2009 PRO BONO ANNUAL REPORT

Foster Pepper PLLC
Introduction from the Chair

By Jake Larson, Pro Bono Committee Chair

Our democracy promises access to justice for all, not just those who can afford it. But with the economic downturn, the demand for pro bono legal services is higher than ever before, just as our state’s overburdened legal aid system is facing financial uncertainty. Funding for civil legal aid is at an all-time low, while bankruptcy filings are up over 50 percent above last year, foreclosures have risen nearly 40 percent since 2008, and unemployment in our state has reached almost 10 percent. So, in 2009 Foster Pepper focused on stepping up to help fill that gap. Our Committee has worked hard to present opportunities to our attorneys that use their time and talent as strategically as possible to give back to the community.

Besides developing pro bono programs and partnering with nonprofits, many of our attorneys have been leading important pro bono initiatives. Our litigators have been working hard for meritorious pro bono clients who would otherwise be forced to navigate legal procedures on their own. The firm has offered support to several other local nonprofit organizations, including Legal Voice, the Northwest Justice Project and Columbia Legal Services. Our transactional lawyers have also worked diligently to find relevant pro bono opportunities, and are collaborating with the University of Washington’s Entrepreneurial Law Clinic to help entrepreneurs from low-income communities make their business ideas a reality.

We are proud of our pro bono program’s achievements and accomplishments outlined in this report and look forward to another innovative and successful year in social responsibility initiatives.
Tonight, a couple more families will sleep in their homes instead of their cars. A few more victims of domestic violence will access protection orders instead of emergency rooms. More abused and neglected children will have court-ordered protection instead of the brutality of a violent home. This is all possible thanks to the good work of the attorneys I have the privilege to interact with daily.

This year we focused on serving more diverse constituencies, creating new signature projects, and partnering with nonprofit organizations. With these partnerships evolved new and exciting projects, including ones with Jewish Family Services and Bet Tzedek Legal Services in Los Angeles. Foster Pepper accepted Ghetto Reparations matters from these two organizations and will help them establish the ZRBG Pension Project in Seattle in 2010. The firm also worked with Washington Court Appointed Special Advocates (CASA) to produce the first-ever Indian Child Welfare Act Manual, which helps volunteers understand this complex and intricate area of law. Now, more Native American children will have a stronger voice in court. The firm received the 2009 David W. Soukup Award for Outstanding Advocacy of the Year for its efforts.

Foster Pepper also continues its support of and partnership with Washington Appleseed, and is exploring the important issues of low-income access to transportation and the adverse effects credit scores can have on achieving employment and secure housing. Associates, partners, and summer clerks all worked on Appleseed projects during the year.

In looking forward, we also hope to partner with more of our corporate clients through the Corporate Pro Bono Challenge. If you are interested in learning about opportunities for your company to partner with our attorneys on a pro bono project, please contact me. Collaboration, creativity, and of course, quality legal advocacy have been the linchpins of this year’s success, and we look forward to another busy year in 2010. ♦

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/
The Ghetto Work Payment Program offers a one-time payment of 2,000 Euro to Holocaust survivors who labored in Nazi-controlled ghettos during World War II. Foster Pepper was one of the primary firms that organized the formal Ghetto Reparations program in Seattle that trains lawyers and paralegals how to help survivors. More than 50 survivors received pro bono assistance.

Mr. Sidorov’s Story

When Alexei Sidorov* was 11 years old, his parents sent him to southern Ukraine for the summer to work on his uncle’s farm in the town of Mogilev Podolski. He was supposed to learn about agriculture and cultivation, but instead, he learned about genocide and the systematic murder of innocents.

In July 1941, the German Nazis invaded and quickly overran the Ukraine. They rounded up ethnic Ukrainians, gypsies, Jews, and other targeted populations. Alexei was captured and quickly shipped off to a concentration camp.

