

Justice Matters: Pro Bono Newsletter

July 2020



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Simpson Thacher Launches Wide-Ranging, Rapid Response Project in All U.S. Offices to Help Small Businesses Devastated by COVID-19

Building on 20 years of experience representing small businesses, Simpson Thacher attorneys were uniquely positioned to assist small businesses confronting severe economic disruption under the COVID-19 shut-down orders around the country. To date, the Firm has assisted over 50 businesses as they navigate the CARES Act, various loan programs, and urgent employment, contract and real estate issues. Through partnerships with legal services providers in New York, the Bay Area, Los Angeles, Washington, D.C. and Houston, Firm lawyers have dedicated many hundreds of pro bono hours to COVID-specific relief efforts for small businesses. With no experience operating virtual clinics, Simpson Thacher lawyers quickly created one of the most successful targeted pro bono efforts in the Firm's history.

Simpson Thacher created publicly available training materials in March 2020 to help attorneys from around the country assist pro bono clients whose small businesses were closed or hindered by stay-at-home orders. New York Associates **Matthew Farrell**

and **Evan Zuckerman**, along with Pro Bono Manager **Susan Cordaro**, recorded trainings on the topics of Best Practices in Conducting Remote Limited Scope Small Business Consultations, and Best Practices in Contract Review Consultations with Small Businesses. Los Angeles Associates **Claire Hutar** and **Tim Krause** developed California-specific grant and loan training materials and information about force majeure provisions under California law, while Palo Alto Associates **Jesse Feng** and **Adam Spaulding** developed training materials related to California entity selection and formations. In light of the frequently-shifting landscape of various CARES Act and other programs available to small businesses, New York Associates **Robert Harrison**, **Kara Krakower** and **Emily Rosenthal**, and Washington, D.C. Associate **Cristina Liebolt**, continuously added to and expanded the training materials used by our rapid response teams.

In New York, attorneys have staffed numerous weekly sessions with small businesses from around the city that have seen their revenues fall off drastically in the current crisis. Firm attorneys were joined by members of **Blackstone's Legal & Compliance** team and matters were referred by Start Small Think Big, Volunteers of Legal Services and the Small Business Legal

Relief Alliance, which was created by New York law firms. The wide range of businesses served included a local dairy, barber shops, bakeries and restaurants, hair salons, day care centers, professional photographers, retail clothing shops, a pilates studio, event planners, jewelry stores and a laundromat. The Simpson Thacher attorneys who participated in these New York sessions included: Partners **Marcy Geller, Marni Lerner, Lori Lesser, Krista Miniutti** and **Erik Quarfordt**, retired Partners **Maripat Alpuche** and **Steve Feder**, and Counsel/Associates **Kat Christoforatos, Sean Dougherty, Nick Draeger, Sophie Gandler, Aseda Ghartey-Tagoe, Alexander González Castillo, Matthew Farrell, Sarah Green, Robert Harrison, Heesu Kim, Sheryl Koretz, Kara Krakower, Cristina Liebolt, Luis Pellerano, Elise Quinones, Marel Ruiz, Loren Shokes, Nicole Snyder, Taylor Steele, Rachel Stein, Justin Stone, Luana Torres, Justin Vilinsky, Leanne Welds, Rob Wentworth, Yizhou (Jo) Xu** and **Evan Zuckerman**.

In Los Angeles, Partners **Mike Kaplan** and **Greg Klein**, along with Associates **Claire Hutar** and **Timothy Krause**, conducted numerous consultations, referred by Public Counsel, with local day care providers and other businesses regarding contract reviews, and grants and loans available to support business during the crisis.

In Palo Alto, Partner **Naveed Anwar** and Associates **Jesse Feng, Fiona Gillan, Jacob Gindt, Bori Celia Ha, Sangitha Palaniappa, Luis Pellerano, William Perrone, Kira Shannahan, Adam Spaulding** and **Regina Wang** volunteered with small businesses referred by Start Small Think Big and Lawyers' Committee for Civil Rights of San Francisco at numerous sessions related to grants and loans, as well as entity selection and contract review.

In Houston, Associate **Geraldine Rothschild** advised a small Houston-area business on grants and loans available under the CARES Act at a session through the Houston Small Business Legal Consultations program, launched by a group of Houston firms, which included Simpson Thacher as a founding member.

