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Simpson Thacher Argues Before Fifth Circuit Sitting En Banc in Mississippi Voting Rights Litigation

On January 23, 2024, Simpson Thacher argued before the Fifth Circuit sitting en banc with a full complement of 19 judges in the ongoing *Hopkins v. Watson* litigation challenging the constitutionality of Mississippi's lifetime voting ban for people with disqualifying criminal convictions. Litigation Department Co-Chair **Jon Youngwood** argued the appeal. The en banc sitting follows an August 2023 ruling by a three-judge panel of the court (with one judge dissenting) that held the law violates the U.S. Constitution's Eighth Amendment prohibition on "cruel and unusual punishment." Jon's argument before the court was covered widely in the press. Jon was also featured on Mississippi Public Broadcast Think

Radio's Mississippi Edition, where he shared key takeaways from the hearing and discussed the importance of the case. The Simpson Thacher team also included Senior Counsel **Janet Gochman**, Pro Bono Attorney **Nihara Choudhri**, and Associates **Saren Armani**, **AJ Tagliaferri** and **Charlotte McCary**.



Jon Youngwood (center), Janet Gochman (right), Saren Armani, Charlotte McCary and AJ Tagliaferri (back row R to L) with staff from the Southern Poverty Law Center outside the courthouse

Governor Hochul Grants Pardon to Pro Bono Client

On December 22, 2023, New York Governor Kathy Hochul granted a pardon to Simpson Thacher pro bono client Andres Rivera for his two decades-old drug conviction. As noted in the press release announcing the December 2023 clemency grants, “[t]his action recognizes individuals demonstrating remorse, exemplifying rehabilitation, and displaying a commitment to improving themselves and their communities.”

Mr. Rivera emigrated to the United States from the Dominican Republic when he was a teenager. At age 21, he was convicted of a drug-related offense. In the 22 years since that conviction, Mr. Rivera has never been convicted of any other crime. He has worked for years in the property management industry, rising through the ranks to become a building superintendent, and he is the father of a college student who is an American citizen. The pardon will help Mr. Rivera pursue naturalization to become a United States citizen, and give him the peace of mind to travel to the Dominican Republic to visit his aging mother. The Simpson Thacher team included Partner **Mike Garvey**, Associates **Jack Nalen** and **Jonathan Schwartz**, and Pro Bono Attorney **Nihara Choudhri**.

Simpson Thacher Files Two Amicus Briefs in *U.S. Food and Drug Administration v. Alliance for Hippocratic Medicine*

Two Simpson Thacher teams filed amicus briefs in *U.S. Food and Drug Administration (FDA) v. Alliance for Hippocratic Medicine*, in which the Supreme Court of the United States will review a decision by a federal appeals court that would

significantly restrict access to mifepristone, a drug the FDA approved in 2000 as safe and effective for terminating early pregnancies.

The Firm represented four national groups for advanced practice clinicians (APCs), including women’s health nurse practitioners, advanced practice registered nurses, certified nurse-midwives, and physician associates, who for many years have been safely prescribing mifepristone as a routine part of their practice where permitted by state law. Because the Appeals Court ruling would prohibit APCs from being independent certified prescribers of the medication, amici explain that APCs are crucial, qualified and successful providers of reproductive healthcare, including medication abortion, and that depriving women of medication abortion care by APCs would result in many women being unable to receive the healthcare they require. The Simpson Thacher team included Partner **Jon Youngwood**, Senior Counsel **Simona Strauss**, and Associates **Claire Cahoon**, **Isabel Mattson**, and **Jacob Madden**.

