

Davis Polk

Pro Bono Matters

2024

**Since our founding,
we have proudly upheld
a commitment to serve
pro bono clients with the
determination and legal
excellence that define
our broader culture.**

Pro Bono Matters 2024

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Highlights



A note from Chief Pro Bono Counsel Amelia Starr

Welcome to the 2024 issue of Pro Bono Matters!

Powered by the tireless enthusiasm of Davis Polk's lawyers, business professionals, alumni and clients, our community has had a busy year helping people in need – both close to home and around the world – live freely, find peace and safety, and build brighter futures for themselves and others. In the face of the past year's many tragedies and high-stakes challenges, they have shown up ready to work and demonstrated an ever-growing appetite for pro bono. It never ceases to inspire me.

Each year, when we are selecting work for inclusion in this Pro Bono Matters newsletter, we try to highlight matters that relate to of-the-moment current events and crises, from which we have many to choose. I want to take this opportunity to acknowledge that alongside nationally significant impact litigation, long-running representations of nonprofits and precedent-setting victories in criminal justice matters, there are many more representations and consultations that won't make headlines but are just as life-changing for our clients.

Almost every week, Davis Polk community members give their time and energy to staff clinics supporting an incredible range of people – small business owners, artists, the elderly, minors who have immigrated alone, refugees from around the world, the incarcerated and recently released, parents seeking to regain custody of their children, domestic violence survivors, low-income individuals who can't afford to pay vehicle tickets and women who need help getting divorced. These volunteers show up wherever we ask them to – countless community centers, a prison, a church, a vacant office space, a senior center and via Zoom – and they do so with open hearts and boundless compassion that make our clients feel less alone. In today's political and legislative climate, which is rapidly growing more hostile to the "other" – those from different places and those who look, think, worship and love differently – it is so critical that we continue to build connections within our community and offer help to those who need it.

Organizing these many exciting efforts is our Pro Bono team, which has changed a bit in the past year. After heading up our Corporate & Transactional Matters practice for many years, Nancy Marchand retired and handed the reins to counsel Jillian Berman. Jillian is now leading the practice with the support of two new pro bono lawyers, Connie Chiang and Jenny Dai (who was previously a member of the firm's Finance practice). We also welcomed two new legal assistants, Teddy Donilon and Angelica Matoske.

Some areas of focus for the months to come include fighting voter suppression in preparation for November's general election; continuing litigation defending local restrictions on assault weapons and large capacity magazines in Colorado from challenges by gun rights advocate groups; fighting for the right of Louisiana transgender youth to access healthcare; and advocating for the rights of the wrongfully accused through litigation, investigations and creating new nonprofits devoted to the cause. Our practice representing domestic violence victims and incarcerated survivors is more robust than ever, and we look forward to expanding and broadening this work in new areas and courts. The same goes for our work with refugee and immigrant populations.

In moments when it feels as if everything is going wrong in the world – that the injustices have become insurmountable – it is our responsibility to keep showing up where we are useful. Muhammad Ali said that "service to others is the rent you pay for your room here on Earth," and I agree with him. Thank you to everyone who has made the impact we've had over the past year possible. To those who we haven't had the pleasure of collaborating with recently, I hope the stories you read in the pages of this newsletter inspire you to join us in this work. Together we can make a difference. Now is the time.

With all my best,
Amy

Aging is the greatest equalizer. Despite the many factors that influence our lives – gender, nationality, ethnicity, education and religion – getting old is universal (if we are lucky).

Many older Americans (aged 65+) do not have end-of-life or incapacity plans in place because they lack access to legal services, often due to financial limitations, isolation, health conditions and/or challenges using technology. Supporting older New Yorkers has been an ongoing focus of Davis Polk's pro bono practice for decades and a part of many lawyers' experiences at the firm. In the past 18 months, we have provided long-term representation to 29 older New Yorkers in need at the recommendation of Volunteers of Legal Service and community organizations. We have also advised countless more through clinics at Brooklyn's Marcus Garvey Community Center, which houses recently incarcerated men over 50, and the Upper West Side's Service Program for Older People, which provides mental health support to older New Yorkers.

Lawyers advise clients on end-of-life planning, which, with regard to preparation of a will, includes discussing critical topics such as distribution of belongings, handling of remains, and who can be responsible for making sure their last wishes are observed. The other area of focus is planning for a time when clients may be incapacitated and can't make decisions for themselves, which involves preparation of living wills as well as the designation of healthcare proxy and power of attorney rights. These documents are especially important for seniors of limited means because they allow the maintenance of benefits such as Medicaid and ensure clients' ability to choose their own caregivers and remain in their homes. This planning also involves discussions around a client's wishes for how medical emergencies should be handled, including if they wish to be resuscitated or receive pain relief, as well as who is responsible for personal administrative tasks like banking on their behalf, coordinating insurance, etc.

Helping clients navigate these extremely impactful decisions requires that lawyers utilize softer skills they don't normally exercise in their work – in addition to handling the legalities of this planning, they also must understand any sensitivities at play and make clients feel cared for. Our lawyers handling long-term representations often visit

clients' homes and arrange for document finalization meetings to be held there. In addition to being logistically easier for clients, especially those in poor health, these visits allow lawyers to learn more about their clients' lives, see family photos and form personal bonds. All participating lawyers are extensively trained on topics relating to senior law, which includes the important responsibility of ensuring that clients are of sound mind and that their decision-making ability isn't compromised. Unfortunately, it is not uncommon for older clients to be vulnerable to coercion by family members or others in their lives; lawyers who take on older clients in need are responsible for ensuring that legal documents and designation of power of attorney or healthcare proxy rights are in their client's best interest and are reflective of their true wishes.

While both corporate and litigation lawyers work on senior law matters, corporate lawyers often especially enjoy the opportunity to work with individual clients; there are also similarities in the kinds of document preparation that corporate lawyers do in their day-to-day work. Finance partner Scott Herrig has worked with one client, a well-known former ballerina who lives in subsidized artist housing, since he was a junior associate; Real Estate associate Shua Mermelstein formed a close relationship with one client he represented on a long-term basis; and in an effort to help his client execute plans for handling of their remains, Tax associate Isaiah Kramer did extensive research about the legalities of scattering ashes in New York City's green spaces.

