

# Justice Matters: Pro Bono Newsletter

December 2022



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## Simpson Thacher Hosts Election Protection Call Center for 2022 Midterm Elections

Since 2004, Simpson Thacher has participated in the Election Protection program, a nonpartisan voter protection coalition that is administered by the Lawyers' Committee for Civil Rights Under Law. The Firm again hosted a call center on November 7 and 8, 2022 overseeing over 250 attorneys serving pro bono as hotline volunteers and captains. Attorney volunteers answered voters' questions and helped address legal issues that arose at polling places throughout Georgia and in Harris County, Texas. Volunteers provided voters with comprehensive information on how to make sure their votes were counted, and documented problems throughout polling locations in those areas. The program is overseen by Pro Bono Counsel **Harlene Katzman**, Senior Counsel **John Bennett** and Partner **John Ericson**. Call Center managing leads included Pro Bono Attorneys **Nihara Choudhri** and **Nadine Mompremier**, and Associates **Jonathan Kaplan**, **Brandon Kenney**, and **Kevin Roe**<sup>1</sup>.

Simpson Thacher captains included Counsels **Maura Whelan**<sup>2</sup> and **Alicia Washington**<sup>3</sup>, Associate **Kelsey Vickery** and numerous Simpson Thacher alumni. Hotline volunteers included Simpson Thacher attorneys, law clerks, paralegals and in-house attorneys at a number of financial institutions and other Simpson Thacher corporate clients. The Firm will also be assisting with the hotline for the Georgia senate runoff election.

The Firm's efforts to protect voting rights for the 2022 midterm elections were highlighted in articles by *Law360* and *Bloomberg Law*. Simpson Thacher is also involved in voting rights litigation in states including Kansas, Mississippi and North Carolina. Partner **John Ericson** was quoted in *Law360*, noting, "Voting is a cornerstone of our democracy, and it is a privilege to be able to serve on the front lines in helping voters to address any issues or questions they face."



1. Counsel effective January 1, 2023  
2. Senior Counsel effective January 1, 2023  
3. Partner effective January 1, 2023

## Simpson Thacher Wins Release of Pro Bono Client Wrongfully Sentenced to Life Imprisonment

Together with the Office of the Federal Public Defender for the Southern District of Mississippi, Simpson Thacher represented a 51-year-old Black individual who was erroneously sentenced to life in prison under the federal “three strikes” law based on purse snatchings that occurred when he was seventeen years old. These prior convictions, which involved conduct that took place in a three-week period, should have only counted as one strike—not two as required to trigger the application of the law.



Our client was originally sentenced to six consecutive life sentences for three bank robbery convictions and three stacked convictions under 18 U.S.C. § 924(c), which imposes additional punishment for the use of a firearm during a crime of violence. The team moved for a sentence reduction under the compassionate release provisions of the First Step Act on the grounds that the sentencing error and the non-retroactive changes to § 924(c)'s penalties for stacked convictions constituted extraordinary and compelling reasons for a sentence reduction. On August 9, 2022, the U.S. District Court for the Southern District of Mississippi granted our client's motion and reduced his sentence to 24 years and one day. Because our client had already served more than two decades in prison and had accrued good time credit, he was released from prison the following day.

In a remarkable opinion, the court acknowledged that it had “clearly erred.” The court stated that its “imposition of life sentences on the bank robbery convictions vastly exceeded both the statutory maximum sentence and the applicable guideline range and was an illegal sentence.” The court further stated that its “sentence on the § 924(c) convictions also substantially exceeded [our client's] correct sentence under the Sentencing Guidelines.” The court found that “these facts are extraordinary and compelling reasons for granting [our client] relief from the multiple life sentences which the court erroneously ordered.”

The court separately found that the “disparity” between the 60-year sentence he should have received for his § 924(c) convictions under the law in effect at the time of sentencing and the 24-year sentence he would receive today for those same convictions also “constitutes an ‘extraordinary and compelling reason’ to modify [his] sentence.”

In granting our client's motion for compassionate release, the court credited his “genuine remorse” and “remarkable efforts at rehabilitation.” The court found it significant that although he had “no prospect of release from incarceration,” he “obtained his GED, completed extensive prison course work, paid several thousand dollars in restitution, and positively impacted the lives of individuals with whom he [came] in contact” during his time in prison.

