



A Look Back on Pro Bono from Victoria Bjorklund



Victoria Bjorklund

As I look back on my 30 years as a summer associate, associate, counsel, and partner at Simpson Thacher, one constant is the pro bono legal work that I have been privileged to pursue at each stage in my career.

I took on my first pro bono project as a summer associate in 1982. I had repeatedly requested an exempt organizations project. A few weeks before my summer stint was to end, Casey Cogut asked me if a dissolution and transfer of the assets involving St. Ann's nursery school would qualify? I said "Absolutely" and worked on that transaction for almost the next three years due to the complexity of NYS's nonprofit dissolution law (which we've since been able to help simplify).

I also remember spinning off what became New Visions for Public Schools from the New York Community Trust. Dick Beattie took me to a planning meeting at the Trust and then let me plan the transaction and draft the documents to achieve it. Now we are assisting New Visions these decades later with the creation of their charter-school network. One of the wonderful features of pro bono work is the opportunity to work with senior partners and to "show your stuff" in a way that might not be possible in billable work. Our partners Cyrus Vance and Conrad Harper invited me as a young associate to join them as one of the Firm's representatives on the board of the Lawyers Committee for Civil Rights Under Law. From that connection began our critical role in Election Protection. This firm-wide nonpartisan project helps eligible voters to cast their votes and is one of the Firm's biggest pro bono mobilizations.

In 1988, George Krouse took my business plan for an Exempt Organizations practice to the New Business Committee, which amazingly approved it. We elected to continue our engagements with about 10 existing pro bono clients, including Natural Resources Defense Council and NY Landmarks Conservancy, organizations founded by our partners Steve Duggan and Donald Oresman, respectively. I was told at that time that I could identify for broad pro bono legal support one NYC and one international group serving the poor. I selected two small and unknown organizations: the Robin Hood Foundation (fighting poverty in NYC) and Doctors Without Borders (providing critical healthcare to populations in danger). Both of these organizations would tell you today that Simpson Thacher's pro bono support has been critical to their advancement. When Doctors Without Borders was awarded the Nobel Peace Prize in 1999, we

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held the champagne celebration at Simpson Thacher. We counted at that time 60 firm lawyers who had participated in providing legal advice to Doctors Without Borders on their operations.

Among my proudest pro bono moments came during the Firm's response to the attacks of September 11, 2001. Our first calls were from clients who had lost employees and needed us to form "death funds." We then assisted NYS's crisis first responder charity, Safe Horizon, which was responsible for the successful single-stop model where all relief charities co-located to assist survivors at "The Pier." We assisted Jane Rosenthal and Robert de Niro in setting up the TriBeCa Film Festival to bring people and families back downtown. We did the legal work for the Concert for New York City at Madison Square Garden which raised funds for the Robin Hood Relief Fund to assist survivors and low-wage workers. We wrote and, with the American Bar Association, submitted to the IRS and Treasury a public information letter request, which was issued on April 15, 2002, that for the first time recognized that aiding small businesses can be a charitable activity. We published a daily compilation of 9/11 developments, which eventually grew to an email chain reaching several hundred lawyers each day. We formed multiple disaster-relief funds and posted our model documents on the Simpson Thacher website. We prepared comments to government officials on changes needed in the relief laws, the regulations and rulings, and then watched our advice enacted. We were recognized with numerous awards from the Commissioner of the IRS, the American Bar Association, the NYS Bar Association, the Nonprofit Coordinating Committee of NY, and the Lawyers Alliance for NY, among others, for our 9/11 work. We did all of this work pro bono because the Firm's leaders agreed that it was the right thing to do. A number of our paying clients afterwards told us how much the Firm's kindness meant to them.

