

Davis Polk

Pro Bono Matters

2022

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
2022**

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Highlights



A note from Chief Pro Bono Counsel Amelia T.R. Starr

Welcome! After 25+ years at Davis Polk, most of it spent as a litigation partner, it's an honor to now serve as leader of the firm's rapidly growing Pro Bono practice.

My predecessor, Sharon Katz, established our team as a mighty force within the firm and among our industry peers over the course of her 12-year tenure—I'm thrilled to continue this legacy. In the past year, we've expanded our staff and diversified the practice's reach even more; I'm excited to tell you about it.

The past several years have been challenging for our society in many respects—individuals and small businesses struggled through the COVID pandemic, we've borne witness to horrific assaults driven by racial hatred and xenophobia, gun violence across the country is rapidly worsening, political turmoil, wars and humanitarian crimes are creating growing refugee populations in dire need of assistance, and reproductive rights are under attack. In response to these circumstances, Davis Polk's lawyers have continued to show up in greater numbers and demonstrate an ever-growing appetite for pro bono work—a tireless commitment to helping more people, from all walks of life, both close to home and across oceans. It never ceases to inspire me.

To accommodate this demand for more pro bono work, we've doubled our staff of full-time pro bono lawyers and assistants who support and supervise our practice. Two new lawyers, Jillian Berman and Harshil Shukla, joined Nancy Marchand on the Corporate & Transactional side, bringing valuable experience in corporate governance and policy, M&A and finance. This group is now one of the largest of its kind among our peer firms; many of New York's most impactful nonprofits call us first when they need support on corporate projects.

We have also enhanced our dedicated litigation team, consisting of Dara Sheinfeld and Diane Lucas, with the addition of Nishan Bhaumik, our first Pro Bono Attorney for Humanitarian Immigration Matters. Nishan brings years of experience to our long-established immigration practice, and he hit the ground running this past August—his first day was at the height of the mass evacuation of Afghanistan as the Taliban took control. Since then, we've been actively involved in supporting Afghan refugees, including New York Times journalists, young female university students, and many, many families.

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. I hope you also notice how encouraged and supported this work is from the top down. Lawyers from all practices become involved in pro bono quite early in their legal careers, and many carry on a commitment to giving back for years to come.

In the year ahead, we will continue to be at the forefront of some of the nation's and the world's most pressing issues, including anti-gun violence efforts in partnership with Everytown for Gun Safety and protection of voting rights in partnership with the Lawyer's Committee for Civil Rights Under Law. By this time next year, I look forward to giving an update on the impactful work we have planned with those organizations, among the many others we will be supporting.

In the meantime, 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



Photo: Ajay Suresh

Brooklyn Public Library

Over the past year, Davis Polk has worked closely with the Brooklyn Public Library as it expands its community reach with the establishment of an innovative cultural hub, the L10 Arts and Cultural Center, set to open in Fort Greene, Brooklyn. In addition to a new library branch, the space will house outposts for four other prominent Brooklyn public institutions, offering gallery and performance space, cinemas and rehearsal studios.

Restructuring partner Adam Shpeen has led our advisory work for the Library regarding its partnerships with Brooklyn Academy of Music, the Museum of Contemporary African Diasporan Arts and 651 ARTS. We advised the Library on real estate and corporate governance matters, such as the negotiation and establishment of an operating agreement with the other institutions, which governs how they will use the space as well as share common costs and building services.

Adam also developed a close relationship with the Library's General Counsel, Chloe Wasserman, who has involved the Davis Polk team in additional projects, including the review of an investment management agreement.

“I find it rewarding to help a local organization that I walk past daily.”

– Adam Shpeen
Partner, Restructuring



Among the lawyers on this team are a first, second and fourth-year associate. “Working on pro bono matters, and with the Brooklyn Public Library in particular, has been an invaluable training experience,” second-year Restructuring associate Kate Somers said. “As a junior associate, I’ve especially appreciated the opportunity to develop my corporate drafting skills, to actively participate on calls with the client and with the other legal teams involved, and to work collaboratively with the Davis Polk team. Aside from the fantastic skill development it provides, pro bono work has also been extremely rewarding. These engagements, whether they’re large-scale projects like the L10 Center or pro bono clinics that last a few hours, have a very real, very positive impact.”

