

Justice Matters: Pro Bono Newsletter

March 2018



IN THIS ISSUE:

- ▶ Recognition of 2017 Pro Bono Accomplishments
- ▶ Public Service Fellowships Awarded
- ▶ Simpson Thacher Joins the Firearms Accountability Counsel Taskforce
- ▶ Blackstone Participates in First Simpson Veterans Clinic
- ▶ Simpson Thacher Completes the City Energy Project with NRDC
- ▶ Simpson Thacher Represents Amici Regarding Reliability of Cross-Racial Identification on Criminal Proceedings
- ▶ Senior Counsel Travels to Guantánamo Bay, Cuba to Observe Military Commissions
- ▶ A Challenge to Inadequate Medical Care of New Yorkers with Mental Illness in Immigration Detention
- ▶ Simpson Thacher Represents Amici in Review of BIA Decision By the U.S. Attorney General
- ▶ Simpson Thacher Represents Amici in SCOTUS Review of California's Reproductive Fact Act
- ▶ Recent Pro Bono Achievements
- ▶ Awards, Events and News

Recognition of 2017 Pro Bono Accomplishments

In 2017, Simpson Thacher attorneys once again made the goal of justice an essential part of our work at the Firm. Collectively, we provided almost 53,000 hours of legal services to poor and vulnerable communities, nonprofits and fledgling small businesses, and engaged in major initiatives to protect civil and human rights. The number of hours billed to these matters in 2017 significantly exceeded the total for 2016, reflecting the importance of pro bono throughout the Firm.

Attorneys at the Firm have provided vital legal assistance in hundreds of matters, across offices and practice groups. We initiated litigation to reform unconstitutional police practices in Mississippi, challenge rules that would allow the denial of insurance coverage for contraception, and redress gender inequities in school athletic programs, and have undertaken investigative work on potential challenges regarding voting rights, felony disenfranchisement, privacy, safe drinking water protections, and expedited removal. We represented amici in four separate litigations challenging the Executive Order travel ban, including the upcoming hearing before the U.S. Supreme Court. In addition to our continuous full scope representation of low-income individuals seeking economic security through housing, family law, criminal defense,

public benefits, and immigration, the Firm's lawyers provided legal advice to hundreds of individuals at legal clinics, including artists, entrepreneurs, immigrants, victims of human trafficking, homeless youth, and those who have suffered through natural disasters, including in Hurricanes Harvey and Maria. The significance and breadth of these matters demonstrates the far-ranging areas in which attorneys at the Firm have made a difference and fought to protect our clients' legal rights.

For this work, in January, the Firm recognized many hundreds of its attorneys as Pro Bono Champions and Leaders. In honor of their contribution, these attorneys were asked to vote where to direct a portion of the Firm's Pro Bono Charitable Contributions. The two organizations which received the most votes were the **Gifford's Law Center to Prevent Gun Violence** and the **National Women's Law Center**. Both organizations will receive a significant charitable donation from the Firm in honor of our volunteers.

Please take the time if you can to join your colleagues who have already chosen to make a difference. We urge you to make it a personal goal to do at least 20 hours of pro bono work in 2018. The Pro Bono Committee and the Department staff is always available to help match you to a project that reflects your interests and professional development goals.

Public Service Fellowships Awarded

The Firm is pleased to announce the recipients of the 2018 Simpson Thacher & Bartlett LLP Public Service Fellowships. New York Litigation Associate **Patricia Yan** '16 will spend the year at the Asian American Legal Defense and Education Fund (AALDEF), working with its Democracy Program which seeks to protect and expand voting rights through litigation, advocacy and community



Patricia Yan



Justin Raymond

education. Los Angeles Litigation Associate **Justin Raymond** '16 will spend the year working with Public Counsel, representing individuals at special hearings before a magistrate judge in which they seek to be removed from "gang injunction" lists that, for example, limit their ability to associate with certain individuals or be present in

specific neighborhoods. Houston Corporate Associate **Angela Wu** '15 will spend the year at the Office of the United Nations High Commissioner for Refugees in Hong Kong, conducting interviews, preparing recommendations, and reviewing referrals made by the Hong Kong Immigration Department and the Torture Claims Appeal Board. We wish them all well!



Angela Wu

Simpson Thacher Joins the Firearms Accountability Counsel Taskforce

Simpson Thacher has joined the Firearms Accountability Counsel Taskforce, a consortium of law firms and nonprofit organizations devoted to fighting gun violence. The partnership is being spearheaded by the Gifford's Law Center to Prevent Gun Violence (Giffords) and includes the Brady Campaign to Prevent Gun Violence, the Brennan Center for Justice, and a number of prestigious law firms. The Taskforce's goals include pursuing legal strategies to address America's gun violence crisis. The Simpson representative to the Taskforce is Washington-based Litigation Partner, **Andrew Lacy**. The chair of the board of Giffords is Palo Alto-based Litigation Partner, **Alexis Coll-Very**.

