



FOSTER PEPPER PLLC

2010 PRO BONO ANNUAL REPORT



Introduction from the Chair

By Jake Larson, Pro Bono Committee Chair

This year was particularly difficult for millions of Washington residents who live at or below the poverty line and face critical unmet legal needs. Recent state budget cuts to civil aid programs and fewer public interest attorneys available to provide legal advocacy put deserving communities at risk. Foster Pepper's Pro Bono Committee concentrated the firm's efforts this year on effective and helpful strategies to address these issues and, in doing so, our attorneys represented a diverse range of individuals and nonprofit organizations.

Our 2010 Pro Bono Annual Report highlights some of the pro bono work our attorneys performed for less fortunate individuals and communities. It reflects our efforts to provide direct legal representation on a larger scale and serves as a testament to our dedication to provide access to justice to all, not just those who can afford it. Throughout the year we emphasized the importance of working directly with nonprofit leaders on the ground level to ensure that unrepresented and underrepresented groups receive meaningful counsel.

Our attorneys' dedication to help the powerless, poor and needy will continue in 2011. Whether that means saving a home, helping a domestic violence victim and her children or forming a nonprofit, these positive changes better our community and our attorneys.

In 2010 we had nearly 100 cases/clients and 4,000 hours of service valued at over \$1 million. We are looking forward to another successful and busy year. ♦



Jake Larson



Back row: Jack Zahner, Jake Larson and Steve Gillespie. Front row: Kelly Angell, Brenda Bole, Alice Ostdiek and Joanna Plichta Boisen. Not pictured: Pamela McClaran and Robert Kunold.

Pro Bono Committee

The growing need for pro bono legal services has inspired Foster Pepper attorneys to think creatively about how to structure meaningful projects, bring together strong advocacy teams and work with underserved constituencies.

This year we helped launch the ZRBG Pension Project for Holocaust survivors, coordinated several legal teams for the Housing Justice Project, established a criminal defense attorney panel and adopted the Domestic Violence Motion for Revision and Reconsideration Project, which was in danger of shutting its doors due to insufficient funding and is now the firm's flagship program. These are only a few examples of the interesting projects our attorneys worked on in 2010.

One of our primary goals this year was to ensure that we were providing direct representation to underserved individuals, and we achieved that goal through the projects outlined above. In 2011, our objective is to increase our platform and continue to take on significant pro bono litigation and transactional work.

Being an advocate for equal justice means dedicating time, effort and energy to cases that can be serious, sad, frustrating and time-consuming; but the benefits of changing lives for the better outweigh any of these challenges. In the end, our clients are always gracious and grateful for the help they receive, and our attorneys feel fortunate to be a part of something that positively impacted the client.

We will continue to provide pro bono legal service to the local community and beyond. ♦

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Joanna Plichta Boisen

Check out Joanna's pro bono blog on City Brights:
Seattle area opinion leaders have been invited by seattlepi.com to participate in City Brights, including Foster Pepper's Pro Bono Counsel, Joanna Plichta Boisen.

Check out her postings at <http://blog.seattlepi.com/joannaplichtaboisen/>

Foster Pepper Flagship Program

When the King County Bar Association was considering budget cuts to its pro bono programs, including the Motion for Revision and Reconsideration Project, Foster Pepper stepped in. Because domestic violence victims are already an underrepresented constituency in Washington, closure of the program would mean the loss of a crucial resource for survivors. Foster Pepper understood the importance of continuing to help victims with their Domestic Violence Protection Order (DVPO) appeals and took ownership of the project, making this its flagship pro bono program. Joanna Plichta Boisen, the firm's Pro Bono Counsel, manages the program and screens cases for merit and eligibility.

The Domestic Violence Motion for Revision and Reconsideration Squad provides representation to low-income victims of domestic violence in protection order proceedings and appeals. Volunteer attorneys represent victims in filing motions for revision or reconsideration in cases in which a protection order has been denied or is insufficiently protective of the children. Cases are referred to the program by domestic violence advocates and other 501(c)(3) nonprofit organizations. ♦

Thank you. The difference this referral made for the client was profound. Originally she was scheduled to meet me in the morning for signing, filing and working papers. The client's son was sick, she lost her phone, which had a dead battery anyway; did not have my number because it was stored in the lost and dead phone and so was unable to check in. In the end, she arrived at 3:40, lost the opportunity to have an advocate deliver working papers for her, and the changes that had to be made to her supplementary declaration after review delayed the e-filing until 4:03. The client was in tears, felt stupid and humiliated and feared all was lost. I tried to reassure her that all would be well in spite of everything but she wasn't buying it. Then, in the middle of our difficult conversation, you sent the e-mail that a volunteer attorney had taken the case. I never had the chance to tell her that her case had been referred to the Revision Squad, and when she found out that she would have a pro bono lawyer today her tears became those of joy. Her emotional responses to unfolding events were moving to witness and her gratitude and appreciation escaped her powers to fully express. And so again, thank you as this could not have happened without you.

*Howard Hayes
Family Law Paralegal/Case Manager
King County Bar Association*

Margaret's Story

Margaret* endured her husband's beatings for over a decade. For years she had been too afraid to flee with her two small children – he controlled all the money, her extended family lived in another state and she had little education and job experience. She felt trapped. One night when her husband threw her son against a wall for spilling his milk on the floor, Margaret could not take it anymore. She knew that if she and her children were to survive, they would have to leave.

