

# Justice Matters: Pro Bono Newsletter

July 2015



## Simpson Thacher Wins Precedent-Setting Sex Education Lawsuit

In a precedent-setting ruling by Fresno County Superior Court Judge Donald S. Black on April 28, Simpson Thacher, along with the ACLU of Northern California, achieved a victory for the plaintiffs in *American Academy of Pediatrics, et al. v. Clovis Unified School District*. The plaintiffs included parents of students in California's Clovis Unified School District (the "District"), the American Academy of Pediatrics and the Gay-Straight Alliance Network. The ruling affirmed that California students have a right to sex education that is complete, medically accurate and bias-free. It is the first ruling to interpret the requirements of a 2003 California law regarding sex education and finds that abstinence-only instruction used by the District is unlawful on the grounds of medical inaccuracy and bias.

In 2012, the Firm partnered with the ACLU to file a complaint against the District for failure to provide comprehensive, medically accurate, and bias-free HIV/AIDS and sex education to its middle- and high-school students, thereby putting teens' health at risk by promoting misinformation and denying them instruction on critical topics. By February 2014, plaintiffs' efforts had caused the District to remove incorrect and biased materials from classrooms as well as add accurate information about all FDA-approved methods of contraception and STI-prevention, inclusive information about sexual orientation, and robust subject-matter training for teachers.

In recognition of the plaintiffs' success in vindicating an important right for tens of thousands of students, defendants were ordered to pay substantial attorneys' fees. The Simpson Thacher team included **Alexis Coll-Verly, Simona Strauss, Stephen Blake, Melissa Schmidt, Christopher James, Lee Brand** and **Caitlyn Chacon**.



The Simpson Thacher team accepts the Reproductive Justice Award from the ACLU for its work on the Clovis case.

## 2015 Public Service Fellowship Awarded To Corporate Associate

The Firm is pleased to announce the recipient of the 2015 Simpson Thacher & Bartlett LLP Public Service Fellowship. New York Corporate Associate **Mike Monteleone** '12 will spend the year serving as a Franklin Fellow in the U.S. Agency for International Development, where he will advise senior leaders and field missions on economic growth projects in Asia

related to private capital investment, infrastructure and macroeconomic reform, in addition to forging innovative partnerships with the private sector.

### 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. On March 10, 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) to environmental remediation (50 percent 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 included **Todd Crider**, **Paul Rodriguez** and **Luis Pellerano**.

### In Appeal of Family Court Matter, Simpson Thacher Represents Amici

On April 21, the New York Appellate Division, First Department granted leave to Simpson Thacher and attorneys at The Bronx Defenders Family Defense Practice to file a brief *amici curiae* on behalf of 15 organizations in connection with the appeal of a family court decision that applied the New York Family Court Act to a fetus in a child neglect case. In the same order, the court denied the NYC Administration for Children’s Services’ motion to dismiss the appeal. The Firm’s brief argues that application of the New York Family Court Act to fetuses threatens harm to the health, well-being, and constitutional rights of pregnant women. The team included **David Woll**, **Susannah Geltman**, **Abigail Williams** and **Monica Chan**.

### Profile: 2015 Summer Public Interest Fellows

Simpson Thacher welcomed three law students to its Summer Public Interest Fellowship Program, now in its tenth year. After working at the Firm for the first part of the summer, they will each embark on a self-designed public interest project, supported by the Firm.

**Sara Estela** joins the New York office from Stanford Law School. Sara will work at Bronx Defenders, developing creative tactics to address the legal problems of Bronx residents. The organization’s innovative and holistic approach combines criminal defense, family defense, civil legal services, social work support and advocacy.

**C.J. Murray**, a New York summer associate and student at New York University School of Law, will work at MFY Legal Services’ Foreclosure Prevention Project, where he also interned during the summer of 2014. C.J. will help combat foreclosure rescue scams by providing MFY attorneys with research they can use to initiate affirmative litigation and develop new precedent under the New York Distressed Property Consulting Act.



