



Foster Garvey

# PRO BONO REPORT 2020

Justice + Justice

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# Letter From the Chair, Pro Bono & Community Service Committee

**I**n one of the most challenging and unusual years in living memory, Foster Garvey has proven its resilience as a law firm and its tenacity as a defender of those at risk and in need. We emerge from the pandemic as a stronger firm, with a redoubled focus on our pro bono, community service and charitable giving programs.

It has been a year of unprecedented hardship for our clients at all income levels: wage-earning families reduced to poverty after paychecks had run dry; small businesses suspended in time with storefronts shuttered indefinitely; even stable, established companies coping with the new normal that has upended their future plans and partnerships.


“While rising to meet the challenges of this public health emergency, the firm has not diminished its commitments and accomplishments in other pro bono focus areas.”

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But adversity engenders solidarity. The pandemic has given us new opportunities to support our communities and clients in a time of acute need, strengthening these bonds. Foster Garvey expanded its pro bono program in the early months of the pandemic to focus on COVID-19 relief efforts. Together with the University of Washington School of Law and the Washington State Bar Association, Foster Garvey spearheaded creation of a COVID-19 Clearinghouse, which pairs law students with pro bono attorneys to tackle pandemic relief projects that legal aid providers did not have the capacity to undertake. Foster Garvey helped to architect this program, and its attorneys have served as regular pro bono supervisors to the law school’s student volunteers. Pandemic relief work will remain one of the firm’s pro bono focus areas in 2021, with an emphasis on supporting organizations and businesses in BIPOC communities.

While rising to meet the challenges of this public health emergency, the firm has not diminished its commitments and accomplishments in other pro bono focus areas. As this Report describes, Foster Garvey continued to break ground with projects relating to racial and social justice, immigrant rights, criminal justice reform, clemency, and government transparency. The firm also proudly welcomed John Hoerster as its new Public Service Counsel, bringing his decades of experience and deep history with Washington State’s legal aid community, to the aid of the firm’s pro bono program.

The pandemic has made life harder on everyone. Our attorneys and staff are no exception. But this crisis has served as a reminder that we help ourselves by helping others—because work done with heart and purpose is a powerful medicine.



Malcolm Seymour, Chair

On Behalf of the Foster Garvey Pro Bono & Community Service Committee

# Pro Bono in 2020

**F**oster Garvey devoted 5,643 attorney hours to pro bono services in 2020, equivalent to 2.83 percent of its total billable hours. Of these hours, 3,352 (1.68 percent of total billable time) were in service to individuals of limited means and organizations primarily addressing the needs of these individuals.

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.

**HOURS**  
**5,643**

Attorney hours to pro bono services in 2020, equivalent to 2.83 percent of the firm's total billable hours.

## A special thank you to the 25 Foster Garvey attorneys who provided more than 50 hours of pro bono legal services in 2020:

Thomas Ahearne**	Sarah Carlin Ames**	Jeanne Barenholtz**	Peter Evalds**
Claire Hawkins**	Paul Heer**	Benjamin Hodges**	John Hoerster**
Uzodinma Irozuru	Brooks Lindsay**	Mikaela Louie	Robert P. Mecklenborg, Jr.*
Kelly Mennemeier	John Ray Nelson	Steven Nofziger**	Todd Reuter
Chris Rogers**	Michelle Rusk	Jacob Scholl**	Thomas Scott**
Malcolm Seymour**	Rob Spitzer	Nancy Stephens**	Matthew Yium**
Yeli Zhou			

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

\*\* Exceeded 100 hours of pro bono legal service

# Pepper Schubert Barer Public Service Awards

In 2020, Foster Garvey established the Pepper Schubert Barer Public Service Awards to celebrate attorneys and staff who have made extraordinary contributions in the arenas of pro bono and community service. The Awards pay homage to the firm's history of public service, as exemplified by the legacies of Lou Pepper, Ken Schubert, Jr. and Stan Barer.



## Lou Pepper

Lou Pepper was a name partner of legacy firm Foster Pepper, joining the firm in 1952. Following a distinguished career at the firm, Lou served as General Counsel, and later President & CEO of Washington Mutual for nine years during a period of exceptional growth, while truly giving meaning to the bank's "Friend of the Family" motto for both customers and employees. Nearly two decades after Lou's retirement, in 2008, Washington Mutual declared Chapter 11 bankruptcy and became the largest bank failure in United States history. Lou immediately responded by leading and providing much of the financial support for the creation of two funds: the Washington Mutual Alumni Scholarship Fund, which helped displaced employees train for new jobs and support their dependents' college expenses; and the Washington Mutual Alumni Assistance Fund, which helped with basic necessities such as utility bills and first month's rent. To date, these funds have paid out more than \$1 million. Lou's community service included serving as a Regent of Washington State University, helping found the Visiting Committee for the Department of Economics at the University of Washington, and serving on the boards of Museum of History & Industry, Museum of Flight, Washington Roundtable, Federal Home Loan Bank, Nature Conservancy, and Seattle Alliance for Education. He served actively on the ABA Section on Corporate, Banking and Business Law, including as Chair of the Savings Bank Committee. Lou wrote a well-regarded book, "Lessons from Lou," which included: "You will ultimately not be judged by how fast you traveled or by how far you have come, but by what you did along the way and how you left the people you passed." When Lou died in 2016, tributes flooded in, including many who commented that Lou had lived his life in fulfillment of this lesson.

## Ken Schubert, Jr.

Ken Schubert, Jr. was a founder of legacy firm Garvey Schubert Barer. The firm's public service ethic can be directly traced to Ken, and he served as a shining example of that commitment in action, as shown by his long-standing commitment to legal and community projects. Ken chaired two state bar committees that worked for an aggregate of 20 years to substantially re-write Washington State's probate and trust laws to make it easier and more efficient to administer estates and trusts and to handle disputes arising from them, using non-judicial processes to relieve an overburdened judicial system. In recognition of his work, the Washington State Bar Association bestowed upon Ken the Award of Merit, an honor normally reserved for past WSBA Presidents. In addition, for 12 years, Ken served as a board member of Sheldon Jackson College, a college that served the Native American population of Alaska. And, Ken was President of the Seattle Opera Association and the University of Washington School of Law Alumni Association, and served on the Boards of Trustees of Children's Hospital Foundation, University of Washington Law School Foundation, Seattle Opera and the Rotary Club, where he was deeply engaged in a program to house, counsel, train and rehabilitate homeless Seattleites. Ken also volunteered his time to Habitat for Humanity and worked with his family at the Back Bay Mission in Biloxi, Mississippi. Ken was a pioneer in advancing diversity and was honored by the firm naming its diversity scholarship after him. In 1988, Ken received the Distinguished Alumnus Award of the UW School of Law. When Ken passed away in 2017, the Law School's tribute highlighted Ken's commitment to "doing the right thing at all times."

