

Justice Matters: Pro Bono Newsletter

July 2021



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Simpson Thacher and the Campaign Legal Center Challenge Unconstitutional Restrictions on the Distribution of Advance Mail Ballot Applications

On June 2, 2021, Simpson Thacher and the Campaign Legal Center filed a federal lawsuit on behalf of VoteAmerica and the Voter Participation Center challenging a new Kansas law that severely restricts the distribution of advance mail ballot applications. Specifically, the law prohibits out-of-state entities from mailing these applications to Kansas voters. The law also makes it a crime for any entity to mail prefilled applications personalized with the voter's name, address and other information, even if the voter provided that information and specifically requested an advance mail ballot application.

Plaintiffs VoteAmerica and the Voter Participation Center are nonpartisan nonprofit organizations who advocate for voting by advance mail ballot because it provides an important means of democratic participation for all registered voters, particularly those who face difficulties with voting in person due to work or school obligations, transportation challenges, illness or disability. Plaintiffs believe that the most effective way to encourage and facilitate voting by advance mail ballot is by mailing applications to eligible voters, complete with pre-addressed, postage-paid return envelopes. Plaintiffs further believe that personalizing these applications with the voter's information increases the likelihood that a voter will apply for an advance mail ballot.

In their lawsuit, Plaintiffs claim that the new restrictions on the distribution of advance mail ballot applications violate



their fundamental First Amendment rights to free speech and free association. Plaintiffs further claim that the challenged provisions are unconstitutionally overbroad, and violate the dormant Commerce Clause. On July 8, 2021, Plaintiffs moved for a preliminary injunction to enjoin enforcement of these provisions in time for Plaintiffs to continue their voter engagement efforts in the 2022 Kansas election cycle, which includes a gubernatorial election.

The Simpson Thacher team includes Partner **Jonathan Youngwood** and Associates **Meredith Karp, Bonnie Jarrett, Nicole Palmadesso** and **Benjamin Estes**.

Simpson Thacher Launches Asia Pro Bono Program

Earlier this year, the Firm launched the Simpson Thacher Asia Pro Bono Program, focused on sourcing and placing pro bono matters in the Hong Kong, Beijing and Tokyo offices. The Program is being overseen, in consultation with the Firm's Pro Bono Counsel and Committee, by the Asia Pro Bono Committee, which includes Partners **Alan Cannon, Makiko Harunari** and **Jin Park**; Senior Counsel **David Yun**; Associates **Jie Min, Lily Rasel, Xochitl Romo, Jiazhen Yan, Ron Yung** and **Jiang Zhao**; Special Associate **Ray Chang**; Senior Legal Assistants **Jessica Shi** and **Sarah Choi**; and is administratively supported by **Cherry Leung**. Not only is the hope to expand the Firm's long-time partnership with Human Rights Now in Tokyo, where attorneys across all offices have monitored human rights conditions in Myanmar for more than six years through a monthly report, but to forge new partnerships with NGOs in the region. Representative new matters include corporate governance advice to Branches of Hope, a local charity serving asylum seekers and human trafficking victims in Hong Kong; and compliance advice to the Yale-China Association, which bridges American and Chinese cultures by creating lasting, transformative partnerships and experiences in education, health and the arts, and organizes education programs in Hong Kong and China. Partner Makiko Harunari says, "the Asia Pro Bono Committee looks forward to strengthening local ties and being part of a growing pro bono community in Asia."

Firm Expands Reach of Virtual Pro Bono Clinics, Client Partnerships to Meet Needs of Vulnerable Populations

Simpson Thacher continued to grow its virtual clinic offerings by launching a new clinic with Sanctuary for Families to assist survivors of domestic violence, and by partnering with the Firm's corporate clients to

drastically expand the number of immigrant children who can be served through the Firm's clinic program with the Safe Passage Project.

