

## Adrian Urquhart Winder

(she/her)

Principal

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Adrian represents public and private clients in trial and appellate litigation, with a particular focus on real estate and municipal law.

Adrian is experienced in eminent domain and inverse condemnation matters and also advises her clients regarding the Public Records Act and Open Public Meetings Act, municipal government, and statutory, regulatory and constitutional law issues.

### Education

J.D., University of Oregon School of Law, 2006

- Order of the Coif
- *Oregon Law Review*, Managing Editor
- Legal Research & Writing Program, Teaching Assistant
- Moot Court Board, Business Officer
- ABA National Appellate Advocacy Competition

B.A., University of Washington, 2003

- Phi Beta Kappa Honor Society

### Honors & Recognition

*The Best Lawyers in America*®, Eminent Domain and Condemnation Law, 2024

Rising Star, Washington Super Lawyers list, 2014-2016

### Services

Litigation  
Airports  
Appellate  
Class Action Litigation  
Election and Political Law, Public Policy & Lobbying  
Eminent Domain & Inverse Condemnation  
Health Care  
Land Use, Planning & Zoning  
Ports  
Public Finance & Municipal Government  
Public Records & Open Government  
Real Estate  
Real Estate, Land Use & Environmental  
School Districts  
Senior & Affordable Housing  
Transportation & Logistics

### Admissions

Washington, 2006  
U.S. District Court, Eastern District of Washington, 2011

## Professional Activities

Association of Washington Housing Authorities  
Federal Bar Association  
Tacoma-Pierce County Bar Association  
Washington Public Ports Association  
Washington State Association of Municipal Attorneys

U.S. District Court, Western  
District of Washington, 2009

U.S. Court of Appeals for  
the 9th Circuit, 2011

U.S. Court of Appeals for  
the 10th Circuit

## Pro Bono Activities

Family Violence Appellate Project (FVAP)

- Represented survivor in defending against multiple appeals filed by ex-spouse and successfully upholding trial court's dismissal in first appellate decision under Washington's Abusive Litigation Act, ch. 26.51 RCW
- Represented survivor in defending against appeal by ex-spouse in dissolution proceedings, where survivor had suffered a nearly 30-year abusive relationship
- Amicus curiae counsel on behalf of FVAP in support of survivor regarding the legal distinctions between criminal no-contact orders, civil orders of protection, and family law restraining orders
- Moot court panelist and mentor to FVAP attorney in successfully pursuing appeal from order that violated RCW 26.09.191 and survivor's First Amendment rights
- Representing survivor from an arranged marriage to an older man in defending against his appeal of decree of dissolution and parenting plan

Pro Bono Panel, United States District Court for the Western  
District of Washington

- Appointed by the court to represent incarcerated individual in pursuing claims under the Freedom of Information Act (FOIA)

## News

Adrian Winder's Service to a Domestic Abuse Survivor  
10.19.23

57 Foster Garvey Attorneys Recognized Among the 2024 Best Lawyers in America; Two Portland Attorneys Named 'Lawyer of the Year'  
*Foster Garvey Newsroom*, 8.17.23

## Speaking Engagements

AWC Elected Officials Essentials 2023  
Speaking Engagement  
12.9.23

"Railroad Rights-of-Way & Condemnation," The Seminar Group's 13th Annual Cutting-Edge Issues in Condemnation  
Speaking Engagement  
Seattle, WA, 11.1.23

"Public Records Act and Open Public Meetings Act: Recent Legislation and Case Law," Washington Public Ports Association Spring Meeting  
Speaking Engagement  
Spokane, WA, 5.18.23

Multiple Attorneys Present Sessions at the 2023 WASBO Conference  
Event  
Spokane, WA, 5.3.23 - 5.5.23

"Ripped from the Headlines: Ethics for the Government Lawyer," WSAMA's 2023 Spring Conference  
Speaking Engagement  
Semiahmoo, WA, 4.20.23

"Legal Session: Special Valuation Issues," Appraisal Institute Seattle Chapter Fall Conference  
Speaking Engagement  
Seattle Convention Center, Seattle, WA, 10.6.22

