

Davis Polk

Pro Bono Matters

2023

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
2023

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Highlights



A note from Chief Pro Bono Counsel Amelia Starr

Welcome to the 2023 issue of Pro Bono Matters!

Thanks to an outpouring of enthusiasm from the entire Davis Polk community, we have had a busy and impactful year supporting people around the world in finding peace and safety, building brighter futures and improving the community around us. In response to difficult and high-stakes challenges, our lawyers, business services professionals, alumni and clients have shown up in even greater numbers and demonstrated an ever-growing appetite for pro bono work. It never ceases to inspire me.

Last year, we reported on our multiple representations of those affected by the humanitarian crises in Afghanistan and Ukraine; I am pleased to share that, even after the news cycle has moved on, we remain committed to our work for these groups and have made significant headway – our clients are safe in the United States with asylum and protective status already secured or in progress. As part of our effort to support Afghan refugees, Davis Polk has been proud to serve in a coalition of twelve law firms and client Morgan Stanley that is collectively responsible for 130+ asylum filings.

Our practice representing domestic violence victims and incarcerated survivors is more robust than ever. In the past year, we have represented four survivors and obtained resentencing for them under the Domestic Violence Survivors Justice Act. We've had significant trial and appellate victories in both the federal and state courts protecting women and children from domestic violence. In the year to come, we look forward to expanding and broadening our work for survivors in new areas and courts. Indeed, in the past few days, a team of Davis Polk lawyers secured a precedent-setting victory in a Hague Convention trial, not only changing the lives of a deserving family, but also ensuring that future survivors seeking refuge are heard and believed.

Concerning the pressing and very timely issue of gun violence, you will learn about amicus briefs we've submitted to the U.S. Supreme Court and the Second Circuit Court of Appeals advocating on these issues. We are also defending local restrictions on assault weapons and large capacity magazines in Colorado from challenges by gun rights advocate groups. This focus is only one of the many exciting pro bono initiatives that launched in 2022.

In the pages of this annual newsletter, you'll get a taste of our practice's breadth and the plethora of interesting, engaging work we do every day at Davis Polk. "Pro bono is at the heart of who we are," as Neil Barr, our managing partner, often says. I hope these stories of Davis Polk's pro bono work inspire you to get involved in making the community around you a better, healthier and more equitable place. Now is the time.

With all my best,

Amy

Welcome

Election Protection

Amidst great political division and active voter suppression efforts, the 2022 midterm elections brought confusion, misinformation, and fear to many voters across the country; 165 members of the Davis Polk community, including clients, lawyers, business services professionals, summer associates and alumni, were there to help.

For many years, Davis Polk has supported the national, nonpartisan Election Protection Hotline (866-OUR-VOTE) organized by the Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee), by both volunteering at its regional call centers that operate year-round and hosting an Election Day call center.

Last year, with all 435 seats in the House and 35 seats in the Senate up for re-election, we again partnered with the Lawyers' Committee and hosted a two-day Election Protection Call Center. Between November 7 and November 8 alone, Davis Polk's call center fielded approximately 1,300 calls, texts and chat messages from voters across the country – accounting for more than 10% of the Election Protection Hotline's total volume for the period. This was also the culmination of a months-long volunteer effort, during which members of our community staffed regional call centers leading up to the election.

"It was a huge undertaking to coordinate shift coverage and ensure that every volunteer was trained to respond to a range of questions in a shifting legislative landscape," explained Pro Bono Attorney for Corporate & Transactional Matters Jillian Berman, who served as Davis Polk's call center lead.

Although our team was initially slated to field inquiries only from the New York area, a few weeks before Election Day the Lawyers' Committee asked for our help in taking on more states. Given that voting laws vary by state, Davis Polk lawyers quickly worked to create reference materials to cover our expanded territory encompassing five additional states.

Volunteers worked in four-hour shifts beginning as early as 5:00 a.m. ET and ending as late as 9:30 p.m. ET. They responded to inquiries from voters in New York, Tennessee, Delaware, Rhode Island, Connecticut and Washington DC.

The questions from voters spanned topics such as registration status, poll locations, and ID requirements, and volunteers worked with on-the-ground command centers to escalate reports of intimidating or suppressive obstacles to voting.