Finally, Simpson attorneys responded to numerous requests for research assistance from our legal services partners, who sought memos and FAQs for their programs on topics ranging from the intersection of unemployment/PUA and the CARES Act programs including the Paycheck Protection Program ("PPP") to disaster bond programs that might assist communities not included in the federal response to the COVID-19 crisis for small businesses and to how various legal entities were eligible to

apply for CARES Act programs. Attorneys providing research included Partners **Krista Miniutti** and **Erik Quarfordt** and Associates **Carla Elliott, Robert Harrison, Sage Hughes, Claire Hutar, Kara Krakower, Tim Krause, Cristina Liebolt** and **Emily Rosenthal**.



Kara Krakower, Jo Xu and Marel Ruiz prepare to meet their small business client.



Robert Harrison, Christina Liebolt and Taylor Steele prepare to meet their small business client.

Simpson Thacher Joins Law Firm Antiracism Alliance

Simpson Thacher is proud to be a founding member of the Law Firm Antiracism Alliance ("LFAA"), whose purpose is to leverage the resources of the private bar, in partnership with legal services organizations, to: amplify the voices of communities and individuals oppressed by racism; better use the law as a vehicle for change that benefits communities of color; and promote racial equity in the law. Recognizing that lawyers and law firms are uniquely positioned to analyze and advocate to change laws and policies that encourage or enable racial injustice, the LFAA will facilitate the coordination of its member firms to

best work in conjunction with legal services to create large-scale, coordinated pro bono and collaborative advocacy projects that are both immediate and long-term in scope. More than 145 law firms have signed on to the LFAA.

Simpson Thacher Joins ACLU of Louisiana’s “Justice Lab: Putting Racist Policing on Trial” Initiative to Challenge Racially Discriminatory Policing Practices

Simpson Thacher has joined the ACLU of Louisiana’s litigation campaign to challenge racially discriminatory policing practices. The Firm is among 18 leading law firms who have signed on as part of the “Justice Lab: Putting Racist Policing on Trial” initiative which seeks to bring up to 1,000 cases in Louisiana challenging racially-motivated stops and seizures under the Fourth and Fourteenth Amendments and any other applicable laws. By focusing intensive efforts on a single state, “Justice Lab” aims to test the impact that litigation can have on police conduct. Joining the “Justice Lab” initiative follows Simpson Thacher’s recent pro bono work alongside the ACLU and ACLU of Mississippi in securing a groundbreaking, first-of-its-kind consent decree in *Brown v. Madison County* that will help to prevent Mississippi’s Madison County Sheriff’s Department from engaging in racially motivated policing practices. The Simpson Thacher team includes Partner **Jon Youngwood**, Counsels **Janet Gochman** and **Isaac Rethy**, Pro Bono Attorney **Nihara Choudhri** and Associate **Regina Wang**.

Simpson Thacher, ABA and ProBAR Asylum Project Win Immigration Relief for Client Detained Near U.S.-Mexico Border

On April 7, Simpson Thacher, together with the American Bar Association Commission on Immigration and the South Texas Pro Bono Asylum Representation Project, secured a decision granting immigration relief for their client, a 24-year-old homosexual man, who was seeking refuge in the U.S. after escaping from persecution in Guatemala. Growing up, the client had been subjected to severe, recurrent and violent persecution in his home country because of his status as a homosexual man. He had twice fled to the U.S. On his second attempt, he was held in an overcrowded temporary housing facility for 39 days (without access to soap or a shower—detainees are not intended to spend more than 72 hours in these facilities) before being moved to the Port Isabel Detention Center in Los Fresnos, Texas, where he was detained for nearly a year.

In filings and over the course of four separate hearings, including three appearances in Immigration Court in Los Fresnos, Texas, and a final hearing in which the team argued telephonically due to COVID-19, counsel demonstrated that the client had suffered past persecution in Guatemala on account of his membership in a particular social group—homosexual men—and, as such, was entitled to a presumption that being removed to Guatemala would threaten his life or liberty. The team also demonstrated that country conditions in Guatemala are hostile to LGBT persons, and in particular to homosexual men, and that the client would more likely than not be subjected to further persecution if deported to Guatemala.

The Immigration Judge ultimately found that the client, who had been violently assaulted in Guatemala, was targeted, in part, due to his perceived vulnerability as a homosexual man. The Government was unable to demonstrate that the client could be removed safely to Guatemala. In granting relief to the client, the Judge stated that he believed this was a “righteous case.”