Pro Bono Attorney for Corporate & Transactional Matters Jenny Dai reflected: "These clients are all compelling in some way – you learn about their lives through conversations about who is meaningful to them and what they want their legacy to be. It often puts things in perspective to hear that clients' wishes are sometimes as small as asking someone to keep their favorite plant alive after they pass. You really get to know people and develop an incredibly unique bond."

Congratulations to the 2023 winners of our annual Davis Polk Pro Bono Awards!

The individuals, teams and “pro bono advocates” honored this year have consistently demonstrated the commitment, care and excellence to which we aspire in giving back to our broader community and assisting those in need. We applaud their outstanding achievements.

In honor of our individual and team award recipients, the firm will make charitable donations to nonprofits chosen by the individual honorees or associated with the work of the four teams recognized.

Individual honorees



Alexa Jacobson

Associate, White Collar Defense & Investigations

Alexa is currently in the midst of an innocence investigation, working on behalf of a Black man who has been incarcerated on a life sentence for over 30 years for a murder he did not commit. She has co-led a team of over 15 lawyers, overseeing various workstreams, driving strategy development and building an encyclopedic grasp of the voluminous case record. Alexa has been equally instrumental in leading a Domestic Violence Survivors Justice Act resentencing matter on behalf of a sex trafficking survivor who stabbed a sex buyer who became violent, causing his death.



Kate Somers

Associate, Restructuring

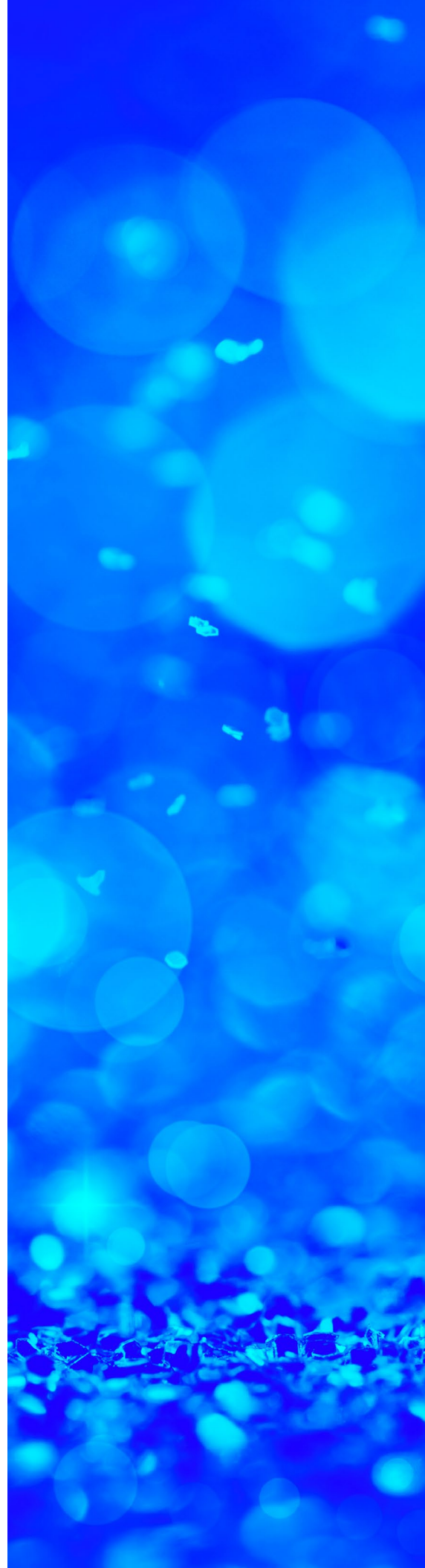
Kate has been a driving force in our representation of the Brooklyn Public Library as it joins with three other New York City institutions to establish the L10 Arts and Cultural Center, an innovative community hub in Fort Greene, Brooklyn. She has taken on responsibilities far beyond what was expected of her, including a leadership role in drafting and negotiating the project's main agreement, a complex bespoke document at the center of this intricate partnership. Throughout this process, Kate has built strong trust with the Library's senior executives and successfully liaised with and built consensus among the other cultural organizations and their legal counsel.



Nino Stamatovic

Counsel, White Collar Defense & Investigations

Nino joined one of Davis Polk's longest-running asylum cases shortly after he arrived at the firm in 2009 – that of a man from Sierra Leone who was held prisoner and tortured by a terrorist group during civil war. After escaping and eventually fleeing to the United States in 2001, he applied for asylum properly, but during the 20+ years since, his case has suffered from a series of government errors and delays. Nino has been a critical constant for this case, both in leading the team and serving as its institutional memory, and has navigated the team through some of asylum law's most difficult processes with skill and great perseverance. All the while, he has also forged a deep personal connection with the client and his family, inspiring him to keep going in the quest to finally obtain legal status.



Team honorees

Read to Lead team:

This team represented Read to Lead, a nonprofit that provided literacy education to underserved middle schoolers, which, after 30 years of service, sought to dissolve and donate its assets, including its proprietary learning game software, to a nonprofit that would carry on its legacy. Dissolutions present a myriad of regulatory and transactional hurdles: a corporate governance team navigated the complicated dissolution process with the New York Attorney General's Charities Bureau and the Department of State; real estate lawyers negotiated and documented a lease termination for Read to Lead's office space; executive compensation lawyers drafted employee releases and related agreements; tax lawyers advised on restrictions around returning donor grants; and an IP team worked on first, an asset assignment, and later – with an M&A assist – an asset transfer to the recipient of Read to Lead's assets, the Center for Educational Innovation.

The team included partners **Kyoko Takahashi Lin, Pritesh Shah, Mario Verdolini** and **Marc Williams**, counsel **Larry Plotkin**, counsel and Head of Corporate & Transactional Pro Bono **Jillian Berman**, associates **Sheryl Bohan, Mary Jane Dumankaya, Javier Felix, Julia Hirschberg, Gabriella Okafor, Albert Park** and **Alexis Wallace**, former pro bono counsel **Nancy Marchand** and former associate **Elizabeth Case**.