"Having grown up in a state with relatively straightforward voting requirements, I did not fully appreciate how difficult it was to vote in other parts of the country before I started volunteering with Election Protection. Answering people's calls and hearing the challenges and the hurdles placed in front of them is horrifying, but there is some comfort in knowing we are able to help," Jillian said.

As part of Davis Polk's commitment to free and fair elections, the firm also partners with other nonpartisan organizations on voting-related legal research projects including on the materiality clause of the Civil Rights Act and its application to voter registration and ballots, election fraud allegations related to the 2020 election, and preventing political violence often directed at elected leaders and election officials.



"Given the existing and constantly emerging obstacles to free, fair and secure elections, election protection efforts are vital to enabling people to exercise their right to vote."

– Jillian Berman, Pro Bono Attorney for Corporate & Transactional Matters

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

These individuals and teams 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 the award recipients, the firm will make charitable donations to nonprofits chosen by the individual honorees or associated with the work of the four teams we are recognizing.

Individual honorees



Nancy Regan
Associate, Tax

Nancy has led teams across efforts for Stop AAPI Hate, Crossborder Civilians and One Community, producing successful, impactful outcomes ranging a wide variety of advisory services. She has done in-depth analysis on local discriminatory laws, secured tax-exempt status for an emergency fundraiser with record-setting speed, and worked with the New York Department of Labor to obtain pre-clearance of tax credits that will incentivize employers to hire graduates of a vocational program for formerly incarcerated individuals. All the while, she is representing members of a multi-generational family in navigating all stages of the humanitarian immigration process.

STOP AAPI HATE

Nancy has directed the firm's donation to Stop AAPI Hate, a not-for-profit anti-racism organization building a movement to end anti-Asian American and Pacific Islander hate through incident tracking and response, targeted research, legislative and judicial advocacy, and the creation of educational resources for use by governments and schools.



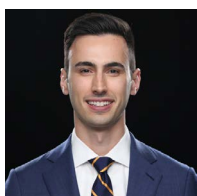
Aisha Schafer Hylton

Associate, White Collar Defense & Investigations

In one of Davis Polk's longest-running asylum cases (20+ years), Aisha has spent years working on behalf of a man from Sierra Leone who was held captive and tortured by a terrorist group during civil war. His asylum application has suffered from a series of government errors and unusual procedural postures, but Aisha's persistency in overcoming them has inspired our client to continue on despite his exhaustion. Aisha is also representing a young domestic violence survivor in a criminal proceeding regarding a felony in which her abusive boyfriend coerced her to participate. As a result of Aisha's and the team's skillful and tireless work, the client will avoid a felony record and any carceral sentence, allowing her to continue raising her baby and working to support other domestic violence survivors who face criminal charges related to their abuse.

BALTIMORE SCHOOL
for the **ARTS**

Aisha has directed the firm's donation to the Baltimore School for the Arts, a top public performing arts high school offering students rigorous college preparation combined with pre-professional training in the arts. The school's high school and college graduation rates markedly exceed the national average.



Matthew Stratis Vasilakos

Associate, White Collar Defense & Investigations

In the past year, Matt briefed and argued an appeal in the First Department on behalf of a man convicted of attempted robbery in the first degree by a tainted jury. Matt was able to secure the reversal of our client's conviction and a new, untainted trial. Successful appeals of criminal convictions based on juror issues are rare, making this victory especially remarkable. Matt has also spent more than a year co-leading a Section 1983 litigation in federal court on behalf of a client who videotaped her partner's arrest and was subsequently arrested herself and mistreated while in custody out of retaliation. After reviewing our client's case, the District Attorney dropped all charges. Matt's Section 1983 case recently reached a tentative settlement – a significant payment to our client which will help her relocate and start fresh.

 **LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW**

Matthew has directed the firm's donation to the Lawyers' Committee, a nonpartisan, nonprofit organization formed to mobilize the nation's leading lawyers as advocates for racial justice and related issues concerning democracy.

Team honorees

Carlos Weeks trial team

This team represents Carlos Weeks, our client who served over 26 years in prison for a crime he did not commit. A Davis Polk team assisted in achieving his October 2019 exoneration, and we are now representing him in a civil proceeding against New York State. All involved associates questioned witnesses or made evidentiary arguments in this damages trial heard before the Court of Claims.

