

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

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Members

Stephen Crossland
Chairperson
Cashmere

November 22, 2006

Hon. Paul A. Bastine
Vice-Chairperson
Spokane

Charles V. McClain, III
[REDACTED]
Everett, WA [REDACTED]

Rita L. Bender
Seattle

Re: #06-28 -- Unauthorized Practice of Law Complaint

Brian J. Dano
Moses Lake

Dear Mr. McClain:

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 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 non lawyer 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.

Stephanie Delaney
Seattle

C. Robert Ford
Bellevue

Nancy C. Ivarinen
Burlington

As you are aware, a complaint was filed by J [REDACTED] A [REDACTED] alleging that you engaged in the unauthorized practice of law by drafting legal pleadings for her signature and providing legal advice to her for a fee of \$5,100.

Cheryl Kringle
Seattle

Howard H. Marshack
Vancouver

In your letter to the Practice of Law Board, dated July 31, 2006, you state that you met with J [REDACTED] A [REDACTED] to discuss land patents. You state that she agreed to pay your \$1,500 to research land patents. You state that shortly after she paid you the money, she asked for it back, because she learned that land patents do not exist. At a meeting to discuss how you would refund her money, she told you of her problems with her attorney and with a judgment entered against her by a local veterinarian. You state that you agreed to look over her legal documents and repay her if she would loan you \$5,000.00. You indicated that Ms. A [REDACTED] provided you with a CR 60 motion prepared by someone else on a typewriter. You stated that you advised her to take no further action on the judgment, because no one was

Daniel Perez
Seattle

Hon. Jane M. Smith
Nespelem

Administrator
Julie Shankland

Investigator
Sandra Schilling

collecting. You also agreed to print the legal pleadings for her and assist her in locating the names and numbers for the judges. In your July 31, 2006 response, you indicated that you performed your own research and "opined" that Ms. A [REDACTED] let this matter go.

During our investigation, we received a phone call from a person identifying himself as J [REDACTED] B [REDACTED]. Mr. B [REDACTED] claimed to be the person who actually drafted the pleadings for Ms. A [REDACTED]. Mr. B [REDACTED] told us that he drafted these pleadings on his typewriter and your role was only to print these documents. You agreed that he drafted the pleadings. You sent us a floppy disk that contained the documents Mr. B [REDACTED] prepared. We reviewed the disk and found that it contained some documents similar to those provided by Ms. A [REDACTED] in her complaint. The language in the pleadings submitted by Ms. A [REDACTED] is not the same, is not in the same format and is numbered differently from that submitted in the complaint. The CR 60 motion is not on the disk at all. The disk does not contain creation dates for any of the documents. Additionally, the documents submitted by Ms. A [REDACTED] all have the first number of her address added by hand. The documents on the disk provided by Mr. B [REDACTED] have the first number of the address typed in. Based on the information available, we cannot conclude that Mr. B [REDACTED] drafted the pleadings Ms. A [REDACTED] submitted with her complaint.

Giving advice or counsel to others as to their legal rights in exchange for consideration falls under the general definition of the practice of law pursuant to GR 24(a)(1). Counseling Ms. A [REDACTED] regarding legal documents in exchange for a \$5,000 loan would fall under this provision.

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

- ◆ any activity in Washington wherein you provide legal advice or counsel others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration;
- ◆ 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.

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