In the middle of the night, Margaret and her children traveled to a domestic violence shelter. Margaret knew the next step was to get a protection order, but was mortified at the thought of appearing in court against her longtime abuser. On top of that, navigating a complex legal system seemed so overwhelming. When Margaret's protection order advocate put her in touch with Foster Pepper's Domestic Violence Protection Order (DVPO) Squad and assigned an attorney to her case, Margaret felt "blessed" and much more confident that she would be successful in court. And she was right. With the help of a DVPO Squad attorney, Margaret received the protection order she so desperately needed. Today, Margaret feels safe and is working with a pro bono attorney on moving forward with a divorce. She is also working part-time at a drugstore and plans on saving enough money to move out of transitional housing and into her own apartment. Her children are thriving in their new environment. "The help I received means so much to me and my kids I cannot put it into words," she said. ♦

Svetlana's Story

Jack Zahner, a Member in Foster Pepper's Insurance Coverage practice group, and Joanna Plichta Boisen, Pro Bono Counsel, represented Svetlana*, a woman whose husband had sexually assaulted and tortured her. Getting a protection order was a difficult challenge for Svetlana, who spoke English as a second language. Unfamiliar with the legal system and forms, and scared to appear unrepresented in court against her husband (whose family had hired a well-known lawyer), Svetlana felt defeated.

When Foster Pepper stepped forward to represent her, her feelings of despair and sadness turned to those of hope and gratitude. Thanks to Jack and Joanna's support, Svetlana now has a protection order against her husband, which also covers her two children. Today Svetlana feels safer than ever before and is confident that this protection order will help her move on with her life. She was very grateful to Jack and Joanna and said, "I could not have done this without you." ♦



Jack Zahner

*Names changed to protect clients' identities.

Ghetto Work Payment Reparations Project

There are roughly 150-200 Holocaust survivors living in Washington state. Most of these elderly individuals are low-income or living on a fixed income. Because the reparations process is complex, volunteer attorneys who work with the survivors on gaining reparations are crucial to making sure survivors have access to the process.

In 2007, the German Chancellor announced the creation of the German Ghetto Work Payment Program (GWPP), which offers a one-time payment of 2,000 Euros (\$2,600) to Holocaust survivors who performed "voluntary" labor in German-controlled ghettos during World War II.

In November 2008, Foster Pepper teamed with three other law firms to bring Bet Tzedek's Ghetto Reparations Project to Seattle. In collaboration with the local Jewish Family Service organization, Foster Pepper was able to connect pro bono lawyers from what had grown to eight participating law firms to survivors qualifying for pro bono assistance.

The Seattle Ghetto Reparations Project has helped nearly 50 survivors file applications. This is the only project of its kind in Washington state. Foster Pepper's pro bono program prides itself on developing and supporting innovative and valuable pro bono programs. ♦

ZRBG Pension Project

In June 2009, a German federal court ruled in favor of several Holocaust survivors who had sued the German social security agency, Deutsche Rentenversicherung, after the wrongful denial of their pension applications under the *Gesetz zur Zahlbarmachung von Renten aus Beschäftigungen in einem Ghetto* law (commonly known as the Ghetto Pension or ZRBG law). As a result of the ruling, each survivor is entitled to file a "Motion for Reconsideration." In addition, survivors who have yet to file an application may file a new one. Three firms, including Foster Pepper, brought this project to Seattle and launched it in 2010. Currently the group is serving more than 35 clients. ♦

While no sum of money can compensate survivors for what they endured during the Holocaust, it is very rewarding to hear their stories and assist them in obtaining reparation payments from the German government.

- Sabina Shapiro



Kelly Angell and Sabina Shapiro

This year we feature two clients, Hester Waas-Kool and Paul Grusz, who both received reparations from the German government with support from Foster Pepper. The firm thanks these two brave clients for sharing their heroic stories that demonstrate the importance of these reparations programs.

Hester's Story: Survival Despite the Odds

Hester Waas-Kool was the only member of her immediate family to survive the Holocaust. Growing up in Holland, her childhood was happy and peaceful. She lived in a quiet Dutch town two blocks from the North Sea with her parents and older brother. When she turned 13, her fairy tale childhood turned into a nightmare adolescence when the Nazis invaded and occupied Holland. Her family was forced to move to a ghetto in Amsterdam.

"It got to be pretty bad in Amsterdam. Of course, we couldn't go to school and we had to wear the Jewish yellow star sewn on our clothing," said Hester. The Nazis concentrated Jews in ghettos in an attempt to contain them. Inside the ghetto walls, disease and death permeated everyday life. To survive, many of the ghetto inhabitants, including Hester, agreed to take on extra tasks such as sewing uniforms.

But as with all ghettos, Hitler's plan was always to close down the ghetto and transfer everyone to concentration, extermination or work camps. "Some time during the summer of 1942, my mother, father and brother received notice that they were to report to the Hollandse Schouwburg for transport to a concentration camp. The last time I saw my family, they were walking down the street to the Schouwburg ...," she quietly reminisced.

She knew that since they had come for her parents, it was only a matter of time before they would come for her. A friend of Hester's who was already involved with the underground helped her get forged papers and a new name – she would be known as Helene Waasdorp. She would have to leave Amsterdam and head south, which she did in the spring of 1943.