To build this case, the team went to extraordinary lengths to track down witnesses of the crime that occurred almost 30 years ago – a group of individuals who were respectively incarcerated, had moved far away, were dramatically traumatized by witnessing the crime and were unwilling to be deposed.

Afghan refugee matters team

Since its unfolding in August 2021, Davis Polk has been deeply involved in a wide variety of efforts to aid refugees of the crisis in Afghanistan. Members of this team visited refugees at Marine Corps Base Quantico to provide legal orientation and have represented individuals from all walks of life in their pursuit of humanitarian or political asylum, including diplomats to the former Islamic Republic of Afghanistan, members of the *New York Times*' Kabul bureau staff and their families, and students of the Asian University for Women.

A notable aspect of this tremendous effort is the collaboration across so many Davis Polk offices – team members are located in New York, Northern California, Washington DC, London, Madrid, Hong Kong and Tokyo.

The team has included partner **Greg Andres**, counsel **Craig Cagney**, associates **Christina Costello**, **Alexa Jacobson** and **Zulkar Khan**, legal assistant **Theresa Bruney** and former associates **Rae Berger**, **Courtney Daukas** and **Chris Goetz**.

This team included senior counsel **Sam Dimon**, associates **Despoina Arslanidi**, **Soo Kyung Chae**, **Kelsey Clark**, **Justin Corvino**, **Kate Monroe FitzGerald**, **Paavani Garg**, **Charles Klug**, **Daiana Kostova**, **Kathleen Lewis**, **Tess Liegeois**, **Gilbert Lim**, **Reshma Lutfeali**, **Shua Mermelstein**, **Alex Moss**, **Elizabeth Rodgers**, **Jonathan Sit**, **Katherine Warshauer**, **Roshaan Wasim** and **Jacquiley Wong**, senior legal assistants **Alfonso García-Moncó** and **Magali Giddens**, structured products analysts **Anthony Borgese** and **Carmen Mascarenhas**, legal assistants **Brooke Harrington** and **Elliot Holmes**, law clerks **Jaime Begara Bretón**, **Neetika Nagpal** and **Caleb Smith** and former associates **Will Chandler**, **Michael Cooper**, **Phoebe Ko**, **Jane McCooey**, **Abraham Moussako** and **Sumeet Shroff**.

Prison Journalism Project team

The Prison Journalism Project (PJP) trains incarcerated individuals to be journalists and publishes their stories, empowering this marginalized community to be a voice in criminal justice reform. After experiencing rapid growth since their establishment in 2020, PJP sought this Davis Polk team's help in creating a new nonprofit corporation, quickly securing 501(c)(3) tax-exempt status and implementing a corporate governance structure, allowing the organization to raise additional funds to sustain their expanding reach. The team is also advising on employment matters and carrying out research in a number of areas related to the prison system.

Eric Garner judicial inquiry team

This team represented the family of Eric Garner and police reform advocates in a judicial inquiry seeking transparency regarding Mr. Garner's arrest and death in 2014. The team co-counseled with civil rights lawyer Gideon Oliver and Manhattan District Attorney Alvin Bragg, then the Co-Director of the New York Law School Racial Justice Project. During the inquiry – the first of its kind in 100 years – Davis Polk team members examined the police officers who were on the scene and senior city officials regarding Mr. Garner's arrest and death, as well as New York City's duty to investigate and discipline. This historic inquiry provided the opportunity to get answers to the many unanswered questions in Mr. Garner's case, and also pushed for more transparency in policing generally.

This team included partners **Jen Conway, Michael Flynn** and **Mario Verdolini**, associates **Eric Cummings, Marie Killmond, Tully Moyer, Alexis Wallace** and **Shuhan Zhang** and former associates **Justin Peroff** and **Nate Sokol**.

This team includes counsel **Gabriel Jaime-Bettan, Erika Kargbo** and **Jim Windels**, associates **Jennifer Kim, Meredith Manning, Jaclyn Willner**, legal assistants **Emily Turner**, former counsel **Matt Kelly**, former associates **Robert King** and **Abraham Moussako**, former legal assistant **Annie Farrell** and former law clerks **Nye Winslow** and **Madeleine Wykstra**.

