

Justice Matters: Pro Bono Newsletter

December 2018

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Simpson Thacher Protects Access to the Ballot and the Right to Vote

Election Protection

Since 2004, Simpson Thacher has been committed to the Election Protection program, ensuring that eligible voters have access to the ballot and that their votes will be counted. Election Protection is the nation’s largest non-partisan voter protection coalition, taking calls from around the country through its hotline, 1-866-OUR-VOTE. In August, the Firm ran a small Call Center covering the Arizona and Florida primaries. On November 5 and 6, the Firm hosted over 230 volunteers and answered over 2700 calls from voters in Florida, Maryland, New Jersey, Michigan, Mississippi and Texas from the 31st floor of 425 Lexington. This is the largest call volume our Call Center has ever experienced. In 2016, our call center had five more telephone lines, but handled about 250 fewer calls. Not only did our volunteers help many hundreds of people work through registration and polling place problems so that they could vote, the volunteers also documented problems such as extensive machine breakdowns, lack of sufficient emergency ballots and a general sense that many counties throughout the country were unprepared for the high level of voter turnout.

This year was also distinguished by our deliberate partnership with lawyers from **Blackstone, Morgan Stanley, Pfizer** and **Bank of America**, each of which sent large groups of volunteers. In addition to these clients, we owe deep thanks



to the Election Protection leadership, command center staff **John Bennett, Harlene Katzman**, captains **Conor Colasurdo, Daniel Cohen, John Ericson, Melanie Jolson, Jonathan Kaplan, Brandon Kenney, Matthew Levy, Kevin Roe, Amanda Weiss, Maura Whelan** and former Associates Meredith Duffy and Nadine Mompremier, and staff **Susan Cordaro, Maria Gonzalez** and Legal Assistant **Elizabeth O'Connor**, who managed our voice mail return program. We especially want to thank the IT and conference services departments, specifically **Peter Pilato** and **Karen Clark**, for their invaluable assistance.



Captains Melanie Jolson and John Ericson in the call center.



John Bennett and Harlene Katzman joined by Brennan Center voting rights experts work the command center.

The Florida Recount

On the heels of the midterm election, Simpson Thacher teamed up with the Brennan Center for Justice on behalf of the League of Women Voters Florida and Common Cause Florida to intervene and oppose a temporary injunction in a lawsuit brought by Senate candidate Rick Scott against the Supervisor of Elections in Broward County, Florida. The suit was brought in an attempt to prevent the county from counting timely ballots from eligible voters that had not been returned by the Nov. 10 deadline. Our clients intervened to ensure that valid ballots were counted, rather than rejected based on a misinterpretation of Florida law.

On Thursday, November 15, a Florida judge found that the Scott campaign had not shown a justification to have those ballots invalidated, denied the motion for a temporary injunction, and rejected the Scott campaign's attempt to stop the counting of the valid, timely filed ballots in Broward County. The Simpson Thacher team, which turned our papers around overnight, includes **Jon Youngwood, Josh Polster, Isaac Rethy, Nicholas Jackson, Tyler Perry, Avia Gridi** and **Nihara Choudhri**.

Absentee Voting in Philadelphia

In November, Simpson Thacher joined with the ACLU of Pennsylvania (ACLUPA), the Lawyers Committee for Civil Rights Under Law and the American Civil Liberties Union Foundation, Inc. in bringing a suit on behalf of the ACLUPA and several individuals challenging—on federal and state constitutional grounds—the absentee voting deadline in Pennsylvania, which is the earliest in the nation and has the effect of disenfranchising a large number of voters. The Simpson Thacher team includes **Bill Russell, Shannon McGovern, Daniel Owsley, Emily Hogan** and **Alexia Syrmos**.

Simpson Thacher and Yale Law School Secure “Historic” Win for U.S. Veterans

On August 23, 2018, the Court of Appeals for Veterans Claims, sitting en banc, issued an opinion unanimously holding that veterans may bring class actions against the U.S. Department of Veterans Affairs. Simpson Thacher served as co-counsel with the Veterans Legal Services Clinic at Yale Law School for the class petitioners, led by Conley Monk, Jr., a Vietnam veteran from New Haven, Connecticut, who sought to challenge the years-long delays in VA resolution of disability benefits appeals. The Veterans Court decided that it would follow the same rules for class actions that U.S. federal district courts use, providing guidelines for veterans to bring class actions against the VA immediately. In his concurring opinion, Chief Judge Robert Davis commented on the significance of the ruling, stating “[T]his is a watershed decision [that] will shape our jurisprudence for years to come and, I hope, bring about positive change for our Nation’s veterans and ensure that justice is done more efficiently and timely.” The Simpson Thacher team includes **Lynn Neuner, Elisa Alcabes, Daniel Cohen, Micah Fielden** and **Joseph Bruno**.

