

Justice Matters: Pro Bono Newsletter

July 2019



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Can You Help Us Reach Our Goal?

Please help the firm meet its goal of getting **every lawyer to do at least 20 hours of pro bono in 2019**. If you need help to make this happen, please contact Harlene Katzman or Susan Cordaro who have a list of 20 hour projects that can be done by attorneys in any practice with any level of experience. Thank you!



Simpson Thacher Wins Second Circuit Appeal on Question of “First Impression” on Behalf of Immigrant Detainees

Simpson Thacher and New York Lawyers for the Public Interest (“NYLPI”) successfully obtained a reversal by the Second Circuit on behalf of two former immigrant detainees who brought Section 1983 claims for violations of their constitutional due process rights. Simpson Thacher’s clients are two individuals with serious mental healthcare needs, who were in immigrant detention at a correctional facility in Orange County, New York for 1 year and 8 months respectively, pursuant to a contract between Orange County and the U.S. Immigrations and Customs Enforcement (ICE). Simpson Thacher and NYLPI sued Orange County and other defendants alleging that defendants’ failure to provide discharge planning as part of plaintiffs’ mental health care violated plaintiffs’ substantive due process rights. The District Court dismissed the action. The Second Circuit vacated the District Court’s decision. The court noted that “Plaintiffs’ theory raises a legal question of first impression in this Circuit.” The Second Circuit went on to conclude that discharge planning is plausibly part of in-custody care, not post-release care, and therefore falls within the affirmative duty of the state to provide medical care for individuals in state custody. The Court further held that plaintiffs sufficiently alleged defendants’ deliberate indifference to a serious medical need, and that such deliberately indifferent conduct is “egregious enough to state a substantive due process claim.”

The Simpson team includes **Dan Stujenske** (who argued the appeal), **Tom Rice**, **Esinam Agbemenu**, and **Rick Walker**.

STB London Climbs Three Peaks for Charity

On June 7th, an enthusiastic team of 16 from Simpson Thacher's London office braved the elements to climb the three highest mountain peaks in the UK in under 24 hours. The climbs included Ben Nevis in Scotland, Scafell Pike in the Lake District, and Snowdon in Wales. The team raised over £10,000 for two charities selected by the London office. The charities are Centrepont, the UK's leading charity for homeless young people, helping over 10,000 16-25 year olds find a home and a job every year; and The Listening Place, supporting suicidal people with free, face to face, non-judgmental support for as long as they need. The Simpson team included **Mounah Abdallah, Kieran Barnes, Lauren Brazier, Adam Brunk, Ioanna Charalambous, Victoria Hartman, Andrea Houghton, Rob Lee, Charles Leeming, Dominic Mbanu, Jamie Miles, Luke Murphy, Sam Rietbergen, Leo Riftkind, Tyler Robinson, and Robert Wentworth.**



Standing L to R: Tyler Robinson, Kieran Barnes, Luke Murphy, Lauren Brazier, Adam Brunk, Sam Rietbergen, Jamie Miles, Robert Wentworth, Andrea Houghton, Charles Leeming, Dominic Mbanu. Bottom row L to R: Victoria Hartman, Ioanna Charalambous, Rob Lee, Leo Riftkind.



The team heads up one of the three peaks.

Profile: 2019 Summer Public Interest Fellows

Analia Gomez, a Houston Summer Associate and a student at Cornell Law School, will spend her fellowship in the Houston office of Kids in Need of Defense (KIND). A long time pro bono partner of the Firm's, KIND protects unaccompanied children who enter the U.S. immigration system alone to ensure that no child appears in court without an attorney. Ana will assist recently arrived, unaccompanied immigrant children with their immigration cases.



Analia Gomez

Christen Hammock, a New York Summer Associate and student at Columbia Law School, will work with the Incarcerated Mother's Legal Project for the duration of her fellowship. This Project is operated by our longtime pro bono partner, Volunteers for Legal Services (VOLS), and addresses the collateral consequences of incarceration for mothers, including securing visitation rights and preventing termination of parental rights. Christen will work with attorneys from VOLS and from the Women's Prison Association Law Project as she advocates for these clients.



Christen Hammock

Courtney Yadoo, a New York Summer Associate and a student at Georgetown Law School, will spend her fellowship working for the U.S. Department of Education in the Office of Civil Rights at the New York enforcement office. This office investigates civil rights complaints in New York, New Jersey, Puerto Rico, and the Virgin Islands with the goal of ensuring equal access to education.