## Stan Barer

Stan Barer, a name partner of legacy firm Garvey Schubert Barer, is now retired but remains actively engaged in community service activities. Stan was Legal Counsel to the U.S. Senate Committee on Interstate and Foreign Commerce from 1963 to 1964, then Assistant U.S. Attorney from 1965 to 1967, returned as Legal Counsel to the Commerce Committee in 1967, and then served as Chief of Staff to U.S. Senator Warren Magnuson. Stan is given credit for being one of the architects of the 1964 Civil Rights Act, importantly conceiving the rationale that the Act was constitutional based on the Commerce clause of the U.S. Constitution and also establishing that the Senate's Commerce Committee (not the Judiciary Committee) had primary authority to advance the Act's consideration by the Senate. Over the years, Stan's public service has included serving on the Board of Regents of the University of Washington, serving as a Board member of the Heinz Center for Science, Economics, and the Environment, and being Founding Co-Chair of the U.S.-China Clean Energy Forum and of the Washington State China Relations Council. And, with his wife Alta, Stan established the Barer Institute for Law & Global Human Services at the University of Washington School of Law. The Barer Institute focuses on the multidisciplinary role of law in promoting improved outcomes in health, education, economic development and the rule of law in developing countries and countries in political transition.

NEEDLESS TO SAY, IT IS AN HONOR TO RECEIVE AN AWARD NAMED FOR LOU PEPPER, KEN SCHUBERT, JR. AND STAN BARER. THE HIGHLY DESERVING INAUGURAL AWARD RECIPIENTS FOR 2020 ARE **DEVRA COHEN, TAMARA KING AND KELLY MENNEMEIER.**



## DEVRA COHEN

Since joining the firm as an Associate in the Seattle office, Devra has been willing to help out in a wide variety of pro bono matters. Her commitment to taking on pro bono work in a wide range of contexts was on full display in 2020. While keeping a busy and demanding litigation workload, Devra also found the time to volunteer in a variety of ways. She continued providing pro bono assistance in cases appealing veterans' denials of disability benefits, helping to achieve positive results for all of her clients in the Veterans Consortium Pro Bono Program. She also helped to guide a Ninth Circuit appeal for a father and young daughter fighting the U.S. government's denial of an asylum claim and the controversial "Remain in Mexico" policy for asylum seekers. This work carried on through the father's untimely passing in the midst of the case as Foster Garvey continued to help and guide the young girl who was left to fight an asylum case in the United States without either of her parents. Through her work with the Seattle Clemency Project, Devra sought clemency on behalf of inmates whose punishments far outweigh the crimes of which they were convicted years ago. Devra's drive and commitment on all her work make her an invaluable asset to every case in which she provides counsel. Our pro bono work and our firm are better because of Devra.



## KELLY MENNEMEIER

Kelly Mennemeier, a litigation Associate in the Seattle office, has consistently provided pro bono legal services to individuals who are in desperate need of legal help, and is a leading example of the fundamental goals of the Pro Bono & Community Service Committee. Kelly was chosen as a Pepper Schubert Barer Public Service Award recipient because of her dedication to pro bono service over her entire career at Foster Garvey. While in practice, Kelly has assisted two VA appeals through the Veteran's Consortium Pro Bono Program and represented victims of domestic violence through the firm's Domestic Violence Advocacy Project. She also represented a client in the Ninth Circuit Court of Appeals on his habeas corpus petition, presenting credible evidence of actual innocence of a murder committed in 1992, for which her client was wrongfully convicted, although he served almost 28 years in prison. While the case was pending, the client was granted parole by the California parole board, rendering his habeas corpus petition moot. Although the victory was not in the court of law, the habeas work undoubtedly contributed to the parole board's shortening of the client's indefinite sentence. Most recently, working with local legal services providers Northwest Justice Project and the American Civil Liberties Union of Washington, Kelly drafted a summary judgment motion seeking a declaration that Washington's automatic driver's license suspension statute is facially invalid because it unconstitutionally punishes people because they are destitute. These are not easy cases, and Kelly has demonstrated her tenacity, skill and willingness to jump into any type of case through her unwavering commitment to pro bono service.



## TAMARA KING

Tamara King, a Legal Practice Assistant in the Portland office, was honored because of her extraordinary community service contributions. Tamara uses art—in her case, fabulous modern quilting—to address social justice and other causes both near and far.

- Tamara is known for taking direct action when called to service. In the fall of 2019, Tamara witnessed a horrific accident involving a pedestrian trying to cross at an intersection on a busy Portland thoroughfare. In response, Tamara worked to prevent another such tragedy by sewing and installing pedestrian crossing flags. She then posted instructions with her organization, the Portland Modern Quilt Guild, so that others could follow her lead for other dangerous intersections.
- Also in 2019, Tamara led the Portland office in the first-ever “Lawyers for Literacy” fundraiser for SMART, a local organization that pairs volunteers with students learning to read in local elementary schools. While she’s not a lawyer, Tamara knows what motivates them. She split the office into two teams, the “Transactional Titans” and the “Litigation Lions,” with each team member receiving fabric pennants to show their allegiance. As added incentive, Tamara offered promises of a pizza party for the team that raised the most money as well as a pillow quilted by Tamara herself as a prize for the largest individual donor. Through this effort, in large part due to Tamara’s encouragement, the firm raised the most money of any law firm state-wide (nearly \$6,000). Tamara is currently reconstituting the Lions and Titans for round two in 2021, with a new quilt as the grand prize.
- And, through the Portland Modern Quilt Guild and other national organizations, Tamara has used her art to inspire and promote social justice by creating, donating and contributing works to charity auctions, group works and social justice campaigns.
- Finally, Tamara is the past president of the Portland Modern Quilt Guild, which walks the walk and lives its core values of diversity and equity, creating an inclusive organization, with many contributors and guest lecturers who are black or indigenous, and intentionally working as a group toward antiracism both within and outside of their organization.

Foster Garvey is proud to honor Tamara for her commitment to promoting justice and serving her community through art.

*“We Need More Justice(s)”  
“The concept of justice may be abstract, but the need for justice in our society is very real, very old, very dire, and very urgent. While I pieced J-U-S-T-I-C-E over and over, I thought about so, so many areas of our society, so many people, that need and deserve justice. I would love for this quilt to speak up for all of them.”*



*Remembrance block depicting a victim of a domestic violence that Tamara contributed in support of a national project honoring lives through symbolism and art.*

# Pro Bono Client Gains Freedom From a Life Sentence Through Landmark Commutation From Governor Inslee



**Paul Heer**  
Associate

## “Our client’s remorse and accountability fueled extraordinary educational achievements, which he used to lift up others.”