As a result of our novel 9/11 work, we became associated with disaster relief legal expertise. A few days after Hurricane Katrina, I was asked by

the Governor of Louisiana to come to that state and, with the Firm's blessing, I went. I also slept at the Governor's Chief of Staff's house in a bed with another person and feel lucky to have half a bed since there were no hotel rooms and the first responders staying with us were sleeping on the floors and under tables. With the help of Simpson Thacher's Word Processing Center, we incorporated the Louisiana Disaster Recovery Fund to accept Clinton/Bush-raised funds, and we assisted with the Jazz at Lincoln Center Concert to benefit Hurricane Katrina/Rita survivors, all pro bono. And when the Tsunami hit Thailand in 2004, we helped Doctors Without Borders manage its relief fund and operations, including its much admired and discussed decision to limit the amount of restricted funding that it would accept.

And now, even when many of our own have suffered losses, we are again offering our pro bono services to address legal needs in the wake of Hurricane Sandy. We have formed a number of relief funds, we are counseling survivors on their eligibility for aid, and we are doing the legal work for the 12-12-12 Concert for Sandy Relief benefitting the Robin Hood Relief Fund. In addition, we have assisted New York Cares, chaired by retired partner Gail Harris, with volunteer projects and donations to its food and coat drive. Finally, Pete Ruegger chairs the board of Henry Street Settlement House, one of the most effective early responders on the Lower East Side. These things we do because it is the right thing for lawyers to do and because we have that long tradition of pro bono service.

In the summer of 1982, I was seated a few doors away from Whitney North Seymour, Sr. Whitney kindly took me to lunch on a number of occasions to such places as the Player's Club and the India House. I remember talking with him about how, after the passage of the Civil Rights Act of 1965, he decamped to Mississippi with several young Firm associates to try civil rights cases. He believed that everyone had the right to a fair trial and that to have a fair trial in Mississippi in those times persons might especially



want to have Simpson Thacher pro bono lawyers at the counsel table with them. He told me that “Law is a noble calling.” In this day when there are so many pressures in our profession to act more like businesspeople, it is valuable to remember that it is in our pro bono legal service where each of us can still experience that nobility of calling.

STB Steps up after Hurricane Sandy

In the wake of Hurricane Sandy, tens of thousands of New York and New Jersey residents were left trying to repair their homes, restore their possessions and rebuild their businesses. Urgent needs have arisen to rebuild affected communities and STB has responded. The Firm has provided direct pro bono legal services, distributed supplies and made significant charitable donations to support a multitude of disaster relief efforts.

STB attorneys continue to be staffed to emergency legal clinics in the Rockaways, Long Island and Red Hook to assist individuals, families and small businesses with FEMA benefits, insurance, disaster unemployment assistance, food stamps, housing and landlord & tenant matters, replacement of documents, hotline resources and other issues. Senior Counsel, **Adeeb Fadil** reflects on his experience in the Rockaways, “I [was] humbled by those who’ve lost so much, as they just put one foot in front of the other and do what they have to do each day. [It] was inspiring to witness the neighborhoods re-emerging from the rubble, as well as to see so much outpouring of volunteer support.”

The Firm’s Exempt Organizations group, known for its expertise in advising nonprofits working on disaster relief, is currently advising 12 clients on delivering emergency assistance. **Victoria Bjorklund** is chairing the Robin Hood Relief Fund, and associate

Samantha Himelman is advising the Robin Hood Foundation on intellectual property issues in connection with a benefit concert at Madison Square Garden on December 12, 2012 that will generate funding for disaster relief effort.

In addition to pro bono legal support, the Firm has provided supplies and resources to individuals and families in New York and New Jersey. Immediately after the storm, the Firm made a \$250,000 contribution to the Mayor’s Fund for Hurricane Sandy Relief. Additionally, in collaboration with City Harvest and New York Cares, the Firm collected a total of 450 lbs. of food and 60 coats for those displaced by the storm. STB employees participated in a variety of New York Cares volunteer projects ranging from clean up and assessment of homes to staffing and distributing supplies. Our work will be ongoing as our communities continue to rebuild.



