

Justice Matters: Pro Bono Newsletter

November 2020



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Simpson Thacher Hosts Election Protection Call Centers

Simpson Thacher volunteers trained and volunteered with Election Protection, the nation's largest non-partisan voter protection coalition, for six months leading up to the general election, which culminated in the Firm hosting two separate call centers on November 2nd and 3rd, joining the largest national Election Protection effort in history. To date, in 2020, the Election Protection Hotline has fielded more than 233,000 calls.

Simpson Thacher volunteers, including partners, associates, paralegals and alumni, and many of the Firm's clients answered calls from multiple states across the country and provided voters with comprehensive voter information. With more than 600 volunteer and captain shifts, the Firm staffed hotlines covering Florida, Georgia and Texas and answered more than 2,700 calls.

Earlier in the year, Simpson Thacher also hosted a virtual call center on June 1st and June 2nd to cover the Pennsylvania primary election, receiving

more than 1,100 calls over the two days. The Firm has been hosting call centers for Election Protection since 2004. The call center leadership includes Pro Bono Counsel **Harlene Katzman**, Partner **John Ericson**, Counsel **John Bennett**, Pro Bono Attorney **Nihara Choudhri** and Associates **Kevin Roe**, **Jonathan Kaplan** and **Brandon Kenney**. Members of the Firm who provided support as Legal Captains include **Adrienne Baxley**, **Gianna Ceophas**, **Sarah Dunn**, **Elliot Gluck**, **Bori Celia Ha**, **Melanie Jolson**, **Matthew Levy**, **Amanda Weiss**, **Maura Whelan**, **Yorda Yenenh** and **Chris Zheng**. Professional staff who provided support as Technical Captains include **Sarah Agler**, **Moshe Azoulai**, **Doug Freeman**, **Steve Guerra** and **Jennifer O'Brien**. Lawyers across the Firm's offices, too many to name, provided invaluable support as hotline volunteers.

Simpson Thacher's Election Protection program was featured a number of times in the media, including articles in *Law360*, *USA Today* and *The American Lawyer*, a television segment on *ABC News*, and podcasts including *Al Jazeera* and the *ACLU*.

Simpson Thacher Defeats Neighbors' Attempt to Prevent Charter School From Opening in Justice Ginsburg's Childhood Synagogue

Simpson Thacher recently blocked an attempt by Midwood, Brooklyn residents to prevent the Urban Dove Team Charter School from relocating to the East Midwood Jewish Center, paving the way for the school to open its doors to students without fear of eviction. Urban Dove's two charter schools are the only high schools in New York City designed specifically to support students who have failed the ninth grade in other school settings. Urban Dove has achieved high school graduation and college enrollment rates well above City averages for similarly situated students. Nearly all of Urban Dove's students are Black or Latinx. Despite support from EMJC for Urban Dove's move, several neighbors have coordinated a campaign opposing Urban Dove and its students relocating to the neighborhood.

On September 3, 2020, days before the start of the school year, two Midwood residents sought a restraining order that would have prohibited students from coming to school for in-person classes and forced Urban Dove to vacate the property. On September 17, 2020, Simpson Thacher persuaded the Kings County Supreme Court to deny the residents' application, allowing Urban Dove to open as planned. Simpson Thacher continues to represent Urban Dove in ongoing litigation brought by the dissenting residents over Urban Dove's lease with EMJC. The late Supreme Court Justice Ruth Bader Ginsburg attended EMJC's synagogue and day school as a child. In 1946, the 13-year-old Justice published an essay in EMJC's Bulletin decrying hate and prejudice. Associate **Sarah Phillips** argued the motion. The Simpson Thacher team includes Partner **Bryce Friedman** and Associates **Sarah Phillips**, **Jonathan Kaplan** and **Jeffrey Bohme**.



Simpson Thacher Files FOIL Request to New York State Department of Corrections and Community Supervision (DOCCS) in Response to Repeal of Civil Rights Law § 50-A

On June 9, 2020, Governor Cuomo signed into law a historic bill repealing Civil Rights Law § 50-a, which had long been interpreted as prohibiting the disclosure of law enforcement misconduct records. The New York Civil Liberties Union ("NYCLU") has since embarked on a far-reaching initiative to partner with law firms to obtain department-wide records on law enforcement violence and misconduct around New York State. The project aims to analyze the records to identify patterns and practices, and to use this information for legislative advocacy, public education and, where appropriate, litigation.