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**P**aul Heer, an attorney in the firm’s Investment Management group, helped a pro bono client (“E.Y.”), gain freedom from a life sentence. On December 11, 2020, Governor Jay Inslee adopted the unanimous recommendation of the Clemency and Pardons Board and commuted the life sentence of our client, a historic exercise of the Governor’s executive clemency power.

At age 10, E.Y. was indoctrinated into a Los Angeles gang as a “junior mascot.” He was 13 years old the first time he was shot in a gang-related shooting. In 1992, while still a teenager, E.Y. lent his associates his car, which was then used in the murder of two men during an internal gang conflict. Our client was not present during the shootings, but after an initial deadlocked jury, a second jury determined that his awareness and aid were enough to convict him.

Since the age of 18, E.Y. has served 29 years. During his incarceration, he demonstrated extraordinary maturation, consistent with prevailing U.S. Supreme Court jurisprudence recognizing developments in brain science and a young offender’s capacity for reform.

Our client’s remorse and accountability fueled extraordinary educational achievements, which he used to lift up others. He is credited as being the catalyst for the nationally recognized University Beyond Bars, Washington’s first prison college program. He was also an instructor and master certified trainer for Roots of Success, a national sustainability program, where the Executive Director described him as “the most

serious, mature and effective instructor” among more than 2,000 instructors across the nation.

After three years of intensive work and advocacy, a robust community of support formed around E.Y.’s extraordinary transformation. Paul’s novel approach through the clemency process has been recognized as instrumental in achieving this historic outcome. Paul’s work product, process and approach have been adopted by local organizations as a standard and, as a result, more than 100 pro bono attorneys in Washington have been provided with Paul’s materials to guide their pro bono representation.

E.Y. is a powerful symbol of hope, of what can be achieved amidst even the most difficult life circumstances. He looks forward to living a lawful and productive life with his family. Soon after his release, he will continue his transformative work through full-time employment with the Freedom Project, a non-profit organization dedicated to assisting incarcerated individuals and those recently released with restorative programming.

Foster Garvey is proud to have represented clients who have received pardons and commutations through our pro bono efforts, and who then have gone on to live lawful and productive lives in our communities. We look forward to continuing our longstanding support of the [Seattle Clemency Project](#), which has now matched more than 152 pro bono attorneys with reformed clients.

# A “Juvenile Lifer” Comes Home

Pro Bono Team Secures  
Early Release of Man  
Imprisoned for Decades  
for a Crime He Committed  
as a Juvenile



**Paul Heer**  
Associate

**P**aul Heer, an attorney in the firm’s Investment Management group, and Microsoft pro bono volunteers Dan Connolly, Brianna Hinojosa-Smith and Matt Walker successfully represented a pro bono client before Washington’s Indeterminate Sentencing Review Board (ISRB), a quasi-judicial board of the Department of Corrections.

Their client had been incarcerated for 21 years—from the age of 17—when the [Seattle Clemency Project](#) was made aware of his compelling plea for release. After nine months of intensive work, this team successfully advocated for their client’s release, consistent with U.S. Supreme Court jurisprudence that treats children as constitutionally different from adults for sentencing.

The ISRB, in a unanimous 5-0 decision, agreed, finding their client should be released, 20 years earlier than the original sentence release date. Their client will soon be released to a large and loving family that has been by his side every day for these last 21 years, and their client explained he looks forward to “getting to work at my new job, continuing my education and building happy memories with my family—maybe even starting my own.”

# Shoring up Preservation Efforts of the Magnificent Rivers of the West



**Sarah Carlin Ames**  
Associate



**Robert P. Mecklenborg**  
Associate



**Larry Brant**  
Principal



**Mark Rowley**  
Principal



**Kathleen Brown**  
Paralegal



**Sara Sandford**  
Of Counsel



**Joy Ellis**  
Principal



**Thomas Scott**  
Associate



**John Knab**  
Principal



**Paul Trincherero**  
Principal



During the past year, Foster Garvey has continued its longstanding pro bono relationship with Western Rivers Conservancy (WRC), a Portland-based nonprofit dedicated to protecting river ecosystems throughout the western United States. WRC purchases land along the West’s finest rivers and streams from sellers, such as private landowners, utilities and timber companies, to conserve habitat for fish and wildlife, protect key sources of cold water and provide public access for all to enjoy. WRC’s motto is: “Sometimes to save a river, you have to buy it.” And often, saving a river, means saving flora and fauna whose lives depend on it. During its 20 years in existence, WRC has conserved more than 100,000 acres along more than 60 rivers in nine states.

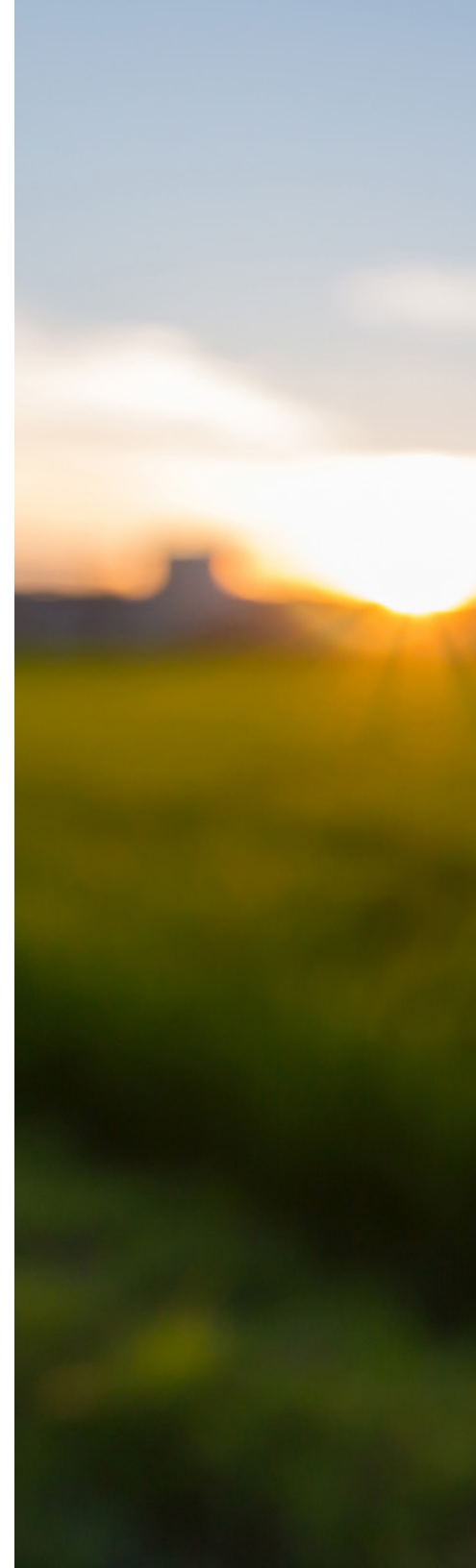
Foster Garvey’s relationship with WRC has existed since WRC was formed in 2001—the firm represented a predecessor entity as well. Because WRC conducts real estate transactions on a regular basis, it has given Foster Garvey’s transactional attorneys, among others, a chance to devote their talents and experience to a worthy cause. In the past year alone, the firm has provided pro bono legal services to WRC in a number of areas, including tax, finance, litigation, employment, corporate and real estate.