Recruiting assistant Maryanne Beichert sorts food donations at STB’s Food and Coat Drive.

Election Protection 2012

On November 1st, 2nd, 5th, and 6th, the New York office hosted a call center for Election Protection, the nation’s largest non-partisan voter protection coalition. At the call center, over 250 trained volunteers, including STB partners, associates, paralegals,



alumni and future summer associates, answered calls from across the country. In total, Election Protection answered 120,000 calls on Nov. 5th and 6th alone. STB's call center took almost 6,000 calls on November 6th from states including Pennsylvania, Michigan, Alabama, Louisiana, Kentucky and Nebraska.

Our volunteers provided voters with information and advice on how they could make sure their vote was counted. Some of the issues voters faced included wrongful identification requests, registration problems, pollworker confusion, broken voting machines and voter intimidation. The program "permitted tens of thousands of eligible voters to participate in our democracy," said Election Protection leader, **Victoria Bjorklund**.

We extend our gratitude to our volunteers who provided crucial support in this year's election, especially in the wake of Hurricane Sandy, which presented additional challenges to many voters. The call center leadership included **Victoria Bjorklund**, **John Ericson**, **Lisa Freeman**, **John Bennett** and **Harlene Katzman**. Call center "captains," who managed all of the volunteers, included **Sam Charlton**, **Alejandro de Ramon-Laca**, **Meredith Duffy**, **Jason Gumer**, **Morris Massel**, **Brittany McCants**, **Diona Park**, **Erin Rota**, **Dan Shin**, **Nicole Tague** and **Maura Whelan**. Our dedicated and unflappable staff from the facilities, IT and conference services departments provided invaluable support.

Thanks also to the many associates from the Los Angeles office who volunteered at their local Election Protection call center housed at UCLA.



Sam Charlton (captain), Hank Gutman and Rodrigo Surcan dos Santos assist callers.



Andy Amer and other hotline staffers answer calls from voters.



John Ericson and Nancy Mehlman assist voters.



Jason Gumer (captain, back left) researches voting laws for his team of volunteers.



Ekwi Nwabuzor and Steve DeLott assist voters.



Support team Russ Trent and George Caughlan.



Command Center Crew: Harlene Katzman, Victoria Bjorklund, John Bennett and Lisa Freeman

Recent Pro Bono Achievements

STB Wins Special Immigrant Juvenile Status for Immigrant Child

New York associate **Rachel Weiss** secured a grant of Special Immigrant Juvenile Status (“SIJS”) for an El Salvadorian client, referred by Kids in Need of Defense, who came to the United States at 16 years old, fleeing threats of gang violence, and seeking reunification with her mother. The client was granted SIJS by the Nassau County Family Court based upon a finding that reunification with her father in El Salvador was not possible due to the father’s neglect and abandonment, and that the client’s return to El Salvador was not in the client’s best interest. The client was granted Legal Permanent Residency by the U.S. Citizenship and Immigration Services based upon her Special Immigrant Juvenile Status. **Joe Tringali** supervised the matter, and pro bono coordinator **Hilary Chadwick** provided translation and interpretation assistance.

STB Wins Cancellation of Removal for Client from Trinidad

After a hearing before Immigration Judge Philip Morace, an STB client, a lawful permanent resident since 1975, was granted cancellation of removal. The government initiated removal proceedings against her based on a misdemeanor conviction that occurred over ten years ago. The matter was part of the Firm’s Immigration Removal Defense Program with the Legal Aid Society of New York. The STB team consisted of **Hiral Mehta** and **David Caldwell** and was supervised by **Juan Arteaga**. The program is overseen by **Paul Gluckow**.



STB Wins Appeal and Reversal of Conviction for Criminal Trespass

STB achieved a victory on behalf of a criminal defendant who had been convicted of third degree criminal trespass. The Firm partnered with the Legal Aid Society to provide the pro bono representation. In a decision that will likely shape future prosecutions, the Appellate Term ruled on the prosecution's burden to prove unlawful entry or remaining. The STB team consisted of **Andrea Griswold** and **Greg Szewczyk** with supervision from **Jonathan Youngwood**.

