

**PRACTICE OF LAW BOARD  
STATE OF WASHINGTON**

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539  
(206) 239-2125  
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Members

Stephen Crossland  
Chairperson  
Cashmere

August 22, 2007

Hon. Paul A. Bastine  
Vice-Chairperson  
Spokane

Thomas Joehnck  
All County Evictions, Inc.

Rita L. Bender  
Seattle

Everett, WA

Brian J. Dano  
Moses Lake

RE: Unauthorized Practice of Law Complaint – File No. 07-19

Jeanne J. Dawes  
Spokane

Dear Mr. Joehnck:

Stephanie Delaney  
Seattle

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 allegations of unauthorized practice of law in Washington. 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. Court rule GR 24 defines the practice of law. The unauthorized practice of law is a crime in Washington.

Nancy C. Ivarinen  
Burlington

Cheryl D. Kringle  
Seattle

Howard H. Marshack  
Vancouver

As you are aware, J [REDACTED] E [REDACTED] filed a complaint against you and your business, All County Evictions, Inc., alleging that you are engaging in the unauthorized practice of law by providing legal information and legal document preparation services to landlords in Snohomish County.

Daniel Pérez  
Seattle

Hon. Jane M. Smith  
Nespelem

Mr. E [REDACTED] represents C [REDACTED] K [REDACTED], the owner of E [REDACTED] [REDACTED] in Everett. According to Mr. E [REDACTED], you served Mr. K [REDACTED] with a Summons and Complaint for unlawful detainer alleging failure to pay late fees, dated August 29, 2006, and a Motion and Order to Show Cause, dated August 31, 2006. The Complaint is not signed by M [REDACTED] C [REDACTED], the attorney designated on the pleadings, but contains the “/s/” symbol on the signature line. The Motion and the Order to Show Cause are both signed by you. You filed these legal documents with the Snohomish County Superior Court and you appeared in court and presented the Motion and the Order to Show Cause to a superior court commissioner.

Administrator  
Julie Shankland

Investigator  
Sandra Schilling

In an interview with our investigator on July 19, 2007, you stated that you own and operate All County Evictions, Inc (ACE). The current annual report for ACE lists its purpose as to “[p]rovide legal services to landlords.” You told our investigator that one of your occupations is legal assistant, but that no attorney is associated with ACE and that Mr. C [REDACTED] has no business interest in ACE. You indicated that you are not Mr. C [REDACTED]’s employee and that you

are not, in fact, a legal assistant for anyone. You described your business practices to include meeting clients either in person or over the phone, completing intake forms, and then preparing notices, summons, complaints, and other forms for clients from templates in your computer. You testified in a deposition on November 6, 2006, that you did not know who created the templates you use. You also testified that you use a computer program called Hot Docs in drafting these complaints and other legal documents for clients. You stated that you tell clients what the law is on an issue and, if necessary, give them 3-day notices or other forms. You keep pleading paper in your printer for M■■■■ C■■■■, a Washington attorney who rents office space from you and provides legal services to ACE, and for whom you often complete and sign pleadings and other court documents. You are not an employee of Mr. C■■■■'s. You indicated that you pay Mr. C■■■■ for legal services to ACE clients based on an oral agreement. You further stated that Mr. C■■■■ rarely reviews the documents or pleadings before they are served if you are simply filling in blanks, and that you sign Summons and Complaints for him with a "/s/" symbol, which you believe connotes "that the attorney will sign it later, when it's filed."