We will continue to foster this community relationship with the Brooklyn Public Library, with the hope of becoming a go-to adviser and resource for its many legal needs in the realms of real estate, corporate governance, employee matters, IP, tax and beyond.

Regarding his work with the Library, Adam said, “I live in Brooklyn and have three young kids who use the Library’s services. I feel a sense of attachment to the institution and find it rewarding to help a local organization that I walk past daily.”

Pro Bono Awards

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

These individuals and teams unflinchingly met demanding challenges, consistently demonstrating 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 has made charitable donations to nonprofits chosen by the individual honorees or associated with the work of the four teams we are recognizing.

Individual honorees

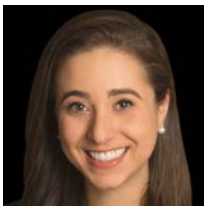


Luca Marzorati
Associate, Civil Litigation

Luca has represented and secured the release of clients in immigration detention and worked on substantive immigration applications, petitions and appeals. He is currently working on a RICO case, for which he is assisting in the defense of a young alleged co-conspirator in collaboration with the Federal Defenders of New York.



Luca directed the firm's donation to the Youth Justice Network, which works to break cycles of incarceration and build an equitable justice system by providing young people with individualized advocacy, mentorship, and opportunities to grow, thrive and lead.

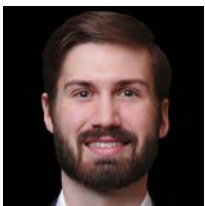


Stephanie Mazursky
Associate, Litigation

Stephanie has worked for more than a year on behalf of an incarcerated woman to petition for a sentence reduction under New York's Domestic Violence Survivors Justice Act. She was also involved in a custody and visitation trial in family court that resulted in a settlement and victory on behalf of our client.



Stephanie directed the firm's donation to the Sanctuary for Families, New York's leading service provider and advocate for survivors of domestic violence, sex trafficking, and related forms of gender violence.



Chase McReynolds
Associate, White Collar Defense & Investigations

Chase is a member of a team working on a major Louisiana state case about indigent defense funding, for which he has engaged in all aspects of this procedurally and substantively complex litigation. He also participated in an investigation into a hate crime committed against an Asian-American client. Most recently, after assisting with the briefing on a criminal appeal that was denied by the New York State Appellate Division, First Department, he successfully argued for leave to appeal to the New York State Court of Appeals.



Chase directed the firm's donation to the Legal Aid Society, which works throughout New York City to ensure that everyone has access to justice. The Society's expert teams practice in nearly every area of law that impacts New Yorkers.

Team honorees

Hague Convention litigation team

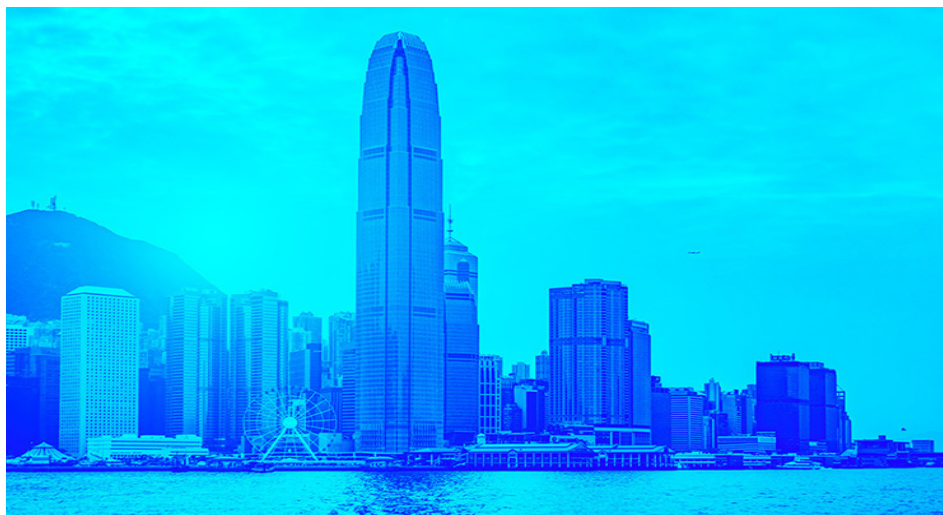
In this Hague Convention litigation in the Eastern District, a team of litigation and corporate associates represented a domestic violence victim who fled Trinidad to escape an abusive relationship and protect her child.