Bay Area Furniture Bank



Harshil Shukla



Henry Hawkins

Assisting nonprofit organizations is a major focus of our corporate and transactional pro bono practice. We recently worked with the Bay Area Furniture Bank, a California nonprofit that provides donated furniture and other goods to previously unhoused individuals and others who find shelter through local social service agencies. Most of its clients, without means to furnish their new spaces, sleep on the floor or don't have a table to eat at before receiving donations. The Furniture Bank says its mission is "furnishing futures" – our team was honored to help the group secure its own. Learn more from Harshil Shukla, Pro Bono Attorney for Corporate & Transactional Matters, and Henry Hawkins, a second-year Litigation associate in our Northern California office.

How did our lawyers get involved with the Furniture Bank?

Harshil: Nancy Marchand, our Head of Corporate & Transactional Pro Bono, learned through her connections in the pro bono counsel community that the Furniture Bank was looking for assistance on a potential strategic alliance. We first connected with the Furniture Bank's founder and executive director, Ray Piontek, in April of 2022. After a long and successful business career, Ray, in his retirement years, created the Furniture Bank and made it his personal mission to supply people in need with furnishings to turn their new houses into homes. Ray, at age 79, was still doing much of the day-to-day work himself. He and his board were looking to partner with another organization that could help sustain the Furniture Bank and its mission as Ray sought to transition away from the grind of running daily operations.

What did our work for the Furniture Bank entail?

Harshil: Ray and the Furniture Bank's board had decided to expand and formalize the group's existing relationship with Abode Services, a larger nonprofit fighting homelessness and providing homes for the unhoused. As on a billable M&A matter, we first did diligence work to understand the two organizations. We were involved in meetings with both boards and conversations in which the leaders of both groups talked about their goals for the partnership. After drafting and securing agreement on a preliminary term sheet, we moved on to drafting the strategic alliance agreement and other ancillary agreements. We got to be not only legal counsel but strategic advisers that the Furniture Bank board really relied on.

Henry, what specifically did you work on for the Furniture Bank?

Henry: I helped a lot with drafting the strategic alliance agreement. Arrangements of this nature are not formed very often, so I did a lot of it from scratch and by adapting elements of other agreements. I also helped revise the Furniture Bank's governing documents. In meetings with the Furniture Bank's board, I helped explain complex legal language and structures to nonlawyers.

What has been most meaningful to you about our work for the Furniture Bank?

Harshil: A couple of months into our work, we learned that Ray was very sick and realized that this was driving the need to solidify the Furniture Bank's future. He continued to be very involved in the project and, thankfully, got to see that we were almost at the finish line before he died in October 2022.

The work became quite personal for our team because we knew how much this meant to Ray. There was so much on the line for Ray's legacy, as well as for individuals and families in need.

Henry: In addition, the homelessness crisis in the Bay Area is catastrophic – it's among the worst in the country. Against this dire backdrop, the impact of the Furniture Bank's work is so tangible. It was rewarding to help ensure this life-changing aid will continue to be available to people who need it for years to come. And hearing from the board how much they appreciated our help was really satisfying.

Were there other Davis Polk lawyers who worked on this project?

Harshil: In addition to Nancy, Henry and me, the team included partners Stephen Salmon (Corporate, Northern California), Mario Verdolini (Tax, New York) and Kyoko Takahashi Lin (Executive Compensation, New York), associate Sheryl Bohan (Executive Compensation, New York), and 2022 summer associates Jared Madnick and Michael Allen Nakamura.

What should law students and other associates know about pro bono work at Davis Polk?

Henry: Pro bono work is a really fantastic way to hone your legal skills and develop new ones. As an associate in my first and second years, I got to do bespoke drafting, which was a confidence builder. And you can get a lot of client contact on a pro bono matter. As we were finalizing the strategic alliance, the Furniture Bank's board chair, Richard Gross, called me directly on multiple occasions to talk through issues and provisions. It was really nice to have that rapport.

In memory of Ray Piontek (1942-2022), founder of the Bay Area Furniture Bank

Photo: Silicon Valley Voice



Gun violence in the United States has reached a crisis point.

