

Justice Matters: Pro Bono Newsletter

December 2015

Murder Conviction for Death Row Inmate Reggie Clemons Vacated and Remanded

After 20 years of Simpson Thacher representing Reggie Clemons on death row in Missouri, his conviction and his sentence were vacated and remanded on November 24. Following oral arguments that took place in February 2014, the Supreme Court of Missouri found that substantial evidence supported the finding that the State deliberately suppressed Brady evidence related to the voluntariness of Mr. Clemons' confession and that Mr. Clemons was denied a fair trial.

In reaching its conclusion, the Supreme Court of Missouri adopted the findings of the Special Master Judge Michael W. Manners, who was appointed by the Court in the summer of 2009 to review the evidence in the case. Judge Manners found that Mr. Clemons' constitutional right to due process was violated by the State's suppression of key evidence – namely, that a parole officer observed and documented injuries to Mr. Clemons shortly after his police interrogation. Mr. Clemons has steadfastly maintained since the time of his arrest and interrogation that his statement to police was coerced.

The Missouri Supreme Court's decision upholds Mr. Clemons' constitutional right to a fair trial and protects the due process rights of both Mr. Clemons and others. The result is a testament to the Firm's tireless efforts to get a fair trial for Mr. Clemons.

The Simpson Thacher team included, among others, **Josh Levine, Andy Lacy, David Elbaum, Erika Burk, Ellen Frye, Meredith Duffy, Kristina Green, Katelyn Benton, Diana Wielocha, Blake Hulnick** and **Jerry Fang**. Paralegals Stephanie Crosskey and Jennifer Avila also provided invaluable assistance.

Simpson Thacher and Blackstone Attorneys Team Up on Pro Bono

Simpson Thacher and Blackstone have launched a joint pro bono program in which the Firm's attorneys pair with members of Blackstone's Legal and Compliance group to represent and advise pro bono clients on a variety of issues. The first project was a small business legal clinic in partnership with Start Small Think Big. At the clinic on September 30, 2015, volunteer attorneys met in pairs with 13 small business owners, most of whom were enrolled in the

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Upcoming Programs*

Representing LGBTQ Asylum Seekers
Wednesday, December 16, 12:00 – 1:30pm EST

Representing Low Income Women in Child and Spousal Support Cases
Thursday, January 14, 12:30 – 2:00pm EST

Representing Nonprofits: Formation 101
Thursday, January 21, 12:30 – 1:30pm EST

Overview of Low Income Housing Landscape in New York City and Simpson Thacher's Housing Court Project
Tuesday, January 26, 12:30-1:30pm EST

Immigration and Refugee Crisis in the Courts: A Presentation from Human Rights First by Equal Justice Works Fellow Shaw Drake
Wednesday, January 20, 12:30-1:30pm EST

*Hosted in NY. Videoconference is available for all offices. Please RSVP to Carola Beeney.

City's Food Business Pathways Program, which helps public housing residents with food related businesses. The volunteers assisted the clients with entity selection and a review of catering and related contracts. The clinic was supervised by Simpson Thacher associates **Jeffrey Lieberman, Samuel Warfield and Matthew Farrell**, who also trained the Blackstone volunteers in the relevant legal issues. The second small business clinic is planned for January 2016.

Blackstone volunteers are also participating in the Firm's Education Advocacy Project with MFY Legal Services, and will pair with Simpson Thacher attorneys to represent families with a child who has a learning disability. The volunteers will help clients negotiate an Individualized Education Plan with the Department of Education. This program is supervised by **Brian Chisling and John Lobrano**.

Simpson Thacher Secures Parole Release for New York State Inmate

On August 6, 2015, Simpson Thacher successfully secured parole release on behalf of a client who has been incarcerated in New York State for 27.5 years after the New York Supreme Court found that the

Parole Board's decision to deny release was "arbitrary and capricious." In ordering a new hearing, the Court highlighted our client's positive achievements while behind bars and held that "the record before the Court...raises the inference that the Board's stated reasons for denying petitioner parole release are merely pretextual." At the *de novo* hearing, the Parole board granted release.

This is the second Article 78 proceeding that Simpson Thacher successfully brought on this client's behalf. In 2013, Simpson Thacher won an appeal before the Supreme Court, Appellate Division, Third Department but our client was denied parole at his new hearing. The Simpson Thacher team included **Michael Garvey**, former associate **Lara Pomerantz** (who argued the petition before the New York Supreme Court), and **Matthew Bricker**.