Hague Convention trial team:

This team represented a mother who fled Spain with her two children in 2021 to escape their father's domestic abuse and out of concern about his connections to organized crime and drug trafficking. The father petitioned under the Hague Convention for his children's return to Spain. In June 2023, following an eight-day trial, the United States District Court for the Southern District of New York issued a favorable decision for our client, denying the father's petition. The trial included direct and cross examinations of both parties, six additional fact witnesses, three expert witnesses and multiple motions in limine, motions to strike and motions which defy description. The team also submitted a post-trial brief well over 100 pages in length, from which the Court borrowed heavily in its decision. The team continues to represent the client in connection to the father's appeal of the S.D.N.Y. decision.

The team included Chief Pro Bono Counsel **Amelia Starr**, counsel and Head of Pro Bono Litigation **Dara Sheinfeld**, associates **Brendan Blase, Meredith Manning, Ryann Moelis, Maria Morris, James Park, Paul Shortell** and **Zoë Smith**, former associates **Mollie Hamel** and **Emma Schwartz** and former legal assistant **Conor Chmiel**.

DVSJA appellate team:

This team secured a precedent-setting victory on behalf of Taylor Partlow, a survivor of life-threatening domestic violence. Ms. Partlow stabbed her abusive boyfriend a single time during a domestic violence incident in which he violently attacked her (while a restraining order was in effect). Despite ample witness testimonies of the domestic violence Ms. Partlow suffered, the trial court convicted her of first-degree manslaughter and declined to sentence her under the Domestic Violence Survivors Justice Act (DVSJA). Following this team's appeal, the Appellate Division, Fourth Department opinion unanimously held that the trial court erred in finding that the statutory elements of the DVSJA had not been met. In addition, rather than remanding the case to the trial court for resentencing, the Fourth Department took the notable step of resentencing Ms. Partlow itself to less than time served, removing over three years from her sentence and making her immediately eligible for release.

The team included senior counsel **Robert Fiske, Jr.** and **Denis McInerney**, Chief Pro Bono Counsel **Amelia Starr**, counsel and Head of Pro Bono Litigation **Dara Sheinfeld**, counsel **Nikolaus Williams**, Professional Responsibility Counsel **Jerome Snider**, associates **Sarah Bartlett, Corey Meyer** and **Hugh Verrier**, former associates **Christine LiCalzi, Josh Pitkoff** and **Emma Schwartz** and former senior legal assistant **Mya Gelber**.

Central American client asylum team:

Since 2015, this team has represented an indigenous woman from Guatemala and her daughter in their pursuit of asylum, which they won following a trial before the San Francisco Immigration Court. The mother and daughter entered the United States to escape sexual violence and threats from gangs targeting indigenous women. The team was able to obtain and submit detailed evidence regarding the abuse suffered, including from a number of witnesses in Guatemala, as well as psychological evaluations detailing the effects of the abuse. The team also submitted evidence showing that, based on her membership in protected social groups, their client had a well-founded fear of persecution if she were to be returned. At the conclusion of the hearing, the judge issued a ruling from the bench granting both individuals asylum, with the government waiving appeal. The team also prepared U-visa applications for their clients in parallel.

The team included partner **Micah Block**, Pro Bono Counsel for Humanitarian Immigration Matters **Nishan Bhaumik**, associates **Michael Haney, Tyson Dean Kennedy, Christian Mueller**, and former associates **Natalie Cha, Catherine Kennedy, Ingrid Perez** and **Greg Travers**.

Pro Bono Advocates



Ian Hogg
Associate, IP Litigation



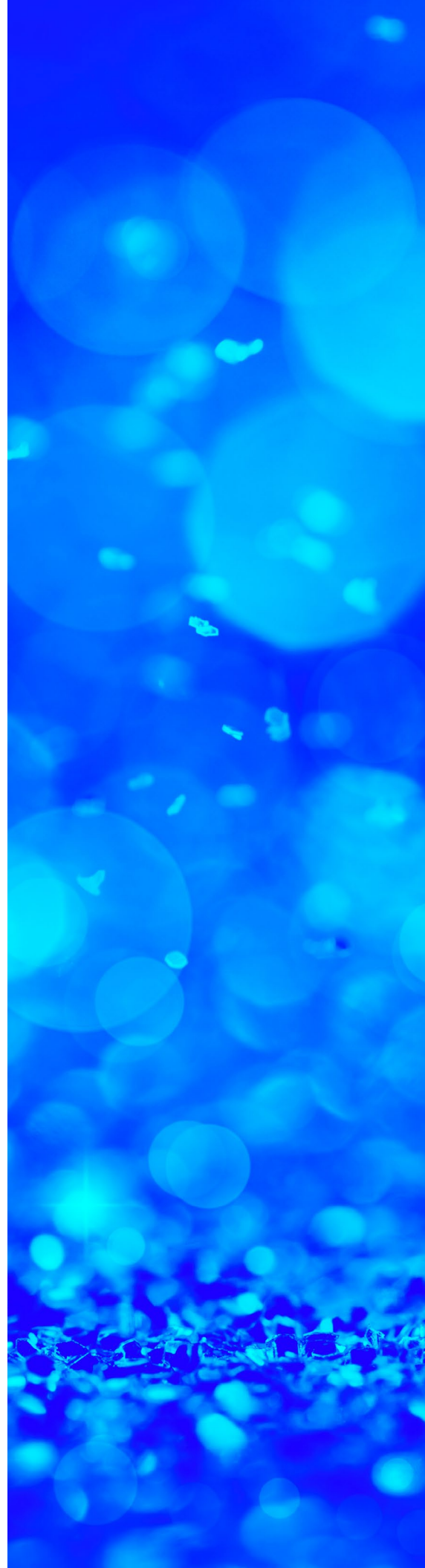
Amber Leary
Associate, Restructuring



Paul Shortell
Associate, White Collar Defense &
Investigations



Elizabeth Tippett
Associate, White Collar Defense &
Investigations



Helping a family honor their son's legacy

Scott J. Beigel Memorial Fund



The life of Scott J. Beigel, a 35-year-old geography teacher and cross-country coach at Marjory Stoneman Douglas High School in Parkland, Florida, came to a tragic end on February 14, 2018, when a former student of the school opened fire on students and staff, killing 17 people and injuring 17 more. Scott was shot and killed while putting himself in harm's way to help as many students as he could take shelter in his classroom. It is estimated that he saved the lives of 31 students.

