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Fifth Circuit Overturns Mississippi's Felony Disenfranchisement Law

On August 4, the U.S. Court of Appeals for the Fifth Circuit issued a monumental decision in *Hopkins v. Hosemann*, overturning Mississippi's criminal disenfranchisement laws. The Court held that the law was a violation of the U.S. Constitution's Eighth Amendment prohibition on "cruel and unusual punishment." The decision overturns Mississippi's lifetime voting ban for people with disqualifying felony convictions who have completed their sentences and restores the right to vote for tens of thousands of Mississippians. The Court noted that, "Mississippi stands as an outlier among its sister states, bucking a clear and consistent trend in our Nation against permanent disenfranchisement." The Court said, "Mississippi denies this precious right to a large class of its citizens, automatically, mechanically, and with no thought given to whether it is proportionate as punishment for an amorphous and partial list of crimes."

In its decision, the panel of the Court, voting 2-1, ruled that, "By severing former offenders from the body politic forever, Section 241 [of the Mississippi Constitution of 1890] ensures that they will never be fully rehabilitated, continues to punish them beyond the term their culpability requires, and serves no protective function to society. It is thus a cruel and unusual punishment." The Court ruled that Section 241 is unconstitutional and enjoined Mississippi's Secretary of State from enforcing the provision against the plaintiffs and the class they represent. Simpson Thacher and Southern Poverty Law Center are counsel to plaintiffs. The class action lawsuit was filed on March 27, 2018.

The case is scheduled for *en banc* review in January 2024. The Simpson Thacher team includes Partner **Jonathan Youngwood**, Senior Counsel **Janet Gochman**, Pro Bono Attorney **Nihara Choudhri** and Associates **Sareen Armani**, **Charlotte McCary** and **Albert Tagliaferri**. **Isaac Rethy** also played a critical role over the course of this case.

Simpson Thacher Secures Settlement on Behalf of Female Student-Athletes in Title IX Class Action Lawsuit

On October 27, Simpson Thacher, in partnership with the ACLU of Hawaii and Legal Aid at Work, secured a significant settlement on behalf of female student-athletes at Hawaii's largest high school, James Campbell High School, in the Title IX athletics class action lawsuit against the Hawaii Department of Education and the Oahu Interscholastic Association. In advance of a trial, a joint motion for preliminary approval of a settlement was filed in the U.S. District Court for the District of Hawaii in which the state agreed to hire an independent evaluator to ensure that girls at the school have equal opportunities in sports, and that the school would be subject to a seven-year compliance plan.

Filed in 2018, the lawsuit alleged gender inequities for female athletes at James Campbell High School and cited 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. After a decision by the Ninth Circuit Court of Appeals on an interlocutory appeal in favor of the plaintiffs, the District Court in Hawaii in July 2022 certified a class of present and future female athletes at the school. The Firm, along with the ACLU of Hawaii and Legal Aid at Work, sought declaratory and injunctive relief against the Hawaii Department of Education and the Oahu Interscholastic Association based on the allegations of systemic discrimination and gender inequities for female student-athletes, as well as retaliation against those student-athletes who advocated for equity. The trial was scheduled to begin in October 2023.

The Simpson Thacher team that advised on the pro bono matter included Of Counsel **Buzz Frahn**, Counsel **Jayma Meyer**, Associates **Sarah Brim**, **Damian Gallagher**, **Pierce MacConaghy**, **Nick Prendergast**, **Ziwei Xiao** and Senior Paralegal **Cyrena Terricone**.



L to R: our client Anthony, Michael Pusterla of FTI Consulting, Jonathan Sanders, Cyrena Terricone, Pierce MacConaghy, Hilary Wong and Buzz Frahn outside the courthouse

Simpson Thacher Wins Largest Jury Verdict in History for Mail Withholding, Proving Multiple Constitutional Violations

On September 20, a jury found that our pro bono client's First and Fourteenth Amendment rights had been violated and awarded \$475,000 for the withholding of mail. This was the largest verdict of its kind and nearly 50 times larger than any previous award for withholding mail. In a three-day jury trial in the U.S. District Court for the Eastern District of California, Simpson Thacher successfully proved that a prison worker violated our pro bono client's First and Fourteenth Amendment rights by unlawfully withholding his mail for nearly nine months in 2007 and 2008. Sending and receiving mail, and being able to access the courts, are First and Fourteenth Amendment rights afforded by the Constitution, even to those who are incarcerated.

