

# Justice Matters: Pro Bono Newsletter

April 2015



## Simpson Thacher Represents Amici in Two Gay Marriage Cases

This winter, the Firm represented amici curiae in gay marriage cases pending in two federal appellate courts. Most recently, the Firm represented 167 members of the U.S. House of Representatives and 44 U.S. Senators who support petitioners' challenge to a Sixth Circuit ruling upholding same sex marriage bans in Kentucky, Michigan, Ohio and Tennessee. The brief argued to the Supreme Court of the United States that Congress should not be coopted into enforcing, enabling or abiding by discriminatory state enforced marriage bans, and that the marriage bans undermine federal safeguards for families that advance important national interests, such as social security, military and veterans benefits. The case is *Obergefell et al. v. Hodges et al., nos. 14-556,*

*14-562, 14-571 and 14-574.* The Simpson Thacher team included **Joe Tringali, Josh Polster, Elisa Lee, Aidan Grano, David Gallo, and Daniel Honeycutt.**

In the First Circuit, the Firm represented the Hispanic National Bar Association, Latino Justice and other civil rights groups supporting Lambda Legal's appeal of a decision dismissing a challenge to the constitutionality of Puerto Rico's codification of opposite-gender marriage. The brief focused on how the decision impacts same sex Latino families, many of whom live on the mainland but have family and connections in Puerto Rico. The case, *Conde-Vidal v. Rius Armendariz*, is pending in the First Circuit. The Simpson Thacher team included **Joe Tringali, Jeff Danley, Michael Carnevale, and Michael Brasky.**

## In This Issue

- ▶ Simpson Thacher Represents Amici in Two Gay Marriage Cases
- ▶ Simpson Thacher Represents Indigenous Peoples in Peruvian Amazon in Historic Negotiations
- ▶ Los Angeles Attorneys Coach KIPP LA Prep Middle School for Mock Trial Competition
- ▶ New York Office Launches New Education Project
- ▶ Simpson Thacher Works on Behalf of Veterans
- ▶ Clinics, Clinics, Clinics!
- ▶ Morgan Stanley and Simpson Thacher Sponsor Equal Justice Fellow in New York City
- ▶ Recent Pro Bono Achievements
- ▶ Awards and Events

### Simpson Thacher Represents Indigenous Peoples in Peruvian Amazon

Simpson Thacher provided pro bono legal support to native peoples of the Pastaza, Tigre, Corrientes and Marañón river basins of northeastern Peru in a historically significant response to four decades of accumulated grievances resulting from environmental degradation in the area. On March 10, 2015, the chiefs of the four federations signed an agreement with the Peruvian government to resolve issues related to four decades of oil extraction. The government has committed initial funds of over 100 million soles (approximately US\$30 million) towards remediation (50% of the committed funds as “seed” capital to start clean-up), water treatment, health, rural electrification, intercultural education and development and land titling. Though significant challenges remain to assure prompt implementation, these commitments are expected to benefit more than 100,000 residents of the four river basins. The team includes **Todd Crider**, **Paul Rodriguez**, and **Luis Pellerano**.

### Los Angeles Attorneys Coach KIPP LA Prep Middle School for Mock Trial Competition

Attorneys from Simpson Thacher’s Los Angeles office coached students from KIPP LA Prep for its annual mock trial competition. Attorneys traveled to Boyle Heights in East Los Angeles to teach a law curriculum and mentor approximately 20 low income middle school students in preparation for the Constitutional Rights Foundation’s annual mock trial competition. With the Firm’s guidance, KIPP’s mock trial teams

have won numerous awards and have greatly improved their writing and verbal skills. Participating attorneys include **Jennifer Levitt**, **Jessica Marek**, **Michelle Kallen**, **Matthew Cave**, **Kevin Kroll**, **Shana Ramirez**, **Tyler Bernstein**, **Adam Pullano**, **JoAnne Jennings** and **Mike Kibler**.