Simpson Thacher Partner Brooke Cucinella said, “We are incredibly grateful to the Court for recognizing the past persecution our client had suffered, and granting his application to try and live his life free from fear and violence here in the United States. I have done a lot of pro bono and public service work in my life, but getting this young man out of detention with legal status is one of the most rewarding moments of my legal career.”

The Simpson Thacher team included Partner **Brooke Cucinella** and Associates **Joshua Bernard** and **Daniel Owsley**.

Simpson Thacher Drafts Report on Behalf of Military & Veterans Affairs Committee of the New York City Bar Association

Simpson Thacher Counsel **Elisa Alcabes**, and Associates **Stephanie Hon**, **Lauren Maxfield** and **Emily Rosenthal**, drafted a report on behalf of the Military & Veterans Affairs Committee of the New York City Bar Association entitled “Converting Guantanamo Bay Military Commissions into an Article III Court.” The report originated from Elisa’s week long pro bono project in Guantanamo Bay, where she observed the military commission proceedings on behalf of the City Bar’s Committee. The Report was sent to Congress with the hope that it will initiate a new dialogue among government leaders with regard to inefficiencies that have plagued the military commissions.

Simpson Thacher Partners With AABANY to Publish COVID-19 Resources Webpage to Support the Asian American Pacific Islander Community Amidst Pandemic

Simpson Thacher partnered with the Asian American Bar Association of New York (“AABANY”) to produce a series of “Know-Your-Rights” documents on a number of legal topics related to COVID-19 for publication on AABANY’s website. Simpson Thacher attorneys are drafting resource documents for the AABANY community on topics including anti-Asian harassment and violence, housing, unemployment and small business assistance, among others. Attorneys from the Firm are also participating in a series of webinars on anti-Asian harassment and violence hosted by AABANY and aimed at both informing the legal community on how to better advise clients and providing resources and practical advice to the broader Asian community. The Simpson Thacher team includes Partner **John Ericson**, and Associates **Julia Kerr**, **Sheryl Koretz** and **Jiarui Li**.

Recent Pro Bono Achievements

Simpson Thacher and Catholic Migration Services Win Appellate Victory in Rent Overcharge Case

On June 17, 2020, the New York Supreme Court, Appellate Division, Second Department unanimously reversed decisions of the Queens County Supreme Court, which granted summary judgment against the Firm’s clients, a disabled woman and her son, whose landlord illegally overcharged them rent for more than a decade. Catholic Migration Services brought overcharge actions in 2016 to recover the more than four times the rent charged in violation of a rent reduction order of the Division of Housing and Community Renewal (“DHCR”). The Supreme Court granted summary judgment and dismissed the overcharge actions. Simpson Thacher briefed the appeal to the Second Department, which reversed the grants of summary judgment and sent the parallel cases back to the Supreme Court for trial. The Simpson Thacher team included Partner **Joe McLaughlin**, Associates **Rachel Sparks Bradley**, **Amy Dawson** and Paralegal **Loretta Washienko**.

Simpson Thacher Wins Appeal in Immigration Pro Bono Case

Simpson Thacher is representing three allegedly undocumented aliens who were placed into immigration removal proceedings based on evidence obtained during an unconstitutionally extended traffic stop. The Firm’s clients were part of a group of men traveling home to New York from an AA conference in Georgia when the van in which they were traveling was pulled over by a Pennsylvania state trooper for alleged speeding. When the state trooper observed that the van’s occupants were people of color, he demanded identification from everyone, had the van follow him off the highway and detained it for more than two hours, during which time the state trooper called and waited for ICE to arrive.

After the van occupants were unsuccessful in moving the Immigration Court to suppress the government’s evidence, Simpson Thacher agreed to represent, pro bono, the van residents who live in New York. In the case of this particular client, the Firm sought reconsideration of the motion to suppress, which was denied. The Simpson Thacher team then appealed the Immigration Court decision to the Board of Immigration Appeals (“BIA”). (Since the cases were in different procedural postures, motions to reconsider were separately filed for the Firm’s two remaining clients before other New York Immigration Judges. These other clients have forthcoming evidentiary hearings.)

