

Justice Matters: Pro Bono Newsletter

July 2018



IN THIS ISSUE:

- ▶ Pro Bono Response to Immigration Policy Resulting In Separation of Children From Parents After Border Crossing
- ▶ Simpson Thacher Honored as Pro Bono Publico Award Recipient
- ▶ Simpson Thacher Aims to Restore Voting Rights in Mississippi
- ▶ Lawyers Assist With Launch of State Index on Youth Homelessness
- ▶ Morgan Stanley and Simpson Thacher Launch New Clinic for Public Housing Residents
- ▶ Simpson Thacher Donates Computer Equipment to 19 Legal Services Organizations in New York City and Puerto Rico
- ▶ New York Summer Associates Obtain Orders of Protection for Domestic Violence Victims
- ▶ Palo Alto Summer Associates Ride the Justice Bus to Stockton to Expunge Criminal Records
- ▶ Blackstone and Simpson Thacher Screen 40 Immigrants for Naturalization
- ▶ Recent Pro Bono Achievements
- ▶ Awards, Events and News

Simpson Thacher Lawyers Respond to Immigration Policy Resulting in Separation of Children From Parents After Border Crossing

In the spring of 2018, the Department of Homeland Security began enforcing a new policy of “zero tolerance” for immigrants entering into the United States without permission, including asylum seekers, resulting in their referral for criminal prosecution of the misdemeanor border crossing. One of the results of this policy was that parents crossing the border with children were separated -- the adults to U.S. Marshals Service custody and the children to Department of Health and Human Services (DHHS) custody. Widespread media reported approximately 2300 children were separated, often for weeks, sometimes months at a time. As of the date of this publication, many of those children have not yet been reunified, despite a [federal court order](#) to do so.

Simpson Thacher lawyers have been involved with numerous aspects of this work. A team of lawyers from New York and Palo Alto will spend one week at the Texas border in the Karnes Detention facility screening newly arrived immigrants, preparing them for credible fear interviews and helping to facilitate reunification where possible. A team of lawyers in New York assisted with the identification and location of parents who were separated from their children, in order to facilitate family reunification. Two more teams have taken on the full representation of two children in New York to help them get released from DHHS custody and transferred to an appropriate sponsor’s household. Multiple attorneys are travelling to Albany County Jail in New York throughout July to interview and assist the over 300 immigrants recently transferred there from border detention facilities. Another team is providing ongoing updates to the Vera Institute for Justice, the federally contracted provider to assist unaccompanied children, regarding the lawsuits filed around the country related to family separation and detention. Several lawyers are assisting a witness preparing a declaration regarding conditions of detention for migrant children. Finally, Simpson Thacher was a signatory to an Op-Ed in the New York Times addressing the policies which created family separation, titled, [“The Law Did Not Create This Crisis, but Lawyers Will Help End It.”](#) (The list of firm signatories is at the hyper link of “34 firms”.)

The Simpson Thacher lawyers who have participated in these matters include: Partners **Igor Fert, Buzz Frahn, Rob Holo, Chet Kronenberg** and **Josh Levine**, Retired Partners **Bruce Angiolillo** and **Peter Bresnan**, Counsel **David Elbaum**, Associates **Monisha Bhayana, Daniel Cohen, Sara Estela**,

Aparna Gokhale, Benjamin Heriaud, Arielle Herzberg, Asher Lowenstein, Ngozi Nezianya, Karen Reyes, Ali Scher, Attorneys Jaber Ahmed, Jason Cahill, Susan Cordaro, Sarah Dunn and Jenny Smith, Staff Attorneys Jorge Batlle, Jorge Campos, Elizabeth Harper, Shay Kershaw and Rachel Summers, Summer Associates Samantha Grayman and Simone Worthy, and SEO Intern Chelsea Minuche.

