

2019 PRO BONO REPORT





CONTENTS

LETTER FROM THE PRO BONO COMMITTEE CHAIR.....	3
PRO BONO IN 2019.....	4
Migrant Families Torn Apart by the “Remain in Mexico” Program.....	6
Asylum Hopes Held up by “Remain in Mexico” Program.....	7
FOSTER GARVEY PRO BONO AWARD:	
<i>Fleeing a Life of Political Upheaval and Violence in Haiti</i>	8
Unaccompanied Teenagers Seek Safety Through Multi-Forum Advocacy Efforts.....	9
Securing the Release of Child Unlawfully Detained by ICE in Adult Detention Facility.....	10
Firm-Wide Asylum Update.....	11
Second Chance at Life.....	13
Assisting Veterans Previously Denied Benefits.....	14
Assisting Artists to Inspire Others.....	15
Working to Reform Campaign Finance Systems.....	16
Securing Insurance for Those Unable to Work.....	17
Educating Pro Se Litigants in Oregon.....	18
Increasing Civic Engagement Through Technology Platforms.....	19
FOSTER GARVEY PRO BONO AWARD:	
<i>Pro Bono Award Recipient Awaits Historical Decision From Washington Governor Jay Inslee on Clemency Case</i>	20
SERVICE TO COMMUNITY ORGANIZATIONS.....	21
FOSTER GARVEY PRO BONO AND COMMUNITY SERVICE COMMITTEE MEMBERS.....	23



Letter from the Pro Bono Committee Chair

Dear colleagues,

As we experience history in the making, the events of 2019 can already seem like a faraway memory. But even before our firm and the world around it fell into the grips of a pandemic, Foster Garvey was undergoing a tectonic transformation: the union of two kindred firms into a new and stronger whole, bringing with it fresh faces and possibilities. It says a lot about 2020 that it has made 2019 feel like a period of relative normalcy.

In times like these, we appreciate the constants that anchor us and point the way. The firm's Pro Bono program for us and many others, is one of these compass points: a pledge of service that puts our own hardships in perspective; and a promise to the less fortunate, which gains urgency in times of misfortune. The legacy firms' embrace of these shared values has been a source of stability, community and spirit. Our fidelity to these values has steadied us through the challenges that we face.

This Annual Report continues a tradition shared by both legacy firms of celebrating staff and attorneys who have exemplified the firm's dedication to pro bono causes over the past year. The internally distributed report also holds us accountable to these causes, candidly identifying areas where we can still do better. As we continue to evaluate the needs of our communities, we conducted a firm survey about critical focus areas in which we can provide assistance. Based on need and the interests of attorneys and staff, we have identified the following 2020-2021 pro bono focus areas with the aim of bringing about substantial and meaningful systemic impact, and collaboration among lawyers and staff across legacy firms and offices: criminal justice reform and transformative justice; COVID-19; and immigrants' rights.

We would be remiss if we did not extend a word of thanks to Haiyun Damon-Feng, my co-chair on the Pro Bono and Community Service Committee for much of the last year, and one of the pillars of Foster Garvey's public service program. Haiyun recently accepted a position among the clinical faculty of the University of Washington Law School, beginning an exciting new chapter in her career. Her work at the law school grows out of a COVID-19 response clinic that she started while serving as Foster Garvey's pro bono counsel. We are gratified to see her continue this work and look forward to collaborating with her as she expands in her new role.

We are heartened to see how many of our colleagues have responded to the adversities of the last six months by turning their focus outward and working among the helpers. We are heartened to see that participation in pro bono endeavors continues to cut across lines of office, rank and legacy firm. And we are heartened to see that our commitment to public service has not only withstood these recent changes, but has served as a beacon for those taking part in these efforts. We look forward to continuing this important work with all of you.

Malcolm Seymour, Chair
On Behalf of the Foster Garvey Pro Bono and Community Service Committee



Pro Bono in 2019

Counting time worked at the legacy firms prior to the merger, Foster Garvey devoted 6,352 attorney hours to pro bono causes in 2019, equivalent to 2.76 percent of its total billable hours. This fell short of the firm's pledged goal of dedicating at least 3 percent of its total billable hours to pro bono work, but we are confident we will reach that goal again. Of these hours, 3,507 hours (1.53 percent of total billable time) were in service of individuals of limited means.

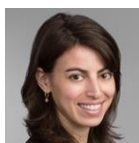
The Pro Bono Honor Roll celebrates those members of Foster Garvey who were especially active in providing pro bono legal services.