### New York Office Launches New Education Project

In partnership with MFY Legal Services, the Firm launched an education advocacy project in which attorneys will help parents attain special education services for a child with a disability. Though federal law requires that children with disabilities must have available to them a free appropriate public education, many families cannot afford counsel when negotiating for their child’s individualized education program (IEP). The result is that children often languish without services, unable to learn in their school environment. Our first matter was handled by **Jamie Fell** and **Clark Warthen**, who represented the mother of a 12 year old boy with severe autism, whose family believed his IEP did not appropriately meet his needs. The program is being overseen by **Brian Chisling** and **John Lobrano**.

### Simpson Thacher Works on Behalf of Veterans

The Firm obtained a discharge upgrade from the Board for Correction of Naval Records (BCNR) for a Vietnam veteran with Post-Traumatic Stress Disorder who had been discharged “under other than honorable



Mike Kibler judges the KIPP mock trial team dress rehearsal.



conditions.” After the BCNR failed to properly consider our client’s application for an upgrade, the Firm filed suit in federal court and obtained an order compelling the BCNR to follow its own regulations. After further litigation before the BCNR, an upgrade was eventually granted, allowing our client access to Department of Veterans Affairs’ benefits. The Simpson Thacher team included **Elisa Alcabes**, **Jamie Somoza**, **Michael Brasky** and **Charles Mathes**. **Elisa Alcabes** received the 2014 Jeremy G. Epstein Award for Pro Bono Service from The City Bar Justice Center for her work on this matter.

New York associate **Kassie Helm** was named the co-chairperson of the U.S. Court of Appeals for the Federal Circuit’s Veterans Appeals Committee (FCBA). In this position, Kassie assists FCBA members in providing competent pro bono representations to veterans or survivors who have taken appeals to the Federal Circuit and who wish to be represented by counsel. Kassie and the committee also provide education to FCBA members regarding veterans’ legal issues.

### Clinics, Clinics, Clinics!

The Firm’s attorneys participated in several limited advice legal clinics this past winter in the New York office. In partnership with Start Small Think Big, the Firm hosted two clinics for members of the Food Business Pathways Program (Pathways), a program for residents of NYCHA public housing who have been operating informal, off-the books food businesses (baking, catering, etc.). The Firm advised 21 clients on entity selection, representing many of them through the formation process and ultimately contributing to the Pathways program’s goal of moving the businesses into commercial kitchen incubators so that they can cook and prepare their food from a space that has been approved by the Department of Health. The

clinic was overseen by **Sam Warfield**, **Jeffrey Lieberman**, and **Matthew Farrell** and coordinated by **Carola Beeney**. Attorney participants included **Angela McCray**, **Wenli Cai**, **Josh Bergman**, **Sage Hughes**, **David Daniels**, **Meaghan Krupa**, **Deborah Gruen**, **Clark Warthen**, **Jacob Vadeboncoeur**, **Izzy Lubarsky** and **Alexander Lebow**.



Wenli Cai meets with a clinic participant.

Attorneys also staffed a newly created clinic in partnership with Her Justice to screen immigrants for eligibility related to Executive Action for undocumented parents of U.S. citizens. Deferred Action for Parental Accountability (DAPA) was announced by President Obama in November and was scheduled to begin accepting applications starting in May. Though the program has been delayed in response to a federal lawsuit about the constitutionality of the action, the Firm assisted clients from Her Justice prepare the extensive documentation



Jeff Lieberman and Clark Warthen counsel a Pathways Program participant.



Simpson Thacher attorneys screen immigrants for legal relief.

they will need to apply for the program. The clinic was overseen by **Harlene Katzman** and coordinated by **Carola Beeney**. Participating attorneys included **Kathrine McLendon, Louise Kruger, Makiko Harunari, Amanda Torres-Dietrich, Erika Garcia, Jorge Batlle, Juan Carlos Vargas, Laura Roman, Matt McKenna, Anita Thomas, Melissa Glazer, Natalia Safarian** and **Sara Anoushirvani**.

### Morgan Stanley and Simpson Thacher Sponsor Equal Justice Fellow in New York City

The Firm will join Morgan Stanley in sponsoring its third Equal Justice Fellow, Brantley “Shaw” Drake, for a two year position at Human Rights First in New York City. Shaw’s project will be to increase representation of unaccompanied children, families, detainees, and other vulnerable asylum seekers and to address systemic impediments to access to counsel and fair proceedings. Shaw will graduate from Georgetown in 2015 and begin his fellowship in the Fall. The selection committee from the Firm included **Jonathan Youngwood** and **Harlene Katzman**.

