

# Justice Matters: Pro Bono Newsletter

March 2019



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## Recognition of 2018 Pro Bono Accomplishments and a Look Back

In 2018, Simpson Thacher attorneys once again made the goal of justice an essential part of their work at the Firm. Collectively, we provided over 56,000 hours of legal services to poor and vulnerable communities, nonprofits and fledgling small businesses, and engaged in major initiatives to protect civil and human rights.

In addition to filing lawsuits seeking to reform voter disenfranchisement in Mississippi and absentee voting in Pennsylvania, Simpson lawyers intervened in a Florida lawsuit on behalf of voters to ensure that their ballots were counted. 2018 also brought the Firm a “historic” win from the Court of Appeals for Veterans Claims, which held that that veterans experiencing lengthy delays in the resolution of their disability benefits appeals, may bring class actions against the U.S. Department of Veterans Affairs. We represented *amici* in supporting challenges to policies, including, the asylum ban (prohibiting immigrants from seeking asylum outside a port of entry); a Montana law restricting advance practice registered nurses from providing reproductive care; a California law regarding physician-assisted end of life measures for terminally ill patients, among others. We also launched a major initiative over the summer to assist with immigrant families whose children had been involuntarily separated by the Government. In addition to our continuous full scope

## 2019 Upcoming Pro Bono Clinics, Trainings and CLE Programs

*TrustLaw Nonprofit Legal Health Check Screening Clinic with JPMorgan Chase:*  
Wednesday, April 3<sup>rd</sup>, noon to 3:30 p.m. (NY)

*Public Housing Rent Calculation Clinic with Morgan Stanley and Lenox Hill Neighborhood House:*  
Thursday, May 2<sup>nd</sup>, 9:00 a.m. to noon (in East Harlem)

*Introduction to Pro Bono Clinics:*  
Friday, May 24<sup>th</sup>, 9:30 to 10:30 a.m. (NY)

*Naturalization Application Clinic with Legal Services NYC:*  
Wednesday, May 29<sup>th</sup>, 2:00 to 5:00 p.m. (NY)

*Lunch Presentation – From the Front Lines of Doctors Without Borders:*  
Monday, June 3<sup>rd</sup>, noon to 2:00 p.m.

*DACA Renewal Application Clinic with Volunteers of Legal Service:*  
Wednesday, July 10<sup>th</sup>, 5:00 to 8:00 p.m. (NY)

representation of low-income individuals seeking economic security through housing, family law, criminal defense, public benefits, and immigration, the Firm's lawyers provided legal advice to hundreds of individuals at legal clinics, including artists, entrepreneurs, immigrants, victims of human trafficking, veterans and homeless youth.

For these and other pro bono activities, we were honored with the ABA's 2018 Pro Bono Publico Award from the American Bar Association. The Firm also recognized many hundreds of its attorneys as Pro Bono Champions and Leaders. In honor of their contribution, these attorneys were asked to vote where to direct a portion of the Firm's Pro Bono Charitable Contributions. The two organizations which received the most votes were **Natural Resources Defense Council** and **Brennan Center for Justice**. Both organizations will receive a significant charitable donation from the Firm in honor of our volunteers.

**Please take the time if you can to join your colleagues who have already chosen to make a difference. We urge you to make it a personal goal to do at least 20 hours of pro bono work in 2019.** The Pro Bono Committee and the Department staff is always available to help match you to a project that reflects your interests and professional development goals.

### Simpson Thacher Awards Year-Long Public Service Fellowships

The Firm is pleased to announce the recipients of the 2019 Simpson Thacher & Bartlett LLP Public Service Fellowships. New York Litigation Associate **Arielle Herzberg '16**, will spend the year at the ACLU of Colorado in its litigation group where she will work on challenges to cash bail, conditions of confinement in immigration detention centers, and laws that limit transgender and contraceptive rights. New



Arielle Herzberg



Ellie Gladstone

York Litigation Associate **Ellie Gladstone '17** will spend the year at the National Center for Youth Law in San Francisco working on its school to prison pipeline initiative. There she will advocate for the developmentally-appropriate treatment of youth in the criminal justice system and the need for schools to improve

their disciplinary policies to avoid the criminal prosecution of its students. New York Tax Associate

**Sarah Julian Duffy '17**, will spend the year in NYU's Office of the General Counsel (OGC) providing legal services to NYU, including all of NYU's schools and administrative offices, through the OGC Meloy Law Fellowship. Sarah will focus her Fellowship on issues related to tax and exempt organizations, but also cover a wide range of issues relevant to a University. We wish them well!



