



# PRO BONO PUBLICO

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*March 2011*

### LETTER FROM PRO BONO COUNSEL AND DIRECTOR, HARLENE KATZMAN



*Harlene Katzman*

Congratulations! The Firm had another terrific year in 2010 for pro bono service. We provided more than 65,000 hours of service Firm-wide, on 513 separate pro bono matters. Our average hours per attorney for our domestic offices rose to a record high of 85.5, up from 70 in 2008. We saved homes. We secured freedom from abuse. We defended human rights. We protected vulnerable communities. We strengthened worthy organizations. We are Simpson Thacher!

### STB HONORS ATTORNEYS AT ITS ANNUAL PRO BONO AWARDS AND RECOGNITION RECEPTIONS IN NY, PA, LA AND DC

In February and March of 2011, STB celebrated our attorneys' 2010 pro bono contributions with receptions in each of our U.S. offices honoring 163 partners

and associates who devoted 100 or more hours to pro bono service, and recognizing 127 additional partners and associates who devoted between 25 and 100 hours. Our deepest appreciation goes out to the lawyers, paralegals and staff who represented the many low-income clients, organizations that serve them, and others needing our assistance.

### NEW YORK PRO BONO AWARDS AND RECOGNITION EVENT, FEBRUARY 9, 2011



*Bill Russell, Harlene Katzman, Libby McGarry,  
Pete Ruegger, Vince Pagano*



T. Alora Thomas, Zara Ohiorhenuan, Dan Shin, Kate Rose



Joe Kaufman, Andy Veit, Jim Cross



Mark Chorazak, Linton Mann III, Alicia Washington, Julia Kohen

### PALO ALTO PRO BONO AWARDS AND RECOGNITION EVENT, FEBRUARY 16, 2011



Keren Siman-Toov, Rachel Muchmore, Dan Foster, Adam Anderson, Alexis Coll-Very, George Morris, Mike Lizano, Kevin Kennedy, Melissa Derr, Deanne Cevalco, Mandy Hu, Amanda Treleaven, Chad Pehrson, Arka Chatterjee, George Newcombe

### LOS ANGELES PRO BONO AWARDS AND RECOGNITION EVENT, FEBRUARY 17, 2011



Brian Price, Steven Sutton, Nathan Agam, Shinzong Lee, Sara Terheggen, Peter Jordan, Sarah Luppen, Jeffrey Joseph



Dan Clivner and Chet Kronenberg prepare to give out awards.

### WASHINGTON, D.C. PRO BONO AWARDS AND RECOGNITION EVENT, MARCH 2, 2011



Back L to R: Kerry Follain, Bashiri Wilson, Chris Kelly, Maco Stewart, Harlene Katzman, Peter Thomas  
Front L to R: Jane Lee, Jonathan Porter, Jonathan Lin, Rawia Ashraf

**PRO BONO VICTORIES!****IMMIGRATION**

STB secured victories for three clients, Mr. M, Mr. L., and Ms. LP, referred to us as part of the Firm's Immigration Removal Defense Program with the Legal Aid Society of New York. This program, as well as all of its matters, are overseen by partner **Paul Gluckow** and associate **Juan Arteaga**. We also secured asylum victories for two clients, Ms. M and Mr. PK, referred by different organizations.

**Mr. L**

In December 2010, our client's application for cancellation of removal was granted after an evidentiary hearing. Mr. L. was born in the Dominican Republic, but has lived in the United States for 20 years since entering through Puerto Rico in 1990. He is the father of two United States citizens, 14-year old twin sons, who were abandoned by their mother and have been supported solely by Mr. L since they were 4 years old. The STB team included **Kate Dominguez** and **Rita Maxwell**, and former associate **Mary Ann Totino**. Legal Assistant **Magallie Kortright** also provided assistance.

**Ms. L.P.**

In the Fall of 2010, the Immigration Court granted our client's application for cancellation of removal after an evidentiary hearing. Our client, L.P., was born in the Dominican Republic but moved to the United States as a child and has resided here for the last 21 years. She has four U.S.-born children and all her immediate family members live in the United States. The government commenced removal proceedings against her because of a single criminal conviction that occurred 12 years ago when her former boyfriend, without her knowledge, hid some drugs in her apartment after realizing he was under police surveillance. The STB team included associates **Juan Arteaga**, **Joan Flaherty**, and **Alora Thomas**. Pro Bono Coordinator, **Oscar Orellana**, also provided assistance.