The United States has the most guns (393 million) of any comparable nation. Americans are 26 times more likely to be killed in a gun homicide than people in other high-income countries.* At the time that this publication went to print, there had been nearly twice as many mass shootings in the United States as there were days passed in 2023.

As gun violence continues to rise, Davis Polk is joining forces with organizations working to end preventable loss of life through legal action. Here are several of our efforts:

**Everytown Research*



***NY State Rifle & Pistol Association, Inc. v. Bruen* amicus brief**

Following the constitutional challenge to New York State's 1911 Sullivan Act, which required individuals seeking a concealed carry license to show "proper cause" or a special need in their application, a team of Davis Polk lawyers, led by Civil Litigation partner Tony Perez-Marques, filed an amicus brief to the U.S. Supreme Court on behalf of Prosecutors Against Gun Violence (PAGV) supporting the respondent in *NY State Rifle & Pistol Association, Inc. v. Bruen*.

Our brief's central argument was that from the perspective of law enforcement and, more specifically, prosecutors, it is critically important that states and localities be able to determine gun licensing requirements that reflect their unique needs and public safety challenges, which vary widely nationwide based on geography, population, culture and tradition. The brief argued that taking this discretion away disregards the will of the people who elect decision makers they trust with their own safety.

In consultation with subject matter experts and through deep research, Davis Polk and PAGV expanded on this argument by outlining the impact that eliminating discretion in carry licensing would cause to New York's public safety; the likely outcomes included an increase in violent encounters between civilians and law enforcement officials, partly due to the greater likelihood that both parties are armed. Research has shown that these encounters disproportionately harm communities of color – Black Americans are killed in police encounters more than twice as often as White Americans.*

Despite these efforts and an outpouring of opposition from organizations like PAGV, the U.S. Supreme Court, in a 6-3 decision, ruled in favor of the petitioners in the 2022 landmark decision that an individual's ability to carry a handgun in public is a constitutional right under the Second Amendment.

With this decision, the Court also changed the standard by which lower courts interpret the Second Amendment and evaluate gun safety laws – it eliminated consideration of the government's interest in public safety and the effectiveness of challenged laws, and instead placed sole focus on the history and "American tradition" of gun regulations.

*1. Police Shootings Database, *Washington Post* 2. Homicide Firearm Report, Chicago Police Department 3. Michael Siegel, *The Impact of State-Level Firearms Laws on Homicide Rates by Race/Ethnicity* 4. U.S. Dept. of Justice, Office of Justice Programs





Colorado restrictions on assault weapons and large capacity magazines

On the heels of the *Bruen* decision, efforts to stop gun violence across the country are facing a wave of new challenges from gun rights advocate groups. One such case has been brought by Rocky Mountain Gun Owners, the National Association for Gun Rights and several individual plaintiffs against four local governments in Colorado that implemented their own gun violence prevention ordinances. Colorado's local governments have been enacting gun regulations more restrictive than the state's since 2021, when a law preventing ordinances of this nature was repealed in immediate response to a Boulder supermarket shooting that killed 10 people.

Everytown for Gun Safety, the Free + Fair Litigation Group (founded by Davis Polk alum Carey Dunne) and Davis Polk have teamed up to fight this suit, representing the town of Superior, the city of Louisville, the city of Boulder and Boulder County, which all passed restrictions on the ownership and sale of "assault weapons" and "large capacity magazines." The "assault weapons" provisions restrict certain features and accessories of semi-automatic weapons, such as flash suppressors, barrel shrouds, folding stocks, and grips. The "large capacity magazines" provisions restrict magazines with a capacity to hold more than 10 rounds. Plaintiffs allege that these ordinances infringe on their Second Amendment rights.

For this case, Davis Polk and co-counsel have submitted a significant number of supporting reports from experts who are prepared to testify should a trial occur. The reports cover a range of relevant topics, including the history of firearm regulations in the United States, the history and evolution of mass shooting events throughout the country, and medical evidence regarding the uniquely destructive nature of assault weapons and large capacity magazines.

As states and municipalities nationwide continue their fight to enact and uphold life-saving gun reform post-*Bruen*, this suit is one of many similar conflicts playing out right now.

