

## Justice Matters: Pro Bono Newsletter

July 2022



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### Simpson Thacher Celebrates the 50th Anniversary of the Passage of Title IX With a Legal Victory, an Event, and our Continued Pro Bono Commitment to Fight for Equity in High School Athletics

June 2022 marked the 50th anniversary of the passage of Title IX, the landmark civil rights legislation that prohibits gender-based discrimination in educational institutions and seeks to ensure equal treatment for women in athletics and other aspects of education. Over the years, Simpson Thacher has taken a leading role in advocating for gender equality in sports, guiding multiple pro bono matters directed at enforcing Title IX compliance at the interscholastic level across several states.

Among our various initiatives, the Firm is currently partnering with the National Women's Law Center, seeking to obtain Title IX compliance from New Jersey high schools and engaging in discussions with the State of New Jersey regarding its enforcement of Title IX and the intersectionality of race and gender.

As a result of the team's efforts, many New Jersey public schools have entered into voluntary agreements to move towards Title IX compliance. As we celebrate the anniversary of this important legislation, the Firm remains fully committed to fighting for equal opportunity in sports for women and girls.



On April 4, 2022, Simpson Thacher, in partnership with the ACLU of Hawaii and Legal Aid at Work, won a pro bono appeal in a Title IX action on behalf of female student-athletes at Hawaii's largest high school, James Campbell High School. A three-judge panel of the Ninth Circuit Court of Appeals unanimously overturned the district court's decision, finding that the district court's failure to certify the proposed class, which

exceeded well over 300 current students as well as future female student-athletes, constituted an abuse of discretion. The Ninth Circuit also held that the female athletes' claim for class-wide retaliation could proceed, recognizing the chilling effect that retaliatory actions have throughout the high school. The Firm, along with the ACLU of Hawaii and Legal Aid at Work, seeks declaratory and injunctive relief against the Hawaii Department of Education and the Oahu Interscholastic Association based on allegations of systemic discrimination and gender inequities for female student-athletes as well as retaliation against those student-athletes who advocated for equity. The Simpson Thacher team includes Partner **Buzz Frahn**, Counsel **Jayma Meyer** and Associate **David Balme**.

On June 23, the Firm hosted a **50<sup>th</sup> Anniversary Celebration of Title IX** with a panel discussion about its past, present and future. The panelists included **Jayma Meyer**, Counsel, Title IX advocate and pre-Title IX world ranked swimmer, **Dick Beattie**, Senior Chairman and an author of Title IX's original regulations while General Counsel at the U.S. Department of Housing, Education and Welfare, Corporate Partner **Deborah Gruen**, world record holder and bronze medal winner at the 2004 and 2008 Paralympic Games, **Buzz Frahn**, Litigation Partner responsible for STB's Title IX pro bono cases, Senior Counsel **Shannon O'Sullivan** and Associate **David Balme**, discussing the Firm's pro bono work in this space, and Jodi Balsam, former STB associate, NFL attorney and sports law scholar who discussed transgender athletes. As we celebrate the anniversary of this important legislation, the Firm remains fully committed to fighting for equal opportunity in sports for women and girls.



Buzz Frahn



Jodi Balsam

### Simpson Thacher Partners With Brooklyn Community Center and Blackstone to Run Ukrainian TPS Clinics

The Firm partnered with the Urban Justice Center and the Marks Jewish Community House of Bensonhurst (JCH) to screen and represent eligible refugees who had fled Ukraine after its invasion by Russia in filing for immigration relief from the U.S. Government. The Firm screened over 70 individuals, and filed Temporary Protected Status (TPS) and/or Employment Authorizations applications for 30 individuals. TPS is a temporary status lasting 18 months, renewable, for citizens of certain countries, due to conditions in the country that temporarily prevent the country's nationals from returning safely. The Firm partnered with **Blackstone** in this initiative.

The Simpson volunteers included Partners **Caroline Gottschalk**, **Olga Gutman** and **Alexandra Kaplan**, Senior Counsels **Steven DeLott** and **Beate Krieger**, Counsel **Jennie Getsin**, Associates **John Balletta**, **Sam Boorstein**, **Justine Drohan**, **Ashley Gherlone**, **Jonathan Hoffman**, **Hun Lee**, **Audrey Ortiz**, **Kaitlyn Posa**, **Patrick Reed**, **Darcy Samuelsohn**, **Isaac Schwarz**, **Jonathan Schwartz**, **Kam Siu**, **Taylor Wettach**, **Kaimeng Xing** and **Evan Zuckerman** and Practice Innovation Manager **Beth Lambdin**, along with



L to R: Dick Beattie, Deborah Gruen, Jayma Meyer, David Balme, Shannon O'Sullivan