## Recent Pro Bono Achievements

### Simpson Thacher Resolves Co-Location Dispute for Public Charter School in the Bronx

The Firm represented the Roslyn Yalow Charter School in a dispute with the Department of Education (DOE) over the DOE’s failure to provide co-location space in a DOE facility as required by the New York State’s Education Law. After the school appealed to the State Education Department, its Commissioner issued a decision ordering the DOE to provide the school with funding to offset its increased rental costs in accordance with the Education Law. The Firm has since advised a number of other charter schools engaged in similar disputes with the DOE. The team included **Bill Dougherty, Bill Russell, David Elbaum, Jason Gumer** and **Meredith Karp**.

### Simpson Thacher Assists Child from El Salvador Obtain Permanent Residence

Washington, DC attorneys **Bashiri Wilson** and **Sara Clingan** successfully represented a child from El Salvador in obtaining Special Immigrant Juvenile Status (SIJS) and lawful residency in the United States. The client suffers from epilepsy, grew up in an area notorious for drug trafficking and gang violence and was abandoned by his father at the age

of six. Partners **Peter Thomas** and **Matt Reilly** supervised the matter.



Our client and his family at Immigration Court, with Sara Clingan, Bashiri Wilson and Christine Levi.

### Simpson Thacher Advises Human Rights First in its Anti-Trafficking Initiative

The Firm advised Human Rights First on using asset forfeiture and financial investigations as tools to combat human trafficking. The work was used in the organization’s campaign to end human trafficking by bringing together U.S. government and other leaders to put the criminals who profit \$150 billion a year from trafficking out of business. The team included **Janet Gochman, Lexie Pitney, Jamie Fell** and **Uzezi Abugo**.

### Washington Office Launches New Family Offense Project

Simpson Thacher’s Washington office has partnered with District of Columbia Volunteer Law Project (DCVLP) to represent low income victims of domestic violence obtaining civil protection orders (CPO). Through its CPO program, clients in abusive relationships can obtain court orders mandating that aggressors stay away and cease all forms of contact with the victim, but they can also include other family law related provisions such as temporary custody awards and child support. The Firm’s first client was successfully represented in D.C. Superior Court by **Lindsey Bohl** and **Hillary Mintz**.

### Simpson Thacher Secures Tax Exemption for Nigerian Nonprofit

Attorneys in the New York office assisted the Justice & Empowerment Initiatives (JEI) to receive federal tax exemption. JEI works alongside poor and marginalized communities in Nigeria to build bottom-up accountability and find innovative and

lasting justice solutions. The team included **Wenli Cai**, **Misan Ikomi** and **Maura Whelan**.

### **Simpson Thacher Wins Asylum for Jamaican Client**

On December 1, 2014, Simpson Thacher successfully secured a grant of asylum on behalf of a client who had suffered severe persecution and feared further persecution in his home country of Jamaica on account of his sexual orientation. The case was referred to the Firm by Immigration Equality, an organization dedicated to supporting LGBT and HIV-positive immigrants seeking safety, fair treatment and freedom. The team included associates **Lauren Shohat** and **Rachel Sparks Bradley** and **Alan Turner**.

### **Simpson Thacher Secures Tax Exemption for Wise Freedom School Partners in Los Angeles**

Attorneys **Jennifer Franklin**, **Ayal Bainvoll**, **Susanna Kim** and **Chet Kronenberg** incorporated and obtained 501(c)(3) tax exempt status for Wise Freedom School Partners, a Los Angeles organization that provides free summer literacy and enrichment programs for underprivileged children in partnership with the Children's Defense Fund. The objective of the six-week program is to provide a literacy based learning program, traditional "camp" activities, enrichment programs and healthy nutrition. Simpson Thacher's work helped facilitate the Freedom School's increased enrollment and opening of an additional campus.