Our client was welcomed home by his family and looks forward to rebuilding his life. The Simpson Thacher team included Partner **Josh Levine**, Pro Bono Attorney **Nihara Choudhri** and Associate **Conor Mercadante**.

## Simpson Thacher Achieves Favorable Settlement for Survivor of Domestic Violence

Simpson Thacher and its nonprofit partner, Her Justice, represented a victim of domestic violence over the course of more than a year in a Family Court proceeding in which the Firm's client petitioned for and obtained full legal and physical custody of her young child. The case involved a history of serious acts of domestic violence perpetrated against the Firm's client, in the child's presence, including an act of strangulation and prior violation of an order of protection, which led to a criminal conviction against the respondent in this matter. The favorable settlement was obtained in the weeks before trial. Associate **Adam Saltzman** appeared on behalf of the client, along with Deputy Pro Bono Attorney **Susan Cordaro**.



### Simpson Thacher and Morgan Stanley Successfully Assist Low-Income Tenants in Obtaining Emergency Housing Grants to Prevent Eviction

In October 2022, attorneys from Morgan Stanley and Simpson Thacher joined together with Legal Services NYC (“LSNYC”) to launch a limited scope clinic to assist low-income tenants with applications for emergency eviction prevention grants, known as “one-shot deals.” One-Shot Deals are a flexible single-use grant provided by the City of New York, which can cover various emergency expenses that directly or indirectly lead to homelessness: rent arrears, restoring electricity, covering the cost of moving, or recovery from a fire, for example. This assistance can mean the difference between homelessness and housing stability for a family in crisis, but tenants often find the program difficult to access without counsel to help navigate the application process.

Through our project launch, volunteers were trained and paired to help LSNYC clients complete the required online application, draft a persuasive letter that sets forth the emergency circumstances that required relief, and gather and submit supporting documents. As a result of this work, the volunteers were successful in staving off eviction for families including a recently-disabled mother and her young son, as well as an elderly grandmother and her daughter who had resided in their apartment for decades, but had accrued arrears after facing challenges in transitioning between appropriate benefit programs.

In the months ahead, Morgan Stanley and Simpson Thacher will continue to assist with this clinic project, which is part of the Firm’s ongoing work with LSNYC,

the largest provider of free civil legal services to low-income New Yorkers. Simpson Thacher Partner **Bill Russell** serves as the LSNYC Board Chair, and Partner **Linton Mann III** is Chair of the Board of Directors of Manhattan Legal Services, a program of LSNYC.



### Simpson Thacher and Blackstone Partner With Legal Services NYC to Assist Transgender New Yorkers in Obtaining Legal Name Change Orders and in Updating Identity Documents

In November, Simpson Thacher and Blackstone volunteers assisted 8 transgender/gender non-conforming clients referred by LSNYC with the drafting and filing of legal name change petitions. After a name change order is obtained for each of the clients, our teams will continue working with the clients to update their personal identification documents. Obtaining a legal name change and corresponding identity documents is essential for transgender clients, so that they can be treated



Simpson and Blackstone volunteers get trained for the project launch.

with respect by employers, government agencies, hospitals, landlords, and more. It also comes with huge emotional significance. The Simpson Thacher volunteers who participated included Associates **Cara Anstey, Isaac Cattan, Miranda Hernandez, Elie Lipnik, Kaitlyn Posa, Theodore Schneider, Andrea Valdes** and Staff Attorney **Devon Berman**. Associate **Evan Gilbert**, Partner **Linton Mann III**, and Deputy Pro Bono Counsel **Susan Cordaro** worked to launch the program with LSNYC and are appearing on the petitions to be filed to obtain the necessary orders for these clients.