Heartbroken over Alexei’s imprisonment at the concentration camp, his uncle took a dangerous risk to save his nephew’s life. He bribed the guard who watched over prisoners at off-site work projects to allow Alexei to escape. A couple of days later, when the Nazis and their prisoners were on the way to a work site, the guard looked the other way as Alexei jumped off the moving train. Alexei made his way back to Mogilev Podolski — through occupied territory — where he resumed life in the ghetto. He was unsure of his parents’ location, or even their fate. For many camp occupants, living in the ghetto meant succumbing to starvation, exhaustion, disease and eventually death. Alexei, however, was determined to survive. He joined a street cleaning crew, picking up garbage and shoveling horse manure during the day, in hopes of receiving a little extra food in his nightly ration.

Alexei lived in the ghetto until 1944 when the Russian army “liberated” Mogilev Podolski. Of course, the liberating army promptly “enlisted” every able-bodied man to fight the Germans on the Russian front. Because Alexei was only 14 however, he avoided this fate. Many who became soldiers never returned.

“One of the most poignant moments of my legal career occurred during my interview of Mr. Sidorov,” said John Nelson, managing partner of Foster Pepper’s Spokane office and a volunteer for the Ghetto Reparations Project. “Mr. Sidorov speaks no English, so I had to work through his

* Name changed to protect client’s identity.
son as an interpreter. As he relayed the story of his ‘volunteer’ work, he kept repeating the same two words while pointing to my notepad. When I asked what he was saying, his son explained that Mr. Sidorov wanted me to record the name – first and last – of the German officer who had guarded his work party.

Here it is 66 years later, he’s 80 years old, and he still distinctly recalls that man. He remembered the details so clearly, and with such emotion, that I couldn’t help but think what it must have been like for him as a 14-year old boy – my own son’s age. I knew how truly lucky I have been to be in a position to help.”

Ultimately, Alexei was reunited with his parents, though he lived as an orphan for several years after the war was over. Eventually, he immigrated to the United States with his son. John learned Alexei’s story while providing pro bono legal advocacy for Alexei’s Ghetto Reparations application to the German government. “He introduced his son with so much pride in his voice, and then teased him about their resemblance,” said John, admiring the courageous survivor for whom he had enjoyed the privilege to help.

Mr. Freeman’s Story

“As a law student, I imagined that as a practicing attorney I would regularly engage in pro bono projects. In reality, as an associate practicing transactional law, the prospect of working on pro bono projects became somewhat more daunting. I didn’t feel confident the skill set I was working to develop in my regular practice was well-suited to the types of pro bono projects available,” explained Allison Schwartzman, an associate in Foster Pepper’s municipal finance group. “But the Ghetto Reparations project was an amazing opportunity for me to do pro bono work suited to my legal experience,” she said.

Allison met with her Ghetto Reparations Project client, Hans Freeman*, and found the experience to be valuable not only on a professional level, but on a personal one. “Mr. Freeman’s experiences from the time he was moved to a German-run ghetto in Poland in 1941, to the time he was liberated in May 1945, were horrific and wholly unimaginable,” she said. Mr. Freeman spent time doing grueling work in labor camps and was eventually sent to Auschwitz, Gross-Rosen and Regensburg, all concentration camps. Even after liberation and coming to the United States, life was not easy for Mr. Freeman, as he struggled to find work and make his way in a new community.

“His perseverance, strength and humor are immediately apparent to all who meet him, and to me, are both astonishing and inspiring. It was my distinct honor and pleasure to meet him, and even more so to have the opportunity to provide assistance,” she said.

* Name changed to protect client’s identity.
Ms. Tur’s Story

Jeff Nave’s typical clients are local governments and nonprofit organizations. As a member in the municipal group in Foster Pepper’s Spokane office, Jeff helps these clients with transactions involving issuing tax-exempt bonds and syndication of federal tax credits. “There is little I do in my daily practice that would prepare me to represent a low-income individual pro bono in an adversarial proceeding,” explained Jeff. “However, I was able to use the skills learned in a transactional practice to help my client in the Ghetto Reparations Project,” he added. This is because the nature of the Ghetto Reparations work was to review, complete and file governmental forms that concerned whether Jeff’s client qualified for a governmental program – an exercise similar to completing and filing forms with the IRS and SEC.