During the period from March to July 2021, the Firm's corporate clients, including **Blackstone, KKR, BlackRock, TD Bank** and **Pfizer**, have joined with Simpson Thacher volunteers to conduct well over 100 virtual legal intake interviews to obtain necessary facts to help the Safe Passage Project determine if any form of immigration relief is available to the client, a "UAC" (unaccompanied child)—a child under the age of 18 who, at the time of apprehension at the border, had neither a parent nor a legal guardian accompanying them, and has no lawful immigration status in the United States. Beginning in March 2021, Simpson Thacher also began partnering with Sanctuary for Families to assist with remote intakes for referrals to the New York City Family Justice Center (FJC) in the Bronx. Located in all five boroughs, the FJCs are a network of offices operated by the City of New York to provide free and confidential assistance for victims and survivors of domestic and gender-based violence, which can include sexual violence, human trafficking, stalking and intimate partner violence. Sanctuary for Families is one of the organizations that staffs the FJCs, and Simpson Thacher volunteers participate in those screenings to assess the legal needs of those who have sought assistance.

During that same period, Simpson Thacher also conducted two successful virtual DACA renewal clinics with Volunteers of Legal Service, and conducted over 20 small business clinic consultations via Zoom. By expanding the reach of the Firm's virtual pro bono clinic offerings, Simpson Thacher continues to serve populations with pressing legal needs who otherwise would not have access to counsel.

Finally, the Firm launched the Levitt Quinn Family Law Clinic in Los Angeles. In partnership with the Levitt Quinn Family Law Center, Simpson Thacher volunteers to educate low-income residents of Los Angeles about their legal rights and responsibilities as they relate to family law. Volunteers interview participants and identify legal issues, do an initial case assessment and craft personalized legal plans and referral packets. To date, attorneys and summer associates from the LA office have participated in three clinics in January, May and July 2021 and plan to participate in more throughout the year.

Simpson Thacher Attorneys Win Multiple Unemployment Insurance Benefits for NYC Substitute Teachers at Administrative Hearings

For several years, Simpson Thacher associates have had the opportunity to represent pro bono clients referred to the Firm by Volunteers of Legal Service (VOLS) in unemployment hearings. This pro bono project offers an almost unparalleled opportunity for associates to get immediate trial-like experience. Since the program's launch, associates have prevailed in a number of cases after a hearing before an administrative law judge where arguments were made and witnesses examined by associates. During the pandemic, VOLS identified a significant issue facing substitute teachers in the New York City public schools who needed pro bono assistance related to their unemployment insurance benefits. Specifically, many substitute teachers were asked by the State to pay back thousands of dollars in unemployment benefits for which they previously were informed they were eligible. These benefits were a life saver for many of them during pandemic-related school and summer program closures, and repayment was not feasible for most. Litigation Associates **Eric Yang** and **Peter Farag**, under the supervision of Partner and VOLS Board Member **Bryce Friedman**, successfully represented substitute teachers at hearings before the Department of Labor to fight these benefit overpayment claims. They, along with Litigation Associate **Eleanor Shingleton**, who appeared at a hearing on behalf of a non-substitute teacher client who had been denied unemployment benefits during the pandemic, were named "Pro Bono Stars" by VOLS for their extraordinary work on these matters.

Recent Pro Bono Achievements

Simpson Thacher Wins Release of Pro Bono Client Following First Step Act Appeal in the Fifth Circuit

Together with the Office of the Federal Public Defender for the Southern District of Mississippi, Simpson Thacher represented an African American individual incarcerated in federal prison in appealing the denial of his motion for a sentence reduction under the First Step Act. The team argued that the district court had committed a significant procedural error by miscalculating the applicable Sentencing Guidelines range under the Fair Sentencing Act (FSA). Although the Government had opposed our client's motion before the district court, the

Government agreed on appeal that the district court had erred. The Government acknowledged that our client's 262-month sentence exceeded the FSA-adjusted range of 188 to 235 months' imprisonment. The Government moved to remand the case so that the district court could consider our client's immediate release, as he had already served more than 190 months in prison. On remand, the district court resentenced our client to 188 months' imprisonment. He has since been released from federal prison and has returned home to his family. The Simpson Thacher team included Partner **Joshua A. Levine**, Pro Bono Attorney **Nihara K. Choudhri**, Associates **Christine Mayberry** and **Eleanor Shingleton**, and former colleague **Andrew Garber**.