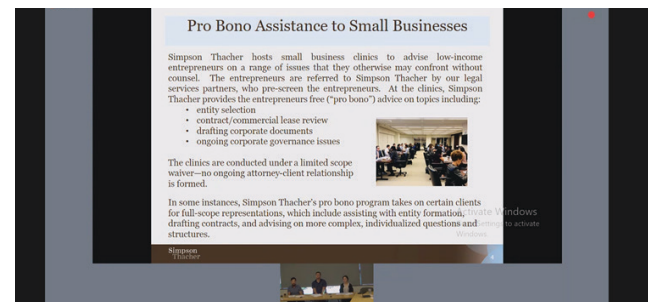
the Firm’s Pro Bono Counsel **Harlene Katzman** and Deputy Pro Bono Counsel **Susan Cordaro**. The team also included Summer Associates, **Daria Balaeskoul, Melissa Bueno, Courtney Scoufis, Bret Johanneson, Kevin Roder, and Isabella Newmark**.

We give special thanks to **Masha Vengerovskaya** and **Olga Zgonnik** in the Finance Department, who provided leadership and language assistance through all three of our in-person clinics, to **Maria Gonzalez** for providing administrative support on and offsite, and to Summer Associates **Daria Balaeskoul, Bret Johanneson, Courtney Scoufis** and **Kevin Roder** for going above and beyond in providing essential follow up with clients and review and editing of applications.

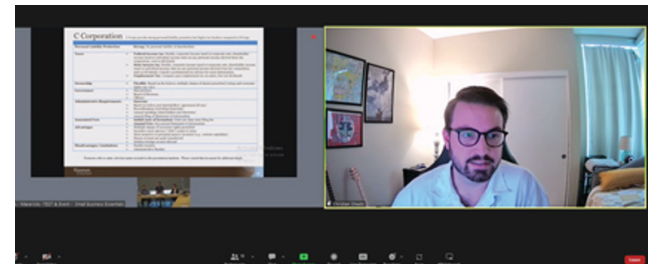
### Simpson Thacher Hosts Virtual Presentations for Small Businesses in New York and California

In March and June 2022, New York Counsel **Matt Farrell**, and Associates **Evan Zuckerman, Sophie Gandler, David Goodman, and Jack Nalen** facilitated virtual legal workshops for participants of Progress Playbook’s Blueprint Project—an incubator program, which helps BIPOC entrepreneurs with side jobs formalize and grow their businesses. The team provided an overview on contracts and entity formation to a cohort of entrepreneurs starting and building catering, skincare, mental health and wellness, life coaching, and photography businesses, to name a few. Also as a part of this initiative, Associate **Maya Reeves** and Pro Bono Attorney **Nadine Mompremier** advised one of the cohort participants with the formation of an LLC for her business.

Associates in our Palo Alto office also recently hosted a presentation for clients of a new legal services partner, Inland Counties Legal Services (ICLS), which provides legal guidance and services to small business owners in the Riverside and San Bernardino Counties of California (the “Inland Empire”). Associates **Jacob Gindt, Jesse Feng, Mariel McClenahan** and **Christian Sheets** held a virtual presentation on entity formation and contracts for clients of ICLS and small business owners with limited means in the Inland Empire. Later this month, associates in Palo Alto and Los Angeles will meet with some of those entrepreneurs who attended the presentation to provide one-on-one legal consultations for their businesses.



Bottom box L to R: Jacob Gindt, Jesse Feng, Mariel McClenahan



Christian Sheets

### Simpson Thacher Secures Dismissal of Removal Proceedings for Three Pro Bono Clients

On June 23, 2022, the Firm secured the dismissal of removal proceedings initiated in April 2017 for two pro bono clients. The Firm also previously secured dismissal for a third pro bono client on May 17, 2022, whose removal case was predicated on the same set of facts. The clients were part of a group of nine men who were initially stopped ostensibly for speeding while traveling home to New York from Georgia by a Pennsylvania State Trooper. Upon stopping the group, the State Trooper demanded to see “papers, work permit, visa, passport and ID” from each showing their lawful status. When several individuals, including the Firm’s clients, could not produce documents to his satisfaction, the State

Trooper held the group at a nearby rest stop, where they were prohibited from obtaining any food, drink, using the bathroom, or even turning on the vehicle's air conditioner. During the encounter, the State Trooper called agents from Immigration and Customs Enforcement (ICE) and held the Firm's clients for more than two and a half hours in violation of their Fourth Amendment rights so those ICE agents could respond to determine alienage. The day after this encounter they were placed into removal proceedings.