"Thank You For Your Feedback: Managing Public Comments and Complying With the OPMA's New Requirements," 2022 WSAMA Fall Conference  
Speaking Engagement  
Campbell's Lake Chelan Resort and Conference Center, Chelan, WA, 9.29.22

"Public Meetings: Legislative Update," Washington Public Ports Association Spring Meeting  
Speaking Engagement  
Stevenson, WA, 5.5.22

"Rail and Utility Corridors," The Seminar Group's 10th Annual Understanding Public Easements  
Speaking Engagement  
Seattle, WA, 5.5.22

"Condemnation and the Priority of Government Rights," The Seminar Group's 11th Annual  
Cutting-Edge Issues In Condemnation  
Speaking Engagement  
Seattle, WA (In-Person & Virtual Event), 10.29.21

"Council Meetings in the COVID and Post-COVID Era," Washington State Association of  
Municipal Attorneys, Fall Conference  
Speaking Engagement  
Virtual, 10.6.21

"Public Records Act Updates: Recent Legislation and Caselaw," Washington Public Ports  
Association, Summer Legal Committee Meeting  
Speaking Engagement  
Virtual, 6.30.21

"Public Records Requests and Union Information Requests: Personnel and Employment  
Investigation Records," Washington State Association of Municipal Attorneys, Spring  
Conference  
Speaking Engagement  
Virtual Conference, 4.22.21

"Public Records Act Update," Washington Public Ports Association Fall CLE Seminar  
Speaking Engagement  
Tacoma, WA, 11.19.20

"Special Benefit Considerations in Eminent Domain," The Seminar Group's 10th Annual Cutting-  
Edge Issues in Condemnation  
Speaking Engagement  
Virtual, 9.10.20

"OPMA Primer – How to Avoid Common Pitfalls," MRSC Webinar  
Webinar  
2.12.20

"Public Records Act Update," Association of Washington Housing Authorities  
Speaking Engagement  
Olympia, WA, 2.6.20

"Getting Personal About Personal Records," 38th Annual Civil Service Conference  
Speaking Engagement  
Yakima, WA, September 9 - 10, 2019

"Managing Property Acquisition with Eminent Domain," 75th Annual WASBO Conference  
Speaking Engagement  
Spokane, WA, 5.8.19

"Condemnation: Particular Practices and Processes - Trends and Updates," 2019 WSAMA  
Spring Conference  
Speaking Engagement  
Vancouver, WA, 4.25.19

"Open Government Update: Executive Session to Discuss Real Estate Transactions, Updating  
Your Policies, and New State Reporting Requirements," Association of Washington Housing  
Authorities Spring Meeting  
Speaking Engagement  
5.17.18

"*McDonnell v. City and County of Denver: A Case Study on Regulating Speech in the  
Nonpublic Forum*," Washington State Association of Municipal Attorneys 61st Annual Spring  
Conference  
Speaking Engagement  
Whistler, B.C., 5.3.18

"Executive Session to Discuss Real Estate Transactions: Columbia Riverkeeper v. Port of  
Vancouver USA," 60th Annual WSAMA Fall Conference  
Speaking Engagement  
Cle Elum, WA, 10.12.17

"Records Retention and Destruction: Electronic Records," Washington Housing Authorities  
Accounting Professionals Annual Conference  
Speaking Engagement  
September 2017

"Open Government Update," Washington Public Ports Association Spring Meeting  
Speaking Engagement  
Cle Elum, WA, 5.18.17

"Records Retention and Destruction: Why Records Management Matters and What to do About  
it," Association of Washington Housing Authorities Spring Meeting  
Speaking Engagement  
April 2017

Public Records & Open Meetings, Law Seminars International  
Speaking Engagement  
Seattle, WA, 3.31.17

"Telford Issues: When is a Private Agency the Functional Equivalent of a Public Agency," Law Seminars International  
Speaking Engagement  
3.1.17

"Aviation Legal Update: Policy on the Non-Aeronautical Use of Airport Hangars," Washington Public Ports Association Aviation Committee Fall Meeting  
Speaking Engagement  
11.16.16

"When Is It Too Personal? PRA Update On Personnel Records," 35th Annual Civil Service Conference  
Speaking Engagement  
Wenatchee, WA, 9.12.16