Simpson Thacher is initiating what the NYCLU describes as an "immense undertaking," by filing a Freedom of Information Law ("FOIL") request against DOCCS. The Firm will litigate the FOIL request if necessary, analyze the records once they are obtained, determine whether the agency is engaged in systemic racial discrimination, and bring federal or state civil rights litigation if abuses are uncovered. The Simpson Thacher team includes Partner **Linton Mann III** and Associates **Tom Cramer**, **Nick Jackson** and **Kelsey Vickery**.



Simpson Thacher Teams With the Southern Coalition for Social Justice to Challenge an Unjust North Carolina Law Criminalizing Voting

The Firm, along with the Southern Coalition for Social Justice, filed a federal suit on behalf of the North Carolina A. Philip Randolph Institute and Action NC challenging a North Carolina law that imposes stringent criminal penalties on voting by individuals who are on parole, probation or post-release supervision for a felony conviction—even if those individuals mistakenly believe they are eligible to vote. Violating N.C. Gen. Stat. § 163-275(5) (the "Strict Liability Voting Law") is a Class I felony that

carries a penalty of up to two years in prison. Under this vague and confusing law, mistakenly voting in North Carolina can and does result in criminal prosecution.

The Strict Liability Voting Law is a racially discriminatory relic of the nineteenth century. Originally enacted in 1875 as part of an effort to disenfranchise Black voters, the law was reenacted almost verbatim in 1899 in a broad legislative initiative to suppress the Black vote and reinstate white control throughout the state. The North Carolina General Assembly has never amended the key features of the Strict Liability Voting Law.

Black individuals are disproportionately affected by the Strict Liability Voting Law to this day. In the past few years, District Attorneys in Alamance and Hoke Counties have prosecuted sixteen North Carolina residents—thirteen of whom are Black—for erroneously violating the Strict Liability Voting Law. These high-profile criminal cases have chilled countless eligible voters with criminal convictions from exercising their right to cast a ballot.

Plaintiffs claim that the Strict Liability Voting Law violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution. Contemporaneously with the filing of the Complaint, Plaintiffs moved for a preliminary injunction to enjoin enforcement of the Strict Liability Voting Law in advance of the general election. Though the Judge ruled after the election, the case was referred to a Magistrate Judge going forward.

The Simpson Thacher team includes Partner **Jonathan Youngwood**, Pro Bono Attorney **Nihara Choudhri** and Associates **Andrew Garber** and **Avia Gridi**.

Simpson Thacher Awards 2020 Year-Long Public Service Fellowships

The Firm is pleased to announce the recipients of the 2020 Simpson Thacher & Bartlett LLP Public Service Fellowships. New York Corporate Associate **Ngozi Nezianya** '17 is working at Protect Democracy, with a focus on protecting voting rights and preventing the corruption of elections. Ngozi is participating in policy and litigation around these efforts, including responding to concerns about foreign interference in American



Ngozi Nezianya



Katerina Siefkas

elections. Palo Alto Litigation Associate **Katerina Siefkas** '18 is working at the Center for Justice and Accountability focused on the pursuit of justice against human rights abusers and supporting the development of human rights protection in the U.S. and abroad through use of the Alien Tort Statute in litigation. We wish them well!

Simpson Thacher and ACLU of Mississippi Challenge Constitutionality of Mississippi Permitting Policies

Simpson Thacher and the ACLU of Mississippi are challenging a Lafayette County, Mississippi permitting policy on First Amendment grounds. The Lafayette County Courthouse grounds have long been a site of protests, rallies and other community activities. These have included recent protests and counter-protests regarding the Confederate monument located on the Courthouse grounds. In July 2020, local documentary filmmaker, photographer, visual artist and educator, John Rash, applied for a permit to use the Courthouse grounds for his evening PROJECT(ion) event as part of the annual Oxford Fringe Festival. Lafayette County subsequently amended its policies to prohibit all nighttime activity on the Courthouse grounds and denied Mr. Rash's permit. The Firm is now challenging the constitutionality of the permitting policies, seeking to ensure that Mr. Rash and his fellow Lafayette County citizens are afforded their full First Amendment rights to engage in political speech in a public forum. The Simpson Thacher team includes Partner **Jon Youngwood**, and Counsel **Isaac Rethy** and Associate **Raul Duran**.