Blackstone Participates in First Simpson Veterans Clinic

On February 5, Simpson Thacher, Blackstone and New York Legal Assistance Group (NYLAG) hosted a clinic for New York City veterans to enable them to secure the compensation and benefits earned through dedicated service to this country, and access the legal services needed to achieve economic and personal security. Altogether, 19 Simpson Thacher and 12 Blackstone volunteers saw 26 clients on the 6th floor of 425 Lexington Avenue. In addition to determining eligibility for a variety of service-connected benefits, volunteers identified issues around discharge upgrades, housing, family law, consumer protection, employment, and estate planning. Volunteers heard moving stories of struggling men and women trying to navigate a complex system of service connected benefits.

Upcoming Pro Bono Clinics, Trainings and CLE Programs:

Pro Bono Lunch: Military Commission Hearings at Guantanamo, and Veteran's Reform Litigation

Elisa Alcabes speaks about her recent visit to Guantanamo; Lynn Neuner and Mike Brasky speak about current litigation to reform appeals process for veterans seeking disability benefits.

Thursday, March 22nd, 12:30 – 1:30 p.m. (STB in NY Room 6BC)

Pro Bono Lunch: Legal Issues in New York City Public Housing with Equal Justice Works Fellow

Attorneys from Lenox Hill Neighborhood House discuss current issues in area of NYC public housing. Program provided jointly to STB and Morgan Stanley attorneys.

Monday, April 9th, 12:00 – 2:00 p.m. (Morgan Stanley, 1586 Broadway)

Start Small Think Big Pit Stop Legal Clinic

Volunteers will provide legal advice to low-income entrepreneurs on topics including entity selection, business contracts, commercial leases, and other general corporate issues.

Saturday, April 14th, 6:00 – 8:00 p.m. (Harlem Community Development Corporation, 163 West 125th Street)

Her Justice Adjustment Clinic for Victims of Domestic Violence

Volunteers will assist victims of domestic violence with preparing applications for Legal Permanent Residency.

Monday, June 4th, 5:00 – 8:00 p.m. (Room TBD)

Clinic participants from Simpson Thacher included: Partners **Igor Fert, Alexandra Kaplan, Nancy Mehlman, and Marisa Stavenas**, Counsel **Alison Ando**, and Associates **Stephanie Brenner, Teresa Chen, Scott Farmer, Meaghan Krupa, Dean McGee, Jeannine McSweeney, Jake Phillips, Elise Quinones, Austin Uhm, Clark Warthen, Andrew Willinger, Eric Wolf, and Evan Zuckerman**.



Volunteers for the Veterans' Clinic get trained before the clients arrive.

Simpson Thacher Completes the City Energy Project with NRDC

The Firm recently completed an almost 4-year pro bono project for the Natural Resources Defense Council (NRDC). The City Energy Project is NRDC's national initiative to create healthy and prosperous American cities by improving the energy efficiency of buildings. The work is significant because buildings are responsible for the majority of carbon pollution in cities. The Firm provided transactional pro bono legal services to NRDC to enable the initiative's launch in twenty different municipalities, ranging from Miami-Dade County to St. Paul, MN, to Reno, NV. The Firm also helped resolve issues relating to intellectual property ownership of the project. The team included attorneys **Lawrence Huang, Louise Kruger, Christine Marshall, Benjamin Smith, Jacob Vadeboncoeur, Marcela Robledo and Lori Lesser**.

Simpson Thacher Represents Amici Regarding Reliability of Cross-Racial Identification on Criminal Proceedings

Simpson Thacher represented the Brooklyn Defender Services and other legal services organizations as amici to the New York State Court of Appeals in the case of *People v. Boone*, where the court considered the reliability of cross-racial identification in criminal proceedings. Amici presented the perspective of

public defenders on the necessity for appropriate jury instructions, when requested by counsel. On December 14, 2017, the Court ruled, in a landmark decision, that when a criminal defendant and an eyewitness are different races, the defendant, upon request, is entitled to a jury instruction on the impact of the cross-race effect on the eyewitness' identification. The cross-race effect is a phenomenon where individuals have significantly greater difficulty identifying individuals of a different race than they do identifying individuals of their own race. In this case, the appellant Otis Boone, an African-American man, was convicted of two robberies based solely on the identification of one Caucasian man for each crime. The Simpson Thacher team included Litigation Partner **Mark Stein**, and former associates Veronica Jordan-Davis and Uzezi Abugo.

