

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

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Members

January 8, 2007

Stephen Crossland
Chairperson
Cashmere

Debbie L. McCabe
Express Legal Document Services
██████████
McKenna, WA ██████████

Hon. Paul A. Bastine
Vice-Chairperson
Spokane

Rita L. Bender
Seattle

RE: File No. 06-41 UPL Complaint against Debbie McCabe

Brian J. Dano
Moses Lake

Dear Ms. McCabe:

Jeanne J. Dawes
Spokane

The Practice of Law Board was created by order of the Washington State Supreme Court, General Rule (GR) 25. The Board is charged with investigation of the 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.

Stephanie Delaney
Seattle

C. Robert Ford
Bellevue

Nancy C. Ivarinen
Burlington

Cheryl D. Kringle
Seattle

As you are aware, E ██████ M ██████ filed a complaint against you and your business, Express Legal Document Services, alleging that you engaged in the unauthorized practice of law when you prepared pleadings for and advised O ██████ J ██████.

Howard H. Marshack
Vancouver

Daniel Pérez
Seattle

Mr. J ██████ was a school bus driver for the ██████ School District. When he was terminated from his job, the ██████ ██████ (PSE) assisted him with a grievance and arbitration. The arbitrator ruled that the school district had cause to fire Mr. J ██████. Mr. J ██████ then filed a lawsuit against PSE in King County Superior Court. The Court dismissed Mr. J ██████'s lawsuit on summary judgment. Mr. J ██████ filed an appeal with the Washington State Court of Appeals. The Court rejected his brief and sent him a checklist for preparing an acceptable brief. Mr. J ██████ then contacted you. Mr. J ██████ brought you a large amount of handwritten documents that represented his draft brief. He asked you to put together an appellate brief and a motion to extend time, and paid you \$500 in advance for your services. You drafted a motion for extension of time, dated August 25, 2006, which Mr. J ██████ filed with the court. Your September 4, 2006 letter to Mr. J ██████ advised that "if you took your case to Superior Court Under Tort Law you have a longer period of time to bring your case, and after reading the history of your case it would seem to me (and this is strictly from my personal perspective, I am not an Attorney) you could have a defamation of Character Claim, and/or possibly libel claim along with Wrongful Termination claim." Your letter also concludes

Hon. Jane M. Smith
Nespelem

Administrator
Julie Shankland

Investigator
Sandra Schilling

that Ms. J [REDACTED] has some valid claims and you refer him to a lawyer.

Your October 2, 2006 letter to the Practice of Law Board explained that you normally type up information clients provide you on a written form. You stated that you usually “do not change wording nor do I re-word a statements [sic] or ‘clean it up’ [sic] I simply type in the information the client provides. If a concern arises regarding the client’s information, or the client leaves out pertinent information the document is asking for and they are unsure how to answer I refer them to an attorney. . .” Your letter also stated that “however, after reading through his [Mr. J [REDACTED]’s] hand written work I realized that, Mr. J [REDACTED] had not through out his hand written complaint, stated specifically; as would need to be stated in an appellant brief, the proper wording of his alleged complaints(s).” Your letter indicates that you did not follow your policy of strictly typing the client’s statements in this case. You also added a clause for an hourly fee for research in your Services Contract Agreement with Mr. J [REDACTED]. Although you did not complete Mr. J [REDACTED]’s brief, you did prepare a table of contents and statements summarizing the legal arguments in the brief. Mr. J [REDACTED] did not provide the words you used to summarize his legal arguments.

Based on the review of the available information, it appears that you advised Mr. J [REDACTED] to file a tort claim and explained the effect that would have on his court case. You also suggested that Mr. J [REDACTED] might have claims of defamation of character and attorney misrepresentation. You expressed the conclusion that his legal claims had merit. You entered into a contract with Mr. J [REDACTED] to prepare an appellate brief. You continued to work on this project even after discovering that you would have to research how to do this and change the client’s words—in violation of your own policy. These actions constitute the unauthorized practice of law.

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. The Washington court has been clear that the selection and completion of legal documents constitutes the practice of law. *State v. Hunt*, 75 Wash. App. 795, 880 P.2d 96 (1994). Paralegals may assist in document preparation, but only under the supervision of an attorney. *Tegman v. Accident & Med. Invest.*, 107 Wn. App. 868, 30 P.3d 8 (2001). You did not act under the supervision of an attorney when you crafted legal documents for Mr. J [REDACTED]. You may sell legal forms, provide information of a general nature about the laws and legal procedures to members of the public, and type documents exactly as they are provided to you by others. You may not choose forms, advise others about specific language to include in forms or advise about specific causes of action.

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.

Letter to Debbie McCabe
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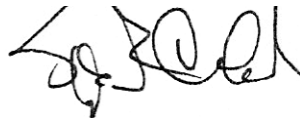
We further ask you to stipulate that in the event you violate this agreement, you agree that this stipulation, evidence of your further violation, the investigative report to the Board of your past violations, the original complaint, your response, and all other evidence of such violations shall be turned 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.

Thank you in advance for your anticipated cooperation.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Steve Crossland". The signature is stylized and cursive.

Steve Crossland, Chair
Practice of Law Board

JS:as

cc: E [REDACTED] M [REDACTED]