Scott loved working with young people – he was deeply involved with the students at Stoneman Douglas and was also a camp counselor for most of his life; he felt strongly that summer sleepaway camp is a tremendously meaningful experience for those lucky enough to attend. To honor his legacy, Scott's family quickly took action and established the Scott J. Beigel Memorial Fund several weeks after his murder. The Fund provides long-term support to at-risk, underserved children touched



by gun violence, many of whom have suffered loss or troubled upbringings. To inspire these children to stay in school and pursue positive life paths, the Fund sends them to sleepaway camp every summer until their high school graduation and offers other ongoing resources and opportunities. While at summer camp, scholarship recipients





learn important life skills, build friendships, participate in sports and outdoor education, and get a break from the challenges of their home lives. In 2023 alone, the Fund distributed grants to seven camps across the northeast and Florida, ultimately funding summer experiences for 262 children.

As the Fund's mission rapidly gained traction and it received more and more donations, the need for legal advisory services became apparent. "This is something we see a lot with budding nonprofits," Jillian Berman, Davis Polk's Head of Corporate & Transactional Pro Bono, said. "Organizations like the Scott J. Beigel Memorial Fund are often very event-driven – they are established to meet a specific need or are catalyzed by a tragedy – so understandably, the priority is to get up-and-running quickly, which isn't really conducive to ensuring that you have proper legal documentation, are meeting all the relevant compliance and regulatory requirements, and so on. A major part of Davis Polk's corporate pro bono practice is assessing organizations' governance structure and organizational health, helping them align with legal requirements and best practices, and instituting procedures that accommodate any unique or specific needs."

When Davis Polk first connected with the Fund, its board was mainly comprised of Scott's family members who had been working diligently to see the Fund's mission through, but were less focused and knowledgeable about nonprofit governance. Our first order of business was ensuring that the Fund's leadership was well organized and had the tools necessary to operate at the standard expected of a sizeable nonprofit. With Jillian's oversight, a team of Davis Polk associates from across Restructuring, IP & Commercial Transactions and Finance

redrafted the Fund's bylaws, which lay out its core principles and practices; as the Fund and its board continue to expand, the bylaws and related policies and guidelines will help new board members understand what their position means and what is expected of them.

Another major priority of our work with the Fund related to the tragedy it was borne of – the issue of gun violence. Most small nonprofits don't (but should) have gift acceptance policies, which set up a process for analyzing if funding should be accepted from certain donors and provide a legal framework for declining donations when necessary. Having the ability to decline donations was especially important for the Fund's leadership, as they were not interested in accepting money from politicians who align themselves with and/or are backed by pro-gun rights organizations.

Reflecting on his involvement, Restructuring associate Vincent Cahill said, "It was a privilege to work hand-in-hand with Scott's parents, Linda Beigel Schulman and Michael Schulman, as they carefully considered the governance and operations decisions which will prepare the Fund for continued success. This engagement was one of the most moving experiences of my life, and I was honored to have played a small role in recognizing Scott's memory."

Today, the Fund continues to flourish and carry on Scott's legacy – it has distributed over \$1 million in grants since its establishment, providing life-changing experiences and opportunities to children in need. Our lawyers plan to continue supporting the organization as it expands and its needs change.

Many Davis Polk lawyers start pro bono work in their earliest days at the firm – as summer associates.



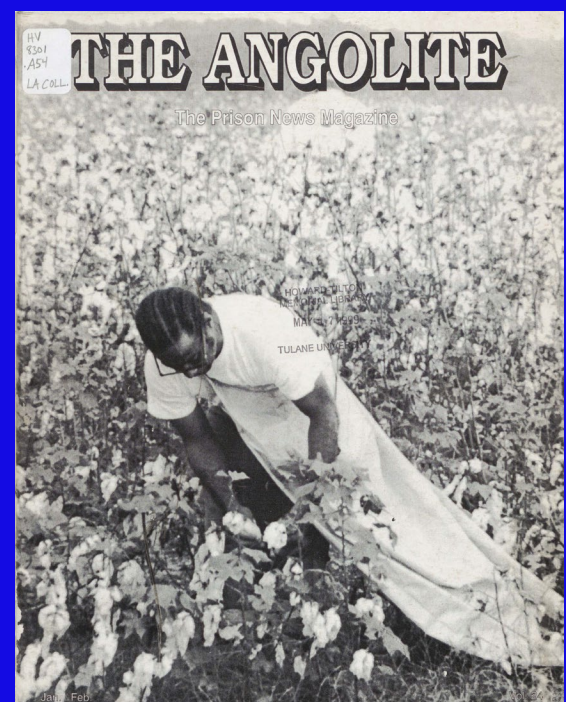
Leah Samuel
Associate, Litigation

As a summer associate: Leah worked on two pro bono matters in the realm of family law. “I got involved with one because I speak Spanish – I translated proceeding transcripts so that our client could read his own and the other parties’ prior statements to prep for his testimony. To be able to meaningfully support our client in understanding and preparing for his case left a real impact, especially at that early stage of my legal career.” The second matter Leah worked on was a child custody case: “I got to see the complex dynamics of family court for myself – I watched an examination of a mental health expert witness, I was present for the witness examinations, and I was able to work closely with several full-time associates and Head of Pro Bono Litigation Dara Sheinfeld.”

Why Leah does pro bono: “After undergrad, I lived in Louisiana and worked on the legislative strategy side of criminal justice reform for four years. Through that experience, I came to feel that it’s all well and good to pass legislation, but how and if those statutes end up creating positive change ultimately depends on how they get shaped and reshaped by lawyers in practice. That drove me to apply to law school. Doing public interest work is very much a part of who I am and how I see myself as a lawyer. Through pro bono, I am pulling parts of my previous life – my connection to Louisiana, my experience in criminal justice reform – into my life at Davis Polk. Discovering that these things are so well-received and that my enthusiasm has a place here has been very cool.”