## **Awards and Events**

### **Simpson Thacher Receives ACLU Award for Impact Litigation in California**

Simpson Thacher will be given the 2015 Reproductive Justice Award on June 5 by the ACLU of Southern California in recognition of the Firm's outstanding work as co-counsel on *American Academy of Pediatrics, California District IX v. Clovis Unified School District*, the first-of-its-kind lawsuit challenging a district's sex education curriculum. The award will be accepted by Alexis Coll-Verly along with the Palo Alto based team of attorneys including **Simona Strauss**, **Melissa Schmidt**, **Stephen Blake**, **Christopher James**, **Lee Brand** and **Caitlyn Chacon**.

### **Simpson Thacher Named Among Top Ten Most Innovative North American Law Firms in the *Financial Times*' Innovative Lawyers Report**

Simpson Thacher has been named for the fifth consecutive year to the *Financial Times*' 2014 North America Innovative Lawyers Report, which honors North American law firms that consistently create innovative solutions to solve business problems for their clients. Overall, Simpson Thacher ranked 6th on this year's list of the most innovative North American firms. The Firm's use of a mandamus action to ensure asylum seekers are given an interview with an immigration official within 45 days of arrival, led by **Joe Tringali**, **Christopher Hultman** and **Elisa Lee**, was commended in the Social Responsibility – Pro Bono cases category.

### **Bill Russell Appointed by Chief Judge Lippman and State Bar President Lau-Kee to Committee Addressing Mandatory Pro Bono Reporting Rule**

As reported in a recent New York *State Bar Association* State Bar News article, litigation partner **Bill Russell** has been appointed to a six-person committee formed by Chief Judge Jonathan Lippman and State Bar President Glenn Lau-Kee to address the issues raised by the much discussed *pro bono* reporting rule that requires attorneys to report their *pro bono* hours and charitable contributions. The formation of the committee is part of an effort to implement a less controversial reporting requirement that addresses, among other things, privacy concerns of members of the bar.

### **Simpson Thacher Holds Pro Bono Recognition Events Throughout its U.S. Offices**

The Firm celebrated its 2014 pro bono contributions with office receptions honoring attorneys and legal assistants who devoted 100 or more hours to pro bono service, and recognizing those who devoted between 25 and 100 hours. Our deepest appreciation goes out to the lawyers and legal assistants who represented the many low income clients, organizations that serve them and others needing our assistance.



## Pro Bono Recognition Events

### Palo Alto Reception



L to R: (back row) Kevin Kennedy, Buzz Frahn, Alexis Coll-Very, Rob Keele, Christine Hanley, Noah Metz, Jinna Kwak, Melissa Schmidt, Liz White, Linda Nybrg, Brandon Martin; (front row) Nancy Anderson, Chris James, Caitlyn Chacon, Michelle Morad, Colman McCarthy, Lee Brand, Judy Yan

## Los Angeles Reception



Top: Matthew Cave, Michelle Kallen, Adam Pullano  
Bottom: Dan Clivner, Peter Jordan and Shana Ramirez



Mike Kibler and Deborah Stein enjoy the awards reception



Chet Kronenberg gives an award to Michelle Kallen



## New York Reception



Alexandra Kaplan, Alden Millard, Bill Russell and Bill Dougherty



Will Pilon, Wenli Cai and Zach Dawson



Lara Pomerantz, Kevin Roe and Deborah Frankel



Julie Lee, Uzezi Abugo, Leah Nudelman and Andrew Smith



Rodrigo Surcan dos Santos, David Gallo, Andrew Hwang, Michael Joshi, Meredith Firetog and Mathew Levy



## New York Reception



Brian Chisling, Alan Brenner and Harlene Katzman



Jonathan Goldstein and John Bennett

## Washington DC Reception



L to R: Shannon Beebe, Lindsey Bohl, Adrienne Vollmer, Jonathan Kelley, Ravi Sharma, Elliot Weingarten, Jonathan Porter, Michele Nelson, and Peter Bresnan





UNITED STATES

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

Houston  
2 Houston Center  
909 Fannin Street  
Houston, TX 77010  
+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.  
1155 F Street, N.W.  
Washington, D.C. 20004  
+1-202-636-5500

EUROPE

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

ASIA

Beijing  
3919 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  
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