Through a remote trial and extensive briefing, the team successfully established defenses to the Hague statute's default of returning a child to their home country. This ruling, allowing the child to stay in New York, was later reaffirmed after the team prevailed against a motion to reconsider. This was not only a victory for our client, but created helpful precedent that will benefit other victims of domestic violence in the future.

Hong Kong non-refoulement matters team

The Hong Kong office has for many years worked closely with the Justice Centre Hong Kong to provide representation to dozens of individuals and families seeking safety in Hong Kong.

In its most recent matters, teams from the office have aided a family from Rwanda and an individual from Somalia, ensuring that they will not be returned to their countries of origin or be subject to continued persecution. The office has also recently obtained damages for a client from Ethiopia for whom such non-refoulement relief was previously granted.





Start Small Think Big entrepreneur clinic team

This team has provided legal assistance to under-resourced small business owners from marginalized communities as part of our new and ongoing Entrepreneur Advising Clinic, sponsored by the nonprofit Start Small Think Big.

Lawyers from our corporate practices, including IP & Tech Transactions and Mergers & Acquisitions provided consultations on topics such as online privacy policies and terms of use, business contracts and entity formation. Through this work, our lawyers have made significant contributions to the economic development of New York City communities by helping small business owners who would otherwise lack access to legal advice.

Jim Crow Juries Project

The Jim Crow Juries Project has been developed with the assistance of the Promise of Justice Initiative (PJI), a racial justice project in Louisiana focused most recently on obtaining relief for people serving prison sentences based upon convictions by non-unanimous juries.

Our work stemmed from a U.S. Supreme Court decision that found convictions by non-unanimous juries to be unconstitutional. Because the Supreme Court later held that this decision did not apply retroactively under federal law, most of Davis Polk's current work with PJI focuses on seeking relief under Louisiana state law. To date, two Davis Polk clients have been released from prison.

Council for Black Business Enterprises



Harshil Shukla



Amber Leary

While many people think of pro bono work as being primarily litigation-focused, Davis Polk is proud to have a strong and growing program of corporate and transactional pro bono work serving nonprofits, small businesses and other clients. One exciting project has been our assistance to a new nonprofit, the Council for Black Business Enterprises (CBBE). We recently spoke to Harshil Shukla, Pro Bono Attorney for Corporate & Transactional Matters, and Amber Leary, a third-year Restructuring associate, about this work.

Tell us about CBBE – its mission and the services it offers to Black-owned businesses.

Harshil:

Starting in early 2020, CBBE's founder Danielle Douglas, a Black woman and owner of a consulting firm in New York City, brought together an amazing group of leaders in the local Black business community to address the systemic disparities Black-owned businesses face in securing access to capital and opportunities. The effort took on particular urgency during the COVID pandemic, which hit marginalized communities especially hard. The group's programs include mentoring, networking and education, with a particular focus on capacity building and helping community members gain access to and succeed in securing contracting opportunities.

How did our lawyers get involved with CBBE?

Harshil:

CBBE board member Valerie White, the Senior Executive Director of nonprofit Local Initiatives Support Corporation (LISC) NYC, knew Diane Lucas, our Pro Bono Counsel for Racial Justice Initiatives, and suggested Davis Polk work with CBBE to help the group get off the ground. We jumped at the opportunity because we really believe in the mission. This work connects with several strands of our pro bono program: our ongoing commitment to racial justice work, COVID-related assistance, and expanding our transactional and corporate pro bono practice.