"My rescuer was Paul Christiaan van Westering, who was born in 1911 and died in March 1991," she said of Paul, who allowed her to hide in his home as his children's nanny and the family's maid. Hester arrived in Haarlem in April 1943, where Paul was waiting for her in a church, sitting in a pew. "The first thing he asked in the interview was for me to say "eighty eight" in Dutch – a number that was spoken by Amsterdam Jews with a particular accent. Having grown up in Zandvoort, I said this magic number to the satisfaction of my interviewer, who was convinced that I would not give myself away as a Jew by the way I spoke," said Hester. And just like that, her life was spared.



The three children Hester lived with while in hiding. - 1945



Hester on Coney Island with her grandfather when she first immigrated to the U.S. - 1947

Because of these strangers' kindness, Hester had the opportunity to move to the United States after the war, where she met her husband, Sam Kool, who served in the U.S. Army as a medic. They have three children and reside in Seattle. Hester worked with Foster Pepper on her applications to the Ghetto Reparations Project and the ZRBG Pension Project. Hester was recently approved for the German Ghetto Work Payment Program (GGWP) reparations payment and for her ZRBG application.

Hester is only one of many outstanding Holocaust survivors Foster Pepper attorneys have had the privilege to work with on filing successful applications. ♦

Paul's Story: One in a Million

Paul Grusz grew up in Lomza, Poland with his parents and three brothers. In the summer of 1941, Paul's family and the rest of the Jewish population in Lomza were forced to move into a ghetto, located in the most impoverished and desolate part of town. Typhus was running rampant in the ghetto and survival was based on luck. All Jews were forced to wear a yellow Star of David for easy identification.

"Every once in a while, a man named Manke, who was a member of the Gestapo, would round up the ghetto Jews," said Paul. "I will never forget him ... he would have them loaded into trucks and shot at a nearby forest near the village of Gielezyn," he said. Before being murdered, the victims were forced to dig their own graves.

To help his family survive, Paul would sneak out of the ghetto to smuggle food. With his blue eyes and blonde hair, Paul had the best chance of returning undetected. On one occasion, however, a Nazi police officer spotted Paul returning with food and screamed for him to "Halt!" But he was only 100 meters away from the ghetto and knew that if caught, it would mean death. Paul dropped the food and ran, diving under the barbed wire fence as the officer started shooting at him. A bullet entered Paul's knee but he made it back into the ghetto. "I still have that scar," said Paul of the wound that will forever remind him of his broken childhood.



Paul as a young boy.



Paul with his mother.



Paul and his family.

As starvation and diseases permeated the ghetto, Paul begged his family to escape to avoid certain death. Because of Paul's Aryan appearance, his parents encouraged him to go into hiding on his own to increase his chances of survival. At 11 years old, Paul had to say goodbye to his family; in his heart he knew he would never see them again. "Once I left, I burst into tears," said Paul. He ventured out on his own on a winter's night, sleeping in barns and old cellars until it was too dangerous to do so; once spring came he slept in destroyed buildings. For months he wore the same clothes he had when escaping the ghetto; by then they were infested with parasites.

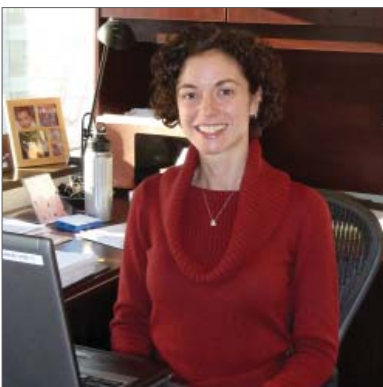
A Polish-Catholic neighbor named Helena Borowska helped Paul by giving him a change of clothes and a little cross to put around his neck. "She was a wonderful human being," said Paul. Paul spent two and a half years hiding from the Nazis, until the war ended. Unlike 1.5 million other children his age, Paul was lucky to be alive. "The Holocaust ended more than 50 years ago, but should not be forgotten," said Paul. "I am still haunted to this day by the memories and nightmares of the Holocaust."

Today Paul lives with his wife of 30 years, Vicki, in Auburn. He has two children.

Working with Foster Pepper, Paul recently received a reparation payment from Germany. ♦

Jewish Federation of Greater Seattle

The Jewish Federation of Greater Seattle (JFGS) needed help qualifying for a property tax exemption for one of its buildings. The request had originally been denied in the 1990s and so JFGS was facing an uphill battle. Sabina Shapiro, Of Counsel in Foster Pepper's Real Estate practice group, took the lead on the project and was instrumental in ensuring JFGS won the much needed exemption. In a joint letter, Richard Fruchter (President and CEO of JFGS) and Ron Leibsohn (JFGS Board Chair), praised Sabina as "critical in driving the application process to completion and successful outcome. She was thoughtful in all of her communications with JFGS and the State of Washington. Sabina gave us great advice on our meeting with the state auditor; she was patient as she directed us through a cumbersome process." The result will save JFGS more than \$20,000 yearly starting in 2011. It will also ensure an award of roughly \$50,000 in retroactive relief. "This savings will allow the JFGS to provide more services to the community," said Fruchter and Leibsohn. "This is an outstanding outcome and one of which Foster Pepper should be very proud." ♦



Sabina Shapiro

Homelessness Prevention Initiative

The Housing Justice Project (HJP) is the homelessness prevention project of the King County Bar Association (KCBA). At HJP, Foster Pepper attorneys provide both real-time eviction defense advocacy and landlord/tenant education. Attorneys also counsel low-income and indigent clients on landlord issues, foreclosures, negotiations and other matters related to housing.