Simpson Thacher Honored as Pro Bono Publico Award Recipient

The ABA Standing Committee on Pro Bono and Public Service will honor Simpson Thacher with the Pro Bono Publico Award at the ABA annual meeting in August for its exemplary commitment to pro bono projects. The Pro Bono Publico Award is presented annually to institutions in the legal profession that have demonstrated outstanding commitment to volunteer legal services for the poor and disadvantaged. The Firm is proud of its longstanding commitment to pro bono and honored to receive this recognition.

Simpson Thacher's pro bono projects include legal services to poor and vulnerable communities, nonprofits and fledgling small businesses, and major initiatives to protect civil and human rights. The Firm recently challenged the federal government on its policies toward restricting contraceptives as well as the Executive Order that created a travel ban affecting several majority-Muslim countries, and is currently engaged in reform efforts around the country on issues including veterans disability benefits, voting rights, gender equity in school athletics and discriminatory police practices. The Firm provided almost 53,000 hours to pro bono matters in 2017.

Simpson Thacher Aims to Restore Voting Rights in Mississippi

On March 27, 2018, the Firm, along with the Southern Poverty Law Center (SPLC), filed a federal class action lawsuit in Mississippi challenging the state's outdated criminal disenfranchisement scheme on constitutional grounds. Mississippi imposes a lifetime voting ban on individuals convicted of many offenses, such as writing a bad check. Only the governor or the state legislature can restore a disenfranchised citizen's voting rights. In the last five years, the legislature has restored voting rights to just 14 Mississippi citizens.

The lawsuit claims that Mississippi's lifetime voting ban violates the Eighth Amendment's prohibition on cruel and unusual punishment, as well as Section

2 of the Fourteenth Amendment. The lawsuit also claims that Mississippi's standardless legislative process for restoring voting rights violates both the Equal Protection Clause of the Fourteenth Amendment and the First Amendment. The case has received extensive media coverage. The Simpson Thacher team includes **Jonathan Youngwood, Janet Gochman, Nihara Choudhri, Isaac Rethy, Tyler Anger, Avery Johnson and Adam Deming.**



L to R: Attorneys Jonathan Youngwood and Jody Owens (SPLC) with plaintiffs Dennis Hopkins, Walter Kuhn and Byron Coleman in Jackson, MS.

Simpson Thacher Assists With Launch of State Index on Youth Homelessness

Simpson Thacher lawyers in the New York and Washington offices partnered with the National Law Center for Homelessness and Poverty (NLCHP) to review state education plans to ensure compliance with the McKinney-Vento Homeless Assistance Act, which requires states to provide educational stability and access for homeless children and youth. The Firm reviewed 17 state plans, the results of which became part of a national index on youth homelessness -- a first-of-its-kind resource that evaluates all 50 states and the District of Columbia on their efforts to prevent and end youth homelessness by providing a snapshot of some of the legal, systemic, and environmental barriers that youth experiencing homelessness face.

In June 2018, Cyndi Lauper and the True Colors Fund, in partnership with the NLCHP, unveiled the State Index on Youth Homelessness. The two organizations have also launched a campaign to empower the public to contact their governors to improve their state's index scores. The Simpson Thacher team included **Jonathan Menitove, Magdey Abdallah and James Regan.**

Morgan Stanley and Simpson Thacher Launch New Clinic for Public Housing Residents

In a presentation to Morgan Stanley and Simpson Thacher lawyers about the lives of low-income elderly, disabled, and chronically ill tenants living in East Harlem public housing, recent Columbia Law graduate Chris Helwig discussed how he will be fighting for the rights of these tenants to live in safe and habitable apartments as an Equal Justice Works Fellow. Chris's fellowship, with Lenox Hill Neighborhood House on the Upper East Side of Manhattan, is jointly sponsored by Simpson Thacher and Morgan Stanley.

In June, Morgan Stanley and Simpson Thacher launched a new pro bono legal clinic in East Harlem to support Chris's work. At the clinic, five Simpson Thacher volunteers paired with members of Morgan Stanley's Legal and Compliance group to consult with public housing tenants regarding rent overcharges. The Simpson Thacher Associates who participated were **Jim Hurder**, **May Mansour**, **Aparna Gokhale**, and **Jennifer Randolph**, along with Summer Associate **Tommy Garber**. We expect the clinic to occur on a regular basis going forward.