Simpson Thacher Drafts Comment Letter Opposing HUD's Proposed Rule That Could Limit Shelter Access for Transgender Homeless Individuals

Simpson Thacher continued its longstanding support of the National Homelessness Law Center ("NHL") by partnering to draft a comment letter opposing a Department of Housing and Urban Development ("HUD") rule proposal that many advocacy organizations view as providing a new basis for homeless shelters to discriminate against homeless individuals based on their perceived gender identity. The HUD proposal, *Making Admission on Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs*, focused on gender-specific shelters and would overturn a 2016 HUD rule that protected homeless individuals from intrusive questioning or from being asked to provide documentary, physical or medical evidence of their gender identity, including

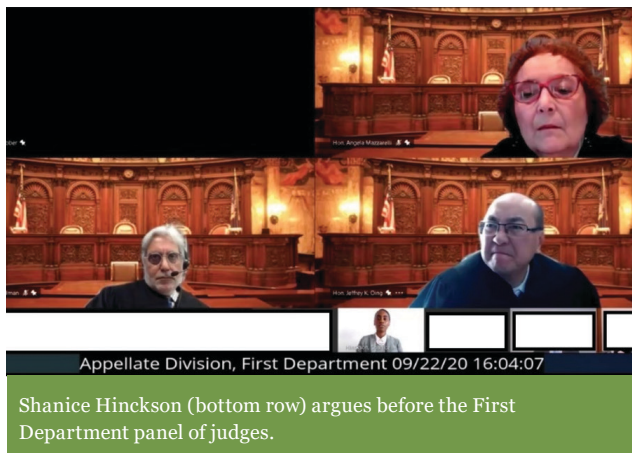
anatomical information. Instead, the proposed rule would remove many of these protections and permit shelters to make determinations of an individual's eligibility for accommodation "based on a good faith belief," allowing shelters to request information or documentary evidence of a person's gender as part of the eligibility determination.

The NHLHC's comment letter focused on the multitude of ways that the proposed rule would conflict with federal housing laws designed to protect homeless youth and their access to an education. NHLHC's comment letter was part of a national coalition of advocacy groups for both LGBTQ rights and housing rights. Over 66,000 comments were submitted on the proposed rule, indicating that this is one of the most controversial proposals released by HUD in recent memory. The Simpson Thacher team included Partner **Rajib Chanda** and Associates **Chris Healey**, **Heesu Kim** and **Sam Sergent**.

Recent Pro Bono Achievements

Simpson Thacher Achieves Appellate Victory for Survivor of Domestic Violence

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 a father who sought to overturn a Family Court order granting the mother full custody and permission to relocate with the child to another state. The appeal was argued by Associate **Shanice Hinckson** on September 22, 2020. On October 13, 2020, the First Department issued a decision that accepted all of the Firm's arguments. Specifically, the First Department affirmed the Family Court's finding that the mother credibly testified about the acts of domestic violence perpetrated



against her, that the mother had closely managed the child's extensive educational and medical needs throughout his life, and that the proposed relocation was in the child's best interests. The matter was referred to the Firm by Sanctuary for Families. The Simpson Thacher team included Partner **Mary Beth Forshaw**, Associate **Shanice Hinckson** and Pro Bono Attorney **Susan Cordaro**.

Awards, Events & Mentions

Linton Mann III Featured in *Reuters' Daily Docket* on Simpson Thacher's Pro Bono Work

As the legal industry celebrated Pro Bono Week, Partner **Linton Mann III** was featured in *Reuters' Daily Docket* discussing the Firm's recent pro bono initiatives. The profile highlighted Simpson Thacher's work with the Northern California Innocence Project in securing the release of Jeremy Puckett—a Black man who had spent 18 years behind bars for a murder he didn't commit—as well as with the Southern Coalition for Social Justice in filing a federal lawsuit in North Carolina challenging a vague and racially discriminatory law that makes voting a felony for those on parole, probation or post-release supervision for a felony conviction, among other matters.