Currently the firm has three attorney teams who travel to the HJP at the Regional Justice Center in Kent. They consist of Members Jack Zahner and Bill Lynch, associates Adrian Winder, Nicole Diven, Melissa Cobb, Katie Carder, Alicia Feichtmeir, Mike Schechter and Joanna Plichta Boisen, and paralegal Karen Baisden.

Over the last four years, HJP/Kent has experienced a nearly 200% increase in its caseload without a similar increase in staffing, long-term funding or volunteer support. As a result, HJP/Kent has been stretched to unprecedented limits. So when a team of 10 Foster Pepper professionals stepped in to join the program, the impact was immediate and profound.

"Suddenly, not only did HJP/Kent have more volunteers to represent and educate its clients, but it now had some of the best practitioners in Washington – all applying their considerable legal training, advocacy skills and professionalism to the needs of low-income families facing eviction," said Kerry Robinson, Supervising Attorney Manager at HJP/Kent.

According to Robinson, the results secured by the Foster Pepper team have ranged from dismissed cases and reduced judgment amounts, to renegotiated tenancies or extended (reasonable) move-out timetables.

Robinson also noted that while HJP has enjoyed the support of lawyers, firms and corporate legal departments over the years, Foster Pepper has set a new bar for team volunteer support. As a result, many more low-income families in King County have roofs over their heads at night, and a better understanding of their rights and obligations as tenants going forward. ♦

*F*JP has received favorable feedback from not only its clients, but also from fellow HJP volunteers, KCBA staff, the bench and the landlord bar (opposing counsel), many of whom have expressed appreciation for the integrity, dedication and compassion demonstrated each month by the Foster Pepper team ... HJP is grateful to Foster Pepper for its support and dedication to this homelessness-prevention mission, and to the leadership provided by Foster's Pro Bono Counsel, Joanna Plichta Boisen, who is a true social justice visionary.

Kerry Robinson
Supervising Attorney Manager
HJP/Kent.



Back row: Jack Zahner, Karen Baisden, Mike Schechter and Bill Lynch. Front row: Adrian Winder, Nicole Diven, Katie Carder and Alicia Feichtmeir. Not pictured: Melissa Cobb and Joanna Plichta Boisen

Seattle Tilth and Seattle's Union Gospel Mission

Jamie Goodwin, an associate in Foster Pepper's Business practice group, helped Seattle Tilth, an organization that educates people on gardening organically, conserving natural resources and supporting local food systems to cultivate a healthy urban environment and community. She advised them on how to plan grassroots community gardening and farming projects when approached for sponsorship, to assure that it complied with its 501(c)(3) status. Jamie drafted a fiscal sponsorship agreement, which is a helpful resource Seattle Tilth can use in future sponsored projects. Seattle Tilth's vision is to transform the Pacific Northwest into the organic gardening capital of the world.

Jamie also provided legal advice to Seattle's Union Gospel Mission (UGM) for its annual youth mission trip to Mexico, helping UGM with parent permission forms, authorizations for foreign travel and medical and dental consents for treatment. UGM works to address the complex issues surrounding homelessness while meeting the ever-changing needs of men, women and children in our community. UGM has created several programs to do just this, which include emergency shelter, recovery programs, transitional housing, search and rescue, education and career services, prison ministries, senior services and youth services, to name a few.

Jamie also advised UGM on real estate and land use issues related to providing emergency shelter services for women and children and facilitated the donation of a title report by First American Title Insurance Company. ♦

*Washington Attorneys Assisting
Community Organizations
(WAACO) promotes community
development and organizational
capacity-building in Washington state by
aiding charitable and community-based
nonprofit organizations and low-income
microentrepreneurs in receiving free legal aid
on business-related matters. Since 2004, WAACO
has been connecting nonprofit organizations in
Washington with lawyers who will assist them,
pro bono, on nonlitigation legal matters.*



Jamie Goodwin

UW Federal Taxation Clinic

The University of Washington Federal Taxation Clinic helps low-income individuals throughout Western Washington resolve disputes with the IRS. The federally-funded clinic offers this assistance as a public service and to train law students in tax practice. In 2008, the clinic handled 132 cases through the IRS administrative process and 67 cases in the United States Tax Court.

Mark Munro, a Member in the Business practice group, volunteers for the UW Federal Taxation Clinic. He is working on a matter where he is responsible for negotiating an offer in compromise with the IRS for a low-income taxpayer. The client is bipolar and unable to work. ♦

"I enjoy my work at the clinic and plan to help with similar cases in the future," said Mark.

Leasing for a Food Bank

Without local food banks, many struggling families would have difficulty accessing nutritious meals. When a client who operated a food bank out of a Tacoma home received a letter from the City threatening to shut it down as an illegal use, she called on Foster Pepper. Roger Pearce, a Member in the Land Use practice group, worked with the food bank and the City on a zoning code interpretation request. The City ultimately determined the food bank was an allowed use and can continue operation to serve local residents in need. ♦

"Our client started doing this because some of her tenants were hungry, and it just mushroomed from there because there was a real need in this east Tacoma neighborhood. It's nice to be able to help them out," said Roger.