The jury agreed with the Firm's arguments that our client's Constitutional rights were violated three different ways during the nearly nine months his mail was illegally withheld. That withholding caused our client to miss letters setting critical court deadlines to appeal and assert his innocence in his underlying conviction. Worse, he missed family letters letting him know his father was sick and dying, and that he should try to call home one last time. His father died four days before our client's

long-delayed mail was finally delivered. Moved by our client's story, the jury decided to award \$475,000, providing some recompense for the time he lost.

This win follows the Firm's role in securing our client's release from prison in December 2022, after persuading the court to reduce his sentence by over 30 years. The Simpson Thacher team included Of Counsel **Buzz Frahn**, Counsel **Jonathan Sanders**, Associates **Pierce MacConaghy** and **Hilary Wong** and Senior Paralegal **Cyrena Terricone**.

Six Afghan Students From Asian University for Women Receive Asylum

Simpson Thacher teams from every U.S. office successfully represented six female students from the Asian University for Women (AUW) who were evacuated out of Kabul, Afghanistan in August 2021 and brought to the United States. The Firm's clients were part of a larger group of students known as the "AUW 148" who were resettled in cities across the country and enrolled in different American universities in order to finish their studies. The Simpson teams prepared affirmative asylum applications, employment authorization and in some cases, Temporary Protected Status applications for the clients and accompanied them to interviews in Asylum Offices around the country. As of October 2023, every AUW client of the Firm has received asylum and will be applying for Legal Permanent Residence once they become eligible.

The six Simpson Thacher teams were supervised by Partner **Alan Turner** and Pro Bono Counsel **Harlene Katzman** and included Counsel **Vanessa Burrows** and Associates **Shuhao Fan**, **Yonah**

Goldschmidt, **Iram Huq**, **Anna Jarman**, **Jacob Kornman**, **Belinda Li**, **Amanda Miller**, **Albert Murzakhanov**, **Michael Palizkar**, **Emily Rosenthal**, **Jessica Shieh**, **Natalie Wembolua** and **Megan Whitman**.



Amanda Miller (R) and her client (L) at the client's Asylum Office interview

Simpson Thacher Team Completes Bench Trial Seeking to Vacate Policy Related to Unaccompanied Immigrant Children Subject to Remain in Mexico Program

A Simpson Thacher team, led by Palo Alto Partner **Stephen Blake**, with co-counsel Immigrant Defenders Law Center (ImmDef) and the Justice Action Center, conducted a trial in California on November 7th before U.S. District Judge Fernando M. Olguin, challenging the Government's policy of failing to protect the congressionally mandated rights of unaccompanied children who had previously been processed with their families



through the Remain in Mexico program, otherwise known as MPP. Plaintiffs ImmDef, RAICES, The Door and the ABA’s South Texas Pro Bono Asylum Representation Project (ProBAR), argued that continuing to process unaccompanied children through their families’ MPP cases, without affording them certain rights they are entitled to under the Trafficking Victims Protection Reauthorization Act such as the ability to seek asylum, access to counsel, and due process, violates the Administrative Procedure Act and Due Process Clause of the Fourteenth Amendment to the Constitution. Plaintiffs also testified regarding the “maze-like process” attorneys must undergo when they encounter a child who may have had previous interaction with the Remain in Mexico program, and described how attorneys are forced to operate without appropriate time and information to develop relationships with unaccompanied children and without basic information necessary to make sound decisions about how best to proceed in a child’s case. The Judge ordered post trial briefing on liability and remedies before making a decision.

The Simpson team included Partner **Stephen Blake**, Associates **Emelyn Avina**, **Sarah Brim**, **Sarah Forbes**, **Rachel June-Graber**, **Ryan Snyder**, **Hilary Soloff** and **Anna Veross**, and Paralegals **Andrea Parisi** and **Nancy Anderson**.