The Firm also represented, in a separate brief, ten U.S. women who obtained medication abortions after telemedicine consultations with state-licensed telemedicine healthcare providers. The brief countered respondents’ claim that the court should overturn the FDA’s decision to eliminate in-person dispensing requirements for mifepristone based on unfounded fears that allowing the drug to be prescribed via telemedicine would harm women’s health. Amici’s stories highlight the positive impact of telemedicine as a means of obtaining licensed medical care and of using FDA-approved mifepristone for medication abortion. The Simpson Thacher team included Partner **Vanessa Burrows**, and Associates **Laurel Fresquez** and **Rebecca Saber**. Assistance interviewing



amici and related research was provided by Partner **Jackie Starr** and Associates **Charlotte Bowe, Meredith Brenton, Cara Capoccitti, Jamison Fletcher, Madison Harrow, Dana Jack, Suzie Kaufman, Sheryl Koretz, Nawa Lodin, Keerthi Manimaran, Haley O'Connor, Christina Park** and **Kate Rogers**.

Trafficking Survivor Becomes Permanent Resident After 7 Year Representation

During a 2016 Queens screening clinic, Associate **Jamie Fell** met a client from China who had been trafficked through a Brooklyn massage parlor. With the help of Sanctuary for Families, the Firm, under Jamie's leadership, was able to help the client apply for T Nonimmigrant status, allowing her to work legally and stabilize her life. Jamie also prepared her application for Legal Permanent Residency, which was complicated by the fact that our client was not issued a birth certificate in rural China when she was born. Responding to two separate Requests for Evidence, Jamie was able to acquire a supplemental document from China and convince the USCIS to grant the application despite missing the original birth certificate. Jamie was assisted by Associate **Chun Sun Baak** and several former associates.

Simpson Thacher Files Amicus Brief in Support of Inclusion of Gender Affirming Healthcare in VA Benefits Packages

Simpson Thacher represented a group of nine major medical and mental health organizations as amici in support of mandamus litigation against the Veteran's Administration (VA) which challenged the VA's failure to act on a rulemaking petition submitted in 2016 by the Transgender American Veterans Association (TAVA). TAVA's petition sought promulgation of a VA regulation to provide gender-confirming surgery to transgender veterans. The amicus brief explained that the VA's categorical exclusion of medically necessary gender-affirming surgeries from its medical benefits packages impinges upon medical and mental health professionals' ability to provide medically necessary care to each veteran patient with gender dysphoria.

The Simpson Thacher team included Associates **Evan Gilbert, Jordan Krieger** and **Yiran Wang**, supervised by Partner **Jon Youngwood**.

Simpson Thacher Hosts Essential Life Planning Clinic for Seniors

On January 25, the Firm hosted an Essential Life Planning Documents Clinic for low-income seniors. At this in-person clinic in the New York Office, Simpson Thacher volunteers partnered with our colleagues at JPMorgan to prepare wills, powers of attorney and other life planning documents for clients referred to us by Volunteers of Legal Service (VOLS). Simpson Thacher volunteers included Associates **Michal Zabadal, Laura Ribero, Dan Kim, Rebecca Carroll, Hayley McLaughlin, Angie Varona** and Staff Attorney **Anna Edwards**.



Client, Simpson Thacher Associate Michal Zabadal, Mary Fata (VOLS), James Fenton (VOLS), Client's daughter



Client and her daughter (seated), Michelle Lopez, Simpson Thacher Paralegal Harold Darling, Simpson Thacher Associate Angie Varona and JPMorgan Vice President & Assistant General Counsel, Jennie Sacks

Simpson Thacher, Campaign Legal Center Argue Before the Tenth Circuit to Protect Kansas Voters' Access to Mail Ballot Applications

On January 18, 2024, Litigation Department Co-Chair **Jon Youngwood** argued before the United States Court of Appeals for the Tenth Circuit in a voting case brought by Simpson Thacher and the Campaign Legal Center on behalf of VoteAmerica and the Voter Participation Center to protect voter access to mail ballot applications in Kansas.