Courtney Yadoo

Simpson Thacher Teams With National Women's Law Center to Secure Title IX Changes in Union City School District

Simpson Thacher, in partnership with the National Women's Law Center (NWLC), has targeted high schools in New Jersey that have the biggest participation gap for girls in athletics, a violation of Title IX of the Higher Education Act that bans sex discrimination in education. Based on federal civil rights data, the Firm was able to identify those

schools that provide the fewest opportunities to participate in sports for girls compared to boys. Those same schools also usually provide inequitable benefits, such as lower quality fields, equipment and coaches. And, in most circumstances, those schools are heavily comprised of students of color. The Firm has reached the first agreement with one of the school districts, Union City School District in Union City, New Jersey, to improve athletic opportunities for female students. After several site visits to the school and months of negotiations with the school board, principal, Title IX coordinator and the athletic director, Union City School District has agreed to offer additional sport options and teams, improve athletic facilities (fields, bleachers, and locker rooms) and provide better equipment and resources for girls. Additionally, the District is required to submit detailed information to the Firm for two years to demonstrate its compliance with this agreement and with Title IX.

The Simpson team included **Jayma Meyer**, **Shannon O’Sullivan**, **Julia Heald** and Simpson Public Service Fellow, Arielle Herzberg.

Simpson Thacher Hosts Legal Clinic With J.P. Morgan Chase

As part of J.P. Morgan Chase’s (JPM) Day of Service, the Firm hosted JPM and Simpson lawyers for a legal health clinic on April 3rd. The clinic was organized by Trustlaw, the Thomson Reuters Foundation’s free global pro bono legal service that connects pro bono lawyers to NGOs and social enterprises working throughout the world to create social and environmental change. JPM and Simpson lawyers worked in teams to help clients identify key legal challenges such as corporate structuring and governance, commercial contracts, how to protect intellectual property, data protection requirements, and finance and fundraising issues.



Patrick Ryan welcomes the volunteer lawyers at the legal training for JPM Clinic.



Volunteer lawyers meet with their clients at JPM Clinic.

Recent Pro Bono Achievements

Northern California Innocence Project and Simpson Thacher Win Exoneration of Wrongfully Convicted Pro Bono Client

Simpson Thacher and the Northern California Innocence Project (“NCIP”) successfully secured the exoneration of a wrongfully convicted pro bono client in the Superior Court of California, County of Santa Clara. The client was convicted of attempted murder in 2002 and sentenced to life in prison based on eyewitness identifications. The Firm and NCIP disproved the eyewitness accounts after obtaining documents and re-interviewing witnesses. On May 15, 2019, the client’s conviction was vacated and he was released from prison after 17 years.

The case received media coverage by various outlets, including The Mercury News and U.S. News & World Report. A number of Simpson attorneys worked on the case over the past five years, including **Marissa Lambert**.

Simpson Thacher Secures Substantial Housing Repair for Elderly Tenant in Brooklyn

Simpson Thacher secured substantial repairs for a 72-year old woman, who has lived in her rent-stabilized apartment in Brooklyn for 41 years. The building had been sold and the new owner demanded that she move out, refusing to repair certain unlivable conditions, including mold, cracked plaster, broken pipes, peeling paint, inoperable windows, and a rodent infestation. Simpson attorneys filed an HP action on the client’s behalf, resulting in a Court Order to repair these conditions. After the landlord failed to comply with the Order, the Firm brought a motion to hold him in contempt of court. This ultimately led to the landlord completing a full

renovation of the apartment in which, after enduring years of substandard living conditions, the client now lives.

The Simpson team included **Sara Estela** and **Aparna Gokhale**, supervised by **Bill Russell**.

Simpson Thacher Forms Nonprofit Theater

Simpson attorneys **Jennifer Obus** and **John Bennett** formed Jewish Plays Project as a nonprofit corporation in New York and obtained federal and state tax exemptions. The client is a specialized, culturally-specific theater company that examines universal themes through the particular lens of the 21st Century Jewish experience and is dedicated to the future of bold, progressive, Jewish theater.

Simpson Thacher Successfully Completes Appointment as Guardian Ad Litem in Washington, D.C.

In November 2017, the DC Superior Court appointed Simpson Thacher as Guardian Ad Litem for a five-year-old child in a highly contested third-party custody case. As guardian ad litem, Simpson Thacher sought a custody arrangement in the best interests of the child, and also played a large role in coordinating pre-trial and trial communication and logistics between the plaintiff and defendant. After over a year of hearings and attempts to facilitate mediation and cooperation between the parties, the custody case culminated in a two-day trial in November 2018. The Court wholly adopted Simpson Thacher's recommendations in the Final Order for Custody, including a finding that the third-party overcame the parental presumption. The Simpson team included **Hillary Mintz**, **Lani Lear**, **Christine Levi** and former associate **Vetan Kapoor**.