The American Bar Association's Model Rule sets an aspirational goal of at least 50 pro bono hours annually by every attorney, and many state and local bar associations, including New York and Washington, D.C., have embraced this 50-hour minimum. Washington state has a minimum expectation of 30 hours, but has established the Supreme Court Honor Roll for those who provide at least 50 hours. Oregon goes even further, setting a goal of at least 80 hours and establishing the Pro Bono Honor Roll for individuals who meet this goal.

Thank you to the following Foster Garvey attorneys who made significant contributions to the firm's pro bono efforts this past year, including the 27 attorneys who provided more than 50 hours of pro bono legal services in 2019:



Thomas Aheame**
Seattle



Jeanne Barenholtz
New York



Devra Cohen**
Seattle



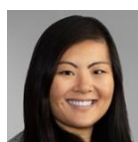
Brad Deutsch
Washington, D.C.



Sarah Carlin Ames*
Portland



Kathleen Carroll Bricken
Portland



Haiyun Damon-Feng
Seattle



Sinjin Dinh
Seattle



Joseph Arellano
Portland



Bianca Chamusco*
Seattle



Michelle DeLappe*
Seattle



Peter Evalds*
Portland

* Exceeded 80 hours (the Oregon Pro Bono Honor Roll standard)

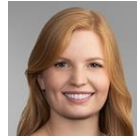
** Exceeded 100 hours of pro bono legal service.



Emily Harris Gant
Seattle



Zach King
Seattle



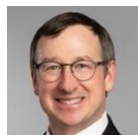
Victoria Redman
Seattle



Paul Trincherio
Portland



Andrew Goodman
New York



Dan Keppler
Portland



Mark Rowley
Seattle



Jared Van Kirk
Seattle



Claire Hawkins
Seattle



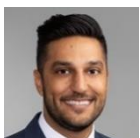
Brooks Lindsay**
Seattle



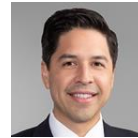
Michelle Rusk
Seattle



Matthew Yium*
Portland



Paul Heer**
Seattle



Lee Marchisio
Seattle



Don Scaramastra**
Seattle



Jack Zahner
Seattle



Maurice Heller
New York



Kelly Mennemeier**
Seattle



Jacob Scholl**
Seattle



Yeli Zhou*
New York



Benjamin Hodges**
Seattle



John Ray Nelson**
Spokane



Thomas Scott*
Portland

* Exceeded 80 hours (the Oregon Pro Bono Honor Roll standard)

** Exceeded 100 hours of pro bono legal service.



Eryn Karpinski Hoerster*
Portland



Steve Nofziger
Portland



Malcolm Seymour**
New York



John Hoerster**
Seattle



Steve Peltin
Seattle



Shannon Stokke
Seattle



Migrant Families Torn Apart by the “Remain in Mexico” Program

Haiyun Damon-Feng

In 2019, Gerson*, a 41-year-old indigenous man from Guatemala entered into the United States with his 14-year-old son Victor* by way of the southern border with Mexico, seeking asylum. At the border, a U.S. border patrol agent separated the father from his son in violation of a federal court order prohibiting family separations at the border. Gerson was sent back across the border to Ciudad Juarez, Mexico, to wait out his immigration court proceedings as part of the Remain in Mexico program. Victor was sent to an unknown location in the United States. Gerson was filled with anxiety and agony, not knowing where his son was taken or how to contact him. Sometime later, Gerson discovered that Victor was being held at a large migrant children’s shelter near Miami, Florida.

With an international border between them, Gerson had no way of reunifying with his son. They would speak on the phone when they could. Victor would tell Gerson that he was sad and suffering without his father, but told Gerson to keep faith that they would be together again someday soon. Gerson’s first opportunity to ask the U.S. government about his son was during his immigration court hearing.

Foster Garvey attorney Haiyun Damon-Feng represented Gerson as a “friend of the court” during his hearing and advocated for the government to investigate the circumstances of their separation. Haiyun, working with the American Civil Liberties Union, negotiated with the Department of Justice for Gerson’s parole into the United States. She accompanied Gerson across the border into the United States. Haiyun and her team then worked with the Office of Refugee Resettlement to secure Victor’s release into his father’s custody. Gerson and Victor were reunified shortly before Victor’s 15th birthday.

*Names have been changed to protect identities



Asylum Hopes Held up by “Remain in Mexico” Program

Devra Cohen, Haiyun Damon-Feng and Benjamin Hodges

After fleeing their home in Central America, 10-year-old Rosie* and her father arrived in the United States seeking asylum and were immediately placed in the Migrant Protection Protocols (“MPP”) program, often referred to as the “Remain in Mexico” program.