Sarah Julian Duffy

### Simpson Thacher Represents *Amici* Challenging New Asylum Policies

Attorneys in New York, Palo Alto and Los Angeles represented a group of 23 immigration legal services providers as *amici* in two separate litigations challenging related policies affecting asylum seekers. In December, *amici* supported litigation challenging the President's Proclamation that would bar individuals who enter the United States outside of designated ports of entry from eligibility for asylum. The litigation, *East Bay Sanctuary v. Trump*, was filed in the Northern District of California, in which the Court temporarily blocked this policy from going into effect. The decision was affirmed by the 9th Circuit Court of Appeals and *certiorari* was denied by the Supreme Court.

The Firm represented the same group of *amici* in *Al Otro Lado v. Nielsen*, filed in February in the Southern District of California, which challenges U.S. Customs and Border Protection's systemic practice of depriving asylum seekers access to the U.S. asylum process by "turning them away" at ports of entry along the border. *Amici* urged the court in both briefs to recognize that these policies violate the unambiguous language of U.S. asylum law, and the principles for which the law stands, in addition to victimizing already vulnerable immigrant communities.

The Simpson team for both briefs included Partners **Buzz Frahn** and **Michael Kibler**, and Associates **Aparna Gokhale**, **Danielle Hesse** and **Stephanie Hon**.

### Simpson Thacher Files Complaint Alleging Title IX Violations in Hawaii

In December, Simpson Thacher, in partnership with the ACLU of Hawaii and Legal Aid at Work, filed a class action complaint against the Hawaii Department of Education and the Oahu Interscholastic Association alleging gender inequities for female athletes at the state's largest high school,

James Campbell High. The complaint alleges multiple violations of Title IX, including inequitable locker rooms resulting in female students having to change in closets, bathrooms in nearby restaurants and on practice fields, as well as inequitable practice facilities, coaches and publicity for girls sports.

The Simpson Thacher team included Partner **Buzz Frahn**, Counsel **Jayma Meyer**, and Associates **Danielle Hesse** and **Wyatt Honse**.

### Partnering With Southern Poverty Law Center, The Firm Wins Class Certification in Mississippi Voting Rights Litigation

On February 13, 2019, the Southern District of Mississippi granted class certification in a suit challenging Mississippi's outdated criminal disenfranchisement scheme on constitutional grounds. Mississippi imposes a lifetime voting ban on individuals convicted of a wide variety of offenses, including crimes such as writing a bad check. 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, and seeks restoration of voting rights on behalf of a class of disenfranchised persons who have completed their sentences. 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.

In its decision, the Court rejected the Mississippi Secretary of State's argument that class certification should be denied under the so-called "necessity doctrine," which defendants in civil rights cases have raised to argue that class certification should be denied as unnecessary when plaintiffs seek solely declaratory or injunctive relief. Relying on the Supreme Court's decision in *Shady Grove Orthopedic Associates, P.A. v. Allstate Insurance Co.*, the Court found that the necessity doctrine has no basis in the text of Rule 23, and that plaintiffs are therefore entitled to class certification whenever Rule 23's enumerated requirements are satisfied.

The Court also rejected the Mississippi Secretary of State's effort to limit the class to individuals who have not only completed their sentences, but have also fully paid all fines and restitution. The Court instead agreed that the class should include all disenfranchised individuals in Mississippi who have completed the term of incarceration, supervised release, parole and/or probation for any disenfranchising conviction—as set forth in Plaintiffs' proposed class definition.

The Simpson Thacher team includes Partner **Jonathan Youngwood**, Senior Counsel **Janet Gochman**, Counsel **Isaac Rethy**, Litigation Specialist **Nihara Choudhri**, and Associates **Tyler Anger**, **Emily Hogan** and **Avia Gridi**.