What types of work have we done for CBBE?

Harshil:

We helped CBBE incorporate as a Delaware nonprofit, which included drafting its bespoke organizational documents, and file its pending application with the IRS for tax-exempt status. Davis Polk lawyers attend nearly every board meeting and have recommended, drafted and helped implement a variety of policies and procedures, including on conflicts of interest, document retention and social media use. We also continue to help CBBE navigate the numerous requirements placed on nonprofits by state and local governments. Our efforts have put CBBE on firm footing from a legal and compliance standpoint, so it runs smoothly and can focus on its mission and services.

Amber, what specifically have you worked on for CBBE?

Amber:

Among other work, I drafted CBBE's gift acceptance policy, which is an important corporate governance document for any nonprofit. I personally presented it to the board at their March meeting, answering their questions and discussing possible revisions. The policy was discussed again and subsequently adopted in May.

What other lawyers have worked on this project?

Harshil:

The team is led by senior counsel and former Mergers & Acquisitions partner John Bick and Tax partner Mario Verdolini. Other members include Nancy Marchand, counsel and Head of Corporate & Transactional Pro Bono, and associates Benjamin Helfgott (Tax), Steven Jaffe (M&A), Shua Mermelstein (Real Estate), Ben Silver (Tax) and SEO Law Fellow Karina Mendez.

What has been most meaningful to you about our work for CBBE?

Harshil:

We have been intimately involved with CBBE and Danielle looks to us as a trusted adviser. It's been really rewarding to see the organization grow and find ways to help at every stage. With the strong foundation we have established, CBBE has been able to move forward with its programming, including two educational networking events – on capital raising and business opportunities – so far this year.

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

Amber:

There is such a strong emphasis on pro bono work from attorneys at all levels of the firm. As a more junior attorney, pro bono provides a great opportunity to take on a leadership role. I've taken advantage of the chance to work on a variety of pro bono projects, both litigation and now corporate; it's been a great way to try my hand at something different and learn something new.



Photo: Shekib Rahmani, Associated Press

Afghanistan

As the United States withdrew forces last August in the final days of the 2001-2021 Afghanistan War, the Taliban swiftly seized control over the capital city of Kabul and the rest of the country. Allied troops were left to secure the only exit out—Kabul Airport—as they scrambled to evacuate their own citizens and personnel. As allied troops departed, the Taliban began to gain control of the airport, attacking and firing upon the hundreds of thousands of Afghan people desperately trying to get on any plane out of Afghanistan, risking their lives and separation from their families to seek refuge in unknown destinations.

Almost a year later, Davis Polk remains deeply involved in a multitude of efforts to aid refugees of this crisis. These are several of them:



Former associate Nicholas Saady plays soccer with refugees at Marine Corps Base Quantico.

Afghan refugee camps at Marine Corps Base Quantico

As the U.S. military withdrew from Afghanistan, they hurriedly evacuated nearly 100,000 people from Kabul Airport on military planes, delivering them to the United States where, in this chaotic and unprecedented situation, they were held at makeshift camps on select military bases. Marine Corps Base Quantico in Quantico, Virginia, was home to one of the largest camps, housing approximately 2,000 refugees at its peak occupancy. At these bases, refugees waited to be processed by the U.S. government and receive assistance from resettlement agencies, but neither the military nor the resettlement agencies were equipped to adequately handle this rapid influx of refugees. Quite quickly, private citizens and companies were called upon to help serve the refugee populations at each camp.

Between September and December 2021, in partnership with immigrant rights groups, Davis Polk lawyers and pro bono staff repeatedly traveled to Quantico to meet with Afghan refugees and answer their many questions, host large-scale legal orientation presentations, provide trainings to other volunteers, and directly assist individuals with their refugee and asylum applications. The camps were comprised of simple canvas tent structures hastily constructed without running water or access to computers or printers. Refugees were cramped in tent-like barracks and had limited resources and information about their situation. Many lacked the ability to complete any legal applications in English. After several visits, volunteers were able to secure computers, printers, and immigration applications with their translated versions to assist the Afghan refugees. Over the course of three months, Davis Polk directly assisted over 100 refugees housed at Quantico and provided general legal orientation to hundreds more.