On April 22, 2020, a three-member panel of the BIA held that extension of a traffic stop on the basis of race or perceived ethnicity violates our client’s Fourth Amendment rights against unreasonable searches and seizures. The BIA remanded the case to the Immigration Court for an evidentiary hearing as to the facts alleged by our client, finding “respondent . . . should be given a hearing at which he can present evidence” to establish a “prima facie case that the extension of the traffic stop violated the Fourth Amendment of the Constitution . . . [potentially] warranting suppression.”

The Simpson Thacher team representing the three clients includes Partner **Mike Osnato**, Counsel **Anar Patel**, Associates **Andrew Boccio**, **Stephen DiGregoria**, and former Associates **Ellie Gladstone** and **Karen Hunt**.

Palo Alto Team Wins Asylum for and Reunites Nicaraguan Family

The Firm’s pro bono client and her now-husband fled Nicaragua due to gang-based domestic violence

over a decade ago, leaving their infant daughter behind. Years after arriving in the U.S. and settling in San Francisco, a Simpson Thacher team helped the couple apply for and receive asylum, and assisted the daughter they left behind with obtaining a follow-to-join visa to the U.S. which reunited the family after a decade apart. The Firm also filed for legal permanent residence for the parents, which was approved last month. The Simpson Thacher team included Associates **Tiffany Chu** and **Marissa Lambert**, and Assistant **Veronica Inocencio**, and former Associates **Casey Mathews** and **Katherine Zhao**.

Clinics

Moving Urgent Pro Bono Assistance to Remote Platforms During the Pandemic

For many years, Simpson Thacher attorneys have been delivering legal advice to low-income individuals in a limited-scope “clinic” format where attorneys meet one-on-one to conduct interviews and provide guidance. This is often a precursor to taking a client for full representation. When the COVID-19 crisis struck, the Firm quickly worked to move many of our most urgent clinics to a virtual format, understanding that the needs of low-income communities would reach epic proportions.

Domestic Violence

Working with Sanctuary for Families, Simpson Thacher attorneys helped launch a program preparing pro se family offense petitions for victims of domestic violence in urgent situations using the NYC Family Court’s limited provisions for virtual filing. Volunteers were trained via webinar, and then were matched with clients. Volunteers conducted in-depth interviews and drafted petitions that detailed the specific incidents and history of abuse, and outlined specific family offenses that were allegedly perpetrated against the petitioner. The orders obtained through the Family Court as a result of this project provide important protection to individuals who otherwise feared for their safety, giving much-needed security when so many victims found themselves isolated under stay-at-home orders. The Simpson Thacher volunteers who have participated include Attorneys **Caroline Gottschalk**, **Willimina Bromer**, **Bobbie Burrows**, **Danzey Burnham**, **Catherine Ciriello**, **Susan Cordaro**, **David Elbaum**, **Sara Estela**, **Laurel Fresquez**, **Ashley Gherlone**, **Jennifer Isaacman**, **Lauren Maxfield**, **Anna-Kay Richards**, **Christian Riess**, **Samantha Sergeant**, **Tarra Theisen** and **Jule Walsh**, with invaluable assistance from Pro Bono Coordinator

Maria Gonzalez and Senior Paralegal **Cyrena Terricone**.

Undocumented Children

The Firm also successfully brought its regular screening clinics with the Safe Passage Project into a virtual setting. At these remote clinics, Simpson Thacher volunteers interviewed children in Immigration Court proceedings in order to screen them for representation. Attorneys conducted legal intakes via Zoom, to obtain necessary facts to help Safe Passage determine if any form of immigration relief is available to the client, a child under the age of 18 who, at the time of apprehension at the border, had neither a parent nor a legal guardian accompanying him/her, and has no lawful immigration status in the U.S. The participants in our first two remote clinics in June 2020 were Partners **Paul Curnin**, **Juan Naveira** and **Whitney Salinas**, Attorneys **Nena Burchard**, **Sarah Dunn**, **Sara Estela**, **Garrett Gerber**, **Borja Marcos**, **Luis Miguel Posadas**, **Wendell Ramsey Jr.**, **Maya Reeves**, **Marel Ruiz**, **Jule Walsh**, as well as Senior Real Estate and Firm Analyst **Kira Leid-King**. We will be piloting more of our clinics in a virtual format over the summer and early fall.