Senior Counsel Travels to Guantánamo Bay, Cuba to Observe Military Commissions

In February, Senior Counsel **Elisa Alcabes** spent a week in Guantánamo Bay, Cuba (GTMO) as an official observer of the military commissions proceedings. Elisa is a member of the New York City Bar Association's Military Affairs & Justice Committee, an official NGO Observer at GTMO. Together with other NGO representatives, Elisa observed pre-trial proceedings in the case of Abd al Hadi Iraqi, who is accused of serving as a high-level al-Qaeda commander. On her return, Elisa recorded her observations in a piece that has been posted to the City Bar's website. She is continuing to work with the Committee regarding proposed reforms to the military commissions. Elisa's involvement with the Committee arose out of her ongoing work on behalf of disabled military veterans, with respect to which she has been awarded the Jeremy G. Epstein Award for Pro Bono Service from the City Bar Justice Center. Her GTMO observations can be found here: <https://www.citybarjusticecenter.org/news/new-comaj-veterans-assistance-project-lawyer-observes-guantanamo-bay/>

A Challenge to Inadequate Medical Care of New Yorkers with Mental Illness in Immigration Detention

On January 31, the Firm, along with New York Lawyers for the Public Interest ("NYLPI"), filed a federal lawsuit against the U.S. government after U.S. Immigration and Customs Enforcement ("ICE") discharged a man with serious mental illness from immigration detention without planning for the continuity of his mental healthcare. The lawsuit argues that ICE's failure to provide a discharge

plan endangered the plaintiff's life and violated applicable law. A discharge plan, including a supply of interim medication, medical records, and referrals to resources, is designed to prevent sudden interruptions in mental healthcare, and is widely accepted in the medical community as an integral part of care in institutional settings. The Simpson Thacher team includes **Tom Rice**, **Daniel Stujenske**, **Esinam Agbemenu** and **Rick Walker**.

Simpson Thacher Represents Amici in Review of BIA Decision By the U.S. Attorney General

Simpson Thacher represented Safe Passage and 28 nonprofit immigration legal service providers and law school clinical professors around the country, as amici in *Matter of Castro-Tum*, the removal proceeding of an undocumented child. The United States Attorney General ordered review on the issue of whether immigration judges have the independent authority to administratively close immigration cases and, if so, whether the Attorney General should withdraw that authority. (Administrative closure is a procedural device that temporarily halts removal proceedings by taking them off an immigration judge or BIA's calendar.) The amicus brief focused on how the elimination of administrative closure would affect immigrant children, arguing that administrative closure protects children in immigration proceedings by allowing them time to secure counsel and to pursue remedies that first require the child to seek relief in forums outside the immigration court. The brief argued that the power to administratively close cases is statutorily conferred on immigration judges, and that the Attorney General's decision to eliminate that authority here would violate the Administrative Procedure Act. The team included Associates **Sara Clingan**, **Adam Deming**, **Heather Garvey**, **Vetan Kapoor**, and Partner **Sara Razi**.

Simpson Thacher Represents Amici in SCOTUS Review of California's Reproductive Fact Act

Simpson Thacher represented a coalition of amici made up of 10 medical and public health organizations in *NIFLA v. Becerra*, in which the U.S. Supreme Court will be reviewing the constitutionality of California's "Reproductive FACT Act." The Court granted review to determine whether it is a violation of the First Amendment to require medical facilities that provide pregnancy-related services to notify patients that California provides free and low-cost prenatal care, comprehensive contraceptive care, and abortion services. The Court also granted

review to determine whether it is a violation of the First Amendment to require unlicensed medical facilities without licensed medical providers on staff to notify their clients of their unlicensed status. The amicus brief focused on the public health reasons that women should be informed about access to prenatal care, contraception, and abortion, including the risks to maternal and fetal health from delayed or inadequate care. The brief also focused on the importance of informed consent in medical decision-making and ensuring that women know the qualifications of individuals providing them with pregnancy-related services. The team included Senior Counsel **Simona Strauss**, Associate **Casey Mathews**, and former associate Veronica Jordan-Davis.

Recent Pro Bono Achievements

Simpson Thacher Wins Asylum for Client from El Salvador

On February 14, 2018, lawyers from the Palo Alto office successfully secured a grant of asylum for a client who had suffered severe persecution in her home country of El Salvador. The Department of Homeland Security waived its right to an appeal, so the grant is final. The case was referred to the Firm by the Lawyers Committee for Civil Rights of the San Francisco Bay Area. Associates **Jenny Palmer** and **Alex Moser** represented the client at the asylum hearing. The team also included Partner **Alexis Coll-Very**, Counsel **Marcela Robledo**, Associate **Mike Joshi**, with translation help from **Veronica Inocencio**.