The New York Times Afghan Asylum Project

Amid the Taliban's violent and chaotic takeover of Afghanistan, the New York Times swiftly and strategically evacuated their entire Kabul bureau staff out of the country, protecting them from the terrorist group's methodical and targeted executions of journalists. As a leader in western media, the Times and its employees had been at significantly heightened risk even before the Taliban's takeover, regularly receiving direct threats that put even those associated with them in danger. After a harrowing escape from Kabul, the staff and their families safely made it to the United States where they were immediately provided support.

The New York Times Afghan Asylum Project was established to aid this group of refugees in securing asylum in the United States. Davis Polk is proud to be one of the central firms in what is now regarded as a model coordinated rapid-response project; it's been made possible with guidance from a New York Times immigration consultant, expertise from the Cabrini Center at Catholic Charities of Houston, and commitment from several other law firms. The collaboration across many of our offices has made this effort even more exciting—lawyers participating in this project are located in New York, Northern California, Washington DC, London, Madrid, Hong Kong and Tokyo.

Diplomats to the former Islamic Republic of Afghanistan

A team of Davis Polk lawyers in New York, Washington DC and Hong Kong are collaborating with Human Rights First to aid diplomats to the former democratic Islamic Republic of Afghanistan's mission in the United States. These individuals have been put in a uniquely precarious position—as recent representatives of the democratic, U.S.-supported Afghan government, Afghan diplomats in the United States were powerless to stop the rapid Taliban coup in Afghanistan and found themselves suddenly without a legitimate government to represent.

Without a government-in-exile, and without legitimacy granted to the Taliban, Afghan diplomats were caught in a diplomatic grey area, unable to represent the democratic government, and unwilling to represent the Taliban. As a result, they risk being declared *personae non gratae* by the U.S. government, which would revoke their diplomatic status and trigger their expulsion to Afghanistan, where the Taliban has threatened to execute them upon arrival. Davis Polk is representing these Afghan diplomats with consideration for political asylum and special programs for diplomatic defection.

Photo: Air Mobility Command Public Affairs



Persecuted LGBTQ+ individuals in need of asylum

In nearly 80 countries, LGBTQ+ people are criminalized by law or live with the constant fear of extreme violence and even death.

In many of these countries, LGBTQ+ people not only fear vigilante violence, but also legal consequences like incarceration, involuntary mental health institutionalization, involuntary castration and the death penalty. We partner with legal services organizations including Immigration Equality and Human Rights First to represent LGBTQ+ refugees seeking sanctuary in the United States.

We recently won asylum for a bisexual political activist from Egypt involved with the Arab Spring, who had been targeted by the government's anti-LGBTQ "debauchery" laws. We are currently representing a gay man from Kenya who was arrested for the crime of "homosexuality" and was almost burned alive by a vigilante group. Recently, we've hosted two LGBTQ+ asylum clinics and assisted over a dozen LGBTQ+ clients from El Salvador, Guatemala, Honduras, Haiti, Cuba, Jamaica, Ecuador, Nigeria, Burkina Faso, Ghana, Kenya, Syria, Egypt and Russia. More than 70 of our lawyers have been involved in this work.





Refugees from Ukraine

We have been working with partner organizations to closely monitor the humanitarian emergency resulting from the war in Ukraine.

Ukrainian citizens who have fled the war and have arrived in the United States are eligible for legal protections. In July, we held two clinics to provide legal assistance to Ukrainian refugees in the United States. We hosted a virtual clinic in partnership with New York Legal Assistance Group and client Bank of America, and we hosted an in-person clinic at the Jewish Community House of Bensonhurst, Brooklyn, a vibrant hub for Ukrainians in New York City. We will continue to monitor the refugee situation both in the United States and in Europe and may offer additional programs to support Ukrainian refugees.