Amicus brief on violent police misconduct

On behalf of the Giffords Law Center, Davis Polk submitted an amicus brief to the Second Circuit Court of Appeals in support of James Cerisier, the plaintiff in *Cerisier v. City of New York*, in a Section 1983 claim. This suit follows an incident in 2019 when Cerisier, a Black man who lives and works in New York City, was driving to work on the Brooklyn-Queens Expressway (BQE) when he was waved down by a New York Police Department officer for a minor infraction while switching lanes. Cerisier alleges that while he navigated dense morning rush hour traffic to pull over his car, the officer drew his loaded gun and pointed it directly at him in the middle of the crowded expressway. Even after Cerisier opened his hands on the steering wheel to show that he was unarmed, the officer continued to point his gun for several minutes while shouting at Cerisier to "move it!" Once on the shoulder of the road, Cerisier alleges that the officer noticed his Department of Education parking permit on the dashboard and only then lowered his gun. The officer never clarified why he had pulled his gun out other than to say, "you see what you see on TV," and quickly drove away without an apology and without issuing Cerisier a ticket, summons or verbal warning.

Cerisier's initial suit in 2019 was denied by the Eastern District Court, which granted the police officer qualified immunity. In order for Cerisier's claim to proceed, he must demonstrate that what he experienced was an unconstitutional level of excessive force which any reasonable officer should have recognized as a violation. In response to the lower court's assessment that brandishing a firearm alone is not "serious" enough to trigger constitutional scrutiny, our amicus brief highlights the unique perspective that Giffords can offer through their specialized research regarding just how seriously violent police misconduct harms the communities where it occurs, particularly in communities of color. As we stated in the brief, "the research is clear: localities that experience higher rates of police misconduct, and significantly higher rates of unjustified police violence toward civilians, suffer from higher rates of gun violence."

Our hope is that as this matter proceeds in the Second Circuit, Giffords' ground-breaking research in this area will provide useful context as to the true unseen harm incidents such as this inflict.

The Pinnock sisters

Four sisters secure green cards after escaping their abusive father

In 2021, Davis Polk was referred by The Door, a youth services organization, to the Pinnock family's case – four sisters had escaped their abusive father by fleeing to the United States. In order to stay and move on to a new, brighter chapter of their lives, they needed help securing green cards.

In their home country of Jamaica, the Pinnock sisters, who are now in their teens and early twenties, had been physically and verbally abused by their father. They also lived in a dangerous part of the country that restricted their ability to move about, making it even more difficult for them to avoid abuse. To protect the physical, emotional and mental well-being of her daughters, their mother knew they had to leave. Together, they left Jamaica and sought safety and stability in the Bronx, New York.

Once here, a team of Davis Polk lawyers worked with the sisters to secure them Special Immigrant Juvenile Status (SIJS), which provides minors who have been abused, neglected or abandoned by one or both parents and are currently living in the U.S. with a special expedited process to apply for legal status.

SIJS cases are unique in that they start in family court where minors apply for a special findings order that, if granted by a judge, declares their eligibility for SIJS. This order allows the minors to then apply for SIJS with the United States Citizenship and Immigration Services.



“In my role at Davis Polk, I have the ability to affect change through my pro bono work, and I look forward to continuing to support immigrant families.”

– Edwin Paillant
Associate, Mergers & Acquisitions

While applying for SIJS in the Bronx County Family Court, the eldest daughter testified about the abuse she and her sisters endured at the hands of their father. The judge did not ask the younger daughters to provide detailed testimonies in an effort to alleviate as much pain as possible from the process. In the end, the girls were awarded their special findings order, and the judge commended the girls and their mother on their strength and composure in the courtroom.

Edwin Paillant, a second-year Mergers & Acquisitions associate, played an instrumental role in the sisters' case. He interviewed the family, prepared court documents, filed immigration paperwork and served as advocate throughout the process, constantly working to minimize potential re-traumatization along the way. After much time spent with the sisters, Edwin was impressed by their strong positive spirit and perseverance throughout the process. “The girls are full of positive energy, in spite of the circumstances they endured,” he said. “They are outgoing, happy, optimistic and focused on the future, and their mother works tirelessly to ensure the best interests of her daughters.”