Simpson Thacher Assists Artist in Obtaining O-1B Visa Status

On January 8, 2018, Simpson Thacher successfully assisted a low-income Spanish television and film actress in obtaining her O-1B visa status from the U.S. Citizenship and Immigration Services. O-1B visas are issued to artists who have demonstrated a history of extraordinary achievement in their field to further pursue their area of expertise in the United States. The matter was referred to the firm by Volunteer Lawyers for the Arts, an organization dedicated to New York artists and its arts and cultural organizations. The team included **Elliot Schwab** and **Davy Huang**.

Awards, Events and News

Buzz Frahn Speaks at New York City Bar Program, “The ‘Muslim Ban’ One Year On - Developments and Prospects”

Litigation Partner **Harrison “Buzz” Frahn** spoke at the New York City Bar conference, “The ‘Muslim Ban’ One Year On - Developments and Prospects,” on February 28. The program featured a panel of experts and practitioners including Buzz, who discussed the year’s dramatic developments after the Executive Order that barred entry into the U.S. by residents and refugees of seven Middle Eastern and North African countries, and the road forward.



Buzz Frahn and panel at New York City Bar Association.

CIO Mike Donnelly Presents at Legal Services Corporation Technology Conference

Simpson Thacher CIO, **Mike Donnelly**, was a panelist at the 2018 Legal Services Corporation Innovations in Technology Conference in New Orleans. The panel, *An Honest Appraisal: Taking Stock of Your Tech*, discussed the significant role technology plays in maintaining and increasing the effectiveness and efficiency of client services and internal operations. The panel addressed the value of a legal services organization assessing their own technology and infrastructure, and discussed multiple assessment methodologies and strategies including the current Pro Bono Technology Assessment project that is underway in New York.

Simpson Thacher’s Civil Rights and Liberties Initiative Presented: *Transparency in Policing*

On March 9, the Firm, through its Civil Rights and Liberties Initiative, hosted a panel to discuss police reform and transparency in 2018, with an emphasis on the relationship between communities and the police, what can be done to improve relations and safety between the police and communities, and

what lawyers can do to help. The panel featured the NAACP Legal Defense Fund’s Deputy Policy Director and Senior Counsel, Monique Dixon, who spearheads the organization’s Policing Reform Campaign; Barry Friedman, NYU Law professor, author, and director of NYU Law’s Policing Project; and **Nate Bronstein**, a Simpson Thacher Litigation Associate and a former NYPD police officer. The panel was moderated by Associate **Katurah Topps**.



L to R: Associate Katurah Topps, Monique Dixon (NAACP LDF), Professor Barry Friedman (NYU Law School), Associate Nate Bronstein.

Exempt Organizations Attorneys John Bennett and Kevin Roe Lead Workshop for Nonprofits

Exempt Organizations Attorneys **John Bennett** and **Kevin Roe** lead a workshop for nonprofits presented by New York Lawyers for the Public Interest. The workshop covered what is considered lobbying, how much lobbying a public charity can do, and what nonprofits need to do to protect their tax exempt status while engaging in these activities.



Associates Kevin Roe and John Bennett lead the workshop.

Please send news items, comments or suggestions regarding the pro bono program to Harlene Katzman at hkatzman@stblaw.com.



UNITED STATES

New York
425 Lexington Avenue
New York, NY 10017
+1-212-455-2000

Houston
600 Travis Street, Suite 5400
Houston, TX 77002
+1-713-821-5650

Los Angeles
1999 Avenue of the Stars
Los Angeles, CA 90067
+1-310-407-7500

Palo Alto
2475 Hanover Street
Palo Alto, CA 94304
+1-650-251-5000

Washington, D.C.
900 G Street, NW
Washington, D.C. 20001
+1-202-636-5500

EUROPE

London
CityPoint
One Ropemaker Street
London EC2Y 9HU
England
+44-(0)20-7275-6500

ASIA

Beijing
3901 China World Tower
1 Jian Guo Men Wai Avenue
Beijing 100004
China
+86-10-5965-2999

Hong Kong
ICBC Tower
3 Garden Road, Central
Hong Kong
+852-2514-7600

Seoul
25th Floor, West Tower
Mirae Asset Center 1
26 Eulji-ro 5-gil, Jung-gu
Seoul 100-210
Korea
+82-2-6030-3800

Tokyo
Ark Hills Sengokuyama Mori Tower
9-10, Roppongi 1-Chome
Minato-Ku, Tokyo 106-0032
Japan
+81-3-5562-6200

SOUTH AMERICA

São Paulo
Av. Presidente Juscelino
Kubitschek, 1455
São Paulo, SP 04543-011
Brazil
+55-11-3546-1000