

SUGERMAN DAHAB

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Richard Spoonemore, Chris Youtz, Ele Hamburger
Sirianni Youtz Spoonemore Hamburger PLLC
3101 Western Avenue, Suite 350
Seattle, WA 98121

Re: Public Justice as a *cy pres* award recipient

Dear Counsel:

I am writing to recommend the Public Justice Foundation as a *cy pres* award recipient. I followed your work in *Reichert* from just down I-5. I cheered when you beat the arbitration clause, and I marveled at your hard-fought settlement in this case. Congratulations.

Our practice, which is Oregon based, is somewhat parallel. We handle consumer protection and civil rights class actions. We have tried and settled major class actions and mass actions in the consumer protection space, and we litigate class actions for people incarcerated in Oregon prisons and jails. I am particularly taken by your creative use of consumer protection in a way that protects those most vulnerable to predation.

As lead counsel, I have overseen multiple *cy pres* distributions. Public Justice has been a recipient in three of our consumer class action cases. When looking at recipients, we consider several criteria. First, who will deliver benefits to class members we could not find or is otherwise doing advocacy work related to the purposes of case? Second, who has the capacity to absorb and creatively use the funding? Third, who will be a good steward? Finally, how do we maximize benefits?

Public Justice programs are in place and are operating in the spaces that benefit class members. Specifically, the Debtors' Prison Project and Access to Justice Project are a sound fit for *Reichert*. Those programs are operating now and can absorb funding, as outlined in their letter to you. One of the things that has impressed me each time is that Public Justice is a good steward of *cy pres* funds. The organization is well run. Money goes to programs.


The last factor—maximizing benefits—is tricky. We have tried *cy pres* distributions both to organizations which fund other groups as well as to those which use the funds directly. We have come to prefer the more direct funding. Funding through a pass-through organization builds in overhead and expense that diverts funding from support of class members. Direct allocation to Public Justice would maximize benefits.

I serve in leadership of Public Justice, and I have worked with both projects. The quality of their work and willingness to take on hard cases is remarkable. The work Karla Gilbride did on the arbitration issues related to your case is representative of the type of work that *cy pres* funds would support.

And I have no doubt that the national scope of their work helps us in our local communities. Your case has national impact that will translate locally. Public Justice follows that model by taking on cases across the country that ultimately improve conditions in our home states and communities.

I recommend Public Justice to you. Please let me know if you have questions.

Sincerely,


David F. Sugerman