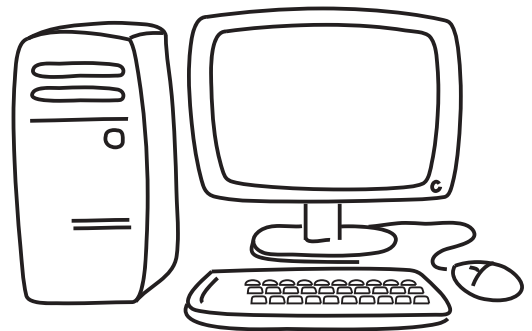


Equal Justice Works Fellow, Chris Helwig, presents at Morgan Stanley.

Simpson Thacher Donates Computer Equipment to 19 Legal Services Organization in New York City and Puerto Rico

Throughout 2018, the Firm donated a total of 72 laptops, 127 monitors, 60 printers, and 36 digital scanners to organizations that provide legal services to low income individuals and communities through New York City. This equipment was no longer in use by the Firm but still in excellent condition. The Firm also shipped 20 of the laptops to a partner organization in Puerto Rico to help the local nonprofits recover after the island was hit by a hurricane in the fall of 2017. The donations were

facilitated by **Peter Pilato** from the IT Department and Pro Bono Counsel **Harlene Katzman**, with help from **Mike Kalinowski**, **Lawrence Douglas** and Summer Intern **Samuel Kim**. The recipients included Legal Aid Society, South Bronx United, Community Legal Advocates, Church World Services, Sauti Yetu, New York Immigration Coalition, Mikwon, City Bar Justice Center, Immigrant Justice Corps, Safe Horizon, Sanctuary for Families, Human Rights First, Catholic Charities, New York Legal Assistance Group, Volunteers of Legal Services, The Door, Urban Justice Center and New York Lawyers for the Public Interest.



New York Summer Associates Obtain Orders of Protection for Domestic Violence Victims

Each summer, Simpson Thacher participates in the Courtroom Advocates Program (CAP), directed by Sanctuary for Families, which enables summer associates to advocate in NYC Family Court for domestic violence victims seeking protective orders. Domestic violence victims typically enter Family Court without an attorney – often right on the heels of an incident of severe violence - not fully understanding their legal rights or available remedies. Summer Associates **Garrett Gerber**, **Samantha Grayman**, **Yong Bum Lee**, **Haley Martin**, **Silvia Peng**, **Christian Riess**, and **Sam Rodgers** assisted pro se petitioners in Family Court in drafting petitions seeking protective orders, and, after the petitions were filed, appeared in court to assist the victims.

Palo Alto Summer Associates Ride the Justice Bus to Stockton to Expunge Criminal Records

A group of Palo Alto Associates and Summer Associates traveled to Stockton, CA with the nonprofit OneJustice to staff an expungement clinic at the Fathers & Families of San Joaquin County. There, they met with 15 clients to advise them about

their criminal record clearance options, and prepared 25 petitions. Expungement of a criminal record enables a petitioner to indicate “no convictions” on certain employment applications, substantially increasing their chances of getting hired. Expungement can also make a petitioner eligible for housing, federal student aid, adoptions, occupational licensing and other benefits.

One of the clients wrote the following reflection of the clinic, “*When I was 18 years old I was convicted of a felony that has haunted me ever since. I am now struggling to be who I want to and succeed in life not only for myself but for my 2 year old son. This event that I’ve attended today for expungement of my record is life changing. I am beyond appreciative of this opportunity to change my world.*”

The Simpson Thacher team included: Associates **Wyatt Honse** and **Sangitha Palaniappa**, Summer Associates **Jacob Gindt**, **Lauren Ditty**, **Dan Teicher**, **Breanna Philips**, **Sam Watters**, **Brian Pettis**, **Carrie Huang**, **Dylan Smith**, **Dani Bemby** and **Xochitl Romo**, Counsel **Harlene Katzman**, and Administrators **Lauren Adriani** and **Allan Wildstein**.