# Opening Doors to Legal Aid for Migrant Farmworkers

**D**espite the integral role that migrant agricultural workers play in our nation's economy, a large percentage of these workers live in substandard conditions, often in very isolated settings. Many reside in labor camps located on land owned or controlled by their employer, with limited access to the general population. These labor camps can sometimes house as many as several hundred individual workers living together in cramped, barrack-like quarters.

To ensure that these workers are kept informed of their legal rights and the resources available to them, legal organizations like Northwest Justice Project (NJP) have created advocacy programs aimed at outreach and education. Advocacy is frequently centered around issues that include worker health and safety, sexual harassment, wage theft, and equal access to state and federal programs.

In select instances, legal aid advocates of NJP and similar organizations that have sought to meet with migrant workers on these camps have faced resistance of varying degrees, which has included shouting, intimidation and threats, by farm owners and camp managers. In some cases, the recalcitrant employers have denied the advocates access, forcefully claiming that their workers were not interested in speaking to them. In other extreme scenarios, the employers have threatened to call law enforcement to have the advocates arrested.





“NJP partnered with Foster Garvey to make certain that migrant workers were not precluded the opportunity to meet with legal representatives.”

Upon discovering that access to legal resources was being blocked, NJP partnered with Foster Garvey to make certain that migrant workers were not precluded the opportunity to meet with legal representatives. We assisted NJP with submitting a request for opinion from the Washington State Office of the Attorney General, specifically inquiring about labor camp access and the rights of legal aid advocates that contact farm workers living on their employer’s property without first receiving an express invitation from the employer.

In September 2020, the Office of the Attorney General responded to NJP’s request for opinion. Obtaining this opinion was a substantial win on behalf of our client due to its impact and its relative rareness—it was one of just five opinions that the Office of the Attorney General issued in all of 2020.

The opinion upheld the right of legal aid advocates to lawfully enter an employer’s property to contact farm workers, also specifically stating that advocates do not require an advance invitation from those workers where the purpose of the visit is to provide legal information. The Office of the Attorney General also held in its opinion that unless a legal aid worker is trespassing maliciously on the labor camp, the employer cannot lawfully use or threaten force to eject a legal aid worker.

# ACLU of Washington Files Lawsuit Against Washington Department of Licensing to Preserve Constitutional Rights of Drivers Unable to Pay Moving Violation Fines



**Eryn Karpinski Hoerster**  
Principal



**Kelly Mennemeier**  
Associate

**T**he ACLU of Washington has filed a lawsuit on behalf of individuals who have had their driver's licenses suspended by the Washington Department of Licensing (DOL) because they were unable to pay fines and fees for moving violations. The lawsuit claims that Washington's law authorizing automatic and mandatory license suspensions for failure to pay moving violation fines violates the state constitution's rights to due process and equal protection, due to the additional punishments it levies on individuals with low or no income. The lawsuit also alleges that license suspension for failure to pay a ticket is an unconstitutionally excessive punishment.

"When my license was suspended, I was living in my car and unable to pay the ticket. I had to drive to work though, and so the tickets for driving without a license and thousands of dollars in additional fines, fees, and interest piled on over the years. I can't afford to get my license back, but need it to go to my job and take my daughter to school," said Danielle Pierce, an Everett resident who is a plaintiff in the case.

### Danielle Pierce

A 33-year-old resident of Everett whose driver's license has been suspended since 2011 for failure to pay traffic fines and costs. This makes commuting to work and transporting her daughter to and from school difficult. She currently owes approximately \$12,000 in traffic fines fees—almost half of which is a result of additional charges, interest and collections costs—and cannot pay due to lack of financial resources. The size of her traffic-related debt is an insurmountable barrier to regaining her license.

### Amanda Gladstone

A 29-year-old resident of Everson and an enrolled member of the Nooksack tribe who has never had a driver's license because of limited means. Her driving privilege has been suspended since 2009 for failure to pay traffic fines and costs. She has children to support, and her full-time employment is probationary until she acquires a driver's license, which debt and income considerations will prevent.

### Janie Comack

A 31-year-old resident of Sedro Wooley and an enrolled member of the Upper Skagit tribe. Her driver's license has been suspended since 2010 for failure to pay traffic fines and costs that she could not afford. She needs a driver's license to access her treatment facility and take care of her basic needs.

### Lacy Spicer

A 45-year-old resident of Marysville whose driver's license has been suspended since 2012. She has been unable to pay fines and fees from moving violations due to health and family issues. Lacy's suspended license has also made it difficult for her to maintain employment. She had a job offer and start date in a dental office management, but she was not able to start the job because of the suspended license. Lacy currently owes more than \$12,000 in fines and fees.

The plaintiffs in the case come from throughout Washington and have suffered a variety of negative consequences due to the loss of their licenses—consequences that individuals with an ability to pay traffic fines would not face. These include loss of employment and income; the inability to take children to school; and the inability to care for family members. These additional barriers compound the root problems that make it difficult for people with low or no income to pay fines and fees.

“Washington's law authorizing automatic and mandatory license suspensions not only violates basic fairness for people with low or no income, it violates the state constitution,” said ACLU of Washington Staff Attorney Lisa Nowlin. “Ability to pay must be considered when suspending a license, because no one should suffer additional penalties for a moving violation because of poverty.”

A growing coalition of advocates has been pursuing legislation that would end these practices outright for several years, but legislation has not yet passed. Legislative efforts will continue in the upcoming session. There is also national momentum for reforming these types of laws. Read more at [freetodrive.org](http://freetodrive.org).

“The American legal system is founded on the principle that everyone, regardless of means, is treated the same under the law. Washington's license suspension laws violate that principle,” said Don Scaramastra of Miller Nash, cooperating attorney from Foster Garvey.