“Working with an individual client was very rewarding,” said Jeff. His client, Basia Tur*, had suffered as a Jewish child during the Nazi occupation. “However, as we discussed the Ghetto Reparations Project and the information the German government requested, I was in awe of my client’s bravery, creativity, intelligence and perseverance,” said Jeff. “It was not something I regularly experience when representing organizations. An organization cannot run from a guarded field to the nearby forest, assume a separate identity, maintain that identity for half a decade in a Nazi work camp, immigrate to America, earn a university degree (while learning English), start a career and raise a family. These were all things my client had done before reaching the age of 30,” he said. “This client was one of the most memorable people I have met. I will continue seeking out this type of pro bono work in the future.”

* Name changed to protect client’s identity.
The Flises’ Story

When Maggie Yowell met Ania and Henryk Flise* she was immediately struck by their strength and resilience. Maggie is of counsel in Foster Pepper’s land use group, and she traveled to meet the Flises at their home. As they sat around the family dining table, Maggie explained the Ghetto Reparations Project. “Even though we decided not to apply for reparations, the experience was nevertheless moving and will stay with me throughout my life,” said Maggie.

“Their anguished memories of the ghettos and concentration camps were heartrending. And it seemed compounded by memories of a prior experience of applying for reparations from the German government in which their application was denied,” explained Maggie. In that case, the German government required psychological testing of Mr. Flise to determine whether his current depression was the result of the death of a son. As Maggie worked through the application, the pain of all the memories came flooding back to the Flises. “Not far into the interview, Mr. Flise broke down weeping – overwhelmed by his vast grief. Mrs. Flise added to her husband’s grief with anger – anger for what happened, and for the continued pain and grief that she and her husband suffered,” explained Maggie.

“Yet, despite all the unimaginable horrors they recounted through their grief and anger, the greatest source of their current anguish as we talked was the German government now wanted them to declare that they had worked voluntarily in the ghetto.” Maggie explained to the Flises that one of the requirements for successful application to the Ghetto Reparations program is the survivor must say they “voluntarily” worked while in the ghetto. “This proved to be a formidable obstacle for my clients,” explained Maggie. “The mere thought of saying that anything that had happened in the ghetto was voluntary was simply reprehensible to this couple.”

Reflecting on the experience, Maggie recognizes that although the process resurfaced painful memories for the Flises, she is grateful she was able to provide a valuable service. “It is my hope the opportunity to tell their stories helped release some grief and anger, and helped in healing,” she said. ♦

* Names changed to protect client’s identity.
Seeing the Light

When a disabled man — Mr. Collins* — needed help arranging for legal aid for his elderly mother in Michigan, Bill Lynch, of counsel in Foster Pepper’s financial institutions group, offered to assist. Mr. Collins was blinded seven years ago in an industrial accident and lives in Washington, but his mother lives in Michigan, where she became a victim of elder abuse. To help her, Bill interviewed Collins and wrote explanations of facts and issues to introduce the matter to a nonprofit organization in Michigan. Bill is now working to facilitate communication between the nonprofit and Collins. “Without pro bono help here, this case would never get on the radar of the people in Michigan who are supposed to help the weak and vulnerable,” explained Bill. ♦

Helping Komen

Jeannie Simpson, an associate in Foster Pepper’s real estate group, has long supported the meaningful work of the Susan G. Komen for the Cure in Washington. When the organization’s Puget Sound Affiliate needed help drafting and negotiating its lease for new office space in Seattle, Jeannie provided legal advocacy. “I am pleased to report that, due in part to our help, the Puget Sound Affiliate has settled in to its new office space,” said Jeannie of the matter’s outcome. ♦

* Name changed to protect client’s identity.
Advocating for Victim’s Rights

In March 2005, Ms. Jazmin Muriel, a Columbian immigrant, married Anthony Meredith, an Assistant District Attorney in Virginia. The marriage quickly turned sour and, while pregnant, Ms. Muriel fled from Virginia to Washington to escape Mr. Meredith’s abuse. Moving across the country, however, did nothing to stop Mr. Meredith’s harassment. In fact, Mr. Meredith was successful in having their child temporarily placed into foster care, and he intimidated those who tried to protect Ms. Muriel. He also made false police reports to sway divorce proceedings, and repeatedly interfered with Ms. Muriel’s immigration proceedings.