Tacoma Farmers Market

The Tacoma Farmers Market yearly connects 72 local family farmers with over 125,000 South Sound consumers who buy fresh, locally grown produce. The Market is a community institution that increases foot traffic and commerce in Tacoma's urban core. The Market's Board of Directors wanted it to play a greater role in Tacoma's local food and community revitalization efforts. The Board also wanted the Market to become financially self-sustaining. Jeremy Eckert, an associate in Foster Pepper's Land Use practice group, helped prepare a three-year strategic plan to advance these goals. He also helped the Board restructure its committees and bylaws to provide the Market with a flexible yet accountable governance structure. ♦



Mark Munro



Roger Pearce



Jeremy Eckert

Pro Bono King County Arbitration

In August 2000, the mandatory arbitration office of the King County Superior Court asked experienced attorneys to help with its increasing budget problems by presiding over at least two mandatory arbitrations on a pro bono basis. Will Patton, a Member in Foster Pepper’s Municipal practice group, readily volunteered. He has been contributing his time as a pro bono arbitrator ever since.



Will Patton

As part of the regular arbitrator selection cycle, Will is assigned two to three cases a year. As a matter of practice and courtesy to the litigants, Will provides an analysis of the issues for each case instead of simply announcing a verdict. Will notes that “this analysis helps the parties understand the rationale for any decision I make, even if they don’t agree with it. It’s the type of explanation that I welcome and appreciate from a trial judge when I litigate my own cases.” Beyond providing help to the Court, Will also gains valuable professional insights during the process. ♦

“It’s always instructive to reverse roles and see issues from the perspective of a judge. It helps a great deal in preparing my own cases to experience how certain approaches and evidence are perceived and received by a fact finder,” Will said.

Tax Initiative Advocacy: I-1098

I-1098 was an initiative that would impose a Washington state excise tax on high-income earners. The rate would be 5% on incomes above \$200,000 (\$400,000 for couples), and 9% on incomes above \$500,000 (\$1 million for couples). The state property tax would be reduced by 20%, and the business and occupation tax would be eliminated for 80% of all businesses. The annual net revenue of \$1.185 billion would be dedicated 80% for education and 20% for health care. Hugh Spitzer, a Member in Foster Pepper’s Municipal practice group, helped Michele Radosevich of Davis Wright in drafting I-1098. He has also given several lectures on the legality of a graduated income tax under Washington’s Constitution. ♦



Hugh Spitzer

Architects Without Borders Seattle

Architects Without Borders (AWB) Seattle is a 501(c)(3) that provides ecologically sensitive and culturally appropriate design help to communities in need. Jon Hongladarom, a Member in the firm’s Real Estate practice group, created a release agreement for AWB’s use with its volunteers. ♦



Jon Hongladarom

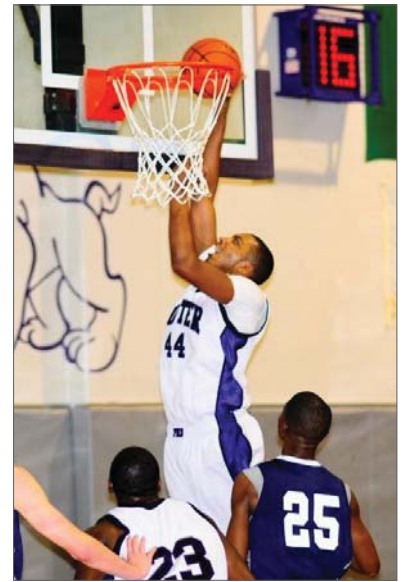
Darius Page: Regaining a Shot at the Future

Darius Page was a basketball star at Foster High School, with dreams of playing community college ball and then for a Division I college. He hoped to be the first in his working class family to graduate from college and was devastated when the Northwest Athletic Association of Community Colleges (NWAACC) declared him ineligible to play. The NWAACC is a nonprofit agency that governs sports eligibility, rules and programs for its 35 community college members in Oregon and Washington. According to its rules, upon request by a school, the NWAACC issues a letter of intent to the student which, if signed and returned by a certain date, will bind the school and the student to attendance and financial aid. Once the NWAACC receives a signed letter of intent, it posts the student's name on its website, committing the student to that school and informing other coaches to stop recruitment efforts.

As Darius completed his senior season and racked up many school, county and state honors, many coaches from community colleges inside and outside the state showed interest and encouraged him to apply to their respective schools. As part of this process, several community colleges submitted requests for letters of intent to be sent to Darius by the NWAACC.

In the flurry of activity, including many telephone calls and visits from community college coaches, and his team making the Washington state basketball tournament, Darius signed two letters of intent, but did not return one of them before the deadline. The NWAACC interviewed him and declared him not only ineligible for financial aid, but also ineligible to play at any community college for a year. This was heartbreaking news, as not only did it mean he could not play basketball near his home, but the recruiting season for out-of-region community colleges had ended, thus depriving Darius of an opportunity to play anywhere else as well.