The plaintiffs are represented by Don Scaramastra of Miller Nash, Eryn Karpinski Hoerster and Kelly Mennemeier of Foster Garvey; Hathaway Burden of Summit Law Group PLLC and Lisa Nowlin, Mark Cooke and John Midgley of the ACLU of Washington.

# Making a Call for Increased Transparency in Government



**Jeanne Barenholtz**  
Associate



**Andrew Goodman**  
Principal



**Benjamin Hodges**  
Principal



**Dan Keppler**  
Principal



**Yeli Zhou**  
Associate

**F**oster Garvey represented nationally recognized watchdog organizations Center for Media and Democracy (CMD) and the Citizens for Responsibility and Ethics in Washington (CREW) in filing an amicus brief with the U.S. Supreme Court in connection with the release of former President Donald Trump's financial records in the consolidated Supreme Court case of *Trump v. Mazars USA, LLP* and *Trump v. Deutsche Bank*.

The case dates back to 2019, when the House Committee on Oversight and Reform (House Oversight Committee) received testimony alleging that Trump had failed to disclose his financial holdings as required by the Ethics in Government Act and had knowingly adjusted the estimated value of his assets and liabilities on financial statements prepared by Mazars, the former president's accounting firm.

Following these allegations, the House Oversight Committee issued a subpoena to Mazars in April 2019 seeking out Trump's financial records dating back to 2011, including his income tax returns.

After unsuccessful appeals by the former president in District Court and in the 2nd Circuit in May and October of 2019, respectively, the case was taken up by the Supreme Court.

On March 4, 2020, a cross-office team of Foster Garvey attorneys assisted CREW and CMD in authoring and filing the amicus brief

in support of the House Oversight Committee, underscoring the importance of transparency in government and arguing that Congress has the power to obtain such records pursuant to its lawmaking function. Additionally, the amicus brief pointed out that it is well within the power of Congress to investigate public officials when it considers potential legislation, such as a bill that provides for increased enforcement of government ethics rules or disclosure of financial interests.

Since the filing of our clients' amicus brief, the Supreme Court made a ruling in July 2020 effectively rejecting arguments by Trump that a sitting president has immunity from investigations and criminal proceedings, also giving Manhattan District Attorney Cyrus R. Vance Jr. the authority to obtain the former president's personal and business financial records.

Following a subsequent bid by Trump in October 2020 to have his financial records shielded from prosecutors, the Supreme Court released an order in February 2021 with no noted dissents, denying the former president's request and granting Manhattan District Attorney Vance access to the records in question.

Joining our clients CMD and CREW in filing separate amicus briefs on this issue were esteemed law school faculty, constitutional law experts and former government officials.

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“...the amicus brief pointed out that it is well within the power of Congress to investigate public officials when it considers potential legislation...”

# Creating Stronger, Healthier Communities Aimed at Inclusion



**Larry Brant**  
Principal



**Peter Evalds**  
Associate



**Zachary King**  
Principal



**Kelly Meltzer**  
Principal



**Steven Nofziger**  
Principal

**Ethan Rodgers**  
Associate



**Victoria Williamson**

**T**he affordable housing crunch across the nation has left a lasting impact in many U.S. cities, pricing out longtime residents and creating geographically dispersed families. With fewer family members and loved ones nearby, certain vulnerable segments of the population, including the elderly, people with disabilities and those in low-income households, are left with less attention and care than in prior times. Compounded with the additional seclusion that the COVID-19 pandemic has brought, the risk of isolation, abuse and neglect for these vulnerable populations has been running rampant.

Helping to find solutions for these problems in Portland, Oregon, is Our Home, Inclusive Community Collaborative (OHICC), a 501(c)(3) nonprofit organization. Its mission is to build and educate others on the importance of creating diverse and inclusive communities.

The Founder of OHICC, Alicia DeLashmutt, started OHICC while raising her daughter, who has intellectual disabilities and personally experiencing how much richer life can be when you are surrounded by a supportive community, full of people who have a variety of lived experiences that are different from your own.

“Once complete, OHCP will be the first community of its kind...”

This experience led Alicia to learn about “cohousing.”

Contemporary cohousing originated in Denmark 60 years ago and planted its first roots in the United States in the 1990s.

The concept combines home ownership with shared values and communal spaces to create an environment where individuals and families can build their lives and community together.

By combining Alicia’s passions for diversity and inclusion with the concept of contemporary cohousing, OHICC’s mission project, known as Our Home Cathedral Park (OHCP), was born. OHCP is a cohousing-inspired condominium located in the desirable Cathedral Park neighborhood next to the St. Johns Bridge in North Portland, providing both market-rate and affordable housing units, and containing a variety of shared living areas. Above all else, OHCP will be an intentional living community (literally) grounded on shared values of diversity and inclusion.

With the generous donations from private foundations, land trusts, architects, property managers and general contractors, and development participation and investment from its future residents, OHCP is scheduled for completion at the end of 2023. Once complete, OHCP will be the first community of its kind, and it is OHICC’s hope that it can proliferate its mission and help others build communities just like OHCP all over.

Foster Garvey has served as outside general counsel to OHICC, primarily advising on protection of its nonprofit status. Simultaneously, our attorneys have assisted OHICC with creating a strong foundation and developing a clear understanding of operating a 501(c)(3). This representation has included advice related to a number of areas, including real estate transactions, business and corporate, and state and federal taxation.

# Reviving a Treasured African-American Neighborhood in Seattle Through the Nehemiah Initiative



**Kathleen Brown**  
Paralegal



**Uzodinma Irozuru**  
Associate




**Rob Spitzer**  
Of Counsel

As a result of Seattle's citywide economic boom and rampant gentrification, the African American community has been undergoing a dramatic shift in its community makeup in Seattle's Central District neighborhood. The Central District, historically home to the African American community for more than 130 years, was 70 percent Black in the 1970s, but today it's less than 14 percent. With new residents and market-rate buildings flooding the neighborhood, property values and taxes began to rise, thus forcing many longtime residents to sell what were once affordable homes and businesses. Among those who have fled were congregants of one of Seattle's leading inner-city churches, Goodwill Baptist Church. They were forced to relocate to lower cost suburban communities further south and away from the church, leading to eventual diaspora of the Black community who embodied the social and cultural fabric of the neighborhood. As a result of the departures, the congregation base began to shrink, causing financial pressures on the church, forcing it to sell some of its land in order to pay the bills and some of the extra outreach costs trying to address the needs of its far-flung congregation.