U-Visa Project: A Look Forward and Back

In 2008, the Department of Homeland Security issued regulations implementing the process of applying for U nonimmigrant status (U-Visa), a temporary immigration status available to victims of certain categories of crimes who cooperate with the

Simpson Thacher and Blackstone Attorneys Team Up on Pro Bono



Blackstone Sr. Managing Director Peter Koffler and Jeff Lieberman counsel a client



Blackstone Managing Director Daniel Lee and Paul Rodriguez tasting their client's baked goods



Blackstone Director Evan Clandorf and Scott Farmer counsel a client



Meaghan Krupa and Blackstone Associate Leigh Emery assist a client



Daniel Daneshrad and Blackstone Vice President Marc Williams assist a client



Andrew Yong, Start Small staff attorney Erica Coleman, our client and Blackstone Vice President Stephen O'Connor

investigation or prosecution of those crimes. U-Visas give work authorization and other benefits to eligible immigrants and provide a path to citizenship through legal permanent residence after four years of being in U status.

Simpson Thacher launched its pro bono U-Visa project in 2009 in New York, Los Angeles and Palo Alto. To date, the Firm has assisted 75 clients, mostly low-income women who were the victims of domestic violence. Recently, the Firm has begun assisting these clients, who have been in U status for at least three years, apply for legal permanent residence. Attorneys who have recently succeeded in this area, on behalf of numerous clients, include **Jessica Marek, Susanna Kim, Rodrigo Surcan dos Santos, Matthew Levy, Tamaron Greene, Edward Bersuder, Drew Harmon, Kyle Scherer, Mitchell Ryan, Danielle Jackson** and **Shelly Lin**.

Palo Alto Attorneys Help Veterans through Partnership with Swords to Plowshares

The Firm began a partnership with Swords to Plowshares, a nonprofit providing legal services to veterans needing help to access benefits. Attorneys in the Palo Alto office were trained and participated in a clinic at the VA Hospital to advise veterans regarding disability compensation and pension claims through the Department of Veterans Affairs, and Military Discharge Upgrades through the Department of Defense. Associate **Dena Acevedo** sits on Swords to Plowshares Pro Bono Advisory Board.

Recent Pro Bono Achievements

Simpson Thacher Successfully Represents Icahn Charter Schools in Co-Location Dispute

Simpson Thacher attorneys filed an Article 78 Petition on behalf of Icahn Charter Schools, which operates seven public charter schools in the South Bronx. Icahn Charter Schools had a dispute with New York City's Department of Education (DOE) as a result of the DOE's failure to offer co-location space to Icahn Charter School 6 as required by the State Education Law. New York Supreme Court Justice Margaret A. Chan entered judgment in favor of Icahn Charter School 6 and ordered the DOE to pay rental assistance to the school as a result of the DOE's failure to comply with state law. The team included **Bill Russell, David Elbaum** and **Meredith Karp**.

Simpson Thacher Wins Habeas Relief for Detained Immigrant

On September 14, 2015, Simpson Thacher secured habeas relief for its pro bono client who was detained in a federal prison in New Jersey for over a year pending removal proceedings under the Immigration and Nationality Act. In April 2015, the Firm filed, and then successfully briefed and argued, a habeas petition on the client's behalf in the U.S. District Court for the Southern District of New York. The Simpson Thacher team included **Andy Amer, Zander Li** and **Nathan Sanders**.

Simpson Thacher Wins Asylum for Tibetan Doctor in New York Immigration Court

Simpson Thacher successfully secured a grant of asylum from the Immigration Court on behalf of a Tibetan medical doctor. The matter was referred to the Firm by the New York City Bar Association following an initial denial of the asylum application in 2011. The Firm won a reversal from the Board of Immigration Appeals in 2013, and on remand the Immigration Court granted asylum. The Simpson Thacher team included **Will Pilon, Seth Allen** and **Jordan Botjer**, and was supervised by **Joe McLaughlin**.

Simpson Thacher Obtains Dismissal of Eviction Case in Washington D.C.

Attorneys in Simpson Thacher's Washington, D.C. office obtained a dismissal for a pro bono client facing eviction from the apartment in which she lived for over eight years. In response to the Firm's summary judgment motion which argued that the landlord produced insufficient evidence in discovery to support an eviction, the landlord filed a praecipe dismissing the case with prejudice. The team included associates **Katelyn Benton, Elliot Weingarten** and **Daniel Honeycutt**, with supervision by **Peter Thomas**.