A single mother wrongfully imprisoned for 15 years is exonerated

In 2011, Davis Polk began its representation of Nancy Smith, a Head Start school bus driver who was wrongfully convicted in 1994 of sexually abusing preschool students who rode her bus. Nancy, a single mother of four, was sentenced to 30-90 years in prison, leaving her children to grow up without her.

Nancy's conviction – for multiple counts of rape, attempted rape and gross sexual imposition – was part of a sensationalist wave of “day care sex abuse” cases that swept across the United States in the 1980s and early 1990s. The case was instigated by a Lorain County, Ohio, parent who had created hysteria in her community in the midst of nationwide panic about fantastical accusations concerning ritual sex abuse that targeted young children. Through communications with the press and efforts to influence other parents and their children to make accusations, the fear she sparked led to a witch hunt. Nancy and her co-defendant were ultimately convicted in the absence of any physical

evidence that the children involved in this case had ever been abused, let alone in the manner alleged. Nancy's appeals and efforts to obtain post-conviction relief were unsuccessful, and her attorney at the time failed to file a timely habeas corpus petition in federal court.

Fourteen years later, an unusual procedural defect in her sentencing order led to another review of Nancy's case, including evidence never presented to the jury that convicted her. Upon this second look, the reviewing judge acquitted Nancy and her co-defendant, releasing them both from prison in 2009.

Nancy Smith

We became involved in Nancy's case through the Ohio Innocence Project and not long thereafter, the Ohio Supreme Court ruled in 2011 that the judge who acquitted her did not have jurisdiction to do so. The ruling meant that she would need to complete the remaining 15-75 years of her prison sentence, yet no action was taken to schedule a resentencing hearing or re-incarcerate her. Nancy was left in limbo – she continued to rebuild her life at home despite the ever-present threat of being returned to prison.

As we worked to resolve the case, Nancy's plight gained national attention and was featured on NBC's Dateline and CNN's Anderson Cooper 360°. We filed an application with the Governor of Ohio for commutation of her sentence or pardon. The then-Lorain County Prosecutor supported a commutation of Nancy's sentence.

In 2013, while we waited for action from the Governor, the Ohio Supreme Court, pursuant to its 2011 directive, assigned the matter to a new judge and mandated that Nancy return to prison. However, we moved for a new trial and reached an agreement with the Lorain County District Attorney that ensured Nancy would never return to prison. She also would not have to register as a sex offender, and could continue to pursue her application for a pardon. But, she remained a convicted felon.

The guilty verdicts against Nancy had always been and remained notoriously controversial. The current Lorain County District Attorney, J.D. Tomlinson, even campaigned on a pledge to reinvestigate the case. This year, Nancy finally received some justice. On February 25, 2022 the court granted motions for a new trial that had been filed by the Ohio

Innocence Project. The motions were based upon newly discovered evidence; the parent who had instigated the action against Nancy nearly 30 years ago is now engaged in a similar pattern of behavior targeting a member of her own family. Additionally, significant flaws in the original investigation were revealed in light of the advancements made since 1994 in techniques for properly interviewing children and investigating sex crimes against them. Once the new trial was granted, the District Attorney announced he would not seek to retry the defendants because his investigation had concluded—as Nancy had always proclaimed—she was innocent. In fact, no crime had ever been committed. All of the charges against Nancy Smith and her co-defendant were dismissed.

Many members of the Davis Polk community worked on Nancy's case over the last 11 years. Among the leaders of this effort was Sharon Katz, senior counsel and former Special Counsel for Pro Bono.



Sharon Katz and Nancy Smith

“I am extremely grateful for having had the opportunity to work on behalf of Nancy Smith. Her story is extraordinary. Her conviction, as well as that of her co-defendant, was a tragic and grave injustice. But her exoneration was a demonstration of her unceasing faith and reflected years of hard work by the many people who believe in her and have always known she is innocent.”