Bishop Garry Tyson of Goodwill Missionary Baptist saw the dire need to preserve the historic and community value of the Central District and to assist community members who have been displaced. Further discussions with other churches eventually led to the formation of The Nehemiah Initiative in 2018. Led by Bishop Tyson, the Initiative's main mission is to retain and revitalize church properties within the African American community and create an overall strategy for the Central District in the hopes of bringing back the congregants and building a vibrant community. Projects include developing mixed-use properties, such as affordable housing, rental housing, condominiums for sale, commercial spaces and common spaces with the goal of supporting and cultivating a robust community. The project would enable congregants to find housing closer to the Church, rather than live farther away and feel disconnected. The





“Foster Garvey is humbled and proud to work alongside Black church leaders and community members...”

hope is to be able to enrich the lives of the congregants and weave a more tightly knit social fabric and community. The Initiative is joined by six additional Black church leaders, their congregations and Black faith-based organizations. With an estimation of the seven largest black churches in the Seattle area possessing seven acres of property with a total appraised value of more than \$65 million, there is much opportunity to strengthen the real estate properties.

The Nehemiah Initiative begins with the exploration of the future of two church spaces: Goodwill Missionary Baptist Church and Ebenezer AME Zion Church. For Goodwill Baptist Church, the plan is developing housing program space on a lot it owns across the street from its church. They have engaged the University of Washington to assist with creating the scope of work needed for development and templates for future uses. The team comprises graduate students and faculty members from College of Built

Environments who formed the McKinley Futures Nehemiah studio to assist with real estate, urban design and planning needs. Key design principles also include energy and efficiency and reducing embodied carbon. Another member of the Initiative, Aaron Fairchild, CEO of Green Canopy Homes, a community-oriented, urban in-fill real estate developer, connected Foster Garvey attorneys with Donald King, the Initiative’s main architect and an Affiliate Professor of Architecture at the University of Washington, to advise in the next steps involving corporate and real estate legal assistance. Foster Garvey attorney Uzodinma Irozuru has assisted with drafting the corporate governing documents for the entity, and has been serving as the lead contact between the firm and the Nehemiah Initiative for its ongoing legal needs.

Foster Garvey is humbled and proud to work alongside Black church leaders and community members in advancing its mission to build a thriving community that can further empower its members for generations to come. The Nehemiah Initiative hopes to expand nationally in the future.

Read more about The Nehemiah Initiative at [nehemiahinitiativeseattle.org](https://nehemiahinitiativeseattle.org).

# Law School Students Team Up With the Legal Community to Serve Pandemic-Stricken Community With the Formation of COVID-19 Clearinghouse



**John Hoerster**  
Public Service Counsel



**Uzodinma Irozuru**  
Associate



**Mikaela Louie**  
Associate



**Mary Ruffin**  
Law Clerk



**David West**  
Principal

The COVID-19 pandemic, a rampant infectious disease, has ravaged countless lives in the United States and globally, causing tragedy, loss and suffering to those whose lives are affected and lost. Health care workers are fighting tirelessly to save lives, and frontline essential workers such as first responders and grocery store and transportation workers are constantly exposed to the risks of being infected by the disease. COVID-19 has also pushed the economy into recession and caused major disruptions in many industries and institutions that include education, restaurants, retail, travel, and several others. It has also upended the lives of many who were no longer able to continue their everyday routines, including spending time with loved ones, attending school or going to work. Of the countless social norms affected, many students have missed out on important rites of passage—one of which is law school students securing a coveted summer internship. The summer internship typically takes place in private law firms where the students can build their professional experience, sharpen their legal skills, network and develop a competitive resume. This stepping stone often leads to full-time employment at the law firm at which they interned. Along with the millions out of work nationwide, COVID-19 has placed many summer jobs on hold, including law firm summer internships. University of Washington School of Law student, Mary Ruffin, who is currently working at Foster Garvey as a part-time Law Clerk, saw this critical need that needed to be filled for the students who are missing out on these key opportunities. Mary reached out to her network, including fellow students, faculty, alumni and attorneys, to discuss how they can put their skill sets to use.

Simultaneously, the faculty members, administrators and alumni at the University of Washington School of Law had already been brainstorming some creative workarounds on how to provide students with ample practical professional development experience in lieu of summer internships. In consultation with local law firms, nonprofit organizations and the Washington

State Bar Association, they established the COVID-19 Clearinghouse, where it offers a collection of short-term, remote, pro bono projects students can assist with under the supervision of a pro bono attorney. A project that was initially led and administered by Foster Garvey, the Clearinghouse is instrumental in connecting legal service providers who need help with projects they can't take on with students who need the experience. The project administers surveys for students, legal service providers and attorneys in order to match students with their projects of choice and team. Through the Clearinghouse, Mary received her first assignment researching employment laws for essential workers and families. Under the supervision of Foster Garvey attorney Mikaela Louie, Mary along with other students, researched the employment rights of essential workers who live with people who are high risk of the COVID-19 infection. They produced a memo as the product for the client, Northwest Justice Project, who then transformed it into a guide for those seeking legal advice. Even long after the pandemic subsides, the Clearinghouse will continue to be an effective and valuable resource to serve the overwhelming needs of the community. In a [UW News article](#), Haiyun Damon-Feng, a former Foster Garvey attorney, and now Assistant Director at the W.H. Gates Public Service Law, who also oversees the Clearinghouse said, "Moving forward, when students may not be getting the employment experiences they need, we hope that we can get them experiences and skills training through the Clearinghouse." She continued, "The Clearinghouse is also helping to meet increased need from the nonprofit and legal services community. And from the law firm side, we want to contribute to these efforts and get more people involved in this work."



The Clearinghouse has been growing in size with 66 University of Washington School of Law students who volunteer their legal skills and time to these projects. The Clearinghouse has also been obtaining participation from other law schools such as Seattle University and Gonzaga University with 14 active projects in progress. And, other Foster Garvey attorneys have supervised law students on Clearinghouse projects.

Beyond the Clearinghouse, the University School of Washington School of Law crafted a course "Lawyering in the Time of COVID-19" to help students understand and address bigger pictures issues related to the pandemic, such as immigration and detention, unemployment, criminal justice and detention and small-business issues. The second half of the course serves as a practicum where students can be paired with local practitioners to work on a project case.

**"The Clearinghouse has been growing in size with 66 University of Washington School of Law students who volunteer their legal skills and time to these projects."**

# Supporting Women Leadership at Board of Director Level Through Women on Boards Project



**Melissa Edwards**  
Paralegal



**Peter Evalds**  
Associate



**Claire Hawkins**  
Principal



**Hillary Hughes**  
Principal



**Steven Nofziger**  
Principal

**E**stablished in 2020, [Women on Boards \(WOB\) Project](#) is a California-based nonprofit organization aimed at empowering women leadership and increasing diversity at the boards of directors levels for mission-based companies, primarily private consumer companies, specifically by providing women access to seats at the boardroom table. It also seeks to increase representation in ethnicity, race, age, socio-economic status and sexual orientation.