At issue are voter restrictions in Kansas Law H.B. 2332, which was passed in 2021 over the veto of Democratic Governor Laura Kelly. The law prohibited non-Kansas residents from mailing applications for mail ballots to voters in Kansas, and imposed a \$20 penalty for each application mailed in violation of this provision. Enforcement of this out-of-state application distribution ban would have cost VoteAmerica and the Voter Participation Center millions of dollars in fines for the hundreds of thousands of applications they mail to Kansans each year. H.B. 2332 also prohibited mailing advance ballot applications that have been pre-filled with the voter's personal information.

In November 2021, the district court issued a preliminary injunction blocking enforcement of both provisions. The Kansas Secretary of State dropped its defense of the out-of-state application distribution ban, but continued defending the prohibition on pre-filled applications. On May 4,



L to R: Bonnie Jarrett, Jon Youngwood, Alice Huling (Campaign Legal Center), Nicole Palmadesso and Hayden Johnson (Campaign Legal Center), at oral argument

2023, the district court held that “mailing the personalized applications is inherently expressive conduct that the First Amendment embraces.” The court determined that the prefilling prohibition is an “unconstitutional infringement” on the plaintiffs’ “First Amendment rights to free speech and association,” and entered judgment in favor of the plaintiffs. The Kansas Secretary of State appealed.

During oral arguments before the Tenth Circuit, certain judges on the panel expressed skepticism regarding the State’s argument that distributing the pre-filled applications constitutes neither speech nor expressive conduct. Jon Youngwood explained, “What is expressive about filling out the form is it says, ‘This is how easy it is to fill out. We’ve started the process for you’ - that’s one. Two, one would assume that it cost us some amount of resources to fill it out, and we are saying we care so much about voting by mail that we’ve taken a step for you in that direction by taking the care to pre-populate it.” A ruling is expected in the coming months.

The Simpson Thacher team also includes Partner **Meredith Karp**, and Associates **Bonnie Jarrett**, **Nicole Palmadesso**, **Evan Gilbert** and **Nick Cunha**.

Simpson Thacher Hosts Employment Authorization Application Clinic

In November 2023, the Firm was joined by volunteers from Apollo Global Management and Paramount+ to prepare work authorization applications for asylum seekers who are now eligible to obtain Employment Authorization from the federal government. This work is vitally important because these applicants are part of a large number of recently arrived migrants from the Southern border who were transported to New York City by bus, and who are mainly living in shelters with their families. Work authorization will permit them to earn a living, and ideally move out of the shelters, while their asylum applications are pending.

The clinic took place in person in the New York Office and we were assisted by attorneys from Catholic Migration Services, New York Lawyers in the Public Interest, and Volunteers of Legal Service.



Paralegal Santiago Valenzuela and Associate Francisca Johaneck with CMS staff attorney assisting a client



Awards, Events and Mentions

Simpson Thacher Named to National Women’s Law Center’s “Pro Bono Honor Roll”

Simpson Thacher has been named to the National Women’s Law Center’s (NWLC) inaugural “Pro Bono Honor Roll.” This recognition highlights the NWLC’s exemplary pro bono partners who support the organization through work on pro bono projects and ongoing pro bono counsel in support of its mission.



NWLC fights for gender justice, working across the issues that are central to the lives of women and girls. They aim to use the law to change culture and drive solutions to the gender inequity that shapes our society and to break down barriers.

Makiko Harunari Speaks on Hong Kong PILnet Panel, Starting and Growing a Pro Bono Practice

As part of Hong Kong’s first ever Pro Bono Week, hosted by PILnet, Hong Kong Partner, **Makiko Harunari**, spoke on a panel discussing how to start and grow a pro bono practice in Asia. The panelists talked about what a pro bono

practice looks like from various perspectives: an international firm, a local firm, a firm with a recently-launched practice, and a barrister. They discussed the administration of pro bono work, sources of pro bono matters, and thematic priorities under different models; and each speaker offered helpful suggestions on how to maintain relationships with the NGO community, and build interests in pro bono within their firms/chambers. Finally, they also emphasized the importance of pro bono collaboration across the legal community.



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