Summer associates Sara Estela and C.J. Murray in New York

**Nadine Thornton** joins the Houston office from Cornell Law School and the Johnson Graduate School of Management. She will return to Ithaca, New York to work at Ithaca Neighborhood Housing Services (INHS), where she will update INHS loan policies and draft a proposed state law permitting reduced assessments for INHS Community Land Trust properties.



Summer associate  
Nadine Thornton in Houston



## Palo Alto Summer Associates Ride the Justice Bus!

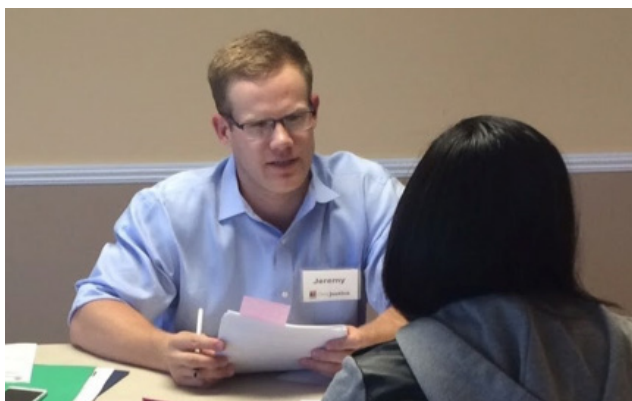
Palo Alto summer associates boarded the Justice Bus again this year, riding to Vallejo, CA to staff an immigration legal clinic in an underserved, low-income community. Through the Firm's partnership with OneJustice, summer associates were trained and supervised by attorneys from the International Institute of the Bay Area and spent June 18 assisting 22 individuals with the preparation of their naturalization applications. Palo Alto Attorney Recruiter **Lauren Adriani** and Pro Bono Counsel **Harlene Katzman** also participated. Participants included **Sherry Shen, Mike Morey, Alex Moser, Clint Eastman, Jeremy Bethel, Tomi Mendel, Mark Underwood, Blake Meyer, Steven McLellan, Amy Heath** and **Marissa Lambert**.



Marissa Lambert



Simpson Thacher summer associates, Lauren Adriani, and community volunteers from Vallejo pose outside of the clinic.



Jeremy Bethel meets with a clinic participant in Vallejo.

## Recent Pro Bono Achievements

### Simpson Thacher Reaches Title IX Settlement with Bay Area Charter High School

Simpson Thacher, in partnership with the Legal Aid Society-Employment Law Center and California Women's Law Center, settled a Title IX claim on behalf of female athletes at Clayton Valley Charter High School. Clayton has agreed to improve and maintain equitable athletic facilities for girls and boys; offer additional girls' athletic teams; increase outreach to girls to participate in sports; and provide additional Title IX training to its coaches and administrators, among other things. The settlement is thought to be the first of its kind in the nation involving a charter school and serves as a guidepost for Title IX compliance in the charter school setting. The Simpson Thacher team included **Buzz Frahn, Jayma Meyer, Michael Freedman** and **Lee Brand**.

### Simpson Thacher Prevails on Landlord/Tenant Litigation in New York State Court

After five years of litigation, a landlord gave up its effort to eject Simpson Thacher's elderly pro bono clients from a rent-controlled Manhattan apartment in which they have lived for forty years. The landlord's agreement to withdraw the case with prejudice follows the First Department's rejection of their appeal from the trial court's denial of summary judgment. **Jonathan Zelig** argued the appeal before the First Department on behalf of the tenants. **Jeffrey Ding** and **Matthew Stichinsky** also worked on the matter, supervised by **Bill Russell**.

### Simpson Thacher Wins Pro Bono Appeal in Case of First Impression

Attorneys in the New York office appealed an order from the Family Court regarding the role of state courts in making findings required for noncitizen children to seek lawful permanent resident status under the Special Immigrant Juvenile Status (SIJS) federal statutory provisions. The Family Court held that the our client's children, who had been the subject of a family offense proceeding and were issued an order of protection from their father, were not dependent on a juvenile court and thus could not seek immigration status. The Second Department, reversing the Family Court's ruling, remanded for specific findings as to whether it would not be in the children's best interests to be returned to their home country. This was a case of first impression in New York and one of significant importance nationwide

as there are relatively few reported cases on SIJS. The appeal was argued by former associate Dan Shin under **Mary Kay Vyskocil's** supervision.