**Mr. M**

STB associates **Stephanie Mash**, **Dan Shin**, former associate **Chantale Fiebig**, and partner **Paul Gluckow** successfully represented Mr. M in his application for cancellation of removal after an evidentiary hearing. Mr. M was a legal permanent resident of the United States, but

was placed in removal proceedings upon returning from a family vacation to Costa Rica in 2007 because of a prior arrest for minor criminal offenses and motor vehicle related violations. Mr. M plays a critical role in raising a son suffering from behavioral issues, owns his own small business, has had no arrests since 1990, and is a volunteer Alcoholics Anonymous and Narcotics Anonymous speaker in Nassau County jails. After establishing that the "positive" factors in Mr. M's life outweigh the "negative" factors of his past convictions, the Judge granted his application.

**Ms. M**

In January 2011, the Department of Homeland Security's Asylum Office in Arlington, VA granted the asylum petition of Ms. M, an individual from Mali referred to STB by African Services Committee. Ms. M sought refuge in the United States to escape personal persecution, female genital mutilation, and forced marriage to a polygamist with a history of domestic abuse against his other wives. Attorneys in the New York office prepared her application, and attorneys in the Washington office represented her before the Asylum Office after Ms. M was forced to relocate. The STB team included associates **Rawia Ashraf**, **Abram Ellis**, **Sarah Phillips** and **Jeemin Chung**, with advice from **Valentina Casella**, and help from assistant **Melissa Tuarez**. The matter was overseen by partner **Todd Crider**.

**Mr. PK**

STB successfully represented a client seeking asylum referred by the New York City Bar Association's Refugee Assistance Program. The client's affirmative asylum application was referred to the United States Immigration Court because it was filed more than one year after he arrived in the United States. Despite a complex set of circumstances, the Immigration Judge granted our client's application relying on the "changed circumstances" exception to the one-year filing bar. The STB team included associates **Lauren Colasacco**, **Ravi Purushotham**, **Jim Thompson**, and **Colleen Gilg**, and was overseen by partner **Todd Crider**. **Vanessa Bressler** and **Valentina Casella** provided advice.

## HOUSING/FORECLOSURE

### Mr. and Mrs. A.

STB recently represented C.A and M.A., first-generation immigrants from Portugal who have been married for nearly 40 years and, through thrift and hard work, owned their home outright, their only significant asset. Without fully understanding the consequences, Mrs. A., who pays the couple's bills, allowed the real estate taxes on their home to fall behind for two years. Not knowing what to do, she hid the tax delinquency and foreclosure notices from her husband. Dutchess County took possession of the house and sold the property at a tax sale in October 2010. Mr. A. arrived home from work the night of the tax sale to find a woman in his driveway who introduced herself as the new owner of his house. This was the first knowledge that he had of the tax delinquency.

Dumbstruck, Mr. A. contacted partner **Bruce Angiolillo**. With no time to waste, an STB team investigated the events leading up to the County's foreclosure sale, developed legal theories to attack it and filed a complaint and Article 78 petition in New York Supreme Court. The complaint and petition were accompanied by a request for a temporary restraining order and preliminary injunction to block the delivery of a deed to the high bidder. The result was a consent order preventing any further action regarding the transfer of ownership of the property. After protracted negotiations, a settlement was reached in late January 2011 and the County returned ownership of Mr. and Mrs. A's home to them. The STB team was led by **Bruce Angiolillo** and **David Woll**, and included associates **Andrew Cattell**, **David Tejtel**, **Meredith Duffy**, **Greg Szewczyk** and **Jonathan Menitove**, as well as former associate **Ihsan Dogramaci** and paralegal **Farrah Faverey**.

### **STB WINS SDNY JURY VERDICT FOR PRO BONO CLIENT**

After a 3-day trial before United States District Court Chief Judge Loretta Preska, a jury returned a verdict on Section 1983 and New York statutory claims in favor of our client, who had been sexually harassed and assaulted while a patient in a drug rehabilitation facility. The matter was referred to the Firm directly from the Chief Counsel of the SDNY Pro Se Office.

We accepted the matter only a few months before the scheduled trial date. Discovery was conducted in 30 days. The jury awarded damages to our client. The STB team consisted of partners **Kevin Arquit** and **Bryce Friedman**, and associates **Alex Simkin**, **Alicia Washington** and **Rita Maxwell**, with assistance from paralegals **Stephanie Crosskey** and **Elizabeth Herrera**.