As part of the divorce proceeding, the Court entered a permanent domestic violence protection order based on its finding that Mr. Meredith committed domestic violence against Ms. Muriel. The order also prohibited him from contacting any agency about Ms. Muriel’s immigration status without first obtaining permission from the Court. The Washington Court of Appeals, however, reversed that order, finding the order was not sufficiently tailored to the findings of domestic violence to warrant suppressing Mr. Meredith’s First Amendment right to free speech.

Ms. Muriel subsequently petitioned the Washington Supreme Court for Review of the Court of Appeals’ decision, presenting an issue that soon became one of national attention: a victim’s right to be free from domestic violence versus an abuser’s First Amendment right to free speech. Local advocacy groups, including Legal Voice, the Washington State Coalition Against Domestic Violence and the Sexual Violence Law Center, looked to take a stand on the position. Legal Voice reached out to Jay Donovan, an associate in Foster Pepper’s litigation group and Steve DiJulio, a member in its municipal group, to write an amicus curie memorandum. Jay and Steve’s amicus curie memorandum was filed with the Washington Supreme Court in support of Ms. Muriel, along with several other amicus briefs from advocacy groups across the nation. Legal Voice, the nonprofit organization that requested Jay and Steve’s help, expressed their gratitude for the firm’s assistance with this important matter. ♦
In the Community

Stories of Autism

In October of 2005, a father of a child with autism began the “Stories of Autism” project to promote autism awareness. As the photography-based project became more well-known, more families wanted to share their stories, too.

When Stories of Autism needed help incorporating as a 501(c)(3) in September of 2009, Olivia Pennella, an associate in Foster Pepper’s business group, helped the organizers establish as a Washington nonprofit corporation. She prepared articles of incorporation, bylaws, resolutions and a conflict of interest policy, as well as completed the Form 1023 application and relevant exhibits. Meanwhile, paralegal Colleen Marcin filed the articles of incorporation with the Washington Secretary of State and applied for the EIN with the IRS; filed the Master Business Application; and put together a corporate minute book for Stories of Autism. Now properly formed, the new organization will work with communities around the globe to raise awareness by displaying its work, adding portraits from local photographers, and including photographs created by people on the autism spectrum. ♦

Civil Justice Initiative

Hugh Spitzer, a member in Foster Pepper’s municipal group, advised the Washington State Bar Association (WSBA) on its authority to use Bar fees and money in specified funds to help pay for a portion of civil legal services for low-income Washingtonians. As a result of his pro bono assistance, nonprofit groups like the LAW Fund for Equal Justice and Legal Foundation of Washington were able to work with the Board of Governors to gain extra funding for civil legal services programs. ♦
Washington Wildlife and Recreation Coalition

The Washington Wildlife and Recreation Coalition (WWRC) is a nonprofit citizens group founded by two former governors to preserve more land for outdoor recreation and wildlife habitat. Jenifer Merkel, an associate in Foster Pepper’s municipal group, helped the WWRC by restructuring the 501(c)(3) entity which holds certain assets and where certain activities were conducted. With local and federal matching funds, the WWRC leveraged over $1 billion for neighborhood parks and ball fields, biking and walking trails, local beaches, boat launches, wildlife, habitat, state parks and working farms. “Having the opportunity to use my legal skills to help an organization that does so much to better and preserve our natural landscape and provide a safe and sustainable habitat for wildlife was both rewarding and satisfying,” said Jenifer. “I look forward to working with WWRC in the future.”

Honoring the Past, Educating the Future

To honor Japanese American heritage, Rod Dembowski, a member in Foster Pepper’s litigation group, performed the legal work to buy the property for the Seattle Nisei Veterans Committee’s (NVC) new NVC Japanese American Memorial Wall. This memorial honors those who were interned during World War II as a result of Executive Order 9066, as well as Japanese Americans who have served America in the military. The goal will be to bring school children, teachers and other groups to the NVC Memorial Hall to learn about the bravery and suffering of Japanese Americans during World War II.
Income Tax Ballot Initiative

Hugh Spitzer and Alice Ostdiek, members in Foster Pepper’s municipal group, have been working with various lawyers to draft a potential revision to Washington state’s tax structure. The state’s current structure is viewed by many as one of the most regressive in the nation. “Regressivity” is the measure of impact of taxes on lower income people at a larger tax-rate-per-dollar-earned than on higher income individuals.