Front Row L to R: Anna Veross, Emelyn Avina, Rachel June Graber, Sarah Forbes, Sarah Brim, Hilary Soloff; Back Row: Ryan Snyder, Andrea Parisi, Steve Blake at the courthouse

Simpson Thacher Team Obtains Asylum After Fourth Circuit Appeal

The Firm successfully represented a pro bono client from El Salvador as well as her minor son in

obtaining a grant of asylum in an individual merits hearing in Immigration Court. The client and her family were targeted and threatened by MS-13. After multiple family members were murdered, our client fled with her young son in 2015. The Firm’s representation began in 2018. The client’s first individual merits hearing was later that year. The Immigration Judge, despite finding our client credible, held that she was not eligible for asylum because her persecutors were private actors. The Firm appealed this decision to the Board of Immigration Appeals (“BIA”) which dismissed the appeal on different grounds. The Firm appealed that decision to the Fourth Circuit which ultimately remanded the case to Immigration Court for the limited purpose of determining whether our client made the required showing under intervening case law that the Salvadoran government is unable or unwilling to protect her from persecution. In a remote hearing on October 25, 2023, the Immigration Judge granted asylum based on the Firm’s briefing and the client’s prior testimony. The government waived its right to appeal. The current Simpson Thacher team included Partner **Abram Ellis**, Associates **Adrienne Baxley** and **Christine Tillema**, and Senior Paralegal **Emily Soule**.

Simpson Thacher Successfully Assists Low-Income Tenants in Obtaining Emergency Housing Grants to Prevent Eviction

Attorneys from Simpson Thacher paired with summer associates at a limited scope project with Legal Services NYC (LSNYC) to assist low-income tenants in New York City with applications for emergency eviction prevention grants, known as “one-shot deals.” One-Shot Deals are a flexible single-use grant provided by the City of New York, which can cover various emergency expenses that directly or indirectly lead to homelessness: rent arrears, restoring electricity, covering the cost of moving, or recovery from a fire, for example. This assistance can mean the difference between homelessness and housing stability for a family in crisis, but tenants often find the program difficult to access without counsel to help navigate the application process.

Each of the individuals and families for whom the Simpson Thacher team obtained an emergency grant had encountered an unexpected set of circumstances leading to significant arrears that they otherwise could not have repaid, which would have resulted in their eviction despite their proven ability to pay their rent going forward. For example, one individual, who had a consistent track record of payment until he lost his job early in 2023, sought assistance despite having found and working two new jobs, as day care expenses for his child made it impossible to cover current rent as well as the arrears that had accrued while he was unemployed. Another team assisted an elderly woman who recently faced a health crisis that required her to spend more money than anticipated to cover more home health aide expenses than Medicaid was providing, causing her to fall into arrears during that period. The Simpson Thacher teams included Associates **Jack Ligon, Mark Marziotti, Carl Stenberg, Eric Xu**, Summer Associates **Tiffani Banks, Morgan Brody, Nicklaus Chalk, Kelly Donovan, Benjamin Faber, Clarence Jenkins, Claire Kamau, Andrew Kim, Saenam Kim, Cadina Mancini, Tara Martin-Chen, Ezra Meren, Rachel Oh, Kelsey Strott**, Deputy Pro Bono Counsel **Susan Cordaro**, as well as Pro Bono Attorneys **Nihara Choudhri** and **Nadine Mompremier**, and Pro Bono Coordinator **Maria Gonzalez**, who provided invaluable interpreting assistance. Simpson Thacher will continue to assist with this clinic project in the future, as well as other public benefits clinics with LSNYC, the largest provider of free civil legal services to low-income New Yorkers.



SDNY Dismisses Criminal Charges Against Simpson Thacher Pro Bono Client

On November 21, the U.S. Attorney's Office for the Southern District of New York dismissed pending criminal charges against an indigent criminal defendant, charged anonymously, who faced trial on aggravated identity theft, false statement, and fraud charges in connection with his applications for government benefits and a passport. The trial was set to begin on December 11. Notably, the defendant had previously been convicted of identical charges, on nearly identical evidence, in the same district in 2012, which resulted in a lengthy term of imprisonment, years before the Firm represented him pro bono in connection with the new charges.

The Simpson Thacher team succeeded in convincing the prosecutors that, due to particular personal challenges faced by our client, they could not prove beyond a reasonable doubt that he had the requisite intentional state of mind to commit the offenses, and that a trial would therefore not be in the interests of justice. The Honorable Sidney H. Stein of the United States District Court for the Southern District ordered the dismissal on the government's motion, and the defendant was promptly released from a federal jail the same day.