Darius' high school basketball coach referred Darius to Foster Pepper, who agreed to represent Darius pro bono. After reviewing the rules and interviewing Darius, his parents and several coaches, Foster Pepper attorneys Ted Coulson and Amy Kauppila concluded Darius had not violated any of the NWAACC's rules. Ted and Amy then wrote to the NWAACC and negotiated in earnest with the NWAACC director. Within a week, Ted and Amy were able to persuade the NWAACC to reconsider its decision, and Darius was reinstated to full eligibility. Because of this, he was able to receive financial aid and play basketball at any community college willing to make him an offer. With his dreams back on track, Darius is attending and playing basketball at Palm Beach State College. ♦



Photos courtesy of Michael Broom



Amy Kauppila and Ted Coulson

The community benefits greatly from panel participation by Foster Pepper attorneys. Their commitment, diligence and dedication are invaluable. Their work gives substance to the principle that justice should be accessible to all.

*Josephine Wiggs-Martin
Attorney
NDA*

Seattle Municipal Court Conflict Attorney Panel

To provide support to the Northwest Defenders Association (NDA) and promote fundamental fairness and due process in court, a team of Foster Pepper attorneys agreed to serve on the NDA’s Conflict Attorney Panel (CAP). The CAP team provides representation to individuals charged with misdemeanor offenses in Municipal Court when the contracted Public Defender agencies have a conflict of interest.

Foster Pepper’s CAP team includes Jay Donovan, Laura Marquez-Garrett, Lindsay Fisher, Colm Nelson, Miriam Cho, Alicia Feichtmeir, Lisa Cachopo, Brenda Bole, Barbara Patejdl and Karen Baisden. This year’s victories included two dismissals with prejudice for lack of evidence by the Prosecuting Attorney.

The panel is administered by the NDA under the direction of an oversight committee comprised of The Honorable Edsonya Charles, former Judge, Seattle Municipal Court; Bob White, Chief Clerk, Seattle Municipal Court; Ted C. Barr, Attorney-at-Law; Thomas W. Hillier, Federal Public Defender, Western District of Washington; John A. Strait, Professor, Seattle University School of Law; and Travis Stearns, Deputy Director, Washington Defender Association. ♦

Helping Tribes with Key Regulatory Comments

To address the U.S. Department of Treasury’s request for comments on statutes and regulations affecting tax-exempt tribal borrowing, Public Finance practice group Member Jeff Nave submitted a comment letter pro bono on the subject. In drafting the response, Jeff consulted with several tribes including the Blackfeet Nation, Lower Elwha Klallam Tribe, Lummi Nation, Muckleshoot Tribe, Puyallup Tribe of Indians, Quinault Indian Nation, Tulalip Tribes and Confederated Tribes of

the Umatilla Indian Reservation. Jeff’s letter suggested, among other things, that the IRS and Treasury Department abandon the “essential governmental function” test that currently is being applied for tax-exempt financings by tribes. While it is unclear how the Treasury Department will respond to the various comments, it was rewarding to work closely with these Northwest tribes in an effort to have their voices heard in the lawmaking process. ♦



Back row: Lisa Cachopo, Brenda Bole, Barbara Patejdl, Karen Baisden and Jay Donovan. Front row: Miriam Cho, Alicia Feichtmeir, Colm Nelson and Laura Marquez-Garrett. Not pictured: Lindsay Fisher

Saving a Family Home

When John Nelson, Managing Member of Foster Pepper's Spokane office and a Member in the firm's Litigation practice group, heard that a man who had just lost his job could also lose a portion of his home over a property dispute, he stepped in to help.

Over the past several years, the client had worked extraordinarily hard to renovate and enlarge an old farmhouse for his family. He had poured concrete, put up the framing, prepared all the materials and even installed his own geothermal cooling and heating system. Eventually the addition to the house was complete, and looked beautiful. Shortly afterward though, the client's neighbor brought a lawsuit claiming that one corner of the addition encroached onto the county's five-foot property line set-back. To appease the neighbor, the client offered to buy some property from the neighbor or agree to a property line adjustment, but the neighbor was not open to negotiation and demanded the client tear down the encroaching structure.

In preparation for litigation, John obtained expert testimony that the set-back encroachment made no difference in the value of the neighbor's property. John then convinced the neighbor's lawyer to agree to mediation. It was a tough case, not just because of the neighbor's unwillingness to come to a reasonable resolution but also because, at the time, there was not much favorable case law to support the client's case. Fortunately, the equities in this case were on the client's side. At the conclusion of the matter, John was able to save the client's home. The neighbor agreed to a lot line adjustment and property "swap" so the addition now adheres to the five-foot set-back. Today the client and his family are living in their dream home, grateful for John's advocacy in helping them avoid a heartbreaking outcome. ♦

Promoting Tribal Economic Development

Over the past year, Foster Pepper Public Finance practice group Member Jeff Nave assisted two Midwest partnerships regarding their low-income housing tax credit projects. Both partnerships are managed by a nonprofit organization that is affiliated with an Indian tribe. The partnerships' projects are beyond the period during which tax credits are available to the partnerships. Jeff represented the nonprofit organization to negotiate the terms of the limited partner's "exit" from each partnership, and assisted the nonprofit organization in communications with regulatory agencies regarding the two projects. ♦



John Nelson



Jeff Nave

Joanna spoke to 40 community members who attended the Endless Opportunities 'Reparations' program on April 27th. The turnout was strong; the program well received. Joanna was engaging, informative, and her presentation empathetic. Joanna's program caught the attention of a person who wasn't aware of the project or the compensation being offered. She has begun the process both at Jewish Family Service and at Foster Pepper to receive reparation funding. To me, that, all by itself, made the program highly successful.