– Sharon Katz, senior counsel

Racial justice update

Davis Polk and our Pro Bono practice are committed to helping effect systemic change in the realm of racial and social injustice and inequality.

Litigating issues that implicate systemic racism is a key part of Davis Polk's deep commitment to advancing racial justice, as is representing small businesses and nonprofits that serve diverse communities and creating frameworks through which others can advocate for justice locally.

Protecting the right to record police interactions

Davis Polk and Legal Aid are co-counseling a litigation to vindicate our client's First Amendment right to record interactions with the police. Specifically, our client recorded the arrest of her former partner on her iPhone. Several days later, the police retaliated by arresting our client, claiming she had interfered in her former partner's arrest. While all charges were later dropped, our client suffered significant harm due to the false arrest, including both compensatory and non-compensatory damages.



Matthew Stratis Vasilakos

Associate, White Collar
Defense & Investigations

“Building this case from the ground up with a supportive and dedicated team has been a true pleasure. I’ve had the opportunity to fight for our client’s First Amendment rights while learning the nuances of complaint drafting and offensive discovery.”

Creating tools to help communities across the country stop AAPI hate

To target the broader issue of racism against AAPI individuals in the United States, we partnered with the not-for-profit anti-racism organization Stop AAPI Hate to create a tool kit of resources for use by government leadership and school districts across the country. These materials included a template “Resolution Condemning All Hate Against AAPI Individuals and Communities” to aid in a coordinated effort to have state, county and municipal governments speak out in support of their AAPI community members. School districts wishing to implement Asian-American Studies and Ethnic Studies programs will also utilize the resources we contributed.



Jennifer Kim

Associate, Litigation

“My legal career began at the height of the COVID pandemic when instances of violence and discrimination against the AAPI community were on the rise. This crisis sparked my strong desire to help AAPI clients. Through Davis Polk’s partnership with Stop AAPI Hate, I have worked on two projects so far—one focused directly on addressing anti-AAPI hate and the other centered on promoting ethnic studies. As an AAPI lawyer, the opportunity to do pro bono work for an organization that advances equity and justice by dismantling systemic racism has been such a meaningful and empowering experience.”

Commission on Truth, Reconciliation and Healing

After decades of conflict, South Sudan gained independence from Sudan in 2011. A short two years later, civil war broke out between rival factions of the new government. During the conflict, armed groups committed grave human rights abuses targeting certain civilian ethnic populations; among the atrocities perpetrated were murder, mutilation, sexual violence and the recruitment of child soldiers.

In 2018, leaders of the warring factions signed a peace and power-sharing agreement, ending the worst phase of the conflict. The peace agreement called for the establishment of a Commission on Truth, Reconciliation and Healing “as a critical part of the peace building process in South Sudan, to spearhead efforts to address the legacy of conflicts, promote peace, national reconciliation and healing.”

Truth commissions are often mandated by peace agreements; they facilitate a formal process through which post-conflict countries comprehensively investigate and record past atrocities. With the goal of achieving peace and reconciliation, truth commissions use their findings to make informed policy recommendations to executive and judicial bodies of government, helping to establish a path forward.

Davis Polk, in collaboration with the global pro bono law firm Public International Law & Policy Group, was tasked with drafting the South Sudan Commission’s constitutional document—its Terms of Reference.

To author this consequential document, our lawyers in New York, Washington DC, Northern California and London immersed

themselves in a unique corner of international law and transitional justice. This undertaking required a comprehensive review of relevant treatises and journal articles as well as the precedent terms of reference of other post-conflict nations, including South Africa and Sierra Leone. Our team also extensively researched South Sudan’s history to ensure clear understanding of the relatively new nation’s roots.

This effort culminated with the scrupulous construction of the final product—the Terms of Reference that will guide the Commission in ensuring that victims are heard, perpetrators are held accountable and that South Sudan will have a more peaceful future.



Get involved!

For more information about our Pro Bono practice, please visit davispolk.com/pro-bono.

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