Today: Leah has been able to focus on Louisiana-based work as a full-time associate. She is currently part of a team working to challenge Louisiana’s gender-affirming care ban, which you can read more about on page 15. Leah also organized pro bono work for our 2023 summer associates: “Last year, through a friend who works at the Promise of Justice Initiative (PJI), I got word that PJI was preparing to bring a lawsuit against Angola Prison regarding their forced labor practices.” Angola,

Louisiana’s maximum-security prison, is located on the site of former slave plantations – notably, 74% of prisoners housed there are Black. The prison is notorious for poor, often dangerous living conditions and brutal physical labor, which includes growing and picking cotton and sugarcane. “I jumped at the opportunity to get involved and the Davis Polk Pro Bono team was ready to jump too. With their support, I teamed up with fellow associate Kennedy Williams-Libert, who is currently clerking, to lead a group of summer associates in completing a series of assignments in preparation for PJI’s complaint against Angola and their concurrent media campaign focused on prison labor. We did archival research using *The Angolite*, the prison’s long-running, inmate-edited and published prison newspaper, to pull data points on incidents relating to farm labor, in addition to more typical legal research assignments.”



Courtesy of Louisiana State Penitentiary via Tulane University



Kanysha Phillips

Associate, Civil Litigation

As a summer associate: Kanysha worked on several pro bono matters, including one opposing President Trump’s 2017 decision to end Temporary Protected Status for immigrants from Haiti, El Salvador and Honduras. “I also spent two weeks out of my 10-week summer program on a pro bono secondment with the Northern Manhattan Improvement Corporation, where we provided free legal services to immigrants. The cases I worked on were all in housing court. I worked with one woman whose landlord was attempting to wrongfully evict her from her rent-controlled apartment. I actually had the opportunity to argue a motion as a summer associate – it was a unique experience.”

Today: When she returned to Davis Polk as a full-time associate, Kanysha threw herself into pro bono work and received the Davis Polk Pro Bono Award in her first year at the firm. She has worked on a variety of pro bono litigation matters: “Through the Promise of Justice Initiative’s (PJI) Jim Crow Juries Project, I worked on the case of a client who was convicted of murder by a non-unanimous jury in Louisiana and sentenced to life in prison. I also worked with the Legal Aid Society on behalf of a client in his twenties who had received a seven-year jail sentence in New York City for what was essentially a fist fight. There were several issues with his case, the most significant being that the judge provided improper

instructions to the jury, which had an irreversible, quite impactful effect on the court proceedings and outcome. In addition, a member of the jury was inappropriately dismissed and then brought back to serve on the jury after leaving the courthouse. Thankfully, our appeal was successful and the First Department reversed our client’s conviction last summer [2023].”

Why Kanysha does pro bono: Kanysha, a first-generation college graduate, emphasizes the importance of lifting others up and being the kind of person she sought out as a mentor while pursuing higher education and a career in law. Also passionate about criminal justice reform and taking on wrongful incarceration matters, Kanysha says, “There are so many people who can’t afford quality legal services, so they are forced to rely on limited free resources. That was a major issue I saw in the PJI case I worked on – the lawyer who first represented my client in the underlying proceedings that led to his conviction ended up being disbarred. In my client’s trial, he didn’t even make a closing argument. By providing free quality legal services, we are making a world of difference in our clients’ lives and doing the work that underserved communities need.”

One World Middle School mock trial

Kanysha also spent three years as a leader of the law and mock trial program that Davis Polk runs at One World Middle School in the Bronx, New York. Every week, our lawyers teach a law course during the school day which culminates in an end-of-year mock trial presided over by a New York federal or state judge with an audience of the students’ teachers, family and friends. Students who take the course also spend a day at Davis Polk’s offices, where they learn about the many career paths possible for them at a law firm.



“It is so rewarding to see how much these students learn and how their confidence is boosted through mock trial. Meeting lawyers who look like them is clearly meaningful too. I’ve had students tell me that the program made them feel like they could become lawyers.”

The LGBTQ community is under attack.

In the United States, an unprecedented 500+ anti-LGBTQ bills – many of them targeting children – were introduced in state legislatures across the country last year. By comparison, 42 were introduced in 2018.* Among those that were passed into law or advanced were bans on free speech and expression, restrictions on student and educator rights, curriculum censorship, public accommodation bans and a multitude of healthcare restrictions.

Around the world, many LGBTQ people face much worse. In numerous countries, it is illegal to be LGBTQ – same-sex relations between consenting adults are outlawed and nonconforming gender expressions are criminalized.

As hard-fought gains in LGBTQ rights are rapidly reversed and growing populations of LGBTQ refugees are forced to flee their home countries, Davis Polk is joining forces with organizations working to ensure that all individuals are free to be themselves without fear and with equal protection under the law. These are some of our efforts:





Credit: Greg LaRose, Louisiana Illuminator

Challenging Louisiana’s Gender Affirming Care Ban

The adolescent years are widely understood to be among the most challenging life stages. For the hundreds of thousands of youths who identify as transgender in the United States, their coming of age is much more difficult. Both at and outside of school, transgender young people often face isolation, bullying and discrimination along with rejection from activities and social spaces. Some also suffer from gender dysphoria, which is defined as clinically significant discomfort or distress arising from misalignment between one’s gender identity and their sex assigned at birth or sex-related physical characteristics. Targeting transgender youth, a wave of states – there are currently 25 – have passed prohibitions on various types of evidence-based, medically-recommended gender-affirming care.