Awards and Events

Simpson Thacher Attorneys Conduct Pandemic-Related Webinar for Non-Profit Arts Groups

On June 3, 2020, Partner **Lori Lesser** and Counsels **Christopher Sprigman** and **Maura Whelan** conducted a webinar for more than 600 individual artists and arts organizations on the legal issues and risks related to online activities and performances during the pandemic. The webinar “Moving your Content into the Digital World: Legal Guide for Individual Artists and Arts Organizations” was co-sponsored by the New York State Council on the Arts and Volunteer Lawyers for the Arts. The webinar can be accessed from the VLA site.

Harlene Katzman Participates in Webinar on Protecting Voting Rights Amid the Pandemic

Pro Bono Counsel **Harlene Katzman** participated in a webinar on June 1 titled “Activating the Private Bar to Protect the Right to Vote Amid the Pandemic.” Hosted by the Lawyers’ Committee for Civil Rights Under Law, the discussion was geared towards the private bar and focused on new challenges

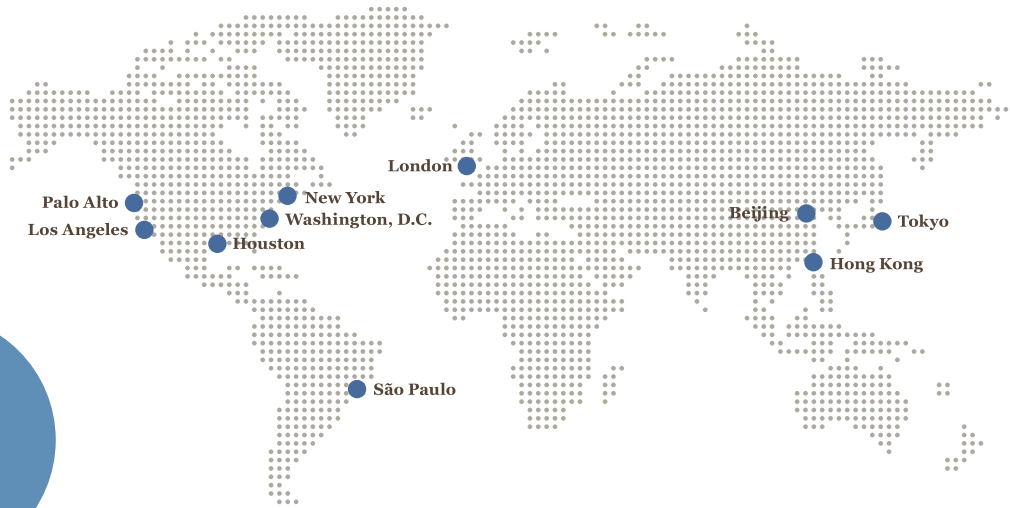
presented in the 2020 election cycle amidst the COVID-19 pandemic. The panelists outlined the current litigation landscape and reviewed key cases that impact access to the ballot, explored potential reforms that can be enacted to expand access, and discussed the pro bono volunteers' roles in Election Protection.

Simpson Thacher Named to *NLJ*'s 2020 "Pro Bono Hot List"

Simpson Thacher was named to *The National Law Journal*'s 2020 "Pro Bono Hot List," which recognizes law firms and lawyers who are making an impact on the lives of those in need. *The National Law Journal* published a Q&A with **Jonathan Youngwood**, Global Co-Chair of Simpson Thacher's Litigation Department. The article highlighted Simpson Thacher's longstanding commitment to pro bono work, ranging from major impact litigations to representing individuals in immigration, housing, criminal and family law matters, as well as in the formation and support of small businesses and nonprofit organizations.

Additionally, the article noted some of the Firm's recent pro bono successes, including working alongside the ACLU and ACLU of Mississippi in securing a groundbreaking, first-of-its-kind consent decree in *Brown v. Madison County* that will help to prevent Mississippi's Madison County Sheriff's Department from engaging in racially motivated policing practices. The piece also noted the Firm's work with New York Lawyers for the Public Interest in bringing lawsuits against ICE and a correctional facility, and ultimately securing a \$1.7 million settlement, after defendants released the Firm's clients onto the Manhattan streets after months of immigration detention without providing discharge planning for the treatment of their significant mental health disorders. The Firm's current pro bono work in response to the COVID-19 pandemic was also highlighted. When asked why pro bono work is important to him, Jon said, "Pro bono work is essential to the practice of law. Not only is it our duty to serve underprivileged communities and help promote justice, it's also a gift."

Please send
news items, comments
or suggestions regarding
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