

Justice Matters: Pro Bono Newsletter

November 2019



IN THIS ISSUE:

- ▶ Simpson Thacher, Along With the ACLU of Mississippi and the ACLU, Secure Landmark Consent Decree in Unconstitutional Policing Lawsuit
- ▶ Simpson Thacher Attorneys Travel to the U.S.-Mexico Border to Assist Detained Immigrants
- ▶ Simpson Thacher Secures Preliminary Injunction Blocking Fast-Track Deportation Rule
- ▶ Simpson Thacher and NYLPI Secure Favorable Settlements on Behalf of Former Immigrant Detainees
- ▶ Clinics
- ▶ Recent Pro Bono Achievements
- ▶ Awards, Events and News

Simpson Thacher, Along With the ACLU of Mississippi and the ACLU, Secure Landmark Consent Decree in Unconstitutional Policing Lawsuit

On October 3, 2019, the United States District Court for the Southern District of Mississippi approved a groundbreaking consent decree that will help to prevent Mississippi's Madison County Sheriff's Department (MCSD) from engaging in racially motivated policing practices. The class-action lawsuit, *Brown vs. Madison County*, filed by Simpson Thacher, the American Civil Liberties Union and the ACLU of Mississippi, aimed to challenge Madison County's unconstitutional policing tactics. The approved decree implements several reforms to existing procedures and includes new policies that amend the pedestrian stops and checkpoints of the MCSD. *Brown vs. Madison County* is one of the first consent decrees in the state of Mississippi to address racialized policing.

Partner **Jonathan Youngwood**, who led the Simpson Thacher team, was recognized as an AmLaw Litigation Daily "Litigator of the Week" finalist for his work in this case. The consent decree was covered by publications including *The New York Times*, *WJTV*, *Mississippi Public Broadcasting*, *Bloomberg Law's Big Law Business*, *Reason*, *Clarion Ledger*, *The Appeal*, *The Root* and *WLBT*, as well as several other publications and broadcast outlets.

The Simpson Thacher team also included Senior Counsel **Janet Gochman**, Counsel **Isaac Rethy**, Associates **Bonnie Jarrett**, **Kavitha Sivashanker**, **Anthony Piccirillo**, **Jacob Waschak** and Litigation Specialist **Nihara Choudhri**.



The STB and ACLU team with plaintiffs.

Simpson Thacher Attorneys Travel to the U.S.-Mexico Border to Assist Detained Immigrants

Litigation Partners **Brooke Cucinella** and **Stephen Blake**, and LatAm Associates **Luis Pellerano** and **Joshua Bernard** spent a week in August interviewing and preparing recently detained asylum seekers for their asylum claims at the Port Isabel Detention Center in Los Fresnos, Texas. Simpson Thacher is the first law firm to take on direct representation of detained clients through a program organized by the South Texas Pro Bono Asylum Representation Project (ProBAR). During the trip, the attorneys engaged two asylum seeking clients for full representation before the Immigration Court, and organized and carried out a humanitarian mission across the border in Matamoros, Mexico. Associate **Dan Owsley** has also recently joined the New York team.



Stephen Blake, Joshua Bernard and Luis Pellarano organizing delivery of hygiene kits with a local volunteer.

The two asylum clients faced dire circumstances in their home countries, including gun violence and beatings by police – one persecuted for his political views, and the other because of his identity as a gay man. Both men also faced incredibly difficult circumstances in the temporary detention centers at the border, where both endured long term stays – despite a purported limitation that no one would be housed in the temporary facility for more than 72 hours. One client spent 38 days in the temporary facility – colloquially known among the detainees as the “dog pound” or the “chicken coop”—and had no access to soap, a toothbrush or a shower throughout that period. The second client contracted mumps, which went untreated and left him deaf in one ear, sterile, and in great pain.



Living quarters of Migrants waiting in Matamoros, Mexico.

The Simpson attorneys were accompanied Judy Perry Martinez and Patricia Refo, the President and President-Elect of the American Bar Association, on their humanitarian trip across the border to Matamoros, Mexico where they delivered to the men, women, and children affected by the Administration’s “Remain in Mexico” Policy homemade hygiene kits they had purchased and packaged in Texas. The individuals they delivered these kits to attempted to present themselves for asylum in the United States, but were “returned to Mexico” and are living on the streets with virtually no food or potable water as they await the opportunity to file for asylum in the U.S.



Stephen Blake, Brooke Cucinella and Josh Bernard in Harlingen, Texas.