The report of Washington State’s 2002 Tax Structure Study Committee (on which Hugh Spitzer served as Vice-Chair) compared Washington’s tax structure with other states, particularly those in the Pacific Northwest and California. Idaho and Oregon have an overall tax structure that is effectively flat, while California’s is slightly progressive overall. In Washington, however, people in the lowest 10 percent income level pay as much as 16 percent of their income in state and local taxes, while those in the top 10 percent pay about 4 percent of their income in state and local taxes. The major reason for this phenomenon is Washington’s lack of an income tax and its heavy reliance on sales taxes.

The legislation that Hugh Spitzer and Alice Ostdiek have been working on would implement a mildly progressive income tax while reducing the sales tax and cutting the statewide property tax in half. Their work is being performed as a project for Washington Appleseed. ♦
Access to Transportation

Low-income individuals often encounter obstacles hindering their access to transportation, which can result in difficulties in finding employment. Poor or thin credit can make car insurance rates prohibitively expensive for low-income workers; and inadequacies in the public transportation system make private vehicles a necessity for many. A team of six Foster Pepper summer associates (Jeremy Eckert, John Kennedy, Nicole Black, Sharee Pierce, Amy D’Amato, and Thomas Fabrega), two members (Alice Ostdiek and Jake Larson), and 2009 Appleseed Intern (Helen Nolan), examined the barriers preventing easy access to transportation to find possible solutions.

The first area the team examined was automobile insurance. The team analyzed the use of credit scoring and other practices disadvantageous to low-income people and reviewed the powers and duties of the Insurance Commissioner’s Office. Then, it examined possible alternatives to owning a car which ranged from expanding and improving public transportation to encouraging employers to provide access to transportation for their low-income employees.

The report examined the possibility of state funding to incentivize businesses to provide transportation options. It also looked at the liability issues for employers, challenges faced by companies in similar situations and potential employers who would be interested in participating from an environmental angle. A new team will continue to work on the legal research necessary to complete this important review.
In the Community

Maltby Baseball Club

Maltby Baseball Club, a nonprofit organization, strives to impact the lives of youth by providing learning facilities and educational programs that promote character development and life-enhancing values through the game of baseball. Jenifer Merkel, an associate in Foster Pepper’s municipal group, and Jeff Miller, a member in its litigation group, helped Maltby with incorporating and structuring its organization and assets. They are preparing articles of incorporation, bylaws and other corporate documents so Maltby can continue providing these services to youth for their personal development.

Protecting Ideas

A disabled elderly woman in Deer Park, Washington who developed a new dog breed called “Shimas” found herself facing a complicated intellectual property issue. She contacted Washington Lawyers for the Arts, and the nonprofit referred her to Chris Lynch, an intellectual property member in Foster Pepper’s Spokane office. Chris agreed to pursue a copyright and trademark claim against a customer who had taken improper liberty of using the breeder’s photographs and materials on his own competing website to sell the new “Shima” breed originated by the client.

The client’s web designer had hijacked her website for his own benefit and he started competing for sales of the new breed. “Of course there is no prohibition on competing to sell the breed, but the accused defendant has used our client’s materials in this hijacked website,” explained Chris.

Chris and his team, summer associate Amy D’Amato and paralegal Renee Stewart, are awaiting registration of her copyright from the US Copyright Office which is a prerequisite to beginning any lawsuit. Chris and his team have also sent a demand letter to the California web designer and are waiting for the copyright issues to be resolved so they can file a federal action.
The Rural Development Institute (RDI) is an international nonprofit organization that works to secure land rights for the world’s poorest people. RDI has worked for four decades with the governments of 40 developing countries, foreign aid agencies, and other partners to design and implement laws, policies, and programs that provide opportunity, further economic growth, and promote social justice. RDI has helped provide land rights to more than 400,000,000 people. When RDI needed help with legal research for its World Justice Project, two associates agreed to assist. Upon completion of their respective projects, each received a sincere letter of gratitude from RDI’s CEO.