On February 27, 2020, WOB Project launched a partnership with leading private equity and venture capital firms, such as VMG Partners (a co-founder of WOB Project), L Catterton, Swander Pace Capital, Alliance Consumer Growth, TSG Consumer Partners, Encore Consumer Capital and CircleUp with the goal to help bring about real change in the private equity industry by increasing strong diverse talent at the boards. WOB Project, alongside this circle of industry thought leaders in the financial and private equity space, has worked closely with selected companies on developing assessment tools and compensation parameters, and identifying and hiring strong women candidates onto their boards and will continue to do so with the addition of North Castle Partners, Stride Consumer Partners and William Blair as partners. To date, WOB Project has currently placed 17 board members with various private consumer companies that include SimpleMills, Humm Kombucha, Revolve, aden + anais and more.

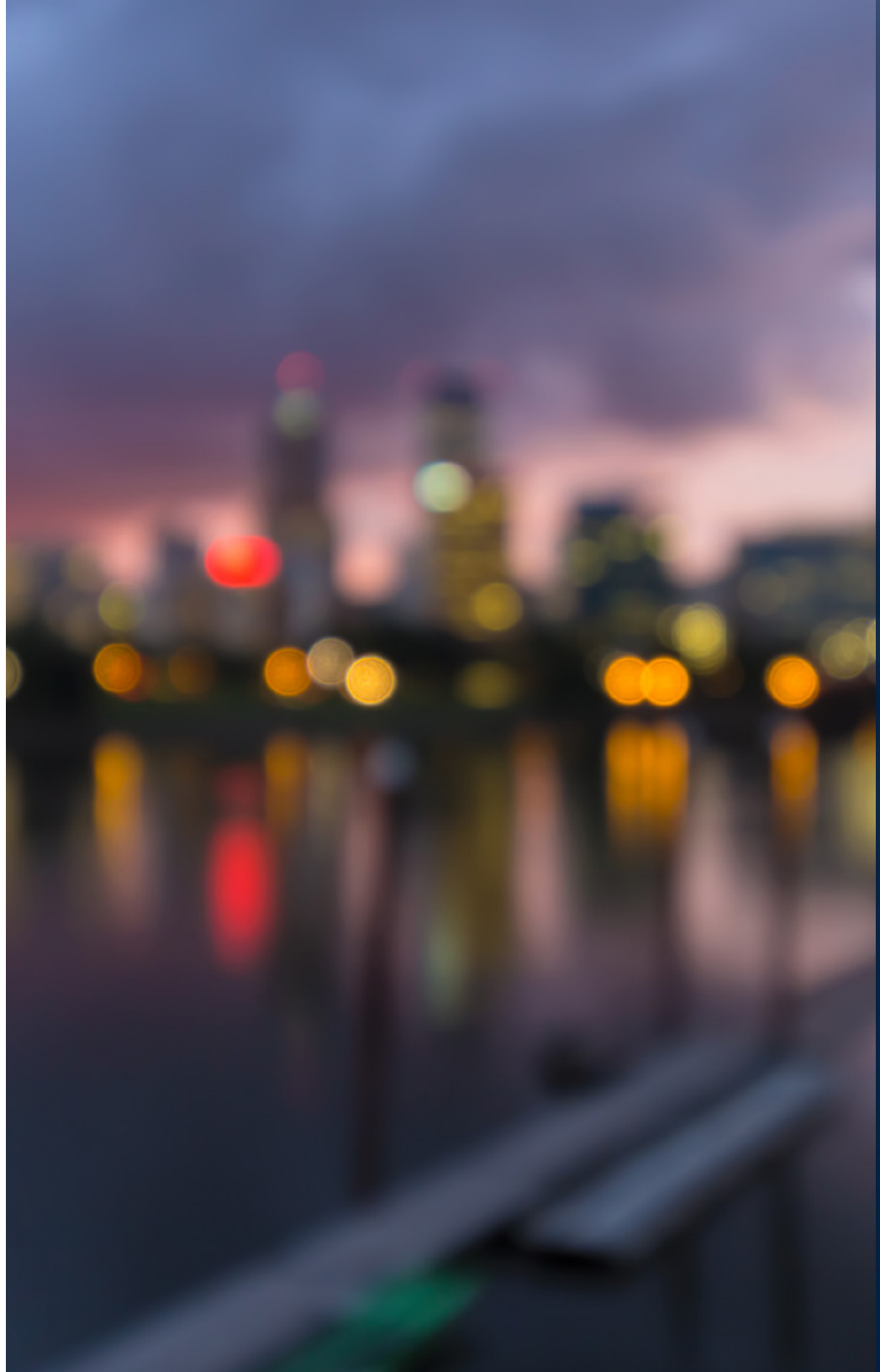
Foster Garvey attorneys were engaged to assist WOB Project with business, tax and intellectual property matters. Attorneys Steven Nofziger and Peter Evalds helped prepare organizational documents,

form the business entity, and apply for and obtain tax-exempt status with the IRS. They also assisted WOB Project in entering into a fiscal sponsorship arrangement with another nonprofit organization so that donations made to the fiscal sponsor could be earmarked for WOB Project and used for qualifying charitable and educational purposes. By assisting WOB Project to form an entity, obtain tax-exempt status and partner with a fiscal sponsor, Steven and Peter helped WOB Project to partner with another organization and encourage donors to contribute to support this worthy cause in a tax-efficient manner.

On the intellectual property front, attorney Claire Hawkins and paralegal Melissa Edwards helped WOB Project with trademark clearance searching and filing for the WOB PROJECT & Design mark in the United States. Once the trademark application had been approved by the Trademark Office, they coordinated with WOB Project regarding use of the mark across its wide range of services, including association and networking services, employment placement services, and education and mentoring opportunities for women in the fields of board governance and professional development. By assisting WOB Project with filing for and protecting its trademark, Claire and Melissa helped WOB Project to be poised to build brand awareness and strength so as to better provide its services and support to women business leaders.

Foster Garvey is proud to support WOB Project in the advancement of diversity, equity and inclusion in the corporate sector.

**Foster Garvey  
Celebrates 25  
Years as Pro Bono  
Challenge<sup>®</sup> Charter  
Signatory Firm;  
Continues Tradition  
of Pro Bono**



“We look forward to continuing our firm’s enduring tradition of public service within our communities...”