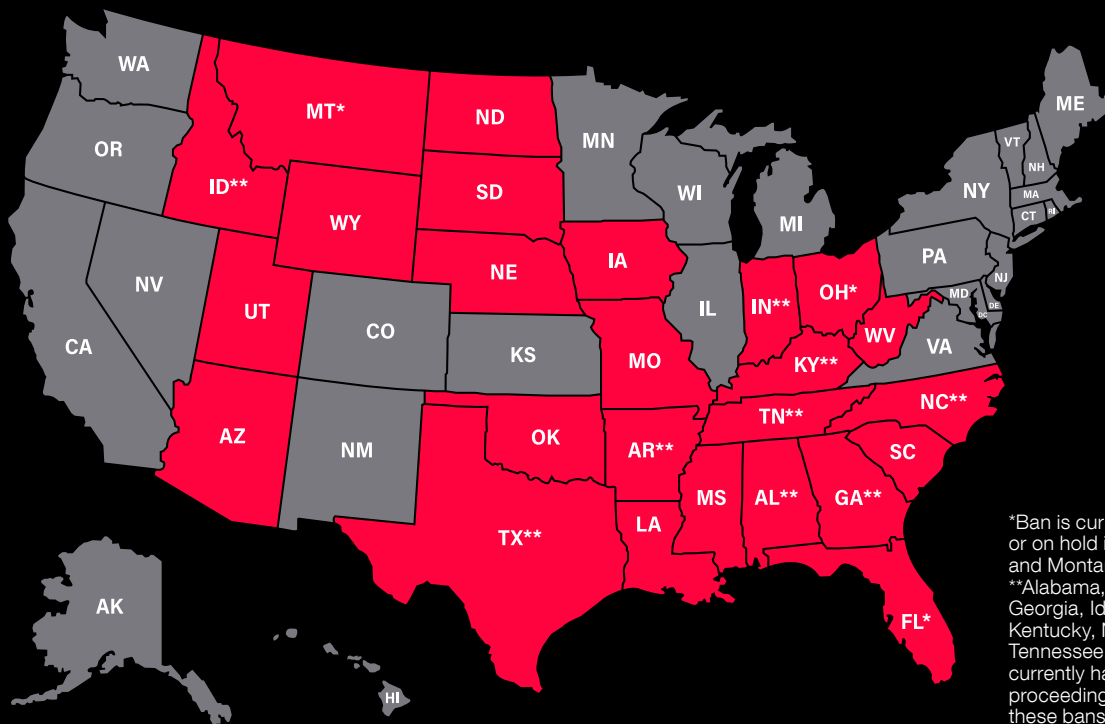
Major national medical and scientific associations including the American Medical Association, the American Academy of Pediatrics and the Pediatric Endocrine Society all recognize gender dysphoria and have set out treatment guidelines that include the same types of gender-affirming care being outlawed nationwide. In 2021, in the early stages of the movement to ban gender-affirming medical care for transgender youth, the

American Medical Association urged governors to oppose state legislation of this nature, calling it “a dangerous intrusion into the practice of medicine.”

Despite vocal and repeated objections from medical providers, parents and transgender youth, in July 2023, Louisiana’s legislature overturned then-Governor John Bel Edwards’ veto of the Gender Affirming Care Ban (HB648), making Louisiana one more state to ban care.

The Ban, which went into effect on January 1, 2024, prohibits physicians from providing certain types of gender-affirming medical care, including hormone therapies and puberty blockers, when that care is provided to “validate a minor’s perception of his sex if the minor’s perception of self is inconsistent with his biological sex.” Patients already receiving treatment must transition off care before the end of the one-year titration period, concluding December 31, 2024. These same treatments are prescribed – and can still be prescribed – to youth in Louisiana for reasons other than gender dysphoria, such as the treatment of early-onset puberty. Under the Ban, healthcare professionals who continue to provide gender-affirming care to their minor patients in violation of the Ban face mandatory disciplinary action, including the revocation of their professional licenses, by their occupational or licensing boards. Some qualified healthcare providers have already started to leave the state in response.

Attacks on gender-affirming care for minors by state



*Ban is currently blocked or on hold in Florida, Ohio and Montana
 **Alabama, Arkansas, Georgia, Idaho, Indiana, Kentucky, North Carolina, Tennessee, and Texas all currently have litigation proceedings challenging these bans
 ***Arizona’s ban only applies to gender-affirming surgeries for minors

This past January, Davis Polk joined Lambda Legal and the Harvard Law School Center for Health Law and Policy Innovation (CHLPI) in representing five transgender clients ages 10 to 17 and their parents in a lawsuit against the Louisiana Board of Medical Examiners and Attorney General Elizabeth Murrill. The lawsuit, *Soe v. Louisiana State Board of Medical Examiners*, argues that Louisiana's ban violates the Constitution of the State of Louisiana by discriminating on the basis of sex in violation of rights to equal protection and dignity while also interfering with the parent plaintiffs' parental autonomy and rights to direct their children's medical care.

The minor plaintiffs have all been diagnosed with gender dysphoria, and, with the support of their parents and healthcare providers, have begun to take steps to live in accordance with their gender. This includes changes to their appearance, and, for some plaintiffs where medically-indicated, puberty-blockers or hormone therapy. Our clients reported significant benefits from treatment, including feeling "more themselves," "more confident" and "less anxious." As the end of 2024 nears, some of our clients have been told by their physicians, who are concerned about enforcement of the Ban and effect on their licensure, that they should no longer expect treatment at all.

Without means or support to travel long distances with frequency to a state that does allow gender-affirming treatment (currently, the closest states without bans are New Mexico, Kansas and Illinois), many transgender youth in Louisiana will soon be completely cut off from much needed care.

In April, the defendants – the State Attorney General and the Louisiana State Board of Medical Examiners – moved to hear the case in East Baton Rouge Parish instead of New Orleans in Orleans Parish, where our clients receive treatment, and where both their medical providers and the Board of Medical Examiners are based. Civil Litigation associate Deborah Mazer argued and won a decision from the bench to keep the case in Orleans Parish. This bench decision was subsequently appealed by the defendants to the Louisiana Fourth Circuit Court of Appeal.

Some members of the Davis Polk team, White Collar Defense & Investigations counsel Gabe Jaime-Bettan and Litigation associates Anna Fish and Leah Samuel, accompanied Deborah to Louisiana for the hearing and to meet with the clients in person for the first time following many virtual meetings. Through a gathering the Davis Polk team and co-counsel organized at a Mexican restaurant, the clients were also able to meet one another for the first time.

"The team had this wonderful idea of creating bingo cards that had different factoids about people, and we played a game where we all had to walk around the room, mingle and find people who met those criteria – things like 'I'm an only child' or 'I can name every Taylor Swift album.' We were all looking for the Swifties in the group," Gabe shared. "The kids were so into it."