According to The Washington Post, approximately 60,000 people have been placed into MPP, despite the well-documented dangers that await migrants in Mexico. People in MPP have been kidnapped, raped, assaulted, tortured, starved, threatened with death and killed. The dangerous conditions and logistical complexities of arguing a U.S. court case from Mexico pose huge barriers for access to counsel. Fewer than one percent of people in MPP are represented by counsel.

Rosie and her father were forced to pursue their asylum claim from Mexico, where they had no family, no home and no immigration status. Rosie and her father lived under constant threat of violence. Rosie and her father were told that the only way they could escape the horrors they were living in in Mexico was to give up their asylum claim. Having no other choice, they accepted final removal orders. Rosie and her father were taken from Mexico and sent to a family detention center in the United States to be formally deported from the United States. While in detention, they were able to speak with pro bono immigration attorneys for the first time, who helped them appeal their removal orders. Rosie and her father were released from detention while their appeal was pending. Rosie’s father passed away in a tragic accident shortly after they were released from detention.

Foster Garvey is now appealing Rosie’s case to the U.S. Court of Appeals for the Ninth Circuit. Our appeal challenges the MPP policy as dangerous, inhumane and unconstitutional. In 2019, Foster Garvey attorneys successfully briefed a Motion to Stay Removal before the Ninth Circuit, ensuring that Rosie remain in the United States while her immigration appeal is pending. Attorneys Devra Cohen, Haiyun Damon-Feng and Benjamin Hodges worked on this matter.

*Names have been changed to protect identities



Foster Garvey Pro Bono Award

Fleeing a Life of Political Upheaval and Violence in Haiti

Emily Harris Gant and Matthew Yium

Two years ago, Emily Gant and Matt Yium joined forces to represent Anna*, a Haitian woman defending removal (deportation) proceedings in Seattle Immigration Court.

In March 2019, the Immigration Judge granted Anna withholding of removal, an asylum-like remedy that prevented her deportation to Haiti on humanitarian grounds.

Anna's father was an active member and local leader of one of Haiti's major political parties, Fanmi Lavalas, a social-democratic political group. Due to her father's party affiliations, Anna and her family became the targets of a series of political attacks, culminating in an attack on her family's home. The attackers killed Anna's grandparents, burned her home to the ground and sexually assaulted her as she attempted to flee. After this incident, Anna's surviving family went into hiding within Haiti, while Anna fled to the Dominican Republic, then through Ecuador to Brazil and finally to the United States.

Anna entered the United States undocumented and soon found herself in removal proceedings alongside her sister and cousin. After decades of being failed by every government and safety net she turned to, Anna finally found her defenders in Emily and Matt.

Emily and Matt approached their hearing with justifiable anxiety. Anna's case had originally been scheduled for a hearing in July of 2018. Emily and Matt appeared for that hearing, only to see their judge deny all relief to Anna's cousin before adjourning Anna's trial date. Emily and Matt faced what appeared to be insurmountable odds, but they persisted. Emily won Anna's trust, locating Creole interpreters and securing expert testimony. Matt took the lead on drafting Anna's pre-hearing brief and handled direct examination of the team's witnesses at the hearing. Working closely with a well-prepared client, Matt delivered a decisive performance. The judge, issuing his decision from the bench, began by remarking favorably on Anna's credibility. Emily and Matt had a good idea what this meant, and they were right: Anna would be one of the lucky few allowed to stay in the United States.

Anna won on the strength of her own testimony, which was developed through patience, practice and attention to detail with guidance from Emily and Matt. Thanks to everyone's hard work all around, Anna was able to escape a life of political upheaval, violence and oppression and find a safe harbor in the United States.

*Names have been changed to protect identities.



Unaccompanied Teenagers Seek Safety Through Multi-Forum Advocacy Efforts

Haiyun Damon-Feng, Zachary King and summer associate Mary Ruffin

In 2019, Foster Garvey attorneys worked with Kids in Need of Defense (“KIND”) to represent four immigrant youth seeking safety in the United States. We assisted them in applying for various forms of immigration relief, including asylum, U Visas and Special Immigrant Juvenile Status (“SIJS”). SIJS is a special status granted to immigrant youth who have been abandoned, neglected or abused by one or both of their parents, and for whom returning to their home country would not be in their best interest. SIJS provides a pathway to permanent residency and citizenship in the United States.