On August 23, 2006, you met with client B■■ S■■ at your office and told him "the first thing he needed to do was to do a 3-day notice." You instructed Mr. S■■ on the law regarding the posting/mailing of the notice. After three days, Mr. S■■ contacted you again. You instructed him that the next step was serving the Summons and Complaint, which you completed on Mr. C■■■■'s pleading paper, signed for Mr. C■■■■ with a "/s/" symbol, filed and served. No lawyer reviewed the summons or complaint you drafted for Mr. S■■. ACE paid the filing fee for this lawsuit. If Mr. C■■■■ reviews complaints or other documents, you include an entry for his time on ACE's bill to the client. The defendant you named in the Complaint was C■■ K■■, which was an error as the tenant in interest was E■■■■■■■■. This error could have caused injury to Mr. S■■ by resulting in a dismissal of his action. You then prepared a Motion and Order to Show Cause, both of which you signed yourself and presented to the court commissioner on August 31, 2006. You told our investigator that Mr. C■■■■ was unavailable at this time, recovering from gallbladder surgery while vacationing in France. In your deposition, you testified that although this is the only Motion and Order to Show Cause you have signed, you have presented others in court.

You are not a lawyer. RCW 2.48.180(2)(a) states that a non-lawyer practicing law or holding himself out as entitled to do so constitutes the unauthorized practice of law. Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration is included in the GR 24 definition of the practice of law. When you meet with clients and inform them of the law regarding eviction and tenancy issues, you are engaging in the unauthorized practice of law. By advising Mr. S■■ that he needed to do a 3-day notice, instructing him on the posting and mailing of the notice, and further instructing him on the next steps in his legal matter, you engaged in the unauthorized practice of law. Selecting, drafting or completing legal documents which affect the legal rights of others is also included in the GR 24 definition of the practice of law. By assessing the legal action necessary in a client matter, and then choosing, completing and signing legal forms and pleadings for clients based on that assessment, you are doing more than simply inserting facts into a standard form. You are making discretionary legal choices on behalf of your clients, thereby engaging in the unauthorized practice of law. In addition to choosing and

completing legal documents for clients, you are also serving and filing them in court. Under RCW 4.16.170, the service of an action alone constitutes the commencement of a lawsuit.<sup>1</sup> Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review, is also included in the GR 24 definition of the practice of law. By signing and presenting a Motion and Order to Show Cause before a court commissioner on behalf of Mr. S [REDACTED], you were engaging in the unauthorized practice of law.

At this time, pursuant to GR 25(f)(4)(B), we request that you enter into a written agreement with this Board, to refrain from the following conduct:

- ◆ Giving advice or counsel to others as to their legal rights or the 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 other entities or persons.
- ◆ Representing other entities or persons in court or in other formal adjudicative proceedings.
- ◆ 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, you agree that this 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 shall be turned over to the appropriate County Prosecutor's Office with a request from the Board that that office institute a criminal proceeding against you.

In the event you do not return this stipulation as signed and agreed to within 15 days of the mailing of this letter, the Board will issue its report and consider turning over its investigation along with a request for prosecution to the County Prosecutor's Office.

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, who will also sign as the witness. The signed letter should be returned to the Board within 15 days.

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<sup>1</sup> This is in violation of RCW 18.180.010, which requires any person who serves legal process for a fee to register with the auditor of the county.

Thank you in advance for your anticipated cooperation.

Very Truly Yours,

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

Steve Crossland, Chair  
Practice of Law Board

JS:as

cc: J [REDACTED] E [REDACTED]

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STATE OF WASHINGTON**

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**Howard H. Marshack**  
Vancouver

**Daniel Pérez**  
Seattle

**Renée Shadel**  
Seattle

**Hon. Jane M. Smith**  
Nespelem

**Administrator**  
Julie Shankland

**Investigative Attorney**  
Sandra Schilling

December 9, 2008

Thomas Joehnck

P.O. Box [REDACTED]  
Lake Stevens, WA 98258

Re: Complaint Alleging Unauthorized Practice of Law  
POLB No. 08-15

Dear Mr. Joehnck:

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 allegations of unauthorized practice of law in Washington. 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. Court rule GR 24 defines the practice of law. The unauthorized practice of law is a crime in Washington.

As you are aware, the Practice of Law Board of the State of Washington opened a complaint against you and your business, All County Evictions, Inc. (ACE), alleging that you are engaging in the unauthorized practice of law. According to the complaint, you are selecting and completing documents, as well as signing and presenting documents in Snohomish County Court before commissioners on behalf of attorney E [REDACTED] L [REDACTED]. The Board has a copy of a January 14, 2008 Judgment and Order of Default which was signed and presented by you in Snohomish County Court.