After several men from the group, including the Firm's clients, unsuccessfully moved the Immigration Court to suppress the Government's evidence through prior counsel, the Firm began representing those three who lived in New York in October 2017, and sought reconsideration of the prior Immigration Judge's decision on the motion to suppress by filing three separate motions to reconsider and reopen. For one client, the Immigration Judge quickly disposed of the motion and ordered the client removed. Simpson Thacher successfully appealed that decision to the Board of Immigration Appeals (BIA), where a three-member panel of the BIA sustained the Firm's appeal that extension of a traffic stop on the basis of race or perceived ethnicity violated the client's Fourth Amendment right against unreasonable search and seizure and remanded the case to the Immigration Court for the purposes of holding a suppression hearing. The Firm successfully secured a suppression hearing for its other two clients. Subsequent to remand from the BIA, in May 2021 each of the client's cases were consolidated.

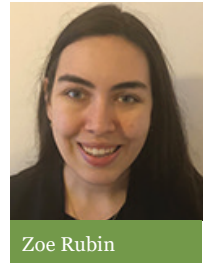
In February 2022, the Firm submitted a request for prosecutorial discretion on behalf of its clients. While the Government agreed to dismiss one of the client's cases, they also filed motions, which proposed to submit evidence of alienage that was not derived from the traffic encounter for the other two individuals. After full briefing on the Government's motions, but before the Immigration Judge adjudicated them, upon further negotiations, the Government ultimately decided to approve the prosecutorial discretion requests the Firm had previously submitted, and the Immigration Court granted the parties' requests for dismissal of the pending removal proceedings for each of the Firm's clients based on the Government's exercise of prosecutorial discretion.

The Simpson Thacher team included Associates **Stephen DiGregoria** and **Taylor Sutton**, Partner **Michael Osnato** and Retired Partner **Tom Rice**. Summer Associate **Francisca Johanek** and former Counsel Anar Patel, who was recently confirmed as a New York State Court of Claims Judge, provided

valuable assistance. Pro Bono Coordinator **Maria Gonzalez** was also integral, as were members of the Firm's Managing Clerk's Office who made numerous trips to the Immigration Court to hand file the Firm's papers.

### Simpson Thacher Names 2022 Summer Public Interest Fellow

Summer Associate **Zoe Rubin** will be working with the ACLU National Prisons Project (NPP) as part of her 2022 Public Interest Summer Fellowship. The NPP has historically worked on a wide range of issues, from challenging brutal conditions in the Alabama prison system to addressing the unique concerns of female prisoners and prisoners with disabilities. Zoe's work will focus on immigration detention, the treatment of incarcerated people with disabilities, and prisons and jails' response to COVID-19.



## Recent Pro Bono Achievements

### Simpson Thacher Achieves Favorable Mid-Trial Settlement for Survivor of Domestic Violence

Simpson Thacher and its nonprofit partner, Sanctuary for Families, represented a victim of domestic violence over the course of more than two years in a Family Court action seeking an order of protection against her former partner and custody of the child she shares with that partner. The matter involved years of significant alleged acts of domestic violence, including numerous instances of battery, strangulation, and the repeated use of a knife to threaten the victim's life. Associate **Jonathan Kaplan** represented the victim in pre-trial proceedings and at trial. After initial testimony by the victim, her former partner agreed to a highly favorable settlement whereby the Firm's client was awarded physical custody of the child and final decision-making authority, and the victim's former partner was prohibited from having any contact with the victim other than through a monitored platform and only to the extent strictly necessary to address the care and custody of their shared child. The Simpson Thacher team included Partner **Mary Beth Forshaw** and Associate **Jonathan Kaplan**.

### Simpson Thacher Obtains Order to Seal Client's Criminal Record

Simpson Thacher successfully represented a D.C. resident in a criminal records sealing case. Under D.C. Code, individuals may seek to have certain criminal records sealed from the general public if such an act weighs “in the interests of justice.” In 2009, the client was arrested for and found guilty of a misdemeanor criminal offense, for which the client served one year of (mostly unsupervised) probation. Because of this isolated conviction, the client has been terminated from one job and discouraged from applying from others within their profession. In addition to the added difficulties to find employment to support their family, the client has borne the emotional stigma of their criminal record. Nearly 13 years to the day of their arrest, a D.C. Superior Court judge granted the Firm’s motion to seal the client’s criminal record, which was unopposed by the government. The Simpson Thacher team included D.C. Partner **Sara Razi**, and Associates **Samantha Sergent** and **Sean Lowry**. Assistant **Sofiya Peer** provided valuable contributions to the team.

### Simpson Thacher Defeats a Motion to Dismiss Its Clients' Constitutional Challenge to a North Carolina Law Criminalizing Voting

On March 28, 2022, the U.S. District Court for the Middle District of North Carolina rejected an effort by North Carolina’s District Attorneys to obtain dismissal of a federal lawsuit brought by Simpson Thacher and the Southern Coalition for Social Justice. At issue is the constitutionality of a vague and racially discriminatory law that criminalizes voting by North Carolina residents who vote while they are on parole, probation or post-release supervision for a felony conviction, *even if they mistakenly believe they are eligible to vote*. High-profile prosecutions under this strict liability law have chilled countless eligible voters with criminal convictions from exercising their right to cast a ballot. This fear of prosecution has impeded voter engagement efforts by the North Carolina A. Philip Randolph Institute and Action NC, the Plaintiffs in the suit.