### Simpson Thacher Represents Amici in North Carolina Gerrymandering Case

The Firm represented a group of North Carolina-based voting rights organizations as *amici* supporting plaintiffs in *Rucho v. Common Cause*, challenging whether North Carolina's 2016 congressional map is an unconstitutional partisan gerrymander. *Amici* provided the Court with qualitative stories about the effect that the gerrymander has had and will have on individuals and communities in North Carolina. The Simpson Thacher team included Partner **Jon Youngwood**, Counsel **Isaac Rethy**, and Associates **Josh Polster**, **Ben Levison**, **Ngozi Neziyanya**, **Avia Gridi** and **Stephanie Hon**.

### Simpson Thacher and Bank of America Merrill Lynch Partner to Renew DACA Status For Young Immigrants

In January, Simpson Thacher and Bank of America Merrill Lynch partnered to prepare and file renewal applications for 10 young immigrants with Deferred Action for Childhood Arrivals (DACA) status, a form of temporary relief from deportation for certain individuals who were brought to the United States as children. Though the DACA program was rescinded by the government in 2017, court orders have directed its continuation while litigation related to the program and its rescission are pending, and, accordingly, these renewals continue to be submitted and processed. The Simpson Thacher participants at the clinic included Partner **Alexandra Kaplan**, Senior Counsel **Jennifer Nadborny**, Associates

**David Acquay, Stacie Friedman, Matias Anchordoqui Gancedo, Andrew Garber, Adam Kahan, Pauline Patat, Antonio Ribichini, Brandon Sadowsky, Nelson Wang, Kate Wheelock and Evan Zuckerman**, International Associate **Miluska Gutierrez Vega** and Staff Attorney **Kam Siu**.

### Simpson Thacher Partners with Blackstone to Host Three Legal Clinics

In February, the Firm teamed up with Blackstone and New York Legal Assistance Group to assist veterans in preparing service connected benefits applications. The Simpson Thacher team included: Partner **Brian Stadler**, Senior Counsel **Elisa Alcabes**, Associates **David Acquay, William Allen, Micah Fielden, Michael Halper, Adam Kahan, Eva Kang, Jonathan Kaplan, Sara Park, Michael Peragine, Brandon Sadowsky, Robert Vogel, Evan Zuckerman** and Chief of Global Business Development **Danzy Burnham**, with assistance from Senior Paralegal **Magallie Kortright** and Paralegal **Catrina Livermore**.



Danzy Bunham and Michael Peragine, along with other teams of Simpson and Blackstone volunteers, meet with veterans.

Also in February, the Firm teamed up again with Blackstone and Start Small Think Big to assist under-resourced entrepreneurs with entity selection, corporate governance, contract and commercial lease review, as well as user agreements related to doing business online. The Simpson Thacher team included: Partners **Rise Norman** and **Marisa Stavenas**, Small Business Clinic Leader Associates **Matt Farrell, Evan Zuckerman** and **David Acquay**, Associates **Dennis Loiacono, Sara Park, Michael Peragine, Brandon Sadowsky** and **Miluska Gutierrez Vega**, assisted by Senior Paralegal **Cyrena Terricone**.



Rise Norman and others counsel entrepreneurs.

In January, the Firm teamed up Blackstone and Legal Services NYC to screen immigrants for eligibility to naturalize and become U.S. Citizens. The Simpson Thacher team included: Partners **Igor Fert** and **Brian Stadler**, Associates **David Acquay, Meaghan Krupa, Tatiana Mejia-Urbe, and Pauline Patat**, International Associates **Eduardo Camara, Tyshanti De Jonge** and **Beatriz Cotrim**, Staff Attorneys **Amanda Torres-Dietrich, Melissa Glazer, Juancarlos Vargas**, and Business Development Specialist **Ajlin Kotoric**, assisted by Senior Paralegals **Magallie Kortright, Maria Penalo** and **Kira Leid-King** and Paralegals **Emma Doeblin** and **Tucker Westbrook**.



Igor Fert and his Blackstone partner meet with immigrant seeking to naturalize.