Fourth Circuit Vacates Board of Immigration Appeals Decision for Pro Bono Client

Simpson Thacher, along with co-counsel from the Catholic Legal Immigration Network ("CLINIC"), successfully represented a mother and her child in a pro bono matter before the U.S. Court of Appeals for the Fourth Circuit, vacating a decision from the Board of Immigration Appeals ordering they be removed from the United States.

Our client fled from El Salvador to the United States with her young son following gang-related violence, torture and an abduction because her partner and father of her child was believed to be associated with a rival gang. The gang had also killed her father, her partner and his aunt. The Firm represented our client and her child before the Immigration Court and the Board of Immigration Appeals. The Immigration Judge refused to recognize family members of our client's partner as a protected group under asylum law. The Board of Immigration Appeals ("BIA") affirmed the Immigration Judge's decision, citing to decisions from the Attorneys General that restrictively interpret asylum law. Simpson Thacher and CLINIC appealed the BIA's decision to the U.S. Court of Appeals for the Fourth Circuit. After reviewing the arguments and being faced with a precedent-setting loss, the U.S. Department of Justice agreed not to defend the case, and the Fourth Circuit vacated the BIA's decision. The Fourth Circuit's order remanding the case mandates that the BIA reconsider the issue of whether our client's family status is a protected ground under asylum law. The victory provides our client with a new chance to prove her claim for asylum with a stronger likelihood of success. The Simpson Thacher team included Partner **Abram Ellis**, Associates **Adrienne Baxley**, **Tomi Mendel** and **Andrew Jensen**, and former colleague **Kate O'Neill**.

Simpson Thacher Obtains Release of Pro Bono Client on Parole

In conjunction with Sanctuary for Families, Simpson Thacher represented an incarcerated pro bono client in connection with her application for discretionary release on parole. The team successfully argued that parole should be granted based on our client's clear acceptance of responsibility, her unblemished disciplinary record and lack of any criminal history, and her numerous accomplishments and achievements while incarcerated, especially in light of her advanced age, medical condition and status as a survivor of severe domestic abuse that led to the crime of conviction. Following an appearance before the Parole Board on April 27, 2021, the Parole Board granted discretionary release to our client after 20 years in prison, recognizing the strength of the significant community and family support for her release. Our client, who is now 67 years old, is scheduled to be released in the next few weeks and will return home to her family. The Simpson Thacher team included Of Counsel **Mark Stein**, Counsel **Sara Ricciardi**, Associates **Jerry Fang** and **Shanice Hinckson**, and former colleague **Ellen Frye**.

Firm Teams With Brooklyn Defender Services Win Family Court Motion to Vacate for Client

Together with Brooklyn Defender Services, Simpson Thacher successfully represented a mother in the Kings County Family Court in connection with her motion to vacate prior neglect findings against her, on the grounds that she had fully complied with services and treatment included in the dispositional orders that the court had entered in her case. The Family Court previously had returned her children to her care, where they are thriving, and found in its decision on the motion that clearing the mother's record was appropriate because she had ameliorated the circumstances that led to the past findings against her, and is providing a stable and nurturing home for her children. The Simpson Thacher team included Partner **Susannah Geltman**, Associate **Eric Yang** and Pro Bono Attorneys **Susan Cordaro** and **Nihara Choudhri**.