Focus on Client Partnerships: Fall Clinics with Blackstone and Morgan Stanley

During the Fall of 2018, Simpson Thacher successfully partnered with its clients to staff several pro bono clinics addressing a range of legal issues, ranging from advising public housing tenants, guiding women entrepreneurs at the early phases of starting their own businesses, and assisting young immigrants. At these clinics, Simpson lawyers were paired with members of the clients' legal and compliance teams, to work directly with low-income clients.

Housing with Morgan Stanley

Simpson Thacher joined with **Morgan Stanley** at the Public Housing/NYCHA Rent Overcharge Clinic, which took place at the Jefferson Houses Senior Center in East Harlem, to support the work of our jointly-sponsored Equal Justice Works Fellow. At the clinic, volunteers worked with 13 tenants to understand the process NYCHA uses to set their household's rent, and examined the tenants' household composition, income, assets, and expenses to determine if the tenants were being overcharged. Simpson volunteers included **Karnellia Brake, Sarah Green** and **John Robinson**.



Simpson Thacher and Morgan Stanley volunteers meet clients at Jefferson House Senior Center.

Women Entrepreneurs with Blackstone

Simpson Thacher and **Blackstone** volunteers advised over 30 entrepreneurs at the inaugural legal services clinic for New York City's Women Entrepreneurs NYC (WE NYC), an initiative by the NYC Department of Small Business Services to address the gender gap in entrepreneurship for women. The Firm was selected to conduct the very first firm-hosted WE NYC Legal Clinic at our offices.

Over the course of an evening, after a training presented by Simpson Thacher's Small Business Clinic Leaders **Matt Farrell, Meaghan Krupa, Maya Reeves, and Evan Zuckerman**, pairs of Blackstone and Simpson attorneys offered legal advice on entity selection, corporate governance/formalities, contract and/or commercial lease review. Simpson volunteers included **Catherine Ciriello, Adriana Estor, Tyler Robbins, Taylor Steele, Jacob Vadeboncoeur, Shenlu Xu** along with **Cyrena Terricone**.



Simpson Thacher and Blackstone attorneys meet women entrepreneurs at the inaugural WE NYC Legal Services Clinic.

Childhood Arrivals to the U.S. with Blackstone

Simpson Thacher and **Blackstone** also partnered to assist pre-screened young immigrants in renewing applications for Deferred Action for Childhood Arrivals (DACA) status, a form of temporary relief from deportation for certain young immigrants who were brought to the United States as children. Though the DACA program was rescinded by the government in 2017, court orders have directed its continuation while litigation related to the program and its rescission are pending, and, accordingly, these renewals continue to be submitted and processed. At the clinic, teams of volunteers assisted 12 clients with their applications. Simpson volunteers included **David Acquay, Beatriz Cotrim, Eduardo Camara, Tyshanti De Jonge, Andrew Garber, Meaghan Krupa, Michael Peragine, Antonio Ribichini, Taylor Steele, Charmaine Tam, Melissa Vallejo, Essette Workneh** and **Evan Zuckerman**, along with **Olena Herasymova, Catrina Livermore** and **Magallie Kortright**.

Recent Pro Bono Achievements

Simpson Thacher Wins WIPO Proceeding Against Domain Name Cybersquatter

On October 9, 2018, an arbitrator appointed by the World Intellectual Property Organization issued an Administrative Panel Decision in favor of the New York City Investment Fund, L.L.C. against a cybersquatter who registered the domain name nycifgroup.com. NYCIF, also known as the Partnership Fund for New York City, is a prominent civic venture fund that since 1996 has invested more than \$165 million in more than 200 companies, with the goal of creating jobs, spurring new business creation and expanding opportunities for New York City's residents. The Philippines-based defendant, Markus Pedrigal, operated a website that purported to be the website of NYCIF and even displayed NYCIF's address as its own. The WIPO arbitrator held that NYCIF owned trademark rights in the term "NYCIF," and that Pedrigal's registration and use of the domain name was not legitimate and constituted bad faith. The arbitrator awarded a transfer of the infringing domain name to NYCIF. **Lori Lesser** and **Marissa Lambert** represented NYCIF.