## Recent Pro Bono Achievements

### Simpson Thacher Completes Merger of Two Grassroots, Nonprofit Organizations

The Firm represented Make the Road New York (MRNY) in a merger with the Westchester Hispanic Coalition (WHC). MRNY is a legal and social services organization in Bushwick, Brooklyn with a mission to build the power of Latino and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services with offices in

New York City, Long Island and, following the merger, Westchester County. The merger of the two organizations allowed MRNY and WHC to significantly expand the scope of their services and, following the merger, Westchester Hispanic Coalition became the Westchester office of MRNY. The Simpson Thacher team included Partner **Maripat Alpuche**, Counsel **Daniel Venditti**, and Associates **Matt Gabbard**, **Kevin Roe**, **Sung Jin** and **Chase Bentley**.

### **Simpson Thacher Secures Agreement to Resolve Title IX Concerns**

Simpson Thacher, in partnership with Legal Aid at Work, reached an agreement with the Santa Clara Unified School District to resolve Title IX gender equality concerns affecting athletes at Wilcox High School in Santa Clara, California. The agreement will lead to significant changes that will help to level the playing field by providing equal athletic opportunities, treatment and benefits for female athletes at Wilcox. "Title IX was passed more than forty-five years ago," said Counsel Jayma Meyer. "I am encouraged to see that the district is making a good-faith effort to address compliance issues at Wilcox High without the need for legal action."

The Simpson Thacher attorneys included Partner **Buzz Frahn** and Counsel **Jayma Meyer**.

### **STB Associates Take and Defend SDNY Depositions in Pro Bono Matter for Pro Se Litigant, Leading to Favorable Settlement**

Since 2017, the Firm has partnered with New York Legal Assistance Group (NYLAG) in a pro bono program that provides litigation associates with the opportunity to take and defend depositions in pending civil cases involving pro se litigants in the United States District Court for the Southern District of New York (SDNY). The program is limited scope, and participating attorneys file a notice with the SDNY to reflect that the Firm will be handling depositions only.

To date, five Simpson Thacher associates have participated in the project, which is supervised by Partner **Craig Waldman**. Most recently, Associates **Rachel Sparks Bradley** and **Brandon Kenney** completed depositions of a 30(b)(6) and third-party witness on behalf of a pro se defendant in a case involving a disputed claim for unpaid fruit under the Agricultural Commodities Act. Following those depositions, the defendant reached a favorable settlement with plaintiffs.

### **Simpson Thacher Wins Asylum for Syrian Christian Woman**

On February 22, 2019, the Firm successfully secured a grant of asylum for a client fleeing religious persecution in Syria. The client experienced violence and threats from various factions in the Syrian Civil War on account of her Christian religion. Members of her family and friends were kidnapped and killed because they are Christians. The client, having suffered severe persecution and fearing further persecution in Syria because of her religion, sought refuge in the United States. The Simpson Thacher team included Associates **Anthony Piccirillo** and **Ki Hoon Kim**, and was supervised by Partner **Alan Turner**.

## **Awards, Events and News**

Simpson Thacher received the Law Firm Award at the Her Justice 2019 Commitment to Justice Award ceremony on February 28 in New York. The award comes in recognition of the Firm's support of Her Justice and its commitment to pro bono legal services. Pro Bono Counsel **Harlene Katzman** accepted the award on behalf of the Firm.



Harlene Katzman at the Her Justice 2019 Commitment to Justice Award ceremony.

Litigation Associate **Esinam Agbemenu** spoke as part of New York Lawyers for the Public Interest's (NYLPI) Pro Bono Advisory Council on its panel, *Get on Board! Nonprofit Board Service for Attorneys*. The event featured a panel of four speakers and was moderated by Barbara Paxton of Governance Matters. Over fifty attorneys attended this event to hear the insights and experiences of the leaders who spoke on the panel.

Exempt Organizations Attorneys **John Bennett** and **Kevin Roe** delivered a presentation entitled “Advocacy and Lobbying for Nonprofits,” on December 6 at a seminar organized by the Foundation Center and New York Lawyers for the Public Interest. Their presentation focused on federal tax law as it relates to lobbying and political campaign intervention by charitable organizations.



Associate Kevin Roe and Counsel John Bennett.

Please send  
news items, comments  
or suggestions regarding  
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