Simpson Thacher Secures Preliminary Injunction Blocking Fast-Track Deportation Rule

On September 27, the U.S. District Court for the District of Columbia granted a preliminary injunction blocking the federal government’s new rule that sought to expand fast-track deportations without legal process such as a court hearing or access to an attorney. The expanded expedited removal rule was announced on July 23 and was scheduled to go into effect as soon as September 27. It targeted

immigrants nationwide who cannot prove they have been in the U.S. continuously for at least two years. Previously, the expedited removal of immigrants was limited to a 100-mile zone from the border, to those who arrived by sea, and to those who had been in the U.S. for 14 days or fewer. Simpson Thacher, together with the ACLU and American Immigration Council, filed a federal lawsuit, *Make the Road New York v. McAleenan*, on behalf of immigrant community organizations Make the Road New York, LUPE (La Unión del Pueblo Entero), and We Count! challenging the July 23 rule and seeking the preliminary injunction.

The decision was covered by *The Hill*, *NPR*, *Bloomberg Law: Big Law Business*, *The National Law Journal* and *Law360*. The Simpson Thacher team included Partners **Susannah Geltman** and **Jonathan Youngwood**, and Associates **Josh Polster**, **Adrienne Baxley**, **Sarah Routh**, **Kathryn Chang** and **Brandon Sadowsky**.

Simpson Thacher and NYLPI Secure Favorable Settlements on Behalf of Former Immigrant Detainees

Simpson Thacher, along with co-counsel New York Lawyers for the Public Interest (NYLPI), secured favorable settlements on behalf of two clients, Plaintiffs Michelet Charles and Carol Small, in connection with their claims against U.S. Immigrations and Customs Enforcement (ICE) and Orange County, New York and related entities (Orange County). Plaintiffs' claims arose from ICE's and Orange County's failure to provide discharge planning to them while they were held in immigration detention. Discharge planning is widely recognized by medical professionals as a basic and essential component of adequate mental health care, particularly in institutionalized settings.

Plaintiffs were both diagnosed with mental illnesses while confined to immigration detention and under ICE's and Orange County's custody. Plaintiffs alleged that ICE's failure to ensure the provision of discharge planning constituted (at a minimum) negligence in violation of the Federal Tort Claims Act. Plaintiffs' claims against Orange County were brought under Section 1983 of the Civil Rights Act for deliberate indifference to serious medical needs.

Simpson Thacher and NYLPI litigated these cases for more than three years, including obtaining a key decision from the Second Circuit in a case of first impression, establishing that a failure to provide discharge planning can constitute a violation of detainees' due process rights under the Fourteenth Amendment. After months of negotiation, ICE

and Orange County agreed to settle the cases for \$825,000 and \$900,000, respectively. The Simpson Thacher team includes **Tom Rice**, **Dan Stujenske**, **Esinam Agbemenu** and **Rick Walker**.

2019 By The Numbers

To date in 2019, Simpson Thacher has:

111

Assisted 111
nonprofits and small
businesses

127

Helped 127
immigrants gain
immigration status

18

Represented 18
indigent criminal
defendants

10

Litigated 10 state
or national
impact cases

80

Hosted 80 clinics,
advising
216 clients

Clinics

New Pro Bono Clinic: Screening Immigrant Children With Safe Passage Project

On September 19, 2019, Simpson Thacher launched a new pro bono clinic with Safe Passage Project, conducting intake screenings with undocumented children under 18 years of age who were apprehended at the border without a parent, to assess whether immigration relief is available to them. At this inaugural clinic, Simpson and Blackstone volunteers were able to screen 28 children, many of whom can now be matched with free attorneys, so that they are not forced to appear in Immigration Court without counsel. The Firm has agreed to host these

screenings with Safe Passage Project every other month going forward into 2020. Simpson volunteers included Partners **Maripat Alpuche, Mark Brod, Elizabeth Cooper, and Alexandra Kaplan**; Senior Counsel **Jennifer Nadborny**; Associates **Alejandro De Ramon-Laca, Enrique Güijosa, Drew Harmon, Pauline Patat, Maya Reeves, Pablo Richards, Niyati Roy, and Alexander Yeagley**; as well as Director of Diversity & Inclusion **Carlos Davila-Caballero**, Manager of Alumni Engagement **Sarah Dunn**, and Conflicts Attorney **Jason Cahill**. Translation and paralegal assistance at the clinic was provided by **Sophie Corless, Alexis De La Rosa, Bruni Figueroa, Kira Leid-King, Magallie Kortright, and Edna Vasquez**.



Assisting Women Entrepreneurs at the WE Legal Small Business Clinic

On October 23, 2019, Simpson Thacher and Blackstone volunteers joined together to advise women entrepreneurs who were referred to the clinic through New York City's WE Legal program. The teams consulted on topics ranging from entity selection to contract review, and also drafted and commented on organizational documents for these small businesses which otherwise would not have



Matt Farrell, Gianna Ceophas and a Blackstone colleague counsel a small business owner.

access to legal assistance. The Simpson Thacher volunteers at the clinic were Partners **Mark Brod and Maripat Alpuche**; and Associates **Bobbie Burrows, Jordan Chafetz, Teresa Chen, Gianna Ceophas, Sean Dougherty, Matt Farrell, Sophie Gandler, Tommy Garber, Kara Krakower, Mai Kristofferson, Heather Lee, Kris Liu, Jake Phillips, Alexander Porro, Alexi Thomas, Jule Walsh, and Suzy Yaster**. Paralegal **Aafiya Mohammed** also assisted at the clinic, which served over 17 entrepreneurs.