"Open Government Update: Per Page Penalties, 'Commercial Purpose' Requests, and Other Developments," Washington Public Ports Association Spring Meeting  
Speaking Engagement  
Stevenson, WA, 5.12.16

"Aviation Legal Trends: Proposed FAA Rules on Small Unmanned Aircraft Systems (Drones)," Washington Public Ports Association Fall Aviation Committee Meeting  
Speaking Engagement  
November 2015

"Open Public Meetings Act Training," Verdant Health Board of Commissioners Annual Retreat  
Speaking Engagement  
June 2015

"Lobbying Rules for Housing Authorities," Association of Washington Housing Authorities Spring Meeting  
Speaking Engagement  
SeaTac, WA, 4.30.15

"Mandatory Reporting Requirements for Child Abuse," Association of Washington Housing Authorities Winter Meeting  
Speaking Engagement  
Olympia, WA, 2.5.15

"Recent Legal Developments for Airports," Washington Public Ports Association Fall Aviation Committee Meeting  
Speaking Engagement  
Bellevue, WA, 12.10.14

"Public Records Act and Open Public Meetings Act Update," Washington Public Ports Association Fall Legal Committee Meeting  
Speaking Engagement  
Bellevue, WA, 12.10.14

"Public Records Act Training," Association of Washington Housing Authorities Webinar  
Speaking Engagement  
Virtual, 11.20.14

"Next Up in *McCleary* and What It Means for Districts," Washington State School Directors' Association Annual Conference  
Speaking Engagement  
Spokane, WA, November 2014

33rd Annual Civil Service Conference  
Event  
Yakima, WA, 9.22.14

"Open Public Meetings Act Training," Association of Washington Housing Authorities Webinar  
Speaking Engagement  
August 2014

"Recent Legal Developments for Airport Managers," Washington Airport Management Association 2014 Conference  
Speaking Engagement  
Chelan, WA, 5.22.14

"Public Records Act: Tenant and Employee Privacy," Association of Washington Housing Authorities Spring Meeting  
Speaking Engagement  
April 2014

"Like a Good Neighbor - Planning For and Defending Airport Noise Claims," Washington Public Ports Association Fall Aviation Committee Meeting  
Speaking Engagement  
11.1.13

"Public Records Act: Key Lessons Learned (and Some Reminders)," Washington Public Ports Association Continuing Legal Education Seminar: Environmental Compliance and Increased Public Scrutiny  
Speaking Engagement  
11.1.13

"Like a Good Neighbor - Planning For and Defending Airport Noise Claims," Washington Airport Management Association Spring Conference  
Speaking Engagement  
May 2013

### **Legal Alerts**

Washington Supreme Court Sets New Criteria for Closing Public Records Requests  
4.15.24

Washington Open Public Meetings Act Update  
*Foster Garvey Newsroom*, 6.9.22

January 17 Public Records Act Injunction Against Hundreds of School Districts, Hospital Districts, Cities, Etc.  
*Foster Garvey Newsroom*, 1.21.20

SEIU and Freedom Foundation Continue Legal Battle Over "Affected" Third Party Status  
9.5.19

Consulting Attorney Need Not Formally Appear in Litigation for Fees to be Recoverable Under Washington Public Records Act  
4.17.19

SEIU and Freedom Foundation Continue to Battle Over Public Records in the Washington Court of Appeals  
9.26.18

Washington Court of Appeals Holds That Attorney Acting As Her Client's Agent in Public Records Act Request Could Not Individually Sue Agency for PRA Violations  
8.31.18

Washington Supreme Court Holds Trade Secrets Not Categorically Excluded From Disclosure Under State Public Records Act, More Stringent Injunction Standard Applies  
6.27.18



Death-Scene Images of Kurt Cobain Exempt from Disclosure Under Washington's Public Records Act

5.21.18

Washington Court of Appeals Holds Jail Records Exemption Extends to Jail Recordings and Related Records Even if Created or Held by Another Agency

4.3.18

New Public Records Act Legislation Taking Effect on July 23, 2017 – Are Your Policies and Practices Up-To-Date?