Today, three of the sisters have their green cards, and the family anticipates that the fourth will arrive shortly. Edwin continues to check in periodically with the Pinnocks while they await the final green card, which has been delayed due to a backlog. All four will be eligible to apply for citizenship in five years. Finally safe in the U.S., they are happily moving on with their new lives, pursuing their education and working toward their goals – one sister joined the Army, another is in college, one just graduated from high school and the youngest will be in eleventh grade come September.

This case is one of many that reflects Davis Polk's long-term commitment to representing vulnerable children. Edwin looks forward to continuing work on similar immigration matters and hopes to make this a career-long effort. He is currently representing a minor from Colombia in another SIJS case.

“As the child of immigrants, I want to give back and help other families,” Edwin said. “I believe that no one should be denied access to a better life. In my role at Davis Polk, I have the ability to affect change through my pro bono work, and I look forward to continuing to support immigrant families.”

Last spring, the Brooklyn Debate League, which provides accessible speech and debate programs to students in New York City public schools, experienced a sudden new gust of wind under its wings – a viral feature on the popular social media accounts of “Humans of New York.”

Brooklyn Debate League

The post highlighted Jonathan Conyers, a New Yorker from a troubled upbringing, who credits his high school debate coach with helping him turn his life around. He shared that his coach, known as “DiCo,” went on to found the rapidly growing League with the goal of helping even more students like him, but the organization was struggling financially and due to run out of funds in the near future. The post revealed that DiCo had even contributed large sums from his own savings to ensure that students would not be turned away from debate activities because of inability to pay. Seemingly overnight, a GoFundMe fundraising page linked to the post garnered more than \$1.3 million in donations to the League and national media attention.

After seeing the story, Davis Polk Restructuring partner Angela Libby reached out to the League and asked if they needed help. Today, the Brooklyn Debate League is a Davis Polk pro bono client, and lawyers across the firm are regularly involved in supporting the organization with corporate governance, employment and IP advisory services.

To address the sudden influx of new money, the Brooklyn Debate League incorporated, a change that brought with it a host of new requirements and strategic decisions, with which DiCo was largely unfamiliar. “When the Humans of New York post went viral, we were not a legal entity – we weren’t organized, there was no full-time staff. Suddenly, we could expand and turn this organization and our impact into what we had dreamed of,” DiCo explained. “Our friends at Davis Polk went out of their way to talk to me, answer all of my questions and give me advice. This was my first time running a nonprofit – I didn’t have any experience with the legal documentation necessary, or everything we would need to do to establish ourselves and then stay in compliance once we were up and running.”

Our corporate governance lawyers determined that, under New York nonprofit law, the new corporation’s dramatic overnight increase in valuation exposed it to a range of audit and procedural requirements. We assisted the League in identifying and navigating the relevant regulations and establishing the necessary committees and internal processes to ensure compliance, including drafting an investment policy and a charter for the League’s audit committee.

Members of the newly appointed board of directors ranged from experienced nonprofit board members to first-timers; our corporate governance work culminated in training this group on nonprofit corporate governance topics including New York state rules, fiduciary duties and practical considerations for board committees.

The next step was to formally transition from the inaugural board to the first full board of directors, which, per the League’s bylaws, was to be instituted in two staggered classes to ensure continuity. In order to facilitate the transition and address logistical complications that could potentially cause the board to fall below its required membership, our corporate governance lawyers devised a two-step process: first, the members of the old board would sign a Unanimous Written Consent and the non-continuing directors would concurrently tender their resignations by signing Letters of Resignation that we prepared. Second, the newly appointed board, at their first meeting, would adopt a set of resolutions that we drafted which appointed specific directors to two staggered classes.