### Simpson Attorneys Complete Comparative Law Project on Child Pornography For Japanese NGO

A Simpson Thacher team based in Asia advised the Japanese NGO, Human Rights Now, on regulations in Japan regarding the prevention of child pornography. Associate **Xochitl Romo** and Partner **Alan Cannon** in Tokyo, leading a team of associates, summer associates and paralegals across Asia and New York, prepared a memo which provided the client with an overview on developments in regulations in the United States, Australia and Canada for comparison, and advised on relevant international standards related to the prevention of child pornography for the purpose of advocating for improved regulations and standards in Japan. Human Rights Now is an international human rights NGO based in Tokyo, Japan that works for the promotion and protection of human rights for people in the world, with a special focus on Asia.



## Awards, Events & Mentions

### Simpson Thacher Named an “Above & Beyond Law Firm” for Pro Bono Representation of Domestic Abuse Victim

Sanctuary for Families, New York’s leading service provider and advocate for survivors of domestic abuse, has named Simpson Thacher a 2022 “Above & Beyond Law Firm for Excellence in Pro Bono Advocacy.” The Firm is being recognized for its work providing “compassionate and devoted pro bono representation” to obtain a favorable settlement for a domestic abuse victim in a complex custody and order of protection case. The awards ceremony will be held on November 2 in New York.



Sanctuary for Families profiled Litigation Associate **Jonathan Kaplan**, who represented the victim in her efforts to obtain an order of protection against her abuser as well as full custody of her children, praising his “unparalleled commitment to the case” and the victim: “His excellent legal skills throughout the case were key to securing a positive outcome,” the organization reported. Jonathan told Sanctuary for Families he was inspired by the strength the victim demonstrated throughout the process. “Her strength in the face of so much adversity and her ability to always put her children first was uplifting,” he said, adding that the experience of representing her was “the most meaningful thing [he has] done as a lawyer.”

### Simpson Thacher Honored with KIND 2022 Allegiance Award

At the Kids In Need of Defense (KIND) annual gala, Coming Together for Children Alone, Simpson Thacher was honored with the 2022 Allegiance Award, bestowed upon the Firm as a longstanding partner dedicated to caring for and protecting the well-being and rights of immigrant and refugee children. The event took place on October 17 at the American Museum of Natural History in New York City. To date the Firm has represented almost 50 children facing deportation through numerous immigration proceedings. Counsel **Sarah Phillips** accepted the award for the Firm, and was featured in a video about her pro bono client.

### **The New York Times Profiles Simpson Thacher Title IX Pro Bono Matter**

Simpson Thacher was highlighted alongside the ACLU of Hawaii and Legal Aid at Work for its role in filing a pro bono class action lawsuit under Title IX on behalf of female athletes at Hawaii's largest public high school in a New York Times article titled, "Sex Discrimination Case in Hawaii Could Change High School Sports Across the U.S." The article discussed the allegations of widespread and systemic sex discrimination of female athletes at James Campbell High School, as well as retaliation against those athletes who advocated for equity. After a decision by the Ninth Circuit Court of Appeals on an interlocutory appeal in favor of the plaintiffs, the District Court in Hawaii in July certified a class of past, present and future female athletes at the school. The case seeks declaratory and injunctive relief against the Hawaii Department of Education and the Oahu Interscholastic Association. The article additionally looks ahead to the impact of the trial, scheduled for October 2023, that could have widespread implications for the reach and responsibilities of Title IX. The Simpson Thacher team that advised on the appeal included Partner **Buzz Frahn**, Counsel **Jayma Meyer**, and Associates **David Balme**, **Ziwei Xiao**, **Pierce MacConaghy** and **Abigail Dugan**.



Kevin Roe and Avril Benoit

### **Doctors Without Borders Speaks About Humanitarian Work in Ukraine**

On July 13, 2022, the Firm hosted Avril Benoit, the Executive Director of Doctors Without Borders/ Médecins Sans Frontières in the United States (MSF-USA) to speak about the organization and its recent Ukraine humanitarian work. The conversation was moderated by Exempt Organizations Associate **Kevin Roe**<sup>4</sup>, who discussed the Firm's long history of pro bono work for MSF-USA, and included Pro Bono Counsel Harlene Katzman who spoke about the Firm's recent work representing Ukrainians seeking safety and immigration status in the United States. The Firm has been pro bono counsel to Doctors Without Borders for 30 years.

4. Counsel effective January 1, 2023

Please send  
news items, comments  
or suggestions regarding  
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