STB Defends Nonprofit Serving Autistic Children in Los Angeles

Attorneys in the Los Angeles office defended a nonprofit that assists schools in providing behavioral therapy services to children with autism. A California school district brought a suit in Los Angeles Superior Court against the nonprofit for breach of contract, negligence and contract fraud. STB was able to convince the school district to dismiss the suit in favor of non-binding mediation and a settlement. The team included associates **Jessica Marek** and **Colin Rolfs** with supervision from **George Wang**.

STB Wins Exoneration of 30-Year-Old Murder Charge for Habeas Petitioner

STB's petition for habeas, filed on behalf of a client, was granted recently by the Superior Court of California, County of Alameda. The petitioner was convicted of second degree murder in 1982. He was 17 at the time of the murder and has spent the last 30 years in state custody. After reading the petition (and massive collection of materials offered in support), the Alameda District Attorney chose not to oppose the petition. The petitioner pled no contest to the lesser charge of voluntary manslaughter and was sentenced to time served. The Firm partnered with the

Northern California Innocence Project at Santa Clara University to provide the pro bono representation. The Palo Alto office team included **Brandon Martin** and **Patrick King**.



From foreground right to left: Patrick King, Brandon Martin, the client, and two representatives from the Northern California Innocence Project at Santa Clara University Law School.

STB Files Pro Bono Amicus Brief to Second Circuit in DOMA Case

STB submitted an amicus brief in *Windsor v. Bipartisan Legal Advisory Group* on behalf of Service and Advocacy for Gay, Lesbian, Bisexual and Transgender Elders (SAGE), the National Senior Citizens Law Center (NSCLC) and the American Society on Aging in support of the Plaintiff-Appellee. In *Windsor*, the plaintiff was denied the protection of the marital deduction under the federal estate tax and was required to pay over \$363,000 in estate taxes on her deceased wife's estate. The U.S. District Court for the Southern District of New York found Section 3 unconstitutional as applied to the plaintiff and the case was appealed to the Second Circuit. The case challenges the constitutionality of Section 3 of the Defense of Marriage Act (DOMA), which creates a federal definition of marriage as only between a man and a woman and consequently denies over 1,000 federal marital benefits and protections to legally



married same-sex spouses. Simpson Thacher's amicus brief illustrated the tangible impact that DOMA's definition of marriage has on the lives and financial well-being of LGBT elders. On October 18th, the Second Circuit affirmed the District Court's opinion. The STB team included **Joe Tringali**, **Lexie Pitney** and **Nick Davis**.

Simpson Thacher Invited to Washington to Discuss the Role of Law Firm Pro Bono with Vice President Biden

On September 19, 2012, Pro Bono Counsel **Harlene Katzman** and Pro Bono Committee Co-Chair **Bryce Friedman** attended a meeting with Vice President Joe Biden in Washington, D.C. The Vice President convened the meeting to focus on access to justice issues and the role that pro bono counsel at law firms play in the delivery of legal services to the poor.



The Vice President addresses Bryce Friedman, Harlene Katzman, and the pro bono leadership of several law firms.

STB Partners with VOLS to Assist Young Immigrants

STB partnered with Volunteers of Legal Service (VOLS) to develop and staff a legal clinic to assist young immigrants applying for Deferred Action for Childhood Arrivals (DACA), a form of temporary relief from deportation for certain young immigrants who were brought to the United States as children. This new form of relief, announced by President Obama in June 2012, has the potential to lift the fear of deportation for over one million young people across the country. The Firm hosted a training in September for lawyers from six different firms working with VOLS. STB attorneys helped staff the first clinic on September 27th, where deferred action applications for 15 immigrant students were completed. The second clinic is planned for mid-January.