DiCo, now Executive Director of the League, also asked for our assistance in drafting a waiver ensuring that the League would own the rights to materials its coaches create on a freelance



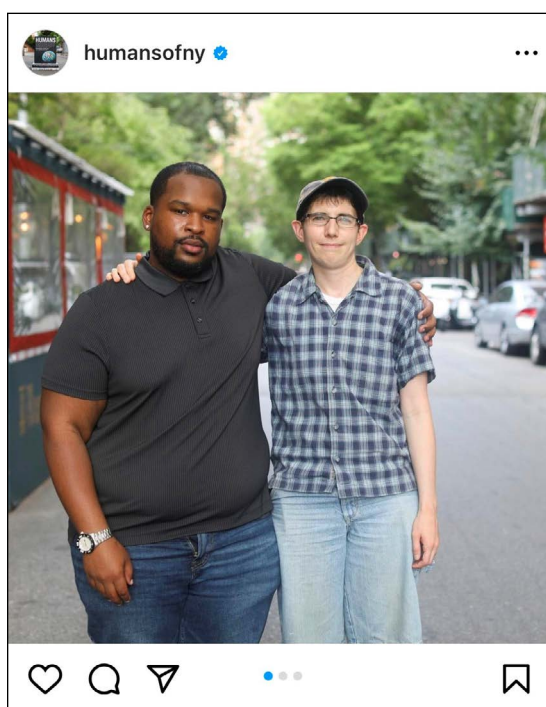
“The way that we’ve been able to expand our impact has been incredible, and we’re still growing.”

– K.M. DiColandrea “DiCo”
Founder & Executive Director, Brooklyn Debate League

basis, including handouts, articles, sample cases, research packets and slide decks. While addressing DiCo’s request, our intellectual property lawyers found out that the League’s coaches were not engaged pursuant to any formal employment or independent contractor agreements with the League. To create a framework for clarifying the terms of the coaches’ employment or service, our employment lawyers drafted forms of engagement letters to be used for both employees and independent contractors, and our IP lawyers drafted IP and confidentiality exhibits to the engagement letters to ensure that the League owns all rights to the materials created by the coaches.

Today, the Brooklyn Debate League is flourishing and rapidly growing. Before the influx of donations, the League was mainly operating virtually; now they have expanded to offer in-person programs, have started speech and debate teams at six New York City schools and are even running a summer camp where 80% of participants are on full or near-full scholarships.

Our corporate governance lawyers continue to work closely with the League’s board of directors, who have come to rely on us in an advisory capacity to provide advice on the board’s policies, forming its initial committees and getting the new board up and running. Of our ongoing relationship, DiCo said, “it’s been unbelievably helpful to have the folks at Davis Polk on hand – whenever something comes up and I don’t know what to do, they are the first people I call.”



Jonathan Conyers and K.M. DiColandrea “DiCo” photographed by Brandon Stanton in the viral Humans of New York post on Instagram.



Win in New York Court of Appeals on issue of first impression

Davis Polk's busy pro bono active appeals practice is powered in part by our training program for mid-level litigation associates. With oversight from a partner or senior member of the Pro Bono team, participants take on leading roles in matters on appeal, regularly working in the New York Appellate Courts and the U.S. Courts of Appeal in circuits around the country.

One recent success to come out of the program happened this spring; in *People v. Oscar Sanders*, Davis Polk, with support from the Legal Aid Society, secured a victory on behalf of Mr. Sanders, who was serving a sentence of 15 years to life in prison. On February 9, 2023, the New York Court of Appeals reversed a judgement by the New York Supreme Court Appellate Division and ordered a new trial. White Collar Defense & Investigations associate Chase McReynolds had argued the appeal before the Court of Appeals – New York's highest court – in January.

In what the team understands to be an issue of first impression nationwide, an opinion written by Judge Rivera held that the trial court violated Mr. Sanders' due process rights by restraining him without formal explanation when the

jury announced its verdict and was polled – even though this process takes mere minutes. In addition to securing a new trial for our client, the decision reaffirms the longstanding constitutional prohibition against shackling criminal defendants during the guilt phase of trial in the absence of a special need and for the first time expressly applies that prohibition to the verdict reading and jury polling.

Given that New York is far from the only jurisdiction where a verdict is not final until after the jury has been polled, and that the Federal Rules of Criminal Procedure also state that the court may direct further deliberations or declare a mistrial following a lack of unanimity at jury polling, this decision has the potential to impact verdict announcement practices in courtrooms across the country.

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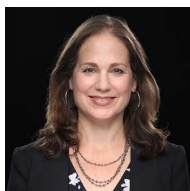
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