Linton Mann III

Linton said Simpson Thacher's ongoing work in these spaces is more important than ever, and he remains motivated by thinking about his children. "I think about what I will say when they ask me later what I did to make our community and world a better place when I was a partner at one of the world's leading law firms with access to tremendous resources," he said.

Simpson Thacher Honored at Sanctuary for Families' 2020 "Above & Beyond Awards"

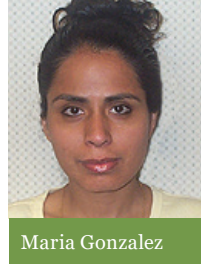
The Firm was honored at Sanctuary for Families' annual "Above & Beyond Awards" on October 29, 2020. Named a Honoree Firm for Excellence in Pro Bono Representation and Advocacy, Simpson Thacher was recognized for its representation of "Talia" in obtaining T nonimmigrant status. "Talia" was a young mother who escaped an abusive household in her home country only to fall victim

to commercial sex trafficking. Although her first application for a T-Visa was denied, with support from Simpson Thacher and Sanctuary for Families, she was ultimately granted T nonimmigrant status as well as derivative status to her daughter. The Simpson Thacher team included Pro Bono Counsel **Harlene Katzman** and Associates **Dan Levien** and **Daniel Owsley**.

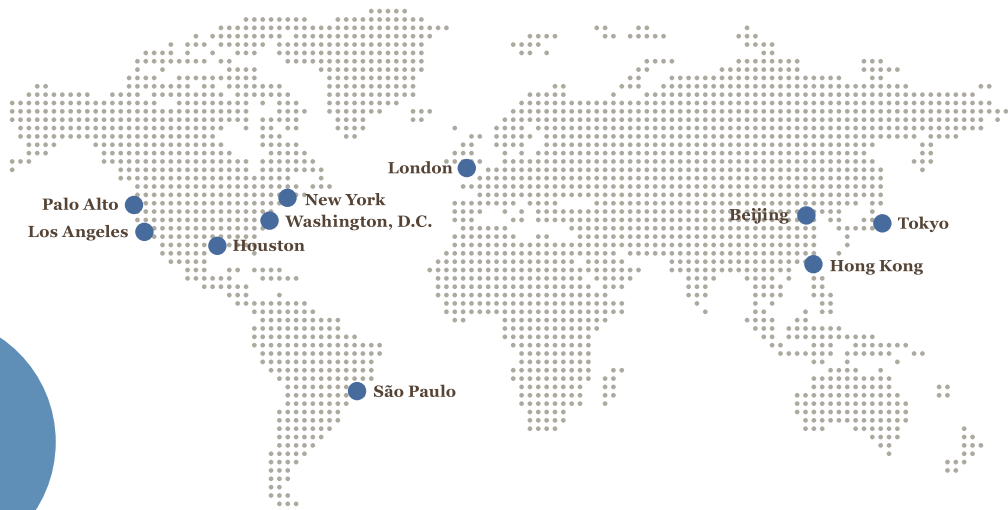
The Firm was also honored at the “Above & Beyond” event for its work launching the Virtual Courtroom Advocates Project (VCAP) during the pandemic, which provided remote *pro se* drafting assistance to survivors of domestic violence who sought to file family offense petitions. Partner **Caroline Gottschalk** was featured as one of the many Simpson Thacher volunteers who participated in this project.

Simpson Thacher Receives Pro Bono Week Recognition From VOLS for Work With DACA Clients

Pro Bono Coordinator **Maria Gonzalez** was interviewed for a Q&A with the Volunteers of Legal Service (“VOLS”). Partnering with VOLS for more than 15 years, Simpson Thacher has recently been involved with their Immigration Project and worked closely with the organization over the summer to help submit renewals for DACA recipients. Discussing the significance of pro bono work, Maria said “... When you see the extraordinary people who come together (the legal services experts and the Firm’s attorneys who find such gratification from helping others) and then witness how much the representation means to clients, it has allowed me to understand all the more how important pro bono programs are.”



Please send
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