Pro Bono Highlight: Michael Donnelly, Chief Information Officer

Six years ago, the Legal Aid Society approached STB Chief Information Officer **Michael Donnelly** to serve on a committee of CIOs that would advise the Legal Aid Society on Information Technology challenges. Mike accepted this role and has since taken on two similar pro bono projects with Probono.net and Legal Services NYC, respectively. When asked about his motivation for participating in these projects, Mike states that "the Firm has a commitment to these organizations, and it just seemed appropriate to help out."



Mike's work on the IT advisory committees for the Legal Aid Society and Probono.net includes collaborating with other CIOs across the city to solve



these organizations' greatest IT challenges, including system roll-outs, server upgrades and software education. Mike has gone beyond this role, however, and worked with his vendor contacts to contribute software and servers to the organizations at significantly reduced rates, as well as hosted several Legal Aid Society and Legal Services NYC meetings at the Firm.

At Legal Services NYC, STB plays a pivotal role as the only firm providing pro bono IT consultation. STB Training Manager **Lloyd Pace** has made pro bono contributions through onsite staff training for Windows 7 and Microsoft Office 2010.

As a result of STB's pro bono IT support, the Legal Aid Society, Probono.net and Legal Services NYC have stronger infrastructure and are better able to serve the hundreds of thousands of poor New Yorkers needing urgent legal assistance.

STB Defends Death Row Inmate at Trial

Since 1995, when the Firm began representing Mr. Reginald Clemons, 56 death row inmates have been executed in Missouri. Thanks to STB, Mr. Clemons has not been one of them. Over the past 17 years, 67 attorneys and 30 legal assistants have dedicated thousands of hours to Reggie's case to secure justice for him.

The NAACP Legal Defense and Education Fund referred Mr. Clemons' case to STB to handle the state appeal of his first-degree murder conviction. After exhausting all of his state appeals, in 1998 the Firm filed a federal *habeas* petition in the Eastern District of Missouri. This petition was granted in August 2002, and resulted in the vacating of Mr. Clemons' death sentence. However, on September 9, 2004, a divided panel of the Eighth Circuit

Court of Appeals overturned the District Court's decision on procedural grounds, and reinstated the sentence. In July 2007, the Firm filed a federal challenge to Missouri's lethal injection protocol in the Western District of Missouri to defend against Mr. Clemons' looming execution date. After this action was dismissed in the Western District, the team appealed it to the Eighth Circuit Court of Appeals.

In May 2009, the Missouri Supreme Court set Mr. Clemons' execution date for June 17, 2009. Just before the execution date, the Firm successfully secured an extremely rare stay of execution on the basis of the pending lethal injection challenge before the Eighth Circuit. Despite the team's success with obtaining the stay, the Eighth Circuit ultimately affirmed the District Court's dismissal of the action.

One week after the motion for a stay of execution was granted, the Firm re-filed a Petition for Writ of *Habeas Corpus* with the Missouri Supreme Court, presenting new evidence to the Court of Mr. Clemons' innocence, and arguing that his death sentence was not proportional to his more culpable co-defendant's life sentence, nor proportional in light of the State's theory that Mr. Clemons was an accomplice to the murder. On June 30, 2009, the Missouri Supreme Court, persuaded by the Firm's petition, appointed a Special Master to conduct an evidentiary hearing and provide a recommendation to the Court regarding findings of facts and conclusions of law, and ultimately how to proceed with the case. The STB team presented evidence at the week-long trial, which began on September 17, 2012, demonstrating that Mr. Clemons' conviction was improperly obtained and thus should be overturned or, at the very least, his sentence should be reduced. We expect a recommendation by the Special Master to the Missouri Supreme Court in early to mid 2013. The trial team in St. Louis was led by **Josh Levine** and **Andy Lacy**, and also included **Meredith Duffy**, **Bashiri Wilson**, and **Noah Stern**, paralegal **Stephanie Crosskey**, and IT support from