Nepal

“It was a privilege to be able to work on a pro bono project for RDI,” said Kirsten Koester, an associate in Foster Pepper’s business group. “I have great respect and admiration for the organization,” she said. Kirsten researched the current and historical land rights situation in Nepal, with a particular focus on women’s access to land ownership and stewardship, and summarized her findings in a comprehensive research report. “The project offered a stimulating change of pace from the work I typically do in my business legal practice and it was challenging and interesting. During my research, I learned a great deal about Nepal and deepened my understanding of RDI’s mission of securing legal land rights for the rural poor in developing countries,” said Kirsten. “I would gladly give my time to RDI in the future and am proud that Foster Pepper has such a strong commitment to furthering RDI’s goals.”

Bangladesh

As a part of RDI’s World Justice Project, litigation associate Katie Carder researched the formal and customary laws and practices governing the rights of women to own land in Bangladesh. She focused on existing laws and their impact on inheritance rights and other rights to land. “In our daily law firm practice, it is easy to lose sight of how much of the world’s population is still fighting for basic rights, such as land access. It was a privilege to be able to use my legal skills to promote such an important cause. I hope I am able to work further with RDI on projects geared toward securing women’s land rights as a means to ending world poverty,” said Katie.
Perkins School

Private schools, although technically nonprofit, do not always qualify for pro bono legal assistance. However, the Perkins School, because of its small size, lack of endowment or other reserve funds, and commitment to 20 percent of its budget going to financial aid, has qualified for pro bono help under RPC 6.1. A few years ago when the school needed help with a legal matter, it hired an attorney but the legal bills seriously impacted the school’s operational budget. Understanding the nonprofit K-5 school had limited resources, Chris Napier, a member in Foster Pepper’s real estate group, agreed to help negotiate and secure a long-term lease renewal for school’s current location. This pro bono effort ensures the Perkins School can remain a vibrant part of the Maple Leaf neighborhood for the next 25 years. ♦

Girls Rock!

Girls Rock! is a local music education program that builds confidence and fosters creativity in young girls. Beginning in the summer of 2009, the program started holding weeklong summer rock camps and needed legal support. Jenifer Merkel, an associate in Foster Pepper’s municipal group, and Matt Maynard, an associate in its business group, helped the organization prepare its application for 501(c)(3) status. They drafted and revised articles of incorporation, bylaws, conflict of interest policy, and prepared various corporate “clean-up” documents. The application is currently under review.

Additionally, with the help of Alice Ostdiek, a member in the municipal group, Matt reviewed and provided advice on a proposed fiscal sponsorship agreement. Finally, with guidance from Chris Lynch, a member in Foster Pepper’s intellectual property group, Matt provided advice on a trademark dispute over the organization’s name. ♦
Empowering Rural Communities

The Community Empowerment Network (CEN) is a local nonprofit that seeks to end poverty through empowering rural communities in developing countries by helping individuals become more self-reliant through mentoring and community initiatives. Kellie Gronski, an associate in Foster Pepper’s real estate group, helped CEN in preparing a grant for the Rudolf Steiner Foundation’s Social Investment Fund. The grant requested financial support for CEN’s initiative with a small production association called Couro Ecologica. Couro Ecologica has 15 employees who produce handmade purses and other leather-like goods. CEN sought financial aid via the grant to promote a marketing initiative to stimulate sales of Couro Ecologica’s goods around the world. This grant has been used as a form for additional grants sought by CEN to end rural poverty in Brazil and other rural areas. ♦