Summer Associates Assist Young Immigrants in Renewing DACA Applications

On July 10, 2019, Simpson Thacher Associates **Teresa Chen, Megan Griffith, Andrew Garber, Linda Tieh, Nathalie Herrand and Erica Temel**, as well as Senior Counsel **Beate Krieger**, paired with Summer Associates to prepare renewal applications for young immigrants who have a grant of deferred action under the "DACA" program and were referred to the Firm by Volunteers of Legal Service.



Simpson Thacher and Morgan Stanley Assist Public Housing Tenants Regarding Rent Overcharges, With Lenox Hill Neighborhood House

On October 22, 2019, Simpson Thacher Associates joined with attorneys from Morgan Stanley to consult with NYCHA tenants in West Harlem who were referred to the program by Lenox Hill Neighborhood House. At the clinic, the volunteers met with individuals to review their household composition, income, assets, and expenses to determine if the rent set by NYCHA is correct. The teams then guided the tenants through the process of challenging rents that had not been set properly. The Simpson Thacher Associates who participated in the clinic were **Robert Harrison, Mai Kristofferson, Crystal Oparaeke, Sheena Shah, and Simone Worthy.**



Blackstone/Simpson Thacher Real Estate Group Pro Bono Partnership: Commercial Lease Review with Brooklyn Legal Services Corporation A

Attorneys in Blackstone's Real Estate Group worked with their colleagues at Simpson Thacher to launch a new signature pro bono project on October 30, 2019, providing commercial lease reviews for small businesses from the five boroughs, in partnership with Brooklyn Legal Services Corporation A. The teams gathered at Simpson Thacher for a lunchtime training, and then met with 11 individuals who own businesses ranging from a small local florist, a new coffee shop, restaurants, and a soon-to-open clothing boutique. The Simpson attorneys who participated in the clinic were Partners **Sasan Mehrara** and **Erik Quarfordt**; and Associates **Stephanie Brenner, Lynna Cobrall, Nick Draeger, Daniel Feiger, Robert Harrison, Taylor Hatch, Carla Elliott, Danielle Jackson, Sheryl Koretz, Dennis Loiacono, and Emily Rosenthal.**



Sasan Mehrara and a Blackstone colleague advise clinic client.

Recent Pro Bono Achievements

Simpson Thacher Forms Community Gardening Nonprofit

Associates **Taylor Steele, Sarah Katz** and **Kevin Roe** formed East New York 4 Gardens as a nonprofit corporation and obtained federal tax exemptions, registered as a charity in New York, and made other state filings. East New York 4 Gardens is a volunteer run, grassroots group that provides garden resources and support to residents of East New York and Brownsville who are interested in gardening. The group also works towards helping the local community benefit from the plants, animals, and insects that inhabit the area.

Simpson Thacher Helps Tucson Police Department Improve General Orders

Simpson Thacher attorneys, working with the NYU Policing Project, revised several Tucson Police Department general orders dealing primarily with policies and procedures concerning the Fourth, Fifth, and Sixth Amendments. The Tucson Police Department plans to use these revised orders as models to help with its initiative to redraft its general orders with the goal of increasing their effectiveness and legal and practical clarity. The Simpson team included Associates **Nathaniel Bronstein** and **Brandon Kenney** with supervision from Partner **Bryce Friedman.**

Simpson Thacher Forms Anti-Hunger Nonprofit

Associates **Sarah Katz**, **Taylor Steele** and Counsel **John Bennett** formed Mission Against Hunger as a nonprofit corporation in New York and obtained federal and state tax exemptions. The client is an organization dedicated to decreasing hunger by holding interactive volunteer events including “PB&J races”, increasing awareness of food insecurity and the importance of healthy eating, and providing support for programs that provide healthy food options

Awards, Events and News

Simpson Thacher Honored by ACLU of Hawaii for Pro Bono Work on Title IX Athletics Class Action Lawsuit

Simpson Thacher was honored as part of the ACLU of Hawaii’s 2019 Pro Bono Celebration for its contributions, in partnership with the ACLU of Hawaii and Legal Aid at Work, in the pending Title IX athletics class action lawsuit 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 ACLU of Hawaii highlighted the Firm’s contributions and noted that Simpson Thacher “has played a crucial role in our collective effort to ensure that girls in Hawaii public schools are treated equally relative to boys.” The Simpson Thacher team advising on the pro bono matter includes Partner **Buzz Frahn**, Counsel **Jayma Meyer**, and Associates **Wyatt Honse** (who accepted the award) and **Sarah Brim**.