Simpson Thacher Files Complaint on Behalf of the Animal Legal Defense Fund and the Humane Society of the United States Regarding Pet Leasing Industry

Attorneys in the Palo Alto office represented the Animal Legal Defense Fund and the Humane Society of the United States in filing a complaint with the Federal Trade Commission urging it to investigate the pet leasing industry for deceptive and unfair business practices. The complaint asks the FTC to investigate Wags Lending and its associated pet stores for deceptive practices that lead consumers to sign leases for pets that they believe they are actually purchasing. The complaint also asks the FTC to investigate Monterey Financial Services for its involvement in collecting the lease payments. The team includes **Stephen Blake**, **Jenny Palmer** and **Michael Morey**.

Simpson Thacher Obtains Upward Modification of Support in Child Support Case

The Firm won a substantial increase in child support for a client who had filed a petition against her ex-husband. The ex-husband had filed a petition to modify the support order downward, but withdrew his petition during trial and agreed to settle. The client, a domestic abuse survivor, was referred by

Her Justice. The team included **Chris Jánszky** and **Kate Wheelock**, and was supervised by **Sarah Sheridan** and **George Wang**.

Simpson Thacher Wins Benefits for Low-Income Client in London

An attorney in the London office succeeded in overturning the Department of Work & Pensions decision with respect to a personal independence claim at a social security tribunal hearing in East London. The decision resulted in an award exceeding £13,000 for a low income disabled client. The win comes as part of the Firm's ongoing collaboration with Horizon Legal Advice Clinic, a charity founded in 2016. The Simpson attorney who handled the case was **George Dyesmith**.

Simpson Thacher Files Amicus Brief on Behalf of Montana Public Health Association

On November 16, 2018, Simpson Thacher filed an Amicus Curiae brief in the Montana Supreme Court on behalf of the Montana Public Health Association. The brief is in support of two Plaintiffs, a certified nurse practitioner and certified nurse midwife, both practicing in Montana, who are challenging the enforcement of a Montana state regulation that prohibits Advance Practice Registered Nurses ("APRNs")—professional nurses with advanced education and training, including certified nurse practitioners and certified nurse midwives—from providing abortion services. The brief argued that the APRN restriction deprives Montanans of their fundamental right to seek abortion services from a qualified healthcare provider of their choice. This litigation will have an important impact on women's access to abortion care in Montana, where access is already limited due to the vast distances and expense required to seek this care. The Simpson Thacher team included **Simona Strauss**, **Kristina Green**, **Aparna Gokhale**, and **Justin Calderon**.

Simpson Thacher Successfully Represents Client in Queens Family Court

Simpson Thacher achieved a positive outcome for its client in a child support proceeding. The Queens Family Court magistrate ordered a more than twofold increase in the monthly child support payment as well as a substantial retroactive support payment. The client was referred to the Firm by Her Justice, an organization that provides legal services to low-income and marginalized women in New York City's five boroughs. The team included **Sarah Sheridan** and **Rick Walker**.

Awards, Events and News

Simpson Thacher Honored for Excellence in Pro Bono Advocacy by Sanctuary for Families

Simpson Thacher was honored at the Sanctuary for Families' 2018 Above & Beyond Awards on November 13. The award came in recognition of work done to assist Sanctuary for Families in supporting the reauthorization of the Violence Against Women Act (VAWA), the first federal legislation in the U.S. to classify domestic violence and sexual assault as crimes, and to provide funding for the prevention of, and responses to, domestic violence and sexual assault. The team included **Susan Cordaro**, **Rui Xie**, **Staci Cox**, former Associate Elizabeth Wilkerson, and **Maria Gonzalez**.



L to R: Associate Rui Xie, Counsel Harlene Katzman, Pro Bono Manager Susan Cordaro (seated), former Associate Elizabeth Wilkerson, Pro Bono Coordinator Maria Gonzalez, Associate Staci Cox.

Simpson Thacher Honored for Pro Bono Work by Iranian American Bar Association

Partner **Buzz Frahn**, joined by Associates **Justin Calderon**, **Wyatt Honse**, and **Eric McCaffree**, accepted on behalf of the Firm the Iranian American



Buzz Frahn accepts the IABA award.

Bar Association (IABA) Pro Bono Award for the Firm's pro bono work regarding the Executive Order travel ban and in assisting Iranian families in its immediate aftermath. The IABA presented the award to Buzz at the Northern California Chapter's Eleventh Annual Gala on September 28 in San Francisco, and Justin, Wyatt, and Eric were also recognized for the work they did preparing the Firm's daily Travel Ban Litigation Updates.