After an evening of getting to know one another, dancing, showing off their art and playing games, Deborah said that "one of the clients told me that she was just so happy to be around other transgender kids and see their range of ages and gender expressions."

"In discovery, we've gotten a number of really aggressive requests from the defendants for deeply personal information about our clients, so it's been helpful to have met in-person and already established a connection going into this process," Gabe said. He explained that, given the subject matter, discovery would necessarily be intrusive for the clients. "But now that the clients have all met, they know other people who are going through this too."

With hopes of a trial as close to the end of the titration period as possible (when care for gender dysphoria will entirely cease to exist in Louisiana), the Davis Polk team is conducting discovery and working to build a strong case against the Ban.



“Growing up, I was intensely self conscious of my body, which led to a near-constant state of discomfort. Oftentimes, I was incredibly uncomfortable and anxious and even found it hard to talk. However, being able to access gender-affirming hormones and be my true self has been a lifesaver. I am now far more comfortable and confident and feel less distress. This health care has allowed me to be happy, healthy and my true authentic self – the boy I know I am. I am terrified of what the Health Care Ban will do and worry about how my mental health might deteriorate.”

– Plaintiff Max Moe

Supporting persecuted LGBTQ individuals in need of asylum

In nearly 80 countries around the world, it is a crime or fundamentally unsafe to be LGBTQ or HIV-positive. In many of these countries, LGBTQ people not only fear extreme vigilante violence, but also legal consequences like incarceration, involuntary mental health institutionalization, involuntary castration and the death penalty. Despite common perception that the status of LGBTQ individuals worldwide is improving, there is a significant disconnect between the laws on the books and the persecution that targeted groups still suffer, sometimes even at the hands of law enforcement. This dichotomy is so complex that even well-vetted human rights reports often don't capture complete representations of LGBTQ individuals' lived experiences in many countries, which can negatively influence the outcomes of asylum applications.

We regularly partner with legal services organizations including Immigration Equality, Human Rights First and the LGBT Bar Association of Greater New York to represent LGBTQ refugees seeking sanctuary in the United States. The process of applying for asylum is extremely daunting for all refugees, but especially those LGBTQ individuals who are still grappling with trauma they have

experienced related to their identity and coming out. Recently, after years of work, Davis Polk associates secured asylum for one of these refugees – a gender non-binary individual who was severely persecuted in Central America for their sexual orientation and gender identity, as well as their leadership in the LGBTQ and transgender rights communities. While living in their home country, our client was kidnapped and raped as well as assaulted multiple times, including by police officers who shouted slurs at them. In preparation for our client's asylum trial this past spring, the involved associates worked extensively with the client, several affiants and an expert witness to develop a case that the judge noted was so detailed, credible and well-documented that it overcame the government's objections. The judge went on to issue an asylum grant directly from the bench, and, as the record was so developed, the government had no option but to concede and waive appeal.

In a case that Pro Bono Counsel for Humanitarian Immigration Matters Nishan Bhaumik says "demonstrates the danger of simply being accused to be gay [in many countries]," our associates recently secured asylum for a client who escaped Ghana as a stowaway on a freight ship and entered the United States through the southern border. Our client took this harrowing journey because, although he does not identify as gay, he was accused of being such "and the label stuck. When out in public, he was repeatedly attacked by crowds and beaten to the point of needing to be hospitalized. Before escaping, the last assault he endured left him in a coma."

In other similarly disturbing cases of LGBTQ individuals, Davis Polk associates have secured asylum for an Egyptian client who fled amidst government harassment of fellow LGBTQ individuals in his community; for a client from Kenya, who was almost burned alive in his home, beaten and raped; and for a client from Jamaica, which, despite a booming tourism industry catering to the United States and other developed, socially-progressive countries, is one of the deadliest places for the LGBTQ community.

To help as many refugees as possible, Davis Polk also regularly hosts LGBTQ asylum clinics offering limited-engagement legal guidance in New York City; these clinics are staffed by a rotating group of more than 100 lawyers from across our corporate and litigation practices. In the past year alone, our lawyers have assisted dozens of LGBTQ clients from countries including Bangladesh, Brazil, Burkina Faso, Cuba, Ecuador, Egypt, El Salvador, Georgia, Ghana, Guatemala, Haiti, Honduras, India, Jamaica, Kenya, Lebanon, Morocco, Nigeria, Russia, Syria and Tajikistan.

Name Change Project

For many transgender people, having a legal identity that aligns with their lived experiences is not only important psychologically, but it ensures that they will face fewer barriers, including the risk of being outed, when seeking out employment, housing, education and public health benefits. Davis Polk’s Head of Corporate & Transactional Matters Jillian Berman explains: “At best, this may lead those individuals to avoid those settings and services to their own detriment, leading to or increasing economic and physical marginalization and poor health outcomes. At worst, they may be opening themselves up to harassment, discrimination and violence. The dissonance between someone’s documentation and their gender identity can also, of course, have a profound emotional and psychological impact that can’t be underestimated.”

To support low-income members of the transgender, gender non-conforming and non-binary community, lawyers from Davis Polk volunteer with the Name Change Project, administered by the Transgender Legal Defense & Education Fund, on an ongoing basis. Among them is Finance associate Madeleine Mavro, who shared some reflections on her experience and why this work is so critical:



Madeleine Mavro
Associate, Finance

Why have you chosen to prioritize working with the Name Change Project?

Legal work that focuses specifically on the issues trans people face is crucial because our legal system largely operates on a rigid binary and was not designed to protect or help individuals who do not squarely fit within it. Aside from the psychological importance of correct legal names, IDs are required for access to so many resources and opportunities. Incorrect documents can lead to unequal access and discrimination every time they enter a bureaucracy.

What does name change work entail?

I am a transactional lawyer, so name change work has been a real learning opportunity for me – it involves drafting the name change documents, getting original ID documents and signoff from the client, notarizing and blue backing the documents and then filling them in court. It really is an effort in case management and organization.

What name change matters are you currently working on?