The District Court adopted in its entirety the Magistrate Judge’s February 14, 2022 memorandum opinion and recommendation, which found that the Complaint adequately alleges that “enjoining the DA Defendants . . . from enforcement of the challenged statute would necessarily prohibit investigation and ultimate prosecutions of any violation of the statute, and substantially reduce the resources that Plaintiffs

expend in their focus on eligible voters who fear prosecution” for voting.

The District Court also denied a motion for permissive intervention by Philip E. Berger, the President Pro Tempore of the North Carolina Senate, and Timothy K. Moore, the Speaker of the North Carolina House of Representatives. The District Court adopted the Magistrate Judge’s finding that “permitting the intervention sought will unduly delay the adjudication of Plaintiffs’ rights and unnecessarily burden judicial resources.” The Simpson Thacher team includes Partner **Jonathan Youngwood**, Pro Bono Attorney **Nihara Choudhri** and Associate **Eni Mihilli**.

### Simpson Thacher Secures Asylum for Salvadoran Client

The Firm successfully represented an asylum seeker from El Salvador in obtaining a grant of asylum in an individual merits hearing in Immigration Court. The applicant fled El Salvador as a teenager because a MS-13 gang leader was threatening to harm her in order to pressure her parents to pay him extortion money. In a hearing on April 6, 2022, the Immigration Judge heard testimony from the applicant, considered the Firm’s legal arguments and granted her asylum, finding that the applicant was credible and had met her legal burden of proof. The applicant’s testimony and the Firm’s legal arguments also satisfied the U.S. government, which did not oppose the grant of asylum and waived its right to appeal. The Simpson Thacher team includes Partner **Abram Ellis** and Associates **Andrew Jensen** and **Lindsey Bohl**.

### Simpson Thacher Obtains Asylum for Chadian Client

In March 2022, Simpson Thacher obtained a grant of asylum for a Chadian woman who fled to the United States to escape persecution as a woman and an LGBTQ+ and HIV-positive individual living in Chad. The matter, referred by Immigration Equality, was handled by Associates **Max Fischer-Zernin** and **Sydney Wright-Schaner**, with matter Partner **Olga Gutman**.

### Simpson Thacher Helps Child Receive Special Education Services

In early 2022, in a matter referred to the Firm by Mobilization for Justice’s Warren Sinsheimer Children’s Rights Project, Practice Innovation Manager **Beth Lambdin**, supervised by Partner **Brian Chisling**, took on the representation of a Bronx second grader and his family, at a time when

the child was in urgent need of new and increased special education services. As a result of their careful review of the child’s evaluations and effective advocacy over the course of two IEP meetings with the Department of Education, the family’s goals of obtaining speech and occupational therapy services, and moving the child to a 12:1:1 supportive classroom setting, were all achieved. At the conclusion of the meetings, Mobilization for Justice attorneys noted the team’s “incredible level of dedication” over the course of the matter, and the positive outcome for this young student.

## Awards, Events & Mentions

### Immigrant Defenders Law Center Honors Simpson Thacher With “Pro Bono Partner Award”

Simpson Thacher was recognized with the Immigrant Defenders Law Center’s (ImmDef) “Pro Bono Partner Award” for 2022 for its work, alongside the organization, representing unaccompanied migrant children to sue the Administration for violating their fundamental statutory and constitutional rights in connection with the Remain In Mexico Program (MPP), demanding the reinstatement of a fair asylum process for unaccompanied minors. Litigation Partner **Stephen Blake** accepted the award on the Firm’s behalf at the ImmDef’s 7th Anniversary Gala

Celebration, “Fearlessly Stepping Toward Justice,” on April 28, 2022.



L to R: Stephen Blake, Anna Lynne Veross, Rachel June-Graber, Hilary Soloff and Nicholas Orr

### Harlene Katzman and Beth Lambdin Spoke About the Firm’s Virtual Pro Bono Platform at the Permanent Commission on Access to Justice’s 2022 Technology Conference

Simpson Thacher Pro Bono Counsel and Director **Harlene Katzman**, and Practice Innovation Manager **Beth Lambdin**, spoke on a panel at the Permanent Commission on Access to Justice’s 2022 Technology Conference titled “Virtual Pro Bono Clinics: How Simpson Thacher and VOLS Collaborate on a Dedicated Pro Bono Platform” on April 12. They discussed the Firm’s virtual pro bono platform and its use for DACA application and renewal clinics. The panel was moderated by Peter Kempner, Legal Director at Volunteers of Legal Services (VOLS).

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