Simpson Thacher Assists Global Surgery Nonprofit in Palo Alto With Tax Exemption and Governance

Attorneys at the Firm assisted Sustainable Global Surgery, an organization based in Palo Alto working to assess and improve the quality of global surgery. Both by delivering direct care in low- and middle-income countries and by providing tools to other

organizations and surgical exchange teams which enable the effective delivery of sustainable and high quality surgical care in low- and middle-income countries, Sustainable Global Surgery strives to advance global health outcomes. The attorneys advised Sustainable Global Surgery on the federal and state tax-exemption processes, consent for disclosures of individually identifiable health information, and prepared its articles of incorporation and bylaws. The Simpson Thacher team consisted of Partner **William Brentani**, Senior Counsel **John Bennett**, Counsel **Vanessa Burrows** and Associate **Jacob Gindt**.

Simpson Thacher Helps an Organization Dedicated to Social Justice in Connection With Artificial Intelligence Obtain Tax Exemption

Attorneys at the Firm assisted AI for the People, Inc., an organization dedicated to educating Black audiences about the social justice implications that artificial intelligence technologies have on marginalized communities. The organization's programming includes holding trainings for journalists on how emergent technologies impact Black communities and conducting original research into the impact that artificial intelligence technologies have on Black populations. The attorneys advised the client on the tax-exemption process and prepared its bylaws, conflict of interest policy and annual conflict disclosure statement. The Simpson Thacher team included Associates **Jane Pennebaker**, **Heather Lee**, and former colleague **Justin Stone**.

Firm Settles Housing Discrimination Lawsuit in Rockland County, NY

In May 2021, Simpson Thacher and Westchester Residential Opportunities, Inc. (WRO) settled a lawsuit filed in the United States District Court for the Southern District of New York against the owners and manager of Tor View Village Apartments in Rockland County. The lawsuit alleged housing discrimination toward people with disabilities, based on a multi-year testing investigation conducted by WRO of Tor View's reasonable accommodation practices. Pursuant to the settlement agreement, Tor View's owners and managers have agreed to adopt new fair housing and reasonable accommodation policies, undergo fair housing training and other corrective actions. Tor View has also agreed to pay monetary damages, including attorney's fees and costs, to WRO of \$135,000. The Simpson Thacher team includes Senior Counsel **David Elbaum**, Associate **Rick Walker** and Partner **Bryce Friedman**.

Simpson Thacher Wins Appeal of Family Court Order on Behalf of Domestic Abuse Survivor

The Firm successfully represented a domestic violence survivor in a pro bono matter before the Appellate Division, First Department, in connection with an appeal filed by the subject child’s father, who sought to overturn a Family Court order granting the mother a full, five-year order of protection based on family offenses the father committed against the mother. The matter was argued before the First Department by Litigation Associate **Shanice Hinckson** on May 4, 2021, and, on May 25, 2021, the Appellate Division issued its decision, which accepted all of the Firm’s points made on behalf of the mother. Specifically, the First Department affirmed the Family Court’s finding that the mother credibly testified about the acts of domestic violence perpetrated against her by the appellant, that the father committed multiple family offenses, and that these family offenses took place while the children were present in the home. The matter was referred to the Firm by Sanctuary for Families. The Simpson Thacher team included Partner **Mary Beth Forshaw**, Associates **Shanice Hinckson** and **Christen Hammock**, and Pro Bono Attorney **Susan Cordaro**.

Awards and Events

VOLS Honors Harlene Katzman and Simpson Thacher Attorneys for Pro Bono Leadership at the 2021 “New York, Together” Awards

The Volunteers of Legal Service (VOLS) honored Pro Bono Counsel and Director **Harlene Katzman** at



Harlene Katzman (R) being interviewed on a panel about Representation of DACA Recipients

the “New York, Together” awards ceremony on June 17th. Harlene was among the honorees recognized for exhibiting pro bono leadership during the COVID-19 pandemic and beyond. As part of the program, Harlene was also featured on a panel discussing the Firm’s pro bono work with DACA recipients.

In addition, Simpson Thacher Partner **Bryce Friedman**, Associates **Jonathan Myers**, **Peter Farag**, **Eleanor Shingleton** and **Eric Yang** were named “Pro Bono Stars” at the awards ceremony. The team was recognized for handling multiple unemployment hearings for New Yorkers suffering devastating job losses due to the COVID pandemic, including three New York City public school substitute teachers who were told they were eligible, applied for, and received unemployment insurance benefits through the summer months.