*Ellen Hendin
Coordinator-Endless Opportunities
Jewish Family Services*

Educating Community and Volunteer Attorneys

Educating the community and volunteer attorneys is an important component of Foster Pepper's pro bono program. The firm participated in several educational sessions and training programs throughout the year, including the following, where we either hosted, coordinated or participated as panelists, presenters or primary speakers in 2010:

- Legal Elements of Ghetto Reparation Applications, Reconsiderations, and Appeals (UW School of Law, Social Justice Tuesdays)
- Successfully Litigating Motions for Revision and Reconsideration (SU Law School Ronald Peterson Legal Clinic)
- Pro Bono, Low Bono: Getting Legal Experience & Providing Access to Justice (Washington Minority Bar Associations Collaboration Project and the Statewide Diversity Conference)
- Community Economic Development Lawyering: Systematic Change Through Pro Bono (Goldmark Conference)

Nonprofit Law in Indian Country CLE

When selecting types of educational forums, the firm focuses on areas that are both timely and meaningful in areas of law that have not been fully explored. On March 24, 2010 Foster Pepper's Native American Legal Services (NALS) practice group hosted the "Nonprofit Law in Indian Country CLE." The CLE focused on forming and supporting nonprofit organizations in Native communities. The lineup of speakers and topics was first-rate and covered areas such as the need for fostering nonprofits in Indian Country, cultural competency and dispute resolution in the tribal context. Afterward the sessions were podcast globally via the firm blog (www.nativeamericanupdate.com) and iTunes to educate a larger audience. "The CLE was a tremendous success," said Greg Guedel, chair of the NALS practice group. ♦



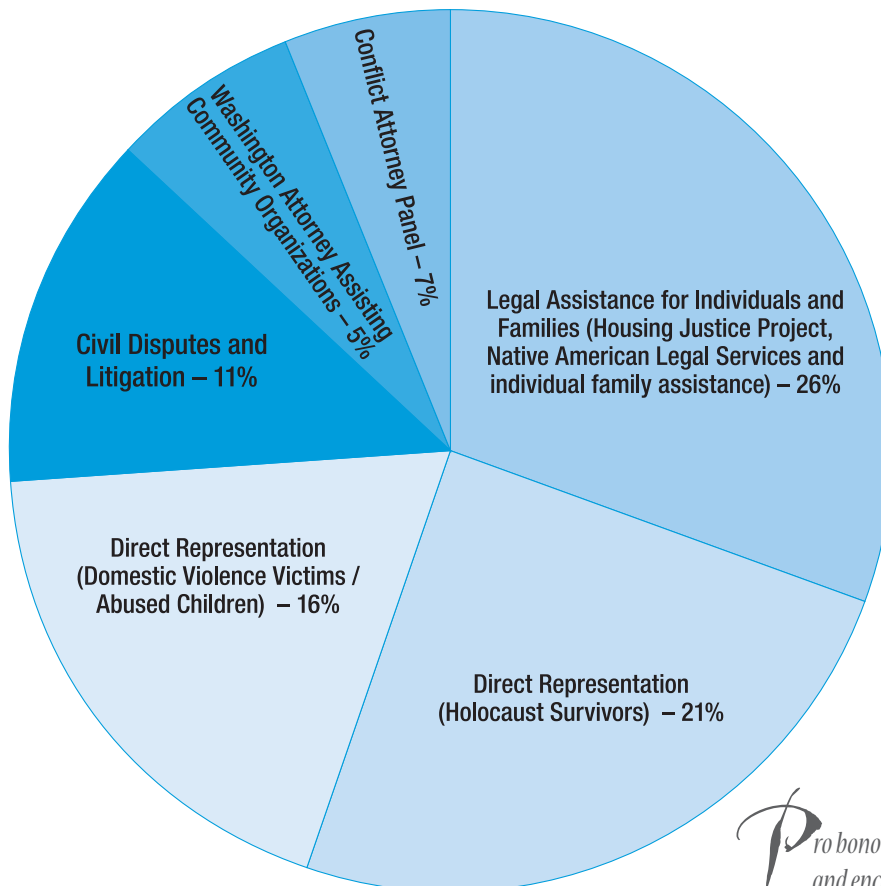
Nonprofit Law in Indian Country CLE

Number of ...

