

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

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April 11, 2008

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██████████
Auburn, WA ██████████

Rita L. Bender
Seattle

Re: #07-08 -- Unauthorized Practice of Law Complaint

Margaret Bridewell
Walla Walla

Dear Mr. Hughes:

Brian J. Dano
Moses Lake

The Practice of Law Board was created by order of the Washington State Supreme Court, General Rule (GR) 25. The Board is charged with the investigation of activities of individuals in Washington allegedly engaging in the unauthorized practice of law. Revised Code of Washington (RCW) 2.48.180 states that a nonlawyer practicing law or holding himself out as entitled to practice law constitutes the unauthorized practice of law. The practice of law is defined in court rule GR 24.

Jeanne J. Dawes
Spokane

Stephanie Delaney
Seattle

Nancy C. Ivarinen
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Cheryl D. Kringle
Seattle

As you are aware, M ██████ Y ██████ filed unauthorized practice of law complaint against you alleging that you advised her in an estate matter and prepared an estate plan for her, including drafting an Irrevocable Trust document.

Howard H. Marshack
Vancouver

Daniel Pérez
Seattle

Ms. Y ██████ is a widow in control of an estate worth approximately six million dollars. Ms. Y ██████ was interested in minimizing the taxes that her children would have to pay for her estate after she died. On June 3 and 4, 2006, Ms. Y ██████ attended a ██████ Seminar for business training. You also attended this seminar and, according to Ms. Y ██████, you answered many of the presenters questions and appeared knowledgeable about business and taxes. The seminar presenter told the attendees that "if you're smart, you'll get a card and call Mr. Hughes." You gave to Ms. Y ██████ your card, wherein you called yourself a "Senior Manager-Analyst for GWA, Inc.," and told Ms. Y ██████ that you would meet with her in her home. When you met with Ms. Y ██████, you told her that you had worked for the IRS and that you had had to go to court with your client, the IRS. You advised Ms. Y ██████ on how to arrange her estate so that her children wouldn't have to pay any "death taxes" and gathered from her a description of her assets, children's names, and children's social security numbers. That day, Ms. Y ██████ paid you \$2,000 for

Hon. Jane M. Smith
Nespelem

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Administrator
Julie Shankland

Investigator
Sandra Schilling

preparation of a trust and for a spreadsheet projection for a new business.

On August 28, 2006, you met Ms. Y [REDACTED] at a bank to have her signature notarized on an Irrevocable Trust document that you provided for her. Six to eight weeks later, you sent to Ms. Y [REDACTED] copies of the documents. Had these Irrevocable Trust documents been executed, they would have immediately transferred Ms. Y [REDACTED]'s entire estate to her children, which would have resulted in large federal gift taxes and would have left Ms. Y [REDACTED] with no property while she was alive. Ms. Y [REDACTED] incurred several thousands of dollars in attorney fees in order to dissolve the Irrevocable Trust that you told her she needed and that you prepared for her.

Washington law prohibits a nonlawyer from practicing law or holding himself out as entitled to practice law. Giving advice or counsel to others as to their legal rights for a fee and selecting, drafting or completing legal documents which affect the legal rights of a person both fall under the general definition of the practice of law pursuant to GR 24(a)(1) and (2). You engaged in the unauthorized practice of law when you advised Ms. Y [REDACTED] as to her estate plan and drafted for her an Irrevocable Trust document.

At this time, pursuant to GR 25 (f)(4)(B) and (g), we request that you enter into a stipulation with this Board, agreeing to immediately cease and desist from:

- ◆ Giving advice or counsel to others as to their legal rights or their legal rights or responsibilities of others for fees or other consideration;
- ◆ Selecting, drafting or completing legal documents or agreements which affect the legal rights of an entity or person;
- ◆ any activity which is defined as the practice of law in GR 24.

We further ask you to stipulate that in the event you violate this agreement, the Board will request that the appropriate County Prosecutor's Office institute a criminal proceeding against you. The stipulation states that the Board will forward the stipulation, evidence of your further violation, the investigative report to the Board of your past violations, the original complaint, your response, and all other evidence of such violations to the Prosecutor's Office.

The signed and witnessed letter should be returned to the Board within 15 days. Whether or not the signed stipulation is returned within 15 days of the mailing of this letter, the Board has decided to forward the information gathered in this investigation to the offices of interested prosecutors, to the Department of Financial Institutions, and to the Attorney General's Office. The Board will also forward a letter to the [REDACTED] cautioning them against endorsing nonlawyers.

We are hopeful that we will be able to resolve these matters by stipulation. If you are willing to so stipulate, please sign and date your signature and have your signature witnessed by a person over the age of eighteen.

Thank you in advance for your anticipated cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Crossland', written in a cursive style.

Stephen Crossland, Chairman
Practice of Law Board

cc: M [REDACTED] Y [REDACTED]