Simpson Thacher Wins Unemployment Insurance Appeal

On November 29, 2018, Simpson Thacher successfully overturned an initial determination by the Department of Labor that disqualified a client from receiving benefits on the basis that she voluntarily separated from employment without good cause. New York Associates **Courtney Skarupski** and **Megan Griffith** successfully argued that the client had good cause to leave her employment because she was being subjected to a hostile work environment, which the employer had failed to rectify despite repeated complaints. The employer appealed the November 29 decision and Simpson opposed the appeal. On April 16, 2019, the Unemployment Insurance Appeal Board affirmed the November 29

decision, finding that no errors of law or fact had been made. The matter was referred to the Firm by Volunteers of Legal Service and was supervised by **Bryce Friedman**.

Simpson Thacher Forms Nonprofit to Improve Public Transportation in Queens

Simpson attorneys formed the New York nonprofit, QueensRail Corporation, and assisted in its receipt of federal tax exemption. The client's nonprofit status enabled it to receive a grant which funded its continued advocacy for improved public transportation in Queens through the reactivation of the Rockaway Beach Branch. It is expected that QueensRail will positively impact hundreds of thousands of lives. The Simpson team included **Michelle Goldring** and **Catherine Burns**, and supervision from Exempt Organizations lawyer, **Kevin Roe**.

Awards, Events and News

Simpson Thacher Receives Law Firm Pro Bono Award from Start Small Think Big

Simpson Thacher received the Pro Bono Award from Start Small Think Big at its annual Pop Up Party at the Metropolitan Pavilion on May 16, 2019. Simpson received the award alongside JPMorgan Chase Foundation, which was honored with the Impact Award. The Pro Bono Award comes in honor of the Firm's years of legal services to its small business clients. The award was created to recognize law firms which, through their activities and partnerships, clearly demonstrate their commitment to pro bono programs as part of their core business values.



L to R: Loren Shokes, Matt Farrell, Susan Cordaro, SSTB's Jenny DaSilva, former associate David Acquay, Evan Zuckerman, Joe Kaufman and Harlene Katzman.

Simpson Thacher Received Law Firm Pro Bono Award From Immigration Equality

Simpson Thacher received the 2019 Safe Haven Law Firm Award from Immigration Equality on May 15, 2019. The award recognizes law firms that have demonstrated extraordinary support for Immigration Equality clients, and have gone above and beyond to build “bridges” for LGBTQ and HIV-positive asylum seekers and families to live safely in the U.S. The Firm has been representing Immigration Equality clients for 10 years.

Doctors Without Borders Pro Bono Presentation & Report From the Field

The Firm has been pro bono counsel to Medecins Sans Frontieres/Doctors Without Borders (MSF) for over 30 years. On June 3, MSF presented an overview of its work and a report from the field from Ella Watson-Stryker, an organizational leader, member of the emergency pool and MSF Flying Humanitarian Affairs Advisor. Ella spoke about issues ranging from counter terrorism to fighting Ebola. She was joined by moderator **Kevin Roe** from the Exempt Organizations group and Litigation Partner **Buzz Frahn**, each of whom discussed a segment of the Firm’s ongoing pro bono work for MSF.



MSF representative Ella Watson-Stryker speaks to a full house.

Pro Bono Lunch Presentation: Voting Rights and Election Law

The Firm has a long history of protecting free and fair elections through participation in the Election Protection Program run by the Lawyers Committee for Civil Rights Under Law. On June 18, a panel of Simpson attorneys discussed pro bono work in this area, as well as its recent pro bono work protecting the right to vote throughout the country. Speakers included **Nihara Choudhri**, who discussed the

Mississippi voter disenfranchisement case, **Josh Polster**, who discussed the Firm’s representation of Florida voters in the 2018 election recount litigation, and its representation of amici in the North Carolina gerrymandering case, **Shannon McGovern**, who spoke about the Firm’s challenge to the Pennsylvania absentee voting process, and **Harlene Katzman**, who spoke about Election Protection.



L to R: Harlene Katzman, Josh Polster, Shannon McGovern and Nihara Choudhri.

Simpson Thacher Hosts Annual LEAP Luncheon for National Law Center for Homelessness and Poverty

On May 23, Simpson Thacher hosted the annual Lawyers Executive Advisory Partners (LEAP) Luncheon for the National Law Center for Homelessness and Poverty in its Washington DC office. Partner **Peter Thomas** was among those giving remarks, and the keynote speaker was Representative Katie Hill (CA-25). Associate **Jonathan Menitove** also spoke about the pro bono work the Firm is doing for the Law Center.