Simpson Thacher Secures Asylum for Sudanese Woman

Simpson Thacher successfully secured a grant of asylum for a Sudanese woman who feared persecution in her home country on account of her status as a woman who was subjected to female genital mutilation as a child and abused for failing to comply with Sharia law dress codes. The pro bono matter was referred to the Firm by the New York City Bar Refugee Assistance Project.

The Simpson Thacher team included Associates **Rachel Sparks Bradley**, **Patrick Campbell** and **Meredith Karp**, and was supervised by **Alan Turner**.

Simpson Thacher Forms New Human Rights Nonprofit

Associate **John Bennett** formed and secured federal tax exemption for the nonprofit Witness Change, an educational organization working to bring attention to human rights issues, with a focus on the treatment of LGBT people around the world, via story-telling through art, photography, written word and collaboration with academics.

Simpson Thacher Secures Asylum for Jamaican Pro Bono Client

Simpson Thacher attorneys successfully secured a grant of asylum on behalf of a Jamaican pro bono client in October 2015. Asylum was denied in 2013 by the immigration judge based on the client's failure to timely apply for asylum. On appeal, the Firm successfully argued that changed circumstances excused the late filing. The immigration judge's decision was vacated by the Board of Immigration Appeals, and the immigration judge granted asylum to the client. The Simpson Thacher team included **Jillian de Chavez-Lau** and **Deborah Frankel**, and was supervised by **Joe Tringali**.

Simpson Thacher Obtains Reversal of Audit Findings for Pro Bono Client Serving Homeless New Yorkers

Simpson Thacher represented its long-standing pro bono client The Partnership for the Homeless, Inc., in obtaining the reversal of a decision by the New York City Department of Homeless Services to recoup more than \$70,000 based on purported audit findings. Advised by Simpson Thacher, starting in July 2014, the Partnership pursued administrative and contractual dispute resolution procedures applicable to contracts with city agencies. On July 14, 2015, the Commissioner of DHS informed the Partnership that the recoupment decision was reversed in full. The Partnership is a not-for-profit organization that has helped tens of thousands of New Yorkers who have become homeless, are at risk for homelessness, or are rebuilding their lives after leaving shelters, by linking them to housing and services. The Simpson Thacher team consisted of **David Woll** and **Daniel Stujenske**.

Awards and Events



Adam Pullano receives his award

Adam Pullano Wins 2015 Public Counsel Pro Bono Award

Los Angeles Litigation Associate **Adam Pullano** was selected to receive the 2015 Public Counsel Pro Bono Award for his work to remove innumerable barriers that prevent veterans from achieving self-sufficiency and stability. Public Counsel is the nation's largest not-for-profit law firm specializing in delivering pro bono legal services. The award was presented at the Firm's L.A. office.



Public Counsel Attorneys David Daniels, Nancy Wheeler, Eric Post and Rick Little join Chet Kronenberg, Thomas Wuchenich, and Deborah Stein in congratulating Adam Pullano

Simpson Thacher Receives Pro Bono Award for Human Trafficking Clinic

Simpson Thacher received Sanctuary for Families' Above & Beyond Pro Bono Achievement Award for its dedication to launching, and making a success, the Human Trafficking Intervention Clinic project in Queens. The Firm's involvement has been critical to ensuring that victims of trafficking receive the services they so desperately need.

Lynn Neuner, Rachel Sparks Bradley and Meredith Firetog Receive Pro Bono Award

Lynn Neuner, **Rachel Sparks Bradley** and **Meredith Firetog** were honored at Sanctuary for Families' Above & Beyond Pro Bono Achievement Awards on October 19, 2015. The award came in recognition of their extensive representation of a victim of human trafficking before federal immigration authorities and in connection with her cooperation with the FBI and U.S. Attorney's Office.

Mary Kay Vyskocil, Jillian de Chavez-Lau and Deborah Gruen Receive Pro Bono Award for Work on Family Court Appeal

Mary Kay Vyskocil, Jillian de Chavez-Lau and Deborah Gruen were honored at Sanctuary for Families' Above & Beyond Pro Bono Achievement Awards on October 19, 2015. The award was the result of their work litigating a successful Second Department appeal of a Family Court decision denying special findings to undocumented children who would otherwise be eligible for Special Immigrant Juvenile Status.

