letter Drafted with Simpson Thacher’s Assistance

In October 2016, the US Department of Housing and Urban Development (“HUD”) released final regulations implementing the requirements of the 2013 reauthorization of the Violence Against Women Act (“VAWA 2013”). The Firm assisted the National Law Center for Homelessness and Poverty (“NLCHP”) in researching and drafting its portion of a joint comment letter on the proposed regulations that were submitted by a national coalition of organizations focused on homelessness, low-income housing and domestic violence in June 2015.

NLCHP was concerned that the proposed regulations published by HUD in April 2015 failed to explicitly protect victims of economic abuse (e.g., interfering with a victim’s employment or incurring debt in the victim’s name). The Firm conducted extensive research on the legislative history of VAWA 2013 and argued that economic abuse and moving victims toward economic self-sufficiency were significant

considerations in Congress passing VAWA 2013. While HUD ultimately declined to add economic abuse as a separate ground for protection under the final regulations, the final release included clear guidance that victims of economic abuse cannot be denied public housing on that basis.

The team included corporate partner **Rajib Chanda**, who is a board member of NLCHP, and Washington associates **Chris Healey** and **Katelyn Benton**.

New York Office Hosts Immigration Clinic with Blackstone

On September 28, 2016, Simpson Thacher attorneys teamed up with 15 of our colleagues at the Blackstone Group to assist 18 low-income immigrants file applications for naturalization (citizenship). Clients, many of whom had lived in the United States for over a decade, hailed from the Dominican Republic, Haiti, Guyana, Colombia and Peru, to name a few. Training for volunteers, screening of clients and supervision were provided by Catholic Migration Services and New York Lawyers for the Public Interest. Simpson Thacher volunteers included **Igor Fert**, **Leah Barnes**, **Elliot Schwab**, **Shannon Guy**, and **Deepa Thimmapaya**.



Simpson Thacher's Deepa Thimmapaya and Blackstone's David Kim assist their client.



Blackstone's Evan Clandorf assists his client.



Simpson Thacher's Igor Fert and Blackstone's James Hannigan assist their client.

Recent Pro Bono Achievements

Simpson Thacher Secures Asylum for Honduran Family

Simpson Thacher successfully secured a grant of asylum for a Honduran family which had been threatened with death and extorted by the MS-13 gang on account of the mother witnessing a gang murder. The family's case was heard by the Immigration Court in New York. The pro bono matter was referred to the Firm by Human Rights First. The Simpson Thacher team included **Rachel Sparks Bradley**, **Patrick Campbell** and **Kate Stein**, and was supervised by **Alan Turner**.

Simpson Thacher Overturns Ninth Circuit Model Jury Instruction For Eighth Amendment Medical Care Cases

Attorneys in the Palo Alto office succeeded in overturning a model jury instruction in the Ninth Circuit applicable to Eighth Amendment medical care cases. Following a 2010 decision applicable to other Eighth Amendment claims, the Ninth Circuit model jury instructions were amended to permit a so-called

“deference instruction,” which instructed jurors to defer to prison officials on matters of safety and security. After the Ninth Circuit adopted Simpson Thacher’s argument that a deference instruction was inappropriate in medical care cases, the 2016 Ninth Circuit model instructions now provide that this instruction should not ordinarily be given in medical cases. Associate **Stephen Blake** argued the case before the Ninth Circuit and was supervised by **Alexis Coll-Very**.

Simpson Thacher Secures Disability Pension Benefits for Former Public School Teacher

Simpson Thacher recently secured disability pension benefits for a pro bono client who had been a public elementary school teacher in Brooklyn for over twenty years. The client lost her job in 2012 as a result of frequent absences and periods of leave from work resulting from severe health problems. The government agency that administers pension benefits for New York City teachers had refused to grant the client the disability pension that she would have been otherwise entitled to on the grounds that her application was allegedly not submitted on a timely basis. Simpson Thacher argued that because the client had been hospitalized and suffering from severe medical problems during the time period when the pension application would ordinarily have been submitted, the client was entitled to a waiver of the deadline as a reasonable accommodation under the Americans with Disabilities Act. The government agency agreed to waive the deadline prior to the commencement of litigation and subsequently granted the client’s disability pension application. The team included **Lynn Neuner** and **Michael Carnevale**. South Brooklyn Legal Services served as co-counsel to Simpson Thacher.

Simpson Thacher Secures Asylum for Family from El Salvador

Attorneys in Simpson Thacher’s Palo Alto office secured a grant of asylum for a mother and her severely disabled son from El Salvador. The pair fled from pervasive gang violence in El Salvador three years ago. The local gang leader had threatened to kill them both within 24 hours if the mother refused to allow the gang to use her son and his wheelchair to smuggle drugs and firearms through police checkpoints. After an evidentiary hearing involving direct testimony from the mother, the Immigration Judge determined that the mother faced past persecution and feared future persecution on account of her membership in the particular social group of mothers of severely disabled children. Accordingly,

the judge granted the mother asylum and the son derivative asylum. Simpson Thacher and government counsel waived their right to appeal, resulting in final grants of asylum. The team included associates **Niels Melius** and **Jenny Palmer** with supervision from **Buzz Frahn**.