### **STB FILES AMICUS BRIEF TO SCOTUS ON NATIONAL SECURITY ISSUE**

Simpson Thacher filed an *amicus* brief on behalf of Human Rights Watch, and the National Association of Criminal Defense Lawyers in the case of *Abdullah al-Kidd v. John Ashcroft*, pending before the Supreme Court of the United States. Al-Kidd, a native-born U.S. citizen and former football player for the University of Idaho, was arrested on March 16, 2003 under the material witness statute, which provides for the arrest and detention of witnesses when necessary for the limited purpose of securing testimony material to a criminal proceeding. Though purportedly detained as a witness, Al-Kidd was not deposed or asked to testify either during or after his detention. Instead, he was subject to coercive custodial interrogation about his own activities without the provision of counsel, detained for 15 nights in high-security prisons with convicted criminals, and otherwise treated as a dangerous criminal—during his detention Al-Kidd was routinely shackled and stripped searched multiple times, and he was only released subject to restrictive conditions.

The ACLU's Immigrants' Rights Project filed suit in March 2005 against government officials on behalf of Al-Kidd seeking damages for his wrongful detention. The government moved to dismiss the suit on grounds of absolute and qualified immunity. Al-Kidd was successful in the district court and in the Ninth Circuit, which held that the government lacked the power to arrest citizens without probable cause under the material witness statute as a cover to investigate suspected criminal activity, and thus was not entitled to qualified immunity. The government appealed denial of its motion to dismiss to the Supreme Court.

The *amicus* brief prepared by the firm focused on the details of Al-Kidd's arrest and mistreatment, and accounts

of 11 other individuals detained as “material witnesses.” The brief argued that the government systematically misused the material witness statute after September 11th to arrest criminal suspects without probable cause and with only the most tenuous connection to terrorist activity, resulting in the unconstitutional, prolonged detention of individuals who were neither called to testify nor charged with a crime.

The STB team included **Joe Tringali, Ryan Kane, Fadi Hanna, Greg Szewczyk, and Jeannie Chung**. Argument in the case took place on Wednesday, March 2, 2011.

### **STB HELPS A SMALL BUSINESS GROW AND BE ACQUIRED**

STB advised Urban Escapes in connection with its corporate formation so that it could later be acquired by Living Social, a leading social networking and shopping site, to build and develop its new national and international adventures division. STB's initial work on behalf of Urban Escapes began with assistance to its founder, an entrepreneur with a vision of bringing adventure travel to young professionals around the country. The company began planning and guiding hiking and other adventure trips out of New York City and within two years, Urban Escapes had opened up branches in Boston, Philadelphia, and Washington, D.C. STB attorneys advised on insurance and employment matters and corporate governance issues. The STB team included associates **Makiko Harunari** and **Daniel Bae**, senior counsel **Steven Delott** and **Scott Dyer**, partner **Alvin Brown**, and former associates **Wonda Quinn** and **Peter Walgren**, with assistance from summer associate **Evan Dunn**.

### **STB PROVIDES CORPORATE ADVICE TO MOBILE HOME COMMUNITIES**

Brought together by the Lawyers Committee for Civil Rights Under Law, STB assisted ROC USA, which helps create stable communities for mobile home owners through, *inter alia*, creating co-ops for owning the land on which their home sits. To assist the co-ops with managing these communities, which provide an

important source of affordable housing, STB lawyers researched and revised the corporate governance chapter of a “management guide” geared towards the boards of these mobile home community co-ops in Delaware. With a very tight deadline and a vast list of topics, the team's tremendous effort produced a document that will guide a number of mobile home communities in that state. The STB team included associates **Samantha Braunstein, Reid Monroe-Sheridan** and **Maura Whelan** with supervision by EO lawyers **Jennifer Franklin, Jennifer Maimone-Medwick** and partner **Victoria Bjorklund**.

### **STB SUPPORTS ELECTION PROTECTION EFFORTS IN 2010**

In November 2010, STB hosted its third National Call Center in partnership with Election Protection, a nonpartisan coalition developed by Lawyers Committee for Civil Rights Under Law to ensure the rights of all voters to participate in the political process. Volunteers were trained to serve as the first line of defense for traditionally marginalized voters, and were able to provide both comprehensive information and advice to ensure that each possible vote was counted. Issues at the polls included ballot machine problems, and registration and residency concerns, as well as instances of voter intimidation.

STB associates **Ted Debonis, Melissa Derr, Batsheva Eadan** and **Dan Shin** reviewed individual state-based manuals, FAQ's and voter registration guides. On November 1st and 2nd, thanks to the tremendous assistance of the IT department, the Call Center was up and running in STB's computer training center. More than 700 STB hours were dedicated to protecting the votes of thousands of voters from 10 different states. The Call Center was commanded by partner **Victoria Bjorklund** and directed by associate **Lisa Freeman**. The leadership team also included **Harlene Katzman, John Bennett, Drew Rabe** and **Courtney Hall**, and the associate captains included **David Cooke, Meredith Duffy, Crystal Frierson, Dan Shin, Samantha Shipp, Alicia Washington**, and former associate **Jennifer Klein**.