Simpson Thacher represented the defendant pursuant to its participation in the SDNY's Criminal Justice Act panel. The Simpson Thacher team consisted of Partner **Martin Bell**, Of Counsel **Mark Stein**, Associates **Isabel Mattson, Miranda Hernandez, Melissa Vallejo, Andrew Marrero**, Law Clerk **Zoe Rubin** and Senior Litigation Paralegal **Loretta Washienko**.

CLINICS, CLINICS, CLINICS!

In September, the Firm held several clinics in which Simpson and Blackstone volunteers assisted Ukrainian refugees who fled as a result of the Russian invasion in 2022 to renew their Temporary Protection Status (TPS) and work authorization. Through these clinics, 24 applicants were able to renew their immigration status, thereby enabling them to continue to live in the United States safely and legally. Simpson Thacher application volunteers included Attorneys **William Allen**,

Steve DeLott, Sofia Elkina, Christopher Flynn, Jennie Getsin, Christopher Haughey, Roman Ibragimov, Paul Jansch, Kelly Johnson, Sophie Kim, Irina Nica, Richard Starik, Pauline Patat, Taylor Wettach and Evan Zuckerman. They were assisted by **Masha Vengerovskaya** and **Olga Zgonnik** who provided invaluable interpretation, and by Paralegals **Griffin Asbury, Kelly Banks, Sydney Denson, Rae Docherty, Clare Gaffney, Will Langdon, Kate Margiotta, Daniel Melool, Anderson Murphy, James Murphy, Jon Rosen, Cecilia Senyk, Santiago Valenzuela, Loretta Washienko** and **Ra'ad Zeid** who assisted with copying and other logistics.



Evan Zuckerman and Christopher Haughey assist Ukrainian TPS applicant

Also in September, Simpson Thacher volunteers participated in a brand new clinic in partnership with Brooklyn Defender Services to prepare submissions to clear improper records of child maltreatment in New York's Statewide Central Register (SCR). Having a record in SCR can adversely impact employment and other opportunities, which in turn causes families to suffer. Notably, the parents who have been reported to SCR are overwhelmingly Black or Hispanic. Associates **Kunzhao Cao, Adrienne Jang, Lauren Smith, Laura Yang, Angela Yu, Kaimeng Xing, and Eric Xu**, and Paralegals **Carolyn Rae Docherty** and **Will Langdon**, assisted a total of five applicants at the clinic. They interviewed the applicants, drafted affidavits and completed letter requests to SCR to have the reports amended and sealed. Brooklyn Defenders considered the clinic to be "a great success," and a second clinic is planned for March 2024. We are especially

grateful to Eric Xu for test-driving this project before the clinic was launched, and for singlehandedly serving a Mandarin-speaking client at the clinic.

In October, the Firm partnered with corporate client LINK Logistics to address food insecurity for low-income New Yorkers. Volunteers assisted applicants referred by our nonprofit partner, Legal Services NYC (LSNYC), with completing and filing applications for the Supplemental Nutrition Assistance Program ("SNAP", formerly known as "food stamps"). This work is critically important, as more than 1 million NYC residents face food insecurity—a lack of consistent access to a quantity and quality of food necessary to maintain an active, healthy life—and the application process is difficult to navigate. Simpson Thacher Attorneys **Ben Bogard, Kathryn Chang, Michael Chen, Sophie Gandler, Kayley Ingalls, Adrienne Jang, Sheryl Koretz, Mark Marziotti, Justin Matthew, Nadine Mompremier, Katharine Thompson** and **Leanne Welds** completed five applications. Paralegal **Santiago Valenzuela** provided invaluable interpretation.

Simpson Thacher Attorneys Provide Support to Immigration Claims of Legal Services Clients by Drafting Country Conditions Reports

Launched in 2019, the Firm runs a program which supports legal services organizations around the country by preparing country conditions memos to be submitted as evidence by their individual asylum seeking clients. A country conditions report is used as part of the evidence that is submitted on behalf of an individual's immigration claims where it is their burden to explain to the decision-maker the situation faced in the client's country, and what their experience would likely be if forced to return. These reports are vital as decision makers need to understand that the personal story being told by the client aligns with the reality of what dangers exist in their country of origin.