Simpson Thacher Attorneys Honored for Pro Bono Work by The Legal Aid Society of New York

Partners **Chet Kronenberg** and **Buzz Frahn**, Associate **Charles Reiter** and Pro Bono Counsel **Harlene Katzman** were honored by the Legal Aid Society of New York as a part of its 2018 Pro Bono Publico Awards. The team was recognized for co-counseling with the Society on a lawsuit transferred to California, representing separated immigrant children in federal custody in New York.



The Legal Aid Society of New York City 2018 Pro Bono Publico Awards

Simpson Thacher Named to The American Lawyer's 2018 A-List with Pro Bono Highlight

Simpson Thacher has again been named to *The American Lawyer's* A-List, a ranking of the top U.S. firms based on revenue per lawyer, pro bono commitment, diversity, associate satisfaction and the percentage of women in the equity partnership. The publication's rankings are based on a weighted score that considers each of these factors for all of the Am Law 200 firms. The 20 top-scoring law firms comprise the A-List. In conjunction with the A-List, the Firm's pro bono work was featured in *The American Lawyer* article, titled "The Am Law 200 Is Committed to the Pro Bono Cause," which highlighted the Firm's challenge of unconstitutional policing tactics by Mississippi's Madison County Sheriff's Department.

Pro Bono Presentation: Gender Equity and the Power of Sports



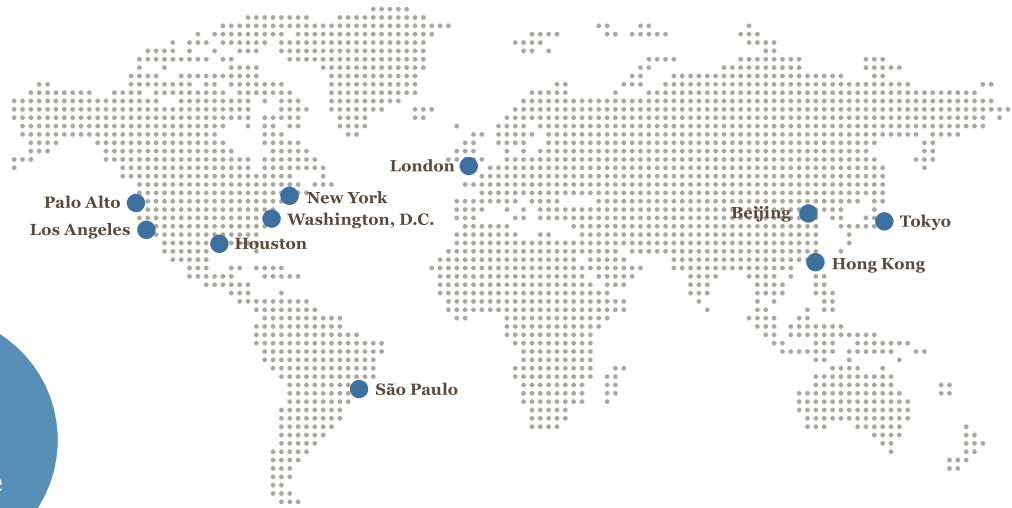
Jayma Meyer, Neena Chaudhry, Val Ackerman and Dick Beattie

Simpson Thacher Counsel **Jayma Meyer** led a discussion on gender equity in sports with alum, Val Ackerman, Commissioner of the BIG EAST Basketball Conference, former attorney and special assistant to the Commissioner of the National Basketball Association, and the first president of the Women's National Basketball Association. They were joined by Neena Chaudhry of the National Women's Law Center, who has been instrumental in administering the Time's Up Legal Defense Fund. Also on the panel was former Chairman of the Firm, **Dick Beattie**, who discussed his role implementing the regulations to Title IX as the General Counsel of the U.S. Department of Health, Education and Welfare during the Carter Administration. The panel also discussed some of the Firm's Title IX pro bono work nationally around this issue.

Simpson Thacher Sponsors City Bar Justice Center's 2018 Veterans Day Breakfast

Simpson Thacher was a proud sponsor of the City Bar Justice Center's 2018 Veterans Day Breakfast and Ethics CLE on Friday, November 9th. The annual breakfast CLE is the City Bar Justice Center's way of saying "thank you" to those who volunteer for the Veterans Assistance Project, as well as colleagues who dedicate significant time to serving veterans with disability claims. The breakfast was attended by **Elisa Alcabes**, **Dan Cohen** and **Micah Fielden**, who have been working with **Lynn Neuner** and a team at Yale Law School on reform litigation before the Court of Appeals for Veterans Claims.

Please send
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or suggestions regarding
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