Marlon Bonny. Support from the New York office included **Kimm Hamm, Alyson Rothberg, Ellen Frye, Kristen Grauer, and Erika Burk,** and paralegal **Jennifer Avila.**

Awards

Harlene Katzman Receives 2012 Abely Pro Bono Achievement Award from Sanctuary for Families

Pro Bono Counsel **Harlene Katzman** received the 2012 *Abely Pro Bono Achievement Award* from Sanctuary for Families for her work with immigrant victims of gender-based violence. The award recognizes the contributions of extraordinarily dedicated attorneys who have consistently demonstrated professional commitment to improving the lives of Sanctuary's clients.



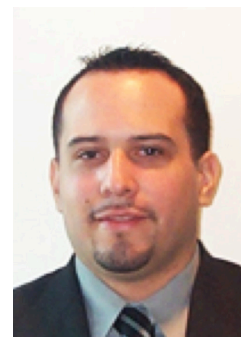
Abely award winner Sarah Buel, Chief Judge Jonathan Lippman and Harlene Katzman

Simpson Thacher and Tax Lawyer Team Receive Pro Bono Awards from Legal Aid Society of New York

STB was again selected to receive a pro bono achievement award for its dedication and service to the Legal Aid Society of New York in 2012. In addition, the Society recognized individually tax lawyers **Marcy Geller, Jonathan Goldstein** and **Devin Heckman** for their work representing low income tax payers.

Juan Arteaga Received Boston College Ignatian Award for Pro Bono Work

Litigation associate Juan Arteaga received Boston College's Ignatian Award in recognition of his outstanding pro bono work. The Ignatian Award is presented each year to a Boston College alumnus who exemplifies the Jesuit educational mission of preparing "men and women for others."



STB Receives Legal Services NYC's 2012 Pro Bono Visionary Award

STB has received Legal Services NYC's 2012 *Pro Bono Visionary Award* for its corporate externship with its Community Economic Development Unit. The award recognizes the critical role the Firm has played in providing high-quality free civil legal services to low income communities throughout New York City. For the past three years, STB externs have worked full time with the Unit on a rotating basis advising community-based nonprofit organizations with corporate, tax, real estate and other legal issues.



Other

STB Hosts Gender Violence Advocate, Sarah Buel



Sarah Buel

On Tuesday, September 25th, STB hosted a presentation by Professor Sarah Buel, clinical professor at Arizona State University Sandra Day O'Connor College of Law, one of the foremost leaders of the domestic violence victim advocacy movement, and the award-winning pioneer of its legal strategy to end battering and empower victims. Professor Buel spoke about the challenges facing persons in situations of domestic violence and the importance of an attorney's role

to empower these clients. Professor Buel is the 2012 recipient of Sanctuary for Families' *Abely Award for Leading Women and Children to Safety*.

2012 inMotion Stair Climb

On October 18th, STB employees from the New York office gathered to climb a 42-story skyscraper in Times Square for inMotion's third annual Story by Story event. The team raised almost \$13,000 for inMotion, a long-time pro bono client that provides legal services to women and children living in violent relationships. All members of the team finished the climb. Some climbers participated in the "Extreme" climbing route, which added a 10 lb. weight belt during the ascent, to pay tribute to and the burdens inMotion's clients bear every day. The climb was followed by a celebratory party on the roof.



Photo provided by Flickr (from left to right) Hilary Chadwick, Emilia Trasatti, Lydia Adamiszyn, Stephanie Kloovsky, Meredith Duffy, Ekwutozia Nwabuzor, Julia Van de Walle, Raphael Wong, Alastair McVicar, Tom Kovoov and Heidi Hammond. Teammates not pictured: Corina Cristea, Jenny Famularo, Carla Gonzalez-Christian, Maria Kalogianis, Cristina Quintero and Nicole Zarobinski.



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