To date, Simpson Thacher attorneys have prepared nearly 150 country conditions reports for dozens of legal services organizations. Volunteers prepare these reports by researching news articles, reports from human rights organizations, and

government publications to address the very specific issues requested for each report, which relate to persecution perpetrated by a government or private actors whom a government is unable to control. Topics presented have included the prevalence of domestic violence in countries like Peru, Ecuador, Guatemala, and Honduras, and the inability of the government and local police to protect women whose partners perpetrate acts of violence against them; the treatment of LGBT individuals in countries around the world where threats, acts of violence and harassment run rampant; the presence and activities of paramilitary groups in certain countries; the treatment of ethnic minorities in counties like Yemen, Nigeria and India; and opponents of the government in countries like Venezuela and Angola.

The Firm's legal services partners, including Legal Services NYC, Take Root Justice, Immigration Equality, Make the Road New York, Brooklyn Defenders, KIND, as well as others, all have praised the assistance provided through this project, which is an invaluable piece of the advocacy that they provide to their clients. As one legal services attorney said in an email to a team that had prepared a country conditions report earlier this year, "I've reviewed the documents [you provided and] I'm confident they will boost the client's claim. My client, colleagues and I are so appreciative—thank you, again, on behalf of all of us! This is an amazing resource and I am so grateful to have had support from Simpson Thacher & Bartlett on this matter."

Awards, Events and Mentions

Simpson Thacher Receives Two "Above & Beyond" Awards for Pro Bono Representation of Survivors of Labor Trafficking and Gender-Based Violence

Simpson Thacher was honored with two awards by Sanctuary for Families, New York's leading service provider and advocate for survivors of domestic violence, sex trafficking and related forms of gender violence, at the organization's annual Above & Beyond Awards Ceremony held on October 25, 2023.

A team which included Partner **Leanne Welds** and Of Counsel **Mark Stein** won an "Above & Beyond"

award for their multi-year pro bono representation of "Sylvia," a labor trafficking survivor. In 2018, Sylvia was connected with Simpson Thacher after being referred to Sanctuary's Human Trafficking Intervention Court Clinic, and the Firm assisted with her application for T Nonimmigrant Status. Ultimately, the team's efforts were successful and Sylvia's application was approved earlier this year. Leanne expressed gratitude for having the opportunity to represent and support Sylvia over the past few years, noting, "This experience truly highlights that our impact in the world should not always be measured by its breadth but also its depth."

Susan Cordaro, the Firm's Deputy Pro Bono Counsel, won an "Above & Beyond" award for her outstanding dedication to helping survivors of gender-based violence and her work with numerous pro bono clients within Sanctuary's Family Law Project and Matrimonial/Economic Justice Project.

Harlene Katzman, the Firm's Pro Bono Counsel and Director, noted, "Susan's contributions at Simpson Thacher extend far beyond her family law practice. She is a critical part of our pro bono team, sharing her wisdom, experience, strategic thinking and creative solutions to problems big and small."



Leanne Welds, Susan Cordaro and former Associate Suzy Yaster with their awards

STB United for Justice and Pro Bono Presented Program on Wrongful Conviction—an Interview of Clemency Recipient Bruce Bryan by Criminal Justice Activist and Lava Records CEO Jason Flom

The Firm hosted an in person podcast-style interview of Bruce Bryan by criminal justice activist and Lava Records CEO Jason Flom, who also hosts the hit

podcast, *Wrongful Conviction*. After spending thirty years in prison for a murder he denies committing, Bruce Bryan was granted clemency by Governor Hochul and released earlier this year. Mr. Bryan, who has consistently maintained his innocence, credibly asserts that the evidence against him was fabricated. In fact, the district attorney who prosecuted his case was subsequently convicted of bribing a witness in a different murder case. Despite the tremendous injustice he suffered, Mr. Bryan used his time in prison to serve others. He co-founded the Civic Duty Initiative, a program that raises money for gun buy-backs; facilitated anti-violence workshops and programs assisting children of incarcerated parents; and partnered with a nonprofit organization to establish a mentoring program aimed at preventing youth violence. Real Estate Associate **John Collins**—who is Mr. Bryan’s nephew—moderated the discussion.



L to R: Associate John Collins, Pro Bono Attorney Nihara Choudhri, Jason Flom and Bruce Bryan

Please send
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or suggestions regarding
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