Simpson Thacher Honored at Brooklyn Defender Services’ Family Defense Benefit

The Firm was honored at Brooklyn Defender Services’ virtual “Family Defense Benefit” on June 10, 2021. Simpson Thacher Partner **Susannah Geltman**, Pro Bono Attorney **Susan Cordaro**, Associate **Eric Yang** and Pro Bono Attorney **Nihara Choudhri** were recognized for their successful representation of a mother in the Kings County Family Court in connection with her motion to vacate prior neglect findings against her, which were made based on events that occurred when she was a young mother and herself in foster care.



Simpson Thacher Presents “Holding New York Police Officers Accountable for Constitutional Violations: Challenges and Paths Forward”

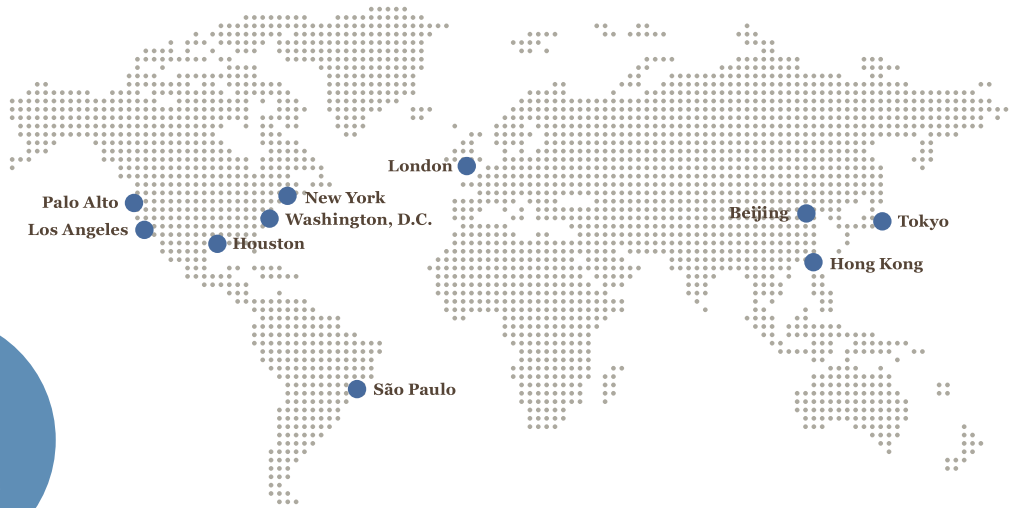
On June 2, 2021 the Firm hosted Lisa Laplace, Bobby Hodgson and Lupe Aguirre from the New York Civil Liberties Union (NYCLU), joined by Litigation Partner **Linton Mann III**, in a discussion about the legal obstacles to bringing civil lawsuits against law enforcement officers challenging misconduct and abuse, especially as perpetrated on communities of color. The panel focused on efforts to reform law enforcement in New York State, following the repeal of § 50-a of the New York State Civil Rights Law, which shielded law enforcement officers from accountability by permitting them to refuse disclosure of disciplinary records.



Simpson Thacher Hosts “Immigrant Children at the Border: Migration, Detention and Deportation”

On June 9, 2021, the Firm hosted staff attorneys from The Vera Institute for Justice, along with Litigation Partner **Stephen Blake**, to discuss the current situation for unaccompanied minors at the border. Working to preserve the rights of tens of thousands of migrant children, Vera partners with a network of legal service providers across the U.S. who inform these children of their rights under U.S. law and defend them in their legal proceedings. The panel discussed what happens to a child who crosses the border alone, how relevant U.S. immigration policies have evolved, and the Firm’s litigation brought to challenge policies that have denied a specific group of unaccompanied children access to asylum eligibility, in violation of the Trafficking Victims Protection and Reauthorization Act.

Please send
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