SIJS is a multi-forum advocacy effort, first before a state court and then before U.S. Citizenship and Immigration Services. The first step in a SIJS matter is to obtain a SIJS “predicate order” from a state juvenile court. The predicate order must make a custody determination as to the youth and make various factual findings as to SIJS eligibility. To win a SIJS petition, the youth must prove the facts of the underlying abuse, abandonment or neglect, which can often be a difficult, traumatic and emotionally charged process.

In 2019, Foster Garvey attorneys represented two young teenagers who had endured and survived police brutality, false imprisonment, violent rape and threats of violence in their home countries. Separately, they both braved long and dangerous journeys to the United States without any parental or guardian accompaniment. Attorneys Haiyun Damon-Feng, Zachary King and summer associate Mary Ruffin were able to secure SIJS eligibility for both teenagers.

Since arriving in the United States, they have found safety. Both have graduated from high school and hope to attend college. One of them wants to be a child psychologist or teacher to help children who might be going through similar trauma. The other is undecided but thinks he wants to study science or mathematics in college.



Securing the Release of Child Unlawfully Detained by ICE in Adult Detention Facility

Bianca Chamusco, Haiyun Damon-Feng and Benjamin Hodges

When he fled the Democratic Republic of Congo (“DRC”), Robert*, a 16-year-old boy, was with his mother. Unfortunately, before arriving in the United States, Robert and his mother were separated, and he has not seen or heard from her since. Upon arriving in the United States, Robert pleaded for asylum, was taken into the custody of the Office of Refugee Resettlement (“ORR”) and was sent to a youth shelter for unaccompanied children.

Citing unreliable information and ignoring Robert’s birth certificate and other attestations to his age, Immigration and Customs Enforcement (“ICE”) and ORR “re-determined” Robert’s age. When Robert arrived at the youth shelter, ICE and ORR alleged that he was in his 20s, and, with minimal notice, transferred him from the youth shelter to an adult immigration detention center. Robert spent his 17th birthday in adult detention.

Foster Garvey attorneys Haiyun Damon-Feng and Benjamin Hodges worked with staff attorneys at the nonprofit organization Kids in Need of Defense (“KIND”) to submit a joint letter to ICE and ORR demanding Robert’s release. In addition, the team also prepared a writ of habeas corpus to be filed immediately if ICE failed to release Robert back to the youth shelter. Within just two days of Foster Garvey and KIND’s joint letter, Robert was transferred back to the youth shelter, where he is now safe and in child-appropriate conditions. Bianca Chamusco represented Robert in his immigration proceedings until he was transferred to a long-term foster care facility out of state.

*Names have been changed to protect identities.



Firm-wide Asylum Update

Sarah Carlin Ames, Jeanne Barenholtz, Michelle DeLappe, John Hoerster, Mark Rowley, Malcolm Seymour and Matthew Yium

In 2017, Foster Garvey hosted an asylum training seminar by the Northwest Immigrant Rights Project. More than 30 of the attorneys and staff in attendance volunteered to work on an asylum case, and the majority of volunteers requested to work on a “defensive” case where they would represent a claimant already in removal (deportation) proceedings. Defensive asylum cases are intense commitments involving evidentiary hearings in immigration court instead of informal interviews before asylum officers.

The defensive volunteers were assembled into five teams of four – two attorneys and two staff per team – each of which was paired with a client. Of the five defensive cases that emerged from this seminar, one reached a happy ending in 2019; one was terminated because the client relocated beyond the reach of the firm; and three remain ongoing. In addition to these cases, two attorneys from Foster Garvey’s Portland office have volunteered to helm a defensive case referred by Portland’s Immigration Law Lab.

- John Hoerster and Mark Rowley jointly represent a Guatemalan refugee named Lia*. Lia escaped a horrific past of abduction and sexual enslavement in her home country before fleeing to the United States with her son. Her first hearing in 2018 was adjourned, and her case is now slated for decision in 2021.
- Sarah Carlin Ames and Michelle DeLappe are representing a Salvadoran asylum seeker named Maria*. After a lifetime of avoiding the MS-13 gang and the other ultra-violent gangs that plagued her neighborhood in San Salvador, Maria was forced to flee when the gangs targeted her son for recruitment, threatening her family with death and other reprisals. Maria’s hearing has been adjourned twice – first in 2018 and again in March of 2020 due to COVID-19 related closures.
- Together with Matthew Yium, Sarah Carlin Ames also represents a Mayan family of four from the western highlands of Guatemala, where entire indigenous communities have been targeted for extermination and starvation by paramilitary groups. The father of the family is a teacher who worked for a nonprofit advocating for the human rights of indigenous villagers. When he received threats on his life – and on the lives of his two small children – the family fled to the United States. Their case, originally scheduled for hearing in 2016, has been delayed for more than four years. A hearing scheduled for March of 2020 had to be postponed because of a shortage of court-provided interpreters. The Portland Immigration Court closed the following day due to the COVID-19 pandemic and is not likely to resume the hearing until September of 2020, at the earliest.