6.30.17

New FAA Drone Regulations Take Effect August 29, 2016: The New Rules and What They Could Mean for Industry

*Foster Garvey Newsroom*, 8.29.16

Court of Appeals Reaffirms Public Utility District Authority to Condemn State School Trust Lands

*Foster Garvey Newsroom*, 5.10.13

Court Enforces Avigation Easements, Dismisses Claims Based on Flights on Third Runway at Seattle-Tacoma International Airport

*Foster Garvey Newsroom*, 3.5.13

Court Denies Certification of Alleged Takings Class Action Based on Noise from Third Runway at Seattle-Tacoma International Airport

*Foster Garvey Newsroom*, 6.7.12

## **Publications**

How the Open Public Meetings Act Evolved During the Pandemic and How to Comply Now  
*City Vision: The Association of Washington Cities Magazine*, 2.16.23

Washington State Bar Association Public Records Act Deskbook: Washington's Public Disclosure and Open Public Meetings Laws, Chapter 22 (Open Public Meetings Act)

*Washington State Bar Association*, 2019

Washington State Bar Association Civil Procedure Deskbook, Chapters 20 and 21, 2014 edition

*Washington State Bar Association*, 2014

## **Experience**

### **Representative Matters: Appellate Decisions**

*Public Utility District No. 1 of Okanogan County v. State*, 182 Wn.2d 519 (2015): represent public utility district in affirming authority to condemn easements over State lands for transmission

corridor project

*Admasu v. Port of Seattle*, 185 Wn. App. 23 (2014), *review denied*, 183 Wn.2d 1009 (2015): represent municipal airport operator in dismissal of putative class action seeking damages and injunctive relief based on alleged inverse condemnation, nuisance and trespass caused by airport operations

*McDonnell v. City and County of Denver*, 878 F.3d 1247 (10th Cir. 2018): represent Airports Council International – North America as amicus curiae in reversal of preliminary injunction on First Amendment challenge to airport permit policies governing protests and demonstrations

*Lewington v. Parsons*, 193 Wn. App. 1044 (unpublished), *review denied*, 186 Wn.2d 1012 (2016): Represent property owner in obtaining a favorable decision on interpretation and application of neighborhood restrictive covenant

*Vern F. Sims Family Ltd. Partnership v. City of Burlington*, 194 Wn. App. 1048 (2016) (unpublished): represent Northwest-based global retail developer in litigation regarding latecomer agreement for street improvement project, affirming dismissal of claims under LUPA

*McCleary v. State of Washington*, 173 Wn.2d 477 (2012): represent petitioners in trial and appellate litigation to enforce State Constitution's public education clause, including Washington Supreme Court enforcement and contempt proceedings

#### **Other Representative Matters**

Represent port district in multiple matters involving claims of alleged inverse condemnation, nuisance and trespass caused by airport operations and overflights

Represent private Seattle-based real estate developer, Northwest-based food and drug retailer, and other business and individual property owners in multiple condemnation actions related to Sound Transit's East Link and Lynnwood Link Extension Light Rail Projects

Represent port district in dismissal of superior court litigation to vacate lease of cargo terminal, reversal of city interpretation and notice of violation of shoreline substantial development permit, and in responding to associated public records requests

Represent and advise Class 1 railroad in matters involving quiet title, adverse possession, prescriptive easement, federal preemption, franchises and eminent domain

Represent city in multiple condemnation matters for downtown flood improvement project and associated Public Records Act litigation

Represent multiple cities in condemnation matters to acquire property rights for street improvement and recreational trail projects

Represent major public institution in litigation under the Open Public Meetings Act

Represent major public institution in condemnation of property necessary for campus expansion

Represent housing authority in federal class action, settlement and settlement administration regarding public housing utility allowances

Represent private developer in challenge of preliminary plat application and associated environmental impact statement under SEPA

Represent property owner at trial court and appellate levels in successful action to quiet title to rights under easement

Represent property owners in utility easement acquisitions by local energy utility

Represent Northwest-based food and drug retailer in condemnation litigation concerning shopping center master lease and subleases

Represent port district on matters involving use of airport property, FAA compliance issues and condemnation

Advise public agencies regarding the development and adoption of policies for disclosure of public records and records retention; provide mandated training in open public meetings and public records; advise regarding responses to public records requests; and represent in litigation as needed