Victoria Bjorklund, Lisa Freeman and Harlene Katzman



2010 Summer Associate Nicholson Price, John Ericson



Courtney Hall, John Bennett, Drew Rabe and  
Brittany (Miauw Ling) Oei

### AWARDS/SPEAKING ENGAGEMENTS

#### VICTORIA BJORKLUND RECEIVES SEGAL-TWEED FOUNDERS AWARD FROM THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

**Victoria Bjorklund** received the 2010 Segal-Tweed Founders Award from the Lawyers' Committee for Civil Rights Under Law for her outstanding pro bono service in the field of civil rights. Victoria has served on the Lawyers' Committee board for 25 years, succeeding Cyrus R. Vance and joining Conrad K. Harper as the Firm's representative. The award is presented to a Lawyers' Committee board member who has displayed outstanding leadership and service in the cause of equal justice under the law. Victoria was an early participant in and personally funded a significant portion of the start-up costs of the Lawyers' Committee's Election Protection program, in which STB has participated since 2006.

#### HARLENE KATZMAN SPEAKS AT THE NEW YORK CITY BAR ON BEST PRACTICES IN PRO BONO

Pro Bono Counsel **Harlene Katzman** participated as a panelist in the New York City Bar's program entitled "Three's a Conversation: Best Practices in *Pro Bono*" on February 15, 2011. The program brought together over 80 companies, law firms and legal service organizations to discuss improving the business of doing pro bono work.

#### STB TEAM WINS COMMITMENT TO JUSTICE AWARD FROM INMOTION

At its *Commitment to Justice* event, inMotion, Inc. honored associates **George R. Morris** and **Donald Conklin**, legal assistant **Magallie Kortright** and former STB associate **Patrick Geary** for their "unrelenting advocacy" over seven years and in three separate legal actions on behalf of Ms. C., a divorced Ecuadorian mother of three. After Mr. C's abusive husband of 38 years left her, he commenced a divorce action that sought to strip his wife of any rights to his pension. The STB team obtained the dismissal of that action and then sought maintenance, equitable distribution of Mr. C's pension, and recognition of our client's rights to the marital home in Queens. The team finally obtained a divorce for the client which resulted in both her financial and residential security.

Ms. C.'s case represents one of the 280 matters handled by more than 420 STB attorneys and summer associates since the firm's partnership with inMotion began in 1998. The program is overseen by partner **Libby McGarry**.



*Donald Conklin, Magallie Kortright, George R. Morris*

#### VANESSA BRESSLER IS RECOGNIZED BY THE CITY BAR JUSTICE CENTER AS AN OUTSTANDING PRO BONO ATTORNEY

The City Bar Justice Center recognized associate **Vanessa Bressler** for her outstanding work as a pro bono attorney with its Refugee Assistance Project (RAP). Since 2004, Vanessa has successfully represented six asylum seekers from various countries, with claims ranging from female genital mutilation to persecution based on religious beliefs or political activities. Vanessa currently oversees the Firm's asylum program, in which she has also helped countless other STB clients.

Vanessa was also recognized as an example of an outstanding pro bono lawyer by Second Circuit Justice Robert Katzmann in his remarks accepting the Stanley H. Fuld Award from the New York State Bar Association. Judge Katzmann was honored for his work as a jurist on the Second Circuit Court of Appeals and his outspoken advocacy in support of enhancing the quality of legal services provided to immigrants.

#### SIMPSON THACHER RECEIVES LEGAL SERVICES NYC'S 2010 PRO BONO VISIONARY AWARD

The Firm received Legal Services NYC's 2010 Pro Bono Visionary Award recognizing the "critical role" it has played in providing high-quality free civil legal services

to low-income individuals throughout New York City. Over the past year, 46 STB lawyers have represented clients referred by various office of Legal Services NYC in matters ranging from tenants facing eviction and homelessness to advising community-based nonprofit organizations with corporate, tax, real estate and other legal issues.

#### SIMPSON THACHER HONORED BY THE LEGAL AID SOCIETY OF NEW YORK

STB was honored by The Legal Aid Society as one of the recipients of the Society's 2010 Pro Bono Publico Awards for outstanding service to The Legal Aid Society and its clients. Every year, the Society recognizes the outstanding work of volunteer lawyers, law firms, corporations, and other professionals who participate in the Society's Pro Bono Program by providing exceptional legal services to low-income New Yorkers. The Honorable Jonathan Lippman, Chief Judge of the New York Court of Appeals, presided over the event and presented the awards.



*Members of the Legal Aid Society of New York join Chief Judge Lippman, and Harlene Katzman, Libby McGarry, and Justin Hoffman from STB*

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