New Course

Jenifer Merkel, an associate in Foster Pepper’s municipal group, helped New Course with incorporation, application for tax exempt status and strategic planning. New Course works with partners from the fields of medicine, education, information technology, law and policy, and food and water security to empower women to manage natural resources and to ensure sustainable development by employing a holistic strategy for the benefit of families and communities. ♦
Spokane was faced with a frightening initiative (JOBS) last fall. The JOBS initiative was presented as a “bill of rights,” as if it were lofty and painless. It was not. The “bill of rights” contained multiple new rights, like the right to affordable housing and adequate and affordable medical care, provided that corporations and other legal entities would have “no defenses” to a lawsuit to enforce the new rights. It also provided neighborhood vetoes of developments (that had already passed all applicable permit requirements), and even appeared to provide local citizens with new CERCLA-type rights, enforceable by lawsuits for damages or injunctive relief, against people or entities outside the jurisdiction. There was no chance the initiative would have passed constitutional muster, yet a prepetition challenge was dubious given the narrow scope of judicial review of a prepetition challenge. Various business and other civic groups opposed the initiative, but had no spokesperson. They came to Foster Pepper.

Milt Rowland, of counsel in the municipal and litigation groups in Foster Pepper’s Spokane office, accepted the JOBS initiative matter to help Spokane citizens recognize that a proposed charter amendment to the city charter was illegal, violating both the state and federal constitutions. He coined a phrase (spontaneously) that was used in a television spot for the JOBS campaign: “It will take one generation of lawsuits to see what it means, and another to see who has to pay for it.” He also took part in three separate debates; in one he was the JOBS initiative’s only speaker. He spoke to the Chamber of Commerce for Airway Heights and Spokane, attended many meetings, and, of course, participated in the television promotion. “It was fun,” he said. “The voters rejected the charter amendment (voting as I hoped they would) by a 4-1 margin.”
Domestic Violence Prevention

It was easy to see the evidence of domestic violence, it was all over Gisella Lima’s* body. On her arms, on her back, all over her legs. But exposing these areas of her body to a commissioner – a man and stranger – to make her case was inappropriate from a personal and cultural perspective. Explaining to the commissioner why she should receive a protection order was equally complicated. Stumbling through her reasons, grasping for words that she had to translate in her mind, she became nervous and started to cry when she made eye contact with her fuming husband, who was staring at her with hate. Gisella knew he would punish her and their two young children if she was not victorious at the hearing. When her protection order was denied because of her inability to relay the facts of her case properly, advocates at the Regional Justice Center contacted Joanna Plichta Boisen. Under Joanna’s mentorship, a volunteer secured a protection order for Gisella. ♦

* Name changed to protect client’s identity.
Continuing Education

Motion for Revision and Reconsideration CLE

To train new volunteers for the KCBA Domestic Violence Protection Order Motion and Reconsideration Project (see pg. 16), Foster Pepper holds an annual Motion for Revision and Reconsideration CLE. The June 9, 2009 CLE sold out as it has every year. In order to receive a case, all volunteers must complete the training. Joanna Plichta Boisen and attorneys at KCBA all provide continuing support.

Yes You Can! Pro Bono CLE

On March 3, 2009 Foster Pepper’s Pro Bono Program partnered with another local law firm and the King County Bar Foundation’s Community Legal Services (CLS) Program to host the first annual “Yes You Can” pro bono CLE. This CLE showcased all of the CLS programs and educated volunteers about opportunities to work with CLS. The CLE was a great success, with over 100 attendees and at the end, over 25 new volunteers stepping forward to help with various programs.
Youth of the Year

The Boys and Girls Club’s “Youth of the Year” program is a verbal interview competition. In the past decade, two youths from Snohomish County have won National Youth of the Year. This year, Greg Guedel, a member in the litigation group, served on the judging panel for the competition in Snohomish. After the competition, Greg commented: “It was impressive and uplifting to hear the poised, thoughtful responses offered to the questions – many of which dug deep into complex social issues that have a direct impact on the experience of growing up in the community. These young people have all overcome significant personal challenges in their lives, and their determination to persevere and succeed in the face of difficulty is inspiring.”

Community Service Committee

Foster Pepper’s Community Service Committee provides many hours of assistance to Food Lifeline. Volunteers met on a Saturday in Spring of 2009 at the Food Lifeline warehouse and processed donations. They opened, inspected and sorted food contributions, and then repackaged them for distribution to local food banks.