In 2020, Foster Garvey celebrated the Pro Bono Institute’s 25th anniversary of the Charter Signatory law firms’ commitment to the Pro Bono Challenge®. The Pro Bono Challenge® is a unique, aspirational pro bono standard. Developed by law firm leaders and corporate general counsel, the Challenge articulates a voluntary, single standard for the world’s largest law firms.

“This milestone is testament to our longstanding commitment to pro bono,” said former Foster Garvey co-chair Steve DiJulio at the time of the anniversary. “We look forward to continuing our firm’s enduring tradition of public service within our communities, assisting individuals who do not have equal access to justice and supporting organizations that work to assure equal justice for all.”

When this initiative began in 1995, Foster Garvey legacy firm Garvey Schubert Barer was one of 35 Charter Signatory firms for the Pro Bono Challenge® and the only Pacific

Northwest-based Charter member. Today, the Challenge includes more than 130 member firms around the globe. With pro bono being deeply ingrained in the cultures of both legacy firms, this continues to be an essential component of the Foster Garvey culture. Our pledge commits the firm to contribute at least three percent of its annual billable hours to pro bono legal services and to meet this goal by incentivizing pro bono work, a practice that Foster Garvey has carried forward.

Challenge Signatories, which comprise large law firms with 50 or more lawyers, acknowledge their institutional, firm-wide commitment to provide pro bono legal services to low-income and disadvantaged individuals and families, and the nonprofit groups that serve them. The Challenge includes a narrow, but thoughtful definition of pro bono that has become the industry standard for its participating firms, as well as an accountability mechanism and measurement tool through its performance benchmarks and annual reporting requirement.

# Service to Community Organizations

During 2020, Foster Garvey provided pro bono legal services and made donations to many community organizations, with a number of the firm's attorneys serving on Boards.

ACLU of Washington Foundation	College Success Foundation	Goodwill Baptist Church	Mother Attorney Mentoring Association (MAMA), Seattle
Africa Investor	Columbia Legal Services	Healing the Culture	Mt. Spokane Ski Patrol
Alzheimer's Association, Washington State Chapter	Commercial Real Estate Women	Innova Foundation	Multnomah Bar Foundation
American Heart Association	Communities Rise	International Community Health Services (ICHS)	Municipal League of King County
American Public Television Stations	Congregation Beth Shalom of Lawrence	InvestED	NAACP
Arbor School of Arts & Sciences	Congregation Kesser Israel	Issaquah Schools Foundation	National Association of Broadcasters Leadership Foundation
Arboretum Foundation	Cornish College of the Arts	Japan-America Society for the State of Washington	National Lawyers Guild-Seattle
Aristedes de Sousa Mendes Foundation	Cross Cultural Health Care Program	Jewish Federation of Greater Seattle	North Seattle Community Accountability Board
ASSISTA Immigration Assistance	DC Bar Foundation	Judge Charles V. Johnson Youth & Law Forum	Northwest Immigrant Rights Project
Auction of Washington Wines	Democracy Lab	Juvenile Diabetes Research Foundation (JDRF), Seattle Guild	Northwest Justice Project
B'nai B'rith International	Downtown Seattle Association	King County Bar Foundation	Northwest Tribal Court Judges Association
Basketball Club of Woodinville	Economic Alliance Snohomish County	Kitsap County Consolidated Housing Authority	Oregon Campaign for Equal Justice
Beneroya Hall	ELC Development	Ladybug House	Oregon Episcopal School
Big Foundation	Endowment for Equal Justice	Law Firm Antiracism Alliance	Oregon Innocence Project
CASA of Marion County	Epilepsy Foundation Legal Defense Fund	Lawyers for Literacy	Oregon PTA
Center for Children & Youth Justice	Federal Bar Association Pro Bono Committee	Legal Foundation of Washington	Oregon Women Lawyers
Center for Media Democracy	First AME Church	Legal Voice	Our Home: Inclusive Community Collaborative
Central Waterfront Oversight Commission	Forth	Madeline School Endowment Fund	Oxfam
Chamwino Connect	Foundation House at Northgate	Maple Leaf Community Council	Parents for a Better Downtown Seattle
Children's Alliance	Free Speech for People	Mentoring & Inspiring Women in Radio	Park Slope Schoolhouse
Civic Learning Council, WSBA	Friends of Mt. Spokane State Park	Meridian School	PHAME
Classroom Law Project	Global Minimum	MLK Family Arts Mentoring Enrichment	



Planned Parenthood Columbia Willamette  
 Portland Alumni Chapter of Tri Delta  
 Portland Tax Forum  
 QLaw  
 Quest Center for Integrative Health  
 Rainier Valley Corps  
 Rare Genomics Institute  
 Risk Management Society of Washington  
 Seattle Children's Theater  
 Seattle Clemency Project  
 Seattle Colleges  
 Seattle Hotel Association  
 Seattle Indian Health Board  
 Seattle Jazz Fellowship  
 Seattle Opera  
 Seattle Symphony  
 Seattle Theater Group  
 Seattle University  
 Seattle University Law School Alumni Board  
 Shoreline Public Schools Foundation  
 Shunpike Arts Collective  
 Sigma Phi Epsilon Building Corporation  
 Snoqualmie Valley Shelter Services  
 Sound Cities Association  
 South Asian Bar Association of Washington  
 Spokane Scholars Foundation  
 St. Charles Catholic Church  
 St. Mark's Cathedral  
 St. Rose School  
 Techbridge Girls  
 The Allen Institute  
 The Girl Friends, Seattle Chapter

The Learning Tree  
 The Lighthouse for the Blind, Inc.  
 The Links, Greater Seattle Chapter  
 Union of Reform Judaism  
 University of Portland, Owen Klinger Scholarship Fund  
 University of Washington Foundation  
 UW Evans School of Public Policy & Governance  
 Advisory Board  
 UW Jackson School of International Studies Advisory  
 Board  
 UW Law, Society & Justice Department Advisory Board  
 UW School of Law, Global Business Institute Advisory  
 Board  
 Veterans Consortium  
 Washington Association of School Administrators  
 Washington Coalition Against Domestic Violence  
 Washington Council of School Attorneys  
 Washington Innocence Project  
 Washington Lawyers for the Arts  
 Washington State China Relations Council  
 Washington State Climate Action Team  
 Washington State Department of Ecology Advisory  
 Committees on Water Resources, SEPA and Climate  
 Change Impacts  
 Washington State Gambling Commission  
 Washington State Wellesley Club  
 WeApp  
 Western Rivers Conservancy  
 Women on Boards Project

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