Simpson Thacher Honored for Pro Bono Work by Northern California Innocence Project

Simpson Thacher will be honored with the Northern California Innocence Project's Pro Bono Award at its annual Justice For All event on March 17, 2016. The honor is bestowed on those who have helped fight to obtain freedom for the wrongfully convicted and to reform the criminal justice system to make it more just and humane. **Jason Bussey** currently leads two Simpson Thacher teams representing the organization's clients, and **Patrick King** previously led a team that exonerated a third client. Jason Bussey and Patrick King will accept the award on the Firm's behalf.

Brian Novell Honored by the Legal Aid Society of New York

Brian Novell was honored by the Legal Aid Society as a part of its 2015 *Pro Bono Publico Awards*. Brian was recognized for his volunteer efforts with the Society's Access to Benefits Helpline, where he provided callers information to assist them with various public benefits questions, and for his work screening undocumented children for potential immigration relief.

Simpson Thacher Receives 2015 Pro Bono Publico Award from The Legal Aid Society

Simpson Thacher was selected by The Legal Aid Society to receive a Pro Bono Publico Award in 2015 for outstanding service to the Society and its clients. This award is given annually to law firms, corporations, and other professionals who participate in Legal Aid's Pro Bono Program by providing exceptional legal service to low-income New Yorkers.

Houston Attorneys Looking Good on HVL Jeans Day!

As part of its celebration of Pro Bono Week, the Houston Volunteer Lawyers organization, which hosts the Veteran's Clinic for Simpson Thacher's Houston office, organized a Jeans Day to raise money for its programmatic work serving low-income residents of Houston. The successful campaign was documented in the below photo!



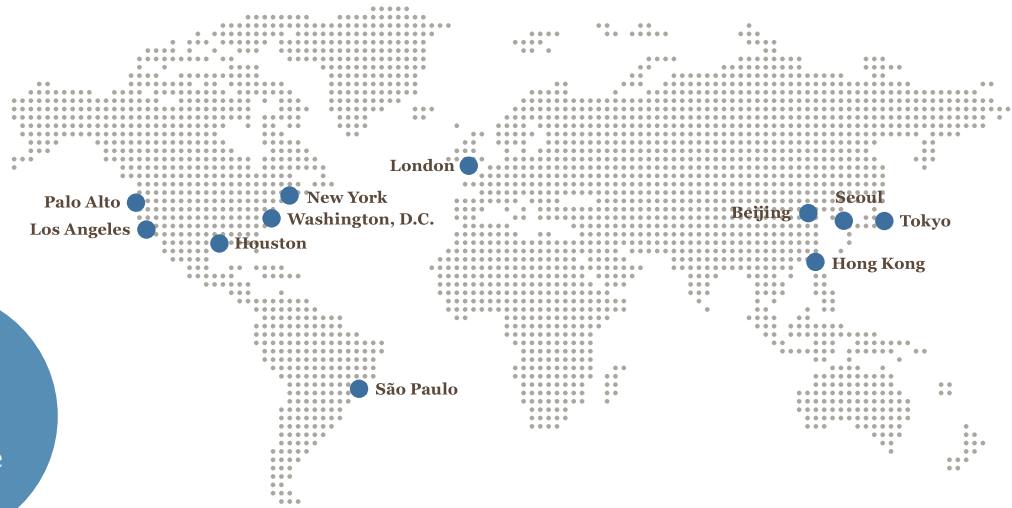
Front Row: Mickey Baden, Sharon Barker, Vanessa Rocha, Britta Heinitz, Matt Einbinder and Eric Viloria; Back Row: Peter Raish, Shane Morgan, Nakita Cuttino, Sarah Elliott, Kevin Elliott, Justin Hoffman, Zachary Banks, Ana Sanchez, Karen D'Antonio and Tyler Cox



Carola Beeney, Harlene Katzman, and Brian Novell pose with NYS Chief Judge Lippman and Legal Aid Society Leadership

**Simpson Thacher Climbs 43 Story
Building to Support Pro Bono Client
Her Justice**

For the fifth consecutive year, Simpson Thacher employees from the New York office climbed a 43-story building for Her Justice's Story by Story fundraiser. Her Justice is a long-time pro bono client of the Firm that provides free legal services to women and their children who have been victimized by domestic violence. This event is one of the organization's largest annual fundraisers with over 1,200 participants and contributes to their mission to end domestic violence. Climbers included **George Wang, Jenny Famularo, Lydia Adamiszyn, Stefanie Cohen, Daniel Hayes, Lily Chen,** and **Shimeng Cheng**, who raised over \$8,000 for Her Justice.



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