I am currently working on a name change for a minor. It’s complicated because New York law requires that at least one parent consent to the name change and that the other is notified via a strict process involving a sworn affidavit and a notice return period. We have to be sensitive to the client’s family situation and there have been many obstacles and delays, but navigating these challenges is exactly what clients rely on Davis Polk for. When the client came to our office to sign their petition documents, it was the first time they’d been referred to in any professional setting by their chosen name. To see the impact this had, especially on someone so young, was incredibly special. I know the reward of finalizing this name change will be even greater once we get there.

What moments have stood out to you while working with name change clients?

I have had countless memorable interactions during my work with the Project, but one that jumps out was getting the news that the first name petition I worked on had been granted by the court. I texted my client to let him know and he called me straight away to tell me how excited he was and how life changing this was for him. When he came into our offices to pick up the original court orders, he gave me the biggest hug.

Our partners in supporting the LGBTQ community



For decades, excessively long mandatory sentences and the practice of “sentence stacking” (also known as “18 USC § 924(c) stacking”) disproportionately impacted people of color sentenced in federal courts. This past spring, as part of Davis Polk’s ongoing commitment to pro bono compassionate release matters, our lawyers secured the release of two individuals whose lives were dramatically impacted by overly harsh sentences. Rufus Brown and Edgardo Quirós-Morales entered prison as young adults, and each served more than 25 years in prison before being granted compassionate release.

Mr. Brown was originally sentenced to 119 years in prison for his participation at age 28 in a series of armed robberies in which no shots were fired and no one was physically injured. His sentence, which was more than five and a half times the average federal sentence for murder imposed today, was unusually long due to the now-prohibited sentence stacking provision. Only 14 years of Mr. Brown’s sentence resulted from charges for the robberies themselves; the remaining 105 years were the result of “stacked” firearm counts under § 924(c), which, at the time, required the sentencing court to impose consecutive 20-year terms for each § 924(c) conviction stemming from the same offense. Stacked sentences were criticized as often being excessively harsh, and as one lawyer argued in a case similar to Mr. Brown’s, “punishing first offenders with twenty-five-year sentences does not deter crime as much as it ruins lives.”*

In 2018, § 924(c) stacking was eliminated by the First Step Act, but this change of law was not made retroactive. In 2022, the Sixth Circuit issued its decision in *United States v. McCall*, which prohibited district courts from considering nonretroactive changes in law when determining

whether there were “extraordinary and compelling reasons” warranting a sentence reduction under compassionate release. On November 1, 2023, the U.S. Sentencing Commission amended the U.S. Sentencing Guidelines and corresponding policy statement to include nonretroactive sentencing changes in certain circumstances as “extraordinary and compelling” reasons warranting relief under compassionate release. Our lawyers argued that the policy statement then became controlling on district courts and superseded *McCall*.

Given the novel and complex issues of law involved, the Davis Polk team extensively briefed the relevant points. On January 23, 2024, in the Southern District of Ohio, Timothy Sullivan, an associate in our Environmental practice, argued in favor of the U.S. Sentencing Commission’s authority and its November 1, 2023 policy amendments being applicable to Mr. Brown’s case. When asked about his experience arguing before the Court, Timothy shared that “despite being a corporate associate, I’ve always maintained a strong interest in litigation work,

**Deal v. United States*, 508 U.S. 129, 146 n.10 (1993) (Stevens, J., dissenting)

especially criminal justice litigation. I've never felt corporate and criminal work to be mutually exclusive and I've really enjoyed the ability to hone a different skill set."

On February 2, Chief Judge Marbley issued an order granting Mr. Brown's motion for compassionate release and reducing his sentence to time served. On February 5, at the age of 57, Mr. Brown was released into the care of his brothers and reunited with his mother, more than 28 years after he first entered prison.

"There are so many people like Rufus across the United States languishing in desperate and unjust circumstances. The scope for making meaningful impact on somebody's life through pro bono work in this area is enormous," Timothy said.

Another client, Mr. Quirós-Morales, was sentenced to life in prison at the age of 23 by the Federal District Court in Puerto Rico for one count of conspiracy to distribute drugs. Although Mr. Quirós-Morales had no prior criminal history, he was sentenced to life in prison because of a then-mandatory sentencing guideline cross-reference. Mr. Quirós-Morales' sentencing judge applied this cross-reference without stating any basis for doing so. In a motion initially filed in 2021, the Davis Polk team argued that the absence of any factual basis for the cross-reference, the disparity between Mr. Quirós-Morales' sentence and those of similarly situated co-defendants (who did not receive life sentences), and Mr. Quirós-Morales' tremendous personal achievements and rehabilitation during his decades of incarceration constituted extraordinary and compelling circumstances warranting compassionate release.

Following the Court's initial denial of Mr. Quirós-Morales' motion, our lawyers appealed to the U.S. Court of Appeals for the First Circuit, where Civil Litigation associate Marie Killmond argued. The First Circuit vacated the decision and remanded to the district court, where the team conducted supplemental briefing before a new judge. In addition, at the Court's request, the Probation Office submitted a statement which confirmed that, although it had recommended the cross-reference in 1998, it could identify no basis for this recommendation and under the circumstances it concluded that compassionate release could be appropriate in this matter.



Timothy Sullivan and Rufus Brown, pictured during a visit in Georgia shortly after Mr. Brown's release from prison.

On March 15, 2024, the Court issued a 29-page opinion granting Mr. Quirós-Morales' motion for compassionate release. The opinion adopted many of Mr. Quirós-Morales' arguments, including that the application of the cross-reference had been improper and the "government's current insistence" otherwise was "ludicrous." The Court also noted that its "reasoning is mainly based on the well supported arguments raised by Defendant through his pro hac vice attorneys, in his exhaustive and comprehensive filings before and after remand in this case."

On March 19, 2024, Mr. Quirós-Morales' motion for compassionate release was granted, reducing his sentence to 30 years. At the age of 51, he was released from prison into the care of his wife and family.

"Speaking for all of the lawyers who worked on Rufus' case, we were simply appalled by the sheer injustice of his harsh sentence, which truly shocks the conscience. All of us were steadfast in our commitment to leave no stone unturned in our representation, and I think we found a lot of meaning in working collaboratively together on mission-driven work that we all cared deeply about."

– Timothy Sullivan, Environmental associate

Get involved!

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