### Simpson Thacher Forms Public Charter School in the Bronx

Attorneys in the New York office assisted with the formation of the Rosalyn Yalow Charter School, a new public charter school in the low-income community of District 10 in Bronx, New York. The attorneys also applied for and received federal tax exemption on behalf of the school. The team included **Sarah Elliot, Leanne Welds** and **Kevin Roe** and was supervised by **David Shevlin**. The Firm had previously represented the 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.

### Simpson Thacher Wins Asylum for Gambian Public Health Worker

Attorneys in the New York office successfully secured a grant of asylum on behalf of a Gambian public health worker who feared persecution in his home country on account of his political opinion. The matter was referred to the Firm by the New York City Bar Association. The team included associates **Wabi Jain** and **Holly Gurian**, and was supervised by **Alan Turner**.

### Simpson Thacher Wins New Parole Hearing For New York State Inmate

On June 23, Simpson Thacher successfully secured a new parole hearing for a client who has been incarcerated in New York State for almost 27 years, seven years longer than the minimum sentence imposed. The New York Supreme Court found that the Parole Board's decision to deny release was "arbitrary and capricious" because the Board did not "explain in its decision how releasing petitioner ... would so deprecate the serious nature of the crime as to undermine respect for the law." The court highlighted our client's positive achievements while behind bars and held that "the record before the Court ... raises the inference that the Board's stated reasons for denying petitioner parole release are merely pretextual." The court ordered a *de novo* parole hearing, with at least two Parole board members who were not involved in the previous hearings, to occur within 30 days. The team included **Michael Garvey, Lara Pomerantz** (who argued the petition) and **Matthew Bricker**.

### Simpson Thacher Prevents Eviction of Tenant in Washington, D.C.

Attorneys in the Washington, D.C. office obtained a dismissal for a pro bono client facing eviction from the apartment in which she lived for over eight years. In response to the Firm's summary judgment motion which argued that the landlord produced insufficient evidence in discovery to support an eviction, the landlord requested the case be dismissed. The parties then jointly filed a praecipe dismissing the case with prejudice. The team included **Jonathan Porter, Elliot Weingarten** and **Adrienne Vollmer**, with supervision by **Peter Thomas**.

## Awards and Events

### Simpson Thacher Receives Employer Support of the Guard and Reserve Award from the Department of Defense

On June 24, Simpson Thacher received the Employer Support of the Guard and Reserve award from the Department of Defense. The award recognizes the Firm's sustained support for employees serving in the reserve components of the United States Armed Forces, and its veteran-related pro bono programs and other activities. The following individuals were also recognized: **James Cross, John Lobrano, Susan Osnato, Joyce Xu** and **Jonathan Lindabury**. These awards are based on a nomination by a Guard or Reserve member employee and recognizes cooperation and understanding between civilian employers and their National Guard and Reserve employees.



## Simpson Thacher Receives Pro Bono Award from The Door

On May 13, Simpson Thacher received the Pro Bono Award from The Door: A Center for Alternatives in recognition of the pro bono legal services its attorneys provide to its Runaway and Homeless Youth population. Pro Bono Counsel Harlene Katzman accepted the award on behalf of the Firm and spoke about the success of the Firm's Homeless Youth Clinic. The Clinic is currently led by associates **Liz Warnick**, **Makiko Harunari** and **Ryan Kasdin**.



Harlene Katzman, and Pro Bono Counsel from Fried Frank, accept award from Eve Stotland, the Door's Legal Director.



Mike Carnevale, Carola Beeney, Harlene Katzman, Erika Herman (SA); Ben Smith, Ryan Kasdin, Jamie Gamble, Liz Warnick and Makiko Harunari at the Door Awards Event

## Los Angeles Office Run for Justice

A group of attorneys and staff from the Los Angeles office, along with family members, Ran for Justice at the LA Big 5 K to raise funds for Public Counsel, a long time legal services partner of Simpson Thacher.



Denis Griffin, Cristyn Chadwick, Adam Pullano, Brandon Barton, Tiffany Taubman, Matthew Cave, Jordan Hansen





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