Because of the size of the Food Lifeline facility, the sorting and repackaging process was physically demanding given the large quantities. Volunteers included Martin Campbell and his daughters Lauren and Devan, Anne Clarke, Chresta Larson, Leslie Larson and her daughter Rachel, Allison Schwartzman, Sherry Toves, Terri Quale and Amy Wicklund. By the end of the morning, the volunteers had repackaged nearly 8,000 pounds of food, an amount which would provide 6,050 meals.

In July, the Committee members helped coordinate Foster Pepper’s participation in the “Food Frenzy” event. This is a competition among Seattle law firms, accounting firms and other professional services firms to raise funds and food donations for the organization. Elizabeth Johns served as the coordinator of the firm’s involvement and helped Foster Pepper contribute to the food items and revenue raised that ultimately provided 1.4 million meals to hungry families.

During the holiday season, the firm supported several 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 Foster Pepper attorneys and staff generously contributing to assist others.
Honors

2009 Outstanding Service Award
On August 27, Foster Pepper received the Jewish Family Services 2009 Outstanding Service Award for providing pro bono legal assistance to Holocaust survivors living in Washington state. Foster Pepper was instrumental in bringing the Ghetto Reparations Project to Seattle.

Community Builder Award
On February 7, Ezell’s Famous Chicken celebrated 25 years in business and honored Foster Pepper with the Community Builder Award. Foster Pepper helped Ezell’s on a pro bono basis, making it possible for Ezell’s to provide jobs for thousands of inner city youth, support community programs, and to be role models for young people who are learning how to be self-sufficient and good workers.

David W. Soukup Award for Outstanding Legal Advocacy of the Year
On April 25th, the King County Court Appointed Special Advocate (CASA) program presented Foster Pepper’s Native American Legal Services group with the 2009 Judge David W. Soukup Pro Bono Recognition Award. The firm collaborated with CASA to compose a comprehensive manual analyzing the Indian Child Welfare Act (ICWA) and for its landmark ICWA seminar that provided training to a national group of CASA volunteers serving Native Communities. As a result, more volunteers will be able to advocate for the rights of Native children and help them have a voice in court.
Outstanding Mentor Award

Greg Guedel was recognized by the King County Bar Association’s (KCBA) Young Lawyer Division (YLD) with its Outstanding Mentor Award for 2009. The YLD Board of Trustees’ selection is based on substantial contributions to the teaching, training, or professional development of one or more young lawyers of a legal or non-legal nature. Greg’s continued work as an advocate for Foster Pepper’s pro bono program, especially as it relates to the firm’s Native American Legal Services (NALS) practice group, was the basis for the award. As Chair of the NALS group, Greg developed a structure that embraced a holistic approach – in addition to performing billable work for Native American clients, attorneys also provide important and much needed pro bono legal services.

According to the nomination submitted by Joanna Plichta Boisen, the firm’s full-time pro bono counsel, “Greg pushes me to achieve more than I think is possible, he expands the expectations I have of myself and my role in the community, and he challenges me to continue serving more constituencies than I thought possible. Every chance he gets, Greg mentions how important I and the pro bono program are not only to his practice group but also to the firm as a whole.”

Partners in Justice Award

Milt Rowland, a member in the municipal group in Spokane, received the Lutheran Social Services (LSS) of Spokane’s Partners in Justice Award for his “exceptional service to survivors of sexual assault in the Spokane community.”

When Milt saw the lawyer for a perpetrator move to depose the victim in an order of protection case, he let the victim’s nonlawyer advocates know that he would help them pro bono. Milt represented the victim and later gained an agreed order on her behalf in District Court. The victim’s father, an Alaskan, wept over the phone with gratitude that someone was helping his daughter. “It was very moving,” said Milt, who likewise received a letter of thanks from the victim’s parents. Milt accepted two other cases from LSS. In each case, Milt achieved protection orders for his clients.
Board Memberships

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Urban Land Institute
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Nancy M. Neraas  •  Make-A-Wish Foundation
Lori K. Normura  •  Susan G. Komen for the Cure
Alice M. Ostdiek  •  Washington Appleseed
Jane Pearson  •  Northwest Immigrant Rights Project
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2009 PRO BONO ANNUAL REPORT