Wyatt Honse accepts the ACLU Award.

Simpson Thacher Partner Co-Chairs New York State Task Force on Parole Reform

Partner **Bill Russell** was asked by the New York State Bar Association President Hank Greenberg to co-chair a task force to examine the issue of parole reform in New York and come up with a set of policy recommendations. New York currently sends more parolees back to prison than any other state in the union other than Illinois. While the state legislature has recently enacted reforms with respect to the bail process and pre-trial criminal discovery, there has not been a recent comprehensive review of the parole system in New York. The work of the task force is aimed at improving the administration of justice in New York, particularly with respect to people of limited means who make up the vast majority of individuals on parole.

Simpson Thacher Attorneys Honored at 2019 Pro Bono Publico Awards

Counsel **Isaac Rethy** and Associate **Magdey Abdallah**, along with the Firm, were honored by the Legal Aid Society of New York as a part of its 2019 Pro Bono Publico Awards. Isaac and Magdey were recognized for their work on behalf of an immigrant with mental illness in removal proceedings. Legal Aid annually recognizes the outstanding work of its volunteers—which include lawyers and law firms, among others—who contribute their time and talent to provide legal services to low-income New Yorkers. The awards ceremony took place on October 28 at the Prince George Ballroom in New York.

Simpson Thacher Honored by Animal Legal Defense Fund

Simpson Thacher was awarded the 2019 “Advancement in Animal Law Pro Bono Achievement Award” by the Animal Legal Defense Fund (ALDF). The award recognizes the Firm’s dedication of pro bono hours in helping the ALDF achieve its mission of protecting the lives of animals through the legal system. The Firm, on behalf of the ALDF and The Humane Society of the United States, sent a complaint to the Federal Trade Commission urging investigation into and enforcement against the deceptive “pet leasing” industry. Thanks in part to the complaint, an increased awareness about pet leasing has resulted in the banning of the practice in multiple states, including California, Indiana, Nevada, New Jersey, New York and Washington. The Simpson Thacher team included Partner **Stephen Blake** and Associate **Michael Morey**.

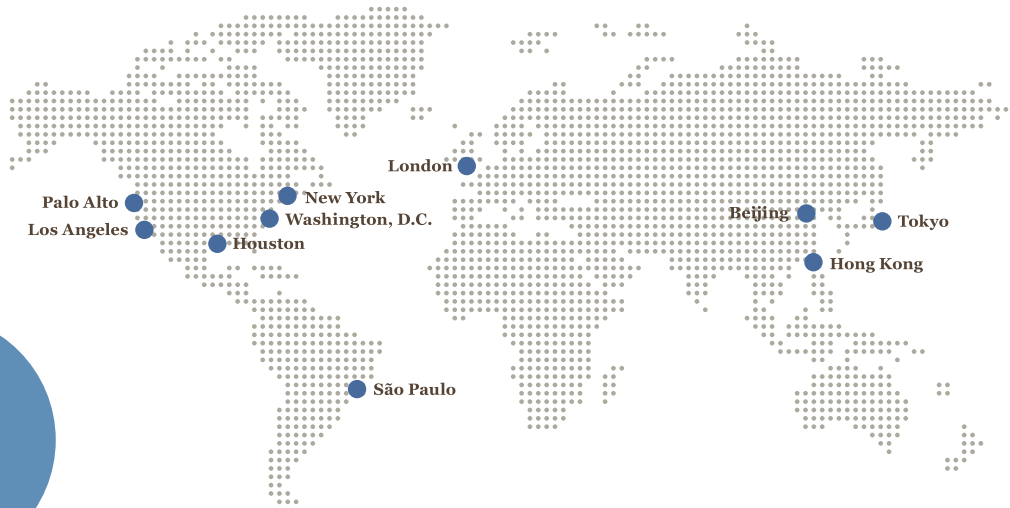
Simpson Thacher Associates Teach Harlem Entrepreneurs About Choosing a Legal Structure

On July 17, 2019, Corporate Associates and Small Business Clinic leader Associates **Matt Farrell** and **Evan Zuckerman** presented on “Choosing a Legal Structure for Your Business” to over 30 entrepreneurs in Harlem, through the New York City Business Solutions Center (“BSC”), covering topics including the considerations involved in forming an S Corp or LLC, and post-formation corporate governance obligations. BSC and Volunteers of Legal Service, as well as Start Small Think Big, refer low-income small businesses to the Firm each Wednesday for one-on-one consultations on topics including entity selection, drafting of corporate documents and contract review.



Matt Farrell and Evan Zuckerman present to entrepreneurs in Harlem.

Please send
news items, comments
or suggestions regarding
the pro bono program to
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