- Jeanne Barenholtz and Malcolm Seymour represent Iris*, who fled to the United States from Mexico to escape a toxic and life-threatening marriage to a convicted criminal and gang member. Iris' husband abused her physically, sexually and emotionally, and was at one time imprisoned for murder. Upon his release, he forced Iris to move back in with him by threatening to kill her and her daughter. The abuse worsened, and he would hit her even while she was unconscious from epileptic convulsions. After enduring such horrific abuse, Iris attempted suicide and was rescued by an agency, which gave her shelter to escape her abuser. She pressed charges against him, but nothing happened. He tried to convince her to return to him, and eventually she was kidnapped by men who told her that her husband would "forgive" her for having pressed charges against him, and threatened to kill her if she didn't go back to him. Foster Garvey has helped Iris prepare a defensive asylum application, which will be heard at her removal proceedings presently scheduled for March 21, 2021.

*Names have been changed to protect identities.



Second Chance at Life

Kelly Mennemeier

In 1992 in Oakland, California, Kevin* was arrested and found guilty of the second-degree murder of Daniel*, who was shot in the back while in a car with his brother and nephew at a street intersection. Kevin was 20 years old at the time and was sentenced an indeterminate amount of time between 15 years and life.

Kevin has steadfastly maintained his innocence throughout his 26 years in prison and has presented strong evidence that he is not guilty. More than a dozen alibi witnesses testified at his trial that he was at home during the time of Daniel's shooting. He took a polygraph test in 2010 that found no evidence of deception in his assertion of his innocence. And in 2017, one of the three eyewitnesses to the shooting recanted their testimony that Kevin was the man who shot Daniel.

In addition, Kevin has acknowledged and regrets his negative lifestyle prior to his incarceration. He rebelled against his family's values and began using and selling drugs as a teenager, and was expelled from high school for fighting. Even though he maintains his innocence, he has given substantial thought to how his behavior fueled the culture that led to Mr. Smith's tragic death and is remorseful for his drug-filled past. In the last decade, Kevin has made significant efforts toward improving himself by completing several self-evaluation classes and regularly attending Alcoholics Anonymous and Narcotics Anonymous meetings.

Foster Garvey attorney Kelly Mennemeier represented Kevin in his petitions for habeas corpus to the California Superior Court and Appellate Court, his seventh time being considered for parole. Kelly and Kevin were able to gain traction with the parole board, which actually paused the parole hearing partway to do some further investigation. Upon reconvening, the parole board agreed to release.

Kevin was released on May 18, 2020, and was greeted by several members of his family. He is currently in a reentry facility in San Francisco and plans to reconnect with his family and look for employment.

*Names have been changed to protect identities.



Assisting Veterans Previously Denied Benefits

Devra Cohen, Benjamin Hodges, Kelly Mennemeier and Michelle Rusk

Through the Veterans Consortium Pro Bono Program, Foster Garvey attorneys have assisted numerous unrepresented veterans or their family members in appeals before the U.S. Court of Appeals for Veterans Claims. In 2019, Foster Garvey assisted eight veterans and families of veterans in their appeals, including six Washington state veterans. The cases included:

- A widow pursuing a claim on behalf of her Navy veteran husband, who passed away while his disability benefit claim was pending with the United States Department of Veterans Affairs, and was seeking back disability benefits for his back and hip disabilities;
- An army veteran suffering from heart problems;
- An army veteran suffering from shoulder issues;
- A Navy and Army veteran suffering from neck, elbow and shoulder disabilities

In all the cases to have reached resolution to date, Foster Garvey was able to either successfully negotiate a favorable disposition for the veteran or obtain a ruling in favor of the veteran from the Court.

Additionally, on May 16, 2019, the firm hosted a training conducted by the Veterans Consortium to instruct attorneys on how to properly handle appeals at the U.S. Court of Veterans Claims. The training featured expert speakers from all over the country, including speakers from the Court of Veterans Appeals. The program was the first West Coast training conducted by the Veterans Consortium and was attended by attorneys from multiple service areas across the firm.