Simpson Thacher Secures Employment Benefits Before the Unemployment Insurance Appeals Board

Simpson Thacher won a contested evidentiary hearing before the Unemployment Insurance Appeals Board on behalf of a pro bono client, securing his unemployment benefits after his eligibility was challenged by his former employer. The pro bono matter was referred by Volunteers of Legal Service’s Unemployment Insurance Advocacy Project. The team included **May Mansour** and **Bryce Friedman**.

Simpson Thacher Defends School Against Bankruptcy Trustee

Simpson Thacher successfully represented the Manhattan Christian Academy, a private, preschool through 8th grade educational institution that primarily serves poverty-level and low-income New York City families, against the efforts of a bankruptcy trustee to recoup tuition payments the debtor had made to the school on behalf of her children. The trustee sought discovery from the school to support a potential claim that the payments constituted “fraudulent transfers” under the bankruptcy code, on the legal theory that the parent-debtor did not receive “reasonably equivalent value” in making these payments on behalf of her school-age children—a theory that has been rejected by numerous courts. Shortly after STB responded to the trustee’s discovery requests, the trustee filed a report of no distribution and request for discharge, and the bankruptcy court decreed the estate fully administered and the case closed, with no formal claim ever brought against the Academy. The team included **Elisha Graff** and **Magdey Abdallah**.

Simpson Thacher represents Bay Area Disability Nonprofit

Simpson Thacher represented the nonprofit Expandability and its board of directors in connection with an affiliation resulting in Expandability becoming a subsidiary of Goodwill of Silicon Valley, which closed at the end of September. As a result of the transaction, Goodwill of Silicon Valley became the sole member of Expandability and assumed control of the board of directors of Expandability.

Expandability provides persons with disabilities access to adaptive technology, job placement services and career transition services so that they can achieve their desired education and employment, and improve their quality of life. The Simpson Thacher team included **Kirsten Jensen, Dena Acevedo, Paul Barrus** and **Jane Li**.

Simpson Thacher Helps Secure Student Debt Relief for Low-Income Client

Associates **Sara Campbell** and **Meredith Hunt** successfully consolidated about \$10,000 of student loans for a low-income client so that she was no longer in default on her student loan debt. As part of the consolidation application, the client was also enrolled in an income-driven repayment program to make the loan payments more manageable. This matter was referred by Legal Services-NYC.

Simpson Thacher Obtains Tax Relief for Victim of Domestic Violence

Simpson Thacher successfully obtained relief from joint and several tax liability on behalf of a victim of domestic violence referred by Legal Services-NYC. The Internal Revenue Service and the New York State Department of Taxation and Finance each ruled that the victim's ex-husband would be solely responsible for the tax liability. The team included **Jonathan Goldstein** and **Michael Badain**.

Simpson Thacher Represents Sanctuary for Families and other Nonprofits as Amici Before the Court of Appeals

Attorneys **Jillian de Chavez Lau, Michael Waks, Nicole Annunziato** and **Joe McLaughlin** represented Sanctuary for Families, New York Legal Assistance Group (NYLAG), Her Justice, and My Sister's Place as *amici* before the New York Court of Appeals in the matter of *Odunbaku v. Odunbaku*. The appeal related to the Richmond County Family Court practice of mailing orders to litigants only, not to their attorneys, which resulted in Sanctuary's client, a mother and victim of domestic violence, missing the objection deadline to the filing of a downward modification of child support which had previously been awarded to her. The *amicus* brief supported Sanctuary's client's position, and focused on access to justice issues for victims of domestic violence, low-income individuals, and individuals who do not speak English. On November 17, 2016, the Court unanimously reversed the lower court's ruling, mentioning in its decision the public policy arguments presented in the *amicus* brief.

Simpson Thacher Secures Repairs to Pro Bono Client's Apartment

Attorneys in Simpson Thacher's New York office secured repairs to the apartment of a pro bono client whose apartment had deteriorating living conditions and outstanding Housing Preservation and Development (HPD) violations. The landlord had promised certain repairs as part of a settlement of a prior action in 2015, but had failed to meet its obligations under the settlement or repair new conditions that developed following the initial action. **Ryan Kasdin** assisted the client with supervision from **Linton Mann III** and **Bill Russell**.