The Practice of Law Board investigator interviewed E [REDACTED] L [REDACTED]. Mr. L [REDACTED]'s response regarding his relationship with you and ACE is conflicting. Mr. L [REDACTED] states that you are an "independent contractor" and Mr. L [REDACTED]'s assistant. Mr. L [REDACTED] has also stated that "ACE hires me. People come to ACE and end up with me as their attorney...I send a bill to ACE. ACE is the payor."

According to Mr. L [REDACTED], you work with landlords in Snohomish county on the proper eviction procedures and notice forms. If litigation is required, you draft the documents and send them electronically to Mr. L [REDACTED] at his Seattle office. You attach a scanned copy of the lease. Mr. L [REDACTED] stated that he has a small office in your building, which he goes to once a week.

You are not a lawyer. RCW 2.48.180(2)(a) states that a non-lawyer practicing law or holding himself out as entitled to do so constitutes the unauthorized practice of law. Selecting, drafting or completing legal documents which affect the legal rights of others is included in the GR 24 definition of the practice of law. GR 24(c) allows nonlawyer assistants to work under the supervision of a lawyer in compliance with Rule 5.3 of the Rules of Professional Conduct (RPC). The Board finds that your relationship with Mr. L [REDACTED] does not appear to be one of supervisor and assistant. Mr. L [REDACTED] has stated that he reviews the documents after you have already selected and completed them for clients with whom you have met. There is no indication that Mr. L [REDACTED] either met with the clients himself or had any part in reviewing your decision for selecting the legal documents chosen for litigation.

Representing another entity or person(s) in court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process in which legal pleadings are filed is also included in the GR 24 definition of the Practice of Law. Snohomish County Local Rule 0.02 at (f)(1) and (3) state as follows:

(1) *Appearances.* All appearances before the county shall be by a party pro se, by an attorney admitted to practice in the State of Washington, by a legal intern authorized under APR 9, or by an attorney entitled to appear in a matter under APR 8(b).

(3) *Presentation by Messenger.* No order or judgment may be presented in open court or in chambers to any judge by any person not authorized to appear before the court as specified in these rules; provided, however, that an attorney or party may obtain from a judge or commissioner prior telephone or oral consent to the delivery of an order by a secretary, clerk, or messenger for signature in chambers, provided further, that such matters would not require testimony.

Your actions do not meet the requirements of the local rule.

At this time, pursuant to GR 25(f)(4)(B), we request that you enter into a written agreement with this Board, to refrain from the following conduct:

- Holding yourself out as authorized to select, draft or complete legal documents or pleadings for others;

- Any activity which is defined as the practice of law in GR 24.

This is the second letter the Board has sent to you asking you to cease and desist from engaging in the unauthorized practice of law. The first letter was sent to you on August 22, 2007. In the event you do not return this stipulation as signed and agreed to within 15 days of the mailing of this letter, the Board will turn over this stipulation, the investigative report to the Board, evidence of your further violations, the investigative report to the Board of your past violations, the original complaints, your responses, and all other evidence of such violations to the appropriate County Prosecutor's Office with a request from the Board that that office institute a criminal proceeding against you.

If you disagree with the POL Board's final action, you may seek review by filing a Notice of Petition for Review with the Washington Supreme Court. The Notice must be filed within 30 days of final POL Board action. You must serve the original Notice of Petition for Review on the Supreme Court Clerk and a copy on the POL Board. Your Notice must set out your name and address, the name and address of your counsel, if any, and a concise statement of the reason for your appeal. Your Petition must comply with the Rules of Appellate Procedure (RAP). For further information on Petitions for Review, please see GR 25(g).

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, who will also sign as the witness. The signed letter should be returned to the Board within 15 days.

Thank you in advance for your anticipated cooperation.

Very Truly Yours,

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

Steve Crossland, Chair  
Practice of Law Board

JS:as