Fathers & Families of San Joaquin County.

Blackstone and Simpson Thacher Screen 40 Immigrants for Naturalization

On July 10, volunteers from Blackstone and Simpson Thacher teamed up to screen 40 individuals to determine their eligibility to naturalize, the Firm’s largest in-house clinic to date. More than 9 million people in the U.S. are eligible to naturalize, but have not yet done so. Naturalizing brings important benefits to clients, including the right to vote, and protection from removal--a particular concern for low-income communities of color that are highly policed. The Simpson volunteers included **Igor Fert**, **Brian Stadler**, **James Hurder**, **Erika Garcia**, **Pia Figuerola**, **Sophie Gandler**,

Thomas Garber, **Jae Hong**, **Chelsea Minuche**, **Giovanna Robledo**, **Erica Sims**, **Jule Walsh**, **Richard Zhang**, **Elizabeth O’Connor**, **Cyrena Terricone**, **Edna Vasquez** and **Bruni Figueroa**.



Volunteers meet with clients at the naturalization clinic.

Recent Pro Bono Achievements

Simpson Thacher Wins Family Law Appeal in the First Department

Simpson Thacher represented two girls, ages 7 and 12, in a child custody appeal referred to the firm by The Children’s Law Center. The girls’ father, who had perpetrated acts of domestic violence against the mother on multiple occasions in the presence of the children, appealed an order granting sole legal and primary physical custody of the children to their mother. The father appealed on the basis that the lower court failed to consider that the mother purportedly “abandoned” the children to the father’s care several years ago, even though at the time of the lower court decision and the appeal, the girls were in a stable, happy and healthy home environment while living with their mother. The Appellate Division of the Supreme Court, First Judicial Department, unanimously upheld the trial court’s decision. Associate **Michael Carnevale** argued the appeal, supervised by Partner **Bill Russell**.

Simpson Thacher Attorneys Form and Obtain Tax Exemption for International Human Rights Organization

Simpson Thacher formed and obtained federal and New York State tax exemptions for a new international human rights organization, Ája Indigenous Peoples’ Rights Foundation. The organization has been formed to raise public awareness about and to create a public forum for the discussion and exchange of ideas about how the global community can support the successful resolution of human rights issues of Indigenous Peoples. The organization will promote, through

grant-making, the effective participation of Indigenous Peoples in the United Nations and other multilateral processes affecting their human rights. The organization will also provide financial support for other efforts to assist Indigenous Peoples in securing and managing their territories and natural resources and in protecting against the misappropriation and misuse of their cultural heritage. The Simpson team included Partner **Todd Crider** and Counsel **Jennifer Franklin**.

Simpson Thacher Wins Asylum for Pakistani Family

On June 18, 2018, Simpson Thacher successfully secured a grant of asylum for a client and his family fleeing from the Taliban in Pakistan. The client is a journalist who wrote candidly about his condemnation of the Taliban in various news outlets. Members of the Taliban brutally beat him and continuously threatened him and his family for expressing his political beliefs. The client, having suffered severe persecution and fearing further persecution in his home country of Pakistan because of his political beliefs, sought refuge in America. The Simpson Thacher team included Associates **M. Faye Shin** and **Becky Sussman**, and was supervised by Partner **Alan Turner**.

Simpson Thacher Helps Family Navigate Special Needs with NYC Department of Education

Associate **Sarah Sheridan** and supervising Partner **Brian Chisling** represented a fourth grade student in a Brooklyn public school in negotiating his Individual Education Plan (IEP) with the Department of Education. The client was reading at a first grade level and struggling with several learning disabilities. After arranging for an independent evaluation and recommending a change in his academic program, the school agreed to allow the student to attend a non-public specialized school and the Department of Education agreed to pay for the student's transportation to and from school.