Awards and Events

Simpson Thacher Receives President's Pro Bono Award from State Bar of California

Simpson Thacher received the President's Pro Bono Award, the State Bar of California's highest distinction for pro bono service, for its representation of the plaintiffs in *American Academy of Pediatrics, et al. v. Clovis Unified School District*. The Firm's work resulted in a precedent-setting ruling by the Fresno County Superior Court, which affirmed Californian students' right to sex education that is complete, medically accurate and bias-free, as well as the overhaul of the Clovis Unified School District's curriculum so that it may meet the standard affirmed by the Court. Simpson Thacher's nomination for the award was supported by the ACLU of Northern California and The Law Foundation of Silicon Valley. The Simpson Thacher team was led by **Alexis Coll-Verly** and **Simona Strauss**.

Harlene Katzman Profiled in The New York Law Journal for Pro Bono Award

The New York Law Journal profiled Pro Bono Counsel **Harlene Katzman** as part of its "Lawyers Who Lead by Example" Pro Bono series. The list of honorees was announced in July and honors individuals with an outstanding record of providing crucial legal services to poor or nearly poor New Yorkers. The profile highlights Harlene's dedication to the pro bono field, beginning with her efforts to support women's health clinics as an undergraduate, to her current role overseeing global pro bono services at the Firm and participating in a weekly program to represent undocumented children at the New York Immigration Court. The profile also highlights, among other things, her work on cases of low-income immigrant women who have been

victims of domestic violence, as well as her role as Immediate Past President of the Association of Pro Bono Counsel and as vice president for the Reproductive Health Access Project.

Matthew Levy Receives the New York State Bar Association's Pro Bono Award

Corporate Associate **Matthew Levy** received the New York State Bar Association's Pro Bono Award, given to lawyers who have been dedicated to providing exceptional pro bono legal services in New York State. Matt was honored for his longstanding commitment to pro bono legal work in areas of immigration, voting rights, and with victims of human trafficking and domestic violence.

Kristina Green Honored by the Legal Aid Society of New York

Litigation Associate **Kristina Green** was honored by the Legal Aid Society as a part of its 2016 Pro Bono Publico Awards. Kristina was recognized for her representation of a criminal defendant on appeal to the First Department in New York. Kristina is also the associate project leader for the Criminal Justice Act panel pro bono cases.

Simpson Thacher's Washington Office Hosts the National Law Center on Homelessness and Poverty Luncheon Honoring Eric Holder

On October 6, the Firm's Washington D.C. office hosted the National Law Center on Homelessness and Poverty and its Lawyers Executive Advisory Partners program, chaired by partner **Peter Thomas**, to honor former U.S. Attorney General Eric Holder. Partner **Rajib Chanda**, who is on the National Law Center's Board, also made remarks about the National Law Center's pro bono projects he has worked on with Simpson Thacher associates.

Simpson Thacher's New York and Washington Offices Host Events to Launch Report on Immigration Backlogs

The Firm hosted events in its New York and Washington Offices to help Human Rights First discuss its recently released report "In the Balance: Backlogs Delay Protection in the U.S. Asylum and Immigration Court Systems," and what the U.S. government can do to rectify a worsening situation. The report was written by Shaw Drake, the Equal Justice Works Fellow sponsored jointly by Simpson Thacher and Morgan Stanley. Panelists, including Simpson's Pro Bono Counsel **Harlene Katzman**, addressed how chronic underfunding, hiring challenges, and shifting enforcement strategies have led to backlogs in the U.S. asylum and immigration systems, exposing vulnerable asylum seekers and their families to combined wait times of up to six years for resolution of their claims. Panelists also discussed the impact of these backlogs on pro bono legal representation and some steps the U.S. government should take to address the backlogs and delays.



Please send
news items, comments
or suggestions regarding
the pro bono program to
Harlene Katzman at
hkatzman@stblaw.com



UNITED STATES

New York
425 Lexington Avenue
New York, NY 10017
+1-212-455-2000

Houston
600 Travis Street, Suite 5400
Houston, TX 77002
+1-713-821-5650

Los Angeles
1999 Avenue of the Stars
Los Angeles, CA 90067
+1-310-407-7500

Palo Alto
2475 Hanover Street
Palo Alto, CA 94304
+1-650-251-5000

Washington, D.C.
900 G Street, NW
Washington, D.C. 20001
+1-202-636-5500

EUROPE

London
CityPoint
One Ropemaker Street
London EC2Y 9HU
England
+44-(0)20-7275-6500

ASIA

Beijing
3901 China World Tower
1 Jian Guo Men Wai Avenue
Beijing 100004
China
+86-10-5965-2999

Hong Kong
ICBC Tower
3 Garden Road, Central
Hong Kong
+852-2514-7600

Seoul
25th Floor, West Tower
Mirae Asset Center 1
26 Eulji-ro 5-gil, Jung-gu
Seoul 100-210
Korea
+82-2-6030-3800

Tokyo
Ark Hills Sengokuyama Mori Tower
9-10, Roppongi 1-Chome
Minato-Ku, Tokyo 106-0032
Japan
+81-3-5562-6200

SOUTH AMERICA

São Paulo
Av. Presidente Juscelino
Kubitschek, 1455
São Paulo, SP 04543-011
Brazil
+55-11-3546-1000