Peter Thomas speaks at the LEAP Lunch.

Simpson Thacher Attorneys Named to the 2018 Capital Pro Bono Honor Roll

Fourteen Simpson Thacher attorneys from the Firm’s Washington office have been named to the 2018 Capital Pro Bono Honor Roll, released by the District of Columbia Courts. They include **Lindsey**

Bohl, Claire DiMario, Lucie Enns, Andy Hasty, Lani Lear, Tomi Mendel, Hillary Mintz, Kate O’Neil, Ben Sunshine and former associate Rustin Brown. The Capital Pro Bono Honor Roll recognizes attorneys who have contributed 50 hours or more of pro bono work to those who cannot afford legal counsel. The 2018 Honor Roll members represent a wide range of legal sectors, including 168 law firms and individual practices, federal and local government agencies, corporations, associations, law schools and public interest organizations.

Simpson Thacher Named “Best International Firm for Pro Bono Work” by Euromoney

The Firm was named “Best International Firm for Pro Bono Work” during Euromoney’s Americas Women in Business Law Awards on June 6. Euromoney’s Americas Women in Business Law Awards acknowledge law firms and professional services firms for their efforts and achievements in helping women advance in the legal profession, as well as individual women leading the field in the legal sector across the Americas. Corporate Partner **Marni Lerner** and Litigation Partner **Susannah Geltman** were also celebrated for their achievements. Marni Lerner was named “Best in Private Equity” and Susannah was recognized in the “Rising Star: Litigation” category. The eight annual Women in Business Law Awards recognized the individuals, teams and firms setting a new standard in progressive work practices and leading the way in their field.

Simpson Thacher Receives Law Firm Pro Bono Award From Catholic Migration Services

Simpson Thacher received the 2019 Law Firm Pro Bono Award from Catholic Migration Services (CMS) at the 5th Annual Sunset Reception at the Pierrepont



Harlene Katzman accepts the award surrounded by the CMS Executive Director and immigration staff attorneys.

House on June 13 in Downtown Brooklyn. The Firm was honored for its multi-year program naturalizing immigrants and its current housing advocacy in New York City. CMS empowers underserved immigrant communities in Brooklyn and Queens regardless of religion or ethnicity.

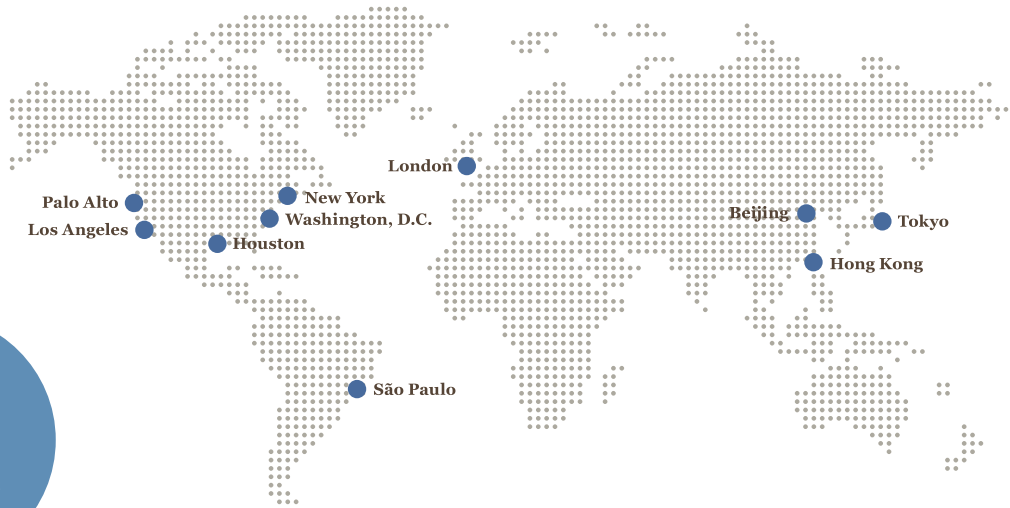
Simpson Thacher Participates in 15th Annual London Legal Walk

On June 17th, over 10,000 lawyers participated in a 10km long walk through London to raise money for London’s free legal advice charities. The 15th London Legal Walk raised £750,000 in aid of over 100 agencies that provide free legal advice to the most disadvantaged people in London and the South East of England. The Simpson Thacher team included **Mounah Abdallah, Michelle Ward, Sinead O’Shea, Jenya Avejan, Dom Mbanu, Martje de Jong, Will Taylor, Catherine Hogg, Sarah Miller, Phil Guggeis, Patricia Deane, Helen Terry, and Leo Rifkind.**



15th Annual London Legal Walk.

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



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