Simpson Thacher Prevents Eviction of Washington Tenant

Attorneys in the Washington office obtained a dismissal for a client facing the threat of a nonredeemable eviction. The landlord agreed to dismiss all claims against the tenant with prejudice and to return \$700 in rent, effectively securing the client an 18% abatement for the duration of the representation. The team included Associates **Andy**

Hasty and **Tomi Mendel** with guidance from Partner **Peter Thomas** and Associate **Jon Porter**.

Simpson Thacher Wins Family Law Appeal in the Second Department

Simpson Thacher represented a 5-year-old child in a family offense appeal referred to the firm by The Children's Law Center. The girl's father, who had perpetrated acts constituting sexual misconduct, harassment, and disorderly conduct against the mother and in the presence of the child, appealed a protective order directing him to stay away from the mother and to refrain from committing any family offense against the child. On appeal, the father argued, inter alia, that there was no imminent danger warranting the order of protection, in spite of credible evidence that he had engaged in a cognizable pattern of behavior including acts of both sexual misconduct and harassment as recently as two weeks prior to the filing of the mother's petition. The Appellate Division of the Supreme Court, Second Judicial Department, unanimously upheld the Family Court's decision. The Simpson Thacher team included **Joe McLaughlin**, **Jordan Botjer**, who argued the appeal, and **Susan Cordaro**.

Simpson Thacher Assists Victim of Crime in Obtaining Legal Permanent Resident Status

The Los Angeles office partnered with Public Counsel to assist victims of crime holding U nonimmigrant status apply for legal permanent resident status. Beginning in June 2017, Simpson Thacher represented one such victim and, as a result, the U.S. Citizenship and Immigration Services granted her legal permanent resident status. The client returned to the Los Angeles office with her family to thank all those involved in the process in person. The team included **Jennifer Levitt**, **Catherine Maleki**, **Caroline Wilson** and **Gisela DeSantiago**.

Awards, Events and News

Exempt Organizations Lawyers Teach Nonprofit Workshop

Exempt Organizations attorneys **Jennifer Franklin** and **Maura Whelan** were featured speakers at the *Nonprofit Fundamentals Series: Legal Considerations Before Starting a Nonprofit Workshop*, organized by New York Lawyers for the Public Interest. There, they presented to 55 New York City nonprofit leaders about the law governing exempt organizations.



Maura Whelan and Jennifer Franklin speak at nonprofit workshop.

Simpson Thacher Named Among Top Ten Pro Bono Immigration Campaign Partners by LSNYC

Simpson Thacher has been recognized as one of Legal Services NYC's Top Ten Pro Bono Immigration Campaign Partners. The Pro Bono Immigration Campaign has assisted more than 1,000 low-income immigrants on matters ranging from naturalizations, to U-visas and asylum; it has benefitted nearly 2,500 immigrants and their families. The recognition took place at LSNYC's annual Jazz for Justice Benefit on June 18, which was also a celebration of LSNYC's 50th Anniversary. Simpson Thacher was also recognized for the large amount of pro bono work that was done in collaboration with LSNYC over the past year and a half, including a partnership in creating LSNYC's naturalization screening clinic.

Simpson Thacher Hosts The Vera Institute for Justice in Discussion about Current Immigration Policies Affecting Children

The Firm welcomed Anne Marie Mulcahy, the Program Director of the Unaccompanied Children Project at the Vera Institute for Justice, for a discussion about the current situation for immigrant children at the border and what pro bono lawyers can do to assist with their legal needs. Vera works nationwide to provide legal services and representation to unaccompanied children in removal proceedings, develop best practices, and expand representation to ensure that no child appears in immigration court alone. This work is done through the Unaccompanied Children Program (UCP), which has contracts with ORR to serve unaccompanied children throughout the U.S.



Harlene Katzman and Anne Marie Mulcahy speak to a packed room.

Please send
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or suggestions regarding the
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