Assisting Artists to Inspire Others

Bianca Chamusco, Sinjin Dinh, Benjamin Hodges and Victoria Redman

In 2019, Foster Garvey attorneys participated in multiple clinics hosted by Washington Lawyers for the Arts (“WLA”). Since 1976, WLA has supported the work of artists and arts organizations through partnership with the legal community, providing legal services, including legal advice and education, to support the arts community in Washington state. Attorneys Benjamin Hodges (who also serves on the Board of Washington Lawyers for the Arts), Bianca Chamusco, Sinjin Dinh and Victoria Redman volunteered to assist individuals during a week of virtual clinic consults, helping those in need from across the state and also locally at an in-person clinic hosted by Amazon. Volunteer attorneys provided guidance to artists of all types, including filmmakers, authors (including an elementary school aged author), toy designers, musicians and jewelry designers. Also in conjunction with WLA, Benjamin and Bianca spoke to a group of University of Washington students and aspiring filmmakers about intellectual property issues to be aware of as they begin their careers.



Working to Reform Campaign Finance Systems

Brad Deutsch, Andrew Goodman, Maurice Heller, Daniel Keppler, Paul Trincherro, Malcolm Seymour and Yeli Zhou

In 2019, Foster Garvey continued to assist its partner organization, Free Speech for People (“FSFP”), in advancing legislation to repair the country’s broken campaign finance system and mitigate the influence of money in the electoral process. One of FSFP’s current priorities is the promotion of model legislation, which FSFP drafted to curb super PACs and political spending by foreign-influenced corporations.

In 2017, the City of St. Petersburg, Florida, voted to enact FSFP’s model ordinance, limiting spending by super PACs and foreign-influenced businesses in city elections. A significant inducement to the passage of this legislation was the offer of legal assistance from Foster Garvey, in the likely event that the ordinance was challenged on constitutional grounds. Foster Garvey was selected for the job after the city’s former lead trial counsel, David Boies, stepped down.

The St. Petersburg ordinance requires corporations that spend money in St. Petersburg elections to certify they are not foreign-influenced, meaning that they are not owned in whole or a significant part by foreign entities. The Seattle City Council recently voted to enact a similar variant of the FSFP model ordinance, restricting election spending by foreign-influenced businesses. The St. Petersburg ordinance goes one step further, establishing limits on contributions to political action committees and thereby diminishing the influence of super PACs in city elections.

When St. Petersburg held its city council elections in 2019, it braced itself for a legal fight over this new campaign finance ordinance. A team of Foster Garvey attorneys, led by Andrew Goodman, made defensive preparations for an anticipated emergency lawsuit. Ultimately, no challenge was brought, but St. Petersburg expects the issue will resurface even more prominently in 2020 when the city holds its next mayoral election. The Foster Garvey team responsible for defending the St. Petersburg ordinance includes Brad Deutsch, Andrew Goodman, Maury Heller, Dan Keppler, Paul Trincherro, Malcolm Seymour and Yeli Zhou.



Securing Insurance for Those Unable to Work

Jack Zahner

Stephanie* is disabled with both mental illness and physical disabilities. Unable to work and with no income, she survives on very limited public assistance. Stephanie had been living amicably with her ex-husband in his house for many years, but her life got more complicated when her ex-husband passed away in May 2019 after a sudden illness.

Stephanie reached out for help in June 2019, initially needing advice on whether she could remain in her ex-husband's house pursuant to their lease agreement or whether she needed to vacate so that her ex-husband's estate could sell it. Foster Garvey attorney Jack Zahner negotiated with the estate's attorney and personal representative and secured a financial incentive for Stephanie to move out. With the help of her sister, Stephanie was able to find an adult family home that would accept Medicare funding.

Jack then turned to the denial of the life insurance claim. Stephanie was the designated beneficiary on her ex-husband's \$200,000 term life insurance policy. But, the insurance company denied the claim because her ex-husband had failed to pay the last premium installment before his death, and the 31-day grace period within which to make a late payment had expired just four days before his death. On the surface, the insurer's denial seemed reasonable; no premium payment had been made before the expiration of the 31-day grace period. But, after gathering and analyzing the communication and payment history with the insurer, two things became abundantly clear: (1) on numerous occasions, the policyholder had paid the premium late, after the 31-day grace period; and (2) the insurer always accepted the late payments and kept the policy in force. Because the payments were set up on a quarterly payment schedule, the insurer had accepted late payments as long as they were made within the applicable quarter, even if they were past the 31-day grace period. With this information in hand, Jack wrote a letter to the insurer setting out examples of the late payments and acceptance of the late payments and suggesting that, given the pattern and practice between the insurer and the policyholder, a reasonable person in the ex-husband's position would believe that he had more time to make the premium payment. After reviewing the letter and its enclosures, the insurer agreed and issued a check for the \$200,000 in life benefits, plus interest.