- Active cases – 109
- Clients served – 196
- New pro bono matters opened in 2010 – 71
- New large-scale pro bono programs developed in-house – 5
- Attorneys participating in pro bono – 68
- Summer associates participating in pro bono – 6 (100%)
- Attorneys who billed more than 30 hours of pro bono – 29
- Attorneys who billed more than 50 hours of pro bono – 15
- Educational sessions and training programs – 10

Attorneys who billed more than 30 hours of pro bono in 2010

- Tom Ahearne (50+)
- Kelly Angell (50+)
- Joanna Plichta Boisen (50+)
- Miriam Cho
- Beth Clark
- Duncan Connelly (50+)
- Ted Coulson (50+)
- Amy D’Amato
- Steve DiJulio
- Nicole Diven
- Jay Donovan (50+)
- Jeremy Eckert
- Alicia Feichtmeir (50+)
- Jamie Goodwin
- Dick Keefe
- Bill Lynch (50+)
- Laura Marquez-Garrett (50+)
- Jim McNeill (50+)
- John Nelson
- Lori Nomura (50+)
- Alice Ostdiek (50+)
- Will Patton
- Roger Pearce
- Milt Rowland (50+)
- Mike Schechter
- Nancy Stephens (50+)
- Brad Thoreson
- Adrian Winder
- Jack Zahner (50+)



Pro bono is a voluntary practice at Foster Pepper and is supported and encouraged across the entire firm. This chart gives an "at-a-glance" perspective of our general areas of concentration.



Fighting Hunger in Western Washington

Foster Pepper staff volunteers spent many hours working at the Food Lifeline warehouse in north Seattle in 2010. They sorted and repackaged food drive contributions for distribution to local food banks. Participating were Anne Clarke, Julie Israel, Jonathan Franklin, Chresta Larson, Effe Manolakos, Terri Quale and Katrina Schultz and her children. By the end of their shift, Foster Pepper volunteers repackaged 8,100 pounds of food, enough to provide 6,231 meals to those in need around the local area. ♦



Feeding the Poor

From July 9 - 23 Foster Pepper took part in the annual Seattle “Food Frenzy.” This is a creative competition between local law firms and other organizations to raise funds and food for hungry families in Western Washington. Staff member Elizabeth Johns served as the in-house coordinator of the event. Attorneys, staff and the firm contributed items to be raffled to raise dollars for the Frenzy. A total of 562 food items were donated. The firm’s Charitable Committee also donated \$1,000. The firm’s 2010 “frenzying” activities doubled its total contributions from 2009.

Overall the Food Frenzy achieved the following milestones:

- 98 participating organizations
- \$327,000 in revenue raised (17% increase over 2009!)
- 2,700 volunteer hours contributed
- 14,000+ food items donated
- 1.3 million meals provided to hungry children

Providing Holiday Presents to Children

During the holiday season, Foster Pepper once again supported a number of activities that provided help to families. Staff member Susan Bannier coordinated “Adopt-a-Family” programs for both Jewish Family Services and Childhaven. Staff member Terri Quale organized a “Toys for Tots” donation drive for local children. The holiday programs were a big success, with attorneys and staff making generous contributions. ♦



Elizabeth Johns, Terri Quale and Susan Bannier

Gary N. Ackerman • Housing Partnership • The Book Club • Threshold Housing
Christopher M. Alston • Global Partnerships • United Way of King County
Kelly M. Angell • Common Ground
Beth A. Clark • Washington Women Lawyers
Edward R. Coulson • Mercer Island Boys & Girls Club
Deborah A. Crabbe • CENTS • Northwest Kidney Centers • Swedish Medical Center Foundation
Rodrick J. Dembowski • City Club of Seattle
Neil A. Dial • Washington Research Council
P. Stephen DiJulio • Municipal League
John A. Fandel • Hilltop Learning Center
Alicia M. Feichtmeir • Solid Ground Family Assistance Program
Jeffrey G. Frank • Giraffe Project
Jamie M. Goodwin • The Children's Museum
Marc R. Greenough • Southeast Youth & Family Services
W. Gregory Guedel • Building Changes/AIDS Housing of Washington • Snohomish Carnegie Foundation
Bradley W. Hoff • Alliance for Education
Allen Israel • Allen Institute of Brain Science
Robert Kunold, Jr. • Special Olympics of Washington
Marco J. Magnano, Jr. • Washington Committee for Ethical Judicial Campaigns
Jenifer C. Merkel • Conservation Northwest
Jeffrey C. Nave • Spokane Housing Authority
Nancy M. Neraas • Make-A-Wish Foundation
Lori K. Nomura • Susan G. Komen for the Cure
Alice M. Ostdiek • Washington Appleseed
Steven R. Peltin • Seattle Theatre Group
Robert A. Perez • Virginia Mason
Joanna Plichta Boisen • LAW Fund & Campaign for Equal Justice • Washington Attorneys Assisting
Community Organizations
Douglas R. Prince • Washington Women in Need
Edmund W. Robb • CityClub
Milton Rowland • East Central Community Center • Interplayers
Judith M. Runstad • Downtown Seattle Association • Greater Seattle Chamber of Commerce • Potlatch
Corporation • Seattle Alliance for Education • Seattle Foundation
Richard L. Settle • Northwest Land Use Review
Jeannie S. Simpson • Child Care Resources
Hugh D. Spitzer • Washington Center for Budget and Policy
Nancy V. Stephens • Communities in Schools
V. Rafael Stone • Experience Music Project and the Science Fiction Museum and Hall of Fame • Real Estate
Executive Council • Seattle Times Corporation • Washington State University
Bradley P. Thoreson • Boys & Girls Clubs of King County • Friends of Hoop Washington • Seattle
Pacific University
Michael K. Vaska • Washington Conservation Voters
J. Tayloe Washburn • Alki Foundation • Cascade Land Conservancy • Greater Seattle Chamber of Commerce