Jack then teamed with an outside law firm that specializes in setting up special needs trusts for people with disabilities to promptly transfer the life insurance proceeds to Stephanie's special needs trust. Jack also worked on transferring two small inherited IRA accounts of which Stephanie was the beneficiary to the special needs trust. Although she is still adjusting to life without her ex-husband and experienced some difficult health setbacks, Stephanie is currently adjusting well to her new life and enjoying living in the adult family home that is well suited to her needs.

*Names have been changed to protect identities.



Educating Pro Se Litigants in Oregon

Joseph Arellano and Kathleen Carroll Bricken

A hallmark of Foster Garvey's Pro Bono program is finding opportunities to help people who would not normally have access to representation. Through the Free Federal Law Clinic, a new program run by the Oregon Chapter of the Federal Bar Association, lawyers have an opportunity to volunteer to meet for 30 minutes with pro se litigants to advise them on courtroom procedures, including how to file documents and manage their litigation, as well as to answer any questions they have about the process. The federal court provides malpractice coverage, a meeting space in Portland's Mark O. Hatfield U.S. Courthouse, engagement letters and notice ahead of time to run conflict checks with the volunteer attorney's law firm. Not only does this program help connect people in need with sought-after legal resources, the Court has made the process of providing and accessing pro bono counsel seamless for both attorneys and litigants.

In one example, Foster Garvey attorney Kathleen Bricken helped a pro se litigant who already had a pending lawsuit against a police department but needed help amending his complaint to overcome a Rule 12 motion to dismiss the case. Kathleen relied on precedent involving a police case from approximately 15 years ago, as well as research and complaints regarding constitutional claims and other issues of immunity. She delved into unlawful search and seizures and then helped her pro se client limit and focus his complaint on the claim that had the highest likelihood of success – a First Amendment free speech claim. The client agreed to focus his claims on alleging that an improper search and seizure of his home was a retaliatory act to his news article criticizing the police on an earlier stop and frisk of him. Kathleen found another case with a similar styled claim that another court had recognized as sufficient to state a claim. The client still encountered problems with his case that would plague him later, such as a court signing the search warrant. But he was still grateful for the non-judgmental assistance, which is critical to instilling in disaffected pro se litigants a respect for the system and a feeling of more equitable access to justice, rather than frustration or hopelessness.



Increasing Civic Engagement Through Technology Platforms

Kathleen Brown, Benjamin Hodges, Brooks Lindsay, Steve Peltin and Shannon Stokke

In a time of increased civic engagement, nonprofit organization DemocracyLab is working to bring programmers and entrepreneurs together to create technology that creates opportunities for civic engagement. The organization has developed a location-based food donation app (Banana App), a game simulation that allows participants to edit Seattle lanes and intersections to optimize traffic flows (A/B Street), and a website to track and publish town halls that lawmakers are holding (Town Hall Project).

Foster Garvey attorney Brooks Lindsay has been working with DemocracyLab for nearly a year, providing general business advice. In addition, Foster Garvey has reviewed sponsorship agreements; drafted employment agreements, terms for volunteering, terms for organizations hosting projects and a privacy policy; helped the organization “merge” from an Oregon to a Washington entity; and analyzed Fair Labor Standards Act (FLSA) compliance issues related to volunteering.

As its hackathons with programmers and entrepreneurs have grown with the support of sponsors such as the Bill & Melinda Gates Foundation, Microsoft, Amazon and HERE, the need for sound legal counsel has risen as well. Foster Garvey has been happy to meet this need with the support of attorneys and staff such as Steve Peltin, Shannon Stokke, Benjamin Hodges, Kathleen Brown and others.



Foster Garvey Pro Bono Award

Pro Bono Award Recipient Awaits Historical Decision From Washington Governor Jay Inslee on Clemency Case

Paul Heer

Paul Heer, an associate in Foster Garvey's Investment Management group in Seattle, has tirelessly devoted himself to pro bono causes over the past several years, with a focus on criminal justice reform. For his commitment to these projects – including more than 280 hours served in 2019 alone – Paul received one of the firm's two 2019 public service awards.

One of Paul's crowning achievements of the year came as a result of his partnership with the Seattle Clemency Project to represent a prisoner serving a life sentence in Washington. Paul's client had been convicted of serious offenses and had worked hard to reform and redeem himself while incarcerated. Washington does not generally provide for discretionary parole, leaving little recourse for individuals with long-term or life sentences. One route to release is through the clemency process – to ask for a commutation or pardon from the governor.

Given the severity of his client's offenses, Paul's case was unprecedented in Washington, making it a difficult case from the start. Paul was courageous, creative and tenacious. He worked with his client to secure a favorable decision from the parole board, recommending commutation. The request for commutation now lies with the governor's office where it awaits Governor Inslee's signature, which would be a historic exercise of the Governor's executive power.



Service to Community Organizations

Foster Garvey provided pro bono legal services and made donations to, or served on Boards of many community organizations during 2019:

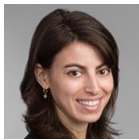
ACLU of Washington	DC Bar Foundation	Ladybug House
Alzheimer's Association	DemocracyLab	Legal Foundation of Washington
American Heart Association	Downtown Seattle Association	Legal Voice
American Public Television Stations	Eastside Baby Corner	Lewis Moody Foundation
Association of Independents in Radio (AIR)	Endowment for Equal Justice	Maple Leaf Community Council
Athletes for a Better World	Epilepsy Foundation	Mother Attorney Mentoring
Big Brothers Big Sister	Foundation House at Northgate	Mt. Spokane
Blethen Corporation	Friends of Flying Heritage	Multnomah Bar Foundation
B'nai B'rith International	Friends of Mt. Spokane State Park	Municipal League Foundation
Boy Scouts of America	Hopelink	Northwest Immigrant Right Project
Chamwino Connect	Human Rights Initiative (North Texas)	Northwest Kidney Centers
Child Care Center	Innocence Project Northwest	Oregon Campaign for Equal Justice
Classroom Law Project	International Community Health Services (ICHS)	Oregon Episcopal School
Clean Waters Washington	InvestED	Oregon Innocence Project
College Success Foundation	Issaquah Schools Foundation	Oregon Women Lawyers
Congregation Beth Sholom of Lawrence	Jewish Federation of Greater Seattle	Our Home: Inclusive Community Collaborative
Congregation Kesser Israel	Junior Achievement USA	Owen Klinger Scholarship Fund at University of Portland
Cornish College of the Arts	Juvenile Diabetes Research Foundation (JDRF)	Parents for a Better Downtown Seattle
Council on Public Legal Education	King County Bar Foundation	Park Slope Schoolhouse
CREW	Kitsap County Consolidated Housing Authority	People with AIDS



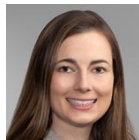
PHAME	Techbridge Girls
Project Lemonade	The Learning Tree
QLaw	The Meridian School
Rainier Valley Corps	The Underground Museum
Rebuilding Together Seattle	The Youth & Law Forum
Risk Management Association	Union of Reform Judaism
Seattle Cancer Care Association	United Way
Seattle Children's Theatre	University of Washington Foundation
Seattle Clemency Project	USO Northwest
Seattle Colleges	Washington Coalition Against Domestic Violence
Seattle Girls' School	Washington Conservation Voters
Seattle Hotel Association	Washington State Climate Action Team
Seattle Indian Health Board	Washington Women Lawyers
Seattle Symphony	Western Rivers Conservancy
Seattle Theatre Group	Whitworth University
Seattle University	YMCA
Shunpike Arts Collective	
Sound Cities Association	
South Asian Bar Association of Washington	
Spokane Neighborhood Action Partnership (SNAP)	
Spokane Scholars Foundation	
St. Mark's Cathedral	
St. Rose School Advisory Council	
Tacoma-Pierce County Affordable Housing Consortium	



FG Pro Bono and Community Service Committee Members



Jeanne Barenholtz
New York



Tacy Hass
Seattle



Andrew Lukes
Seattle

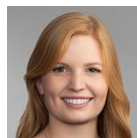


David West
Seattle

Silviya Borroff
Seattle



Benjamin Hodges
Seattle



Victoria Redman
Seattle



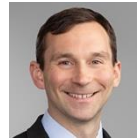
Jack Zahner
Seattle



Bonnie Chung
Seattle



Eryn Karpinski Hoerster
Portland



Chris Rogers
Seattle



P. Stephen DiJulio
Seattle



John Hoerster
Seattle



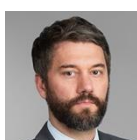
Don Scaramastra
Seattle



Steven Gillespie
Seattle



Uzodinma Irozuru
Seattle



Malcolm Seymour
New York