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STATE OF WASHINGTON**

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November 8, 2007

Toni Ochoa, Executive Director
Whatcom Legal Aid Services

██████████
Lummi Island, WA ██████████ - ██████████

RE: #07-37 Complaint Filed Against Whatcom Legal Aid Services

Dear Ms. Ochoa:

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

As you are aware, F██████ S██████ has filed a complaint against you and your business, Whatcom Legal Aid Services. According to the complaint, Ms. S██████ hired you to prepare dissolution documents and a protection order for her, for which she paid you a total of \$479.00. Ms. S██████ found Whatcom Legal Service through the internet. The business website, www.whatcomlegalaid.com, does not explicitly state that the document preparers are not attorneys or that Whatcom Legal Aid Services does not offer legal advice. According to Ms. S██████, she did not understand that you were not an attorney when she contacted your business and assumed you would assist her through the entire court process. At the time you assisted Ms. S██████, she was living in a shelter for victims of domestic violence. Additionally, Ms. S██████'s first language is not English.

In order to complete the dissolution and protective order forms, you sent Ms. S██████ an intake questionnaire and corresponded with her over email and telephone. Ms. S██████ states that you assisted her in determining the amount to put down for food expenses in the motion to proceed *in forma pauperis* and that you assisted her in completing the intake questionnaire as she was unable to pick which boxes to check and which to leave empty. Ms. S██████ never saw the actual pleadings until after you completed them. Ms. S██████ also states that you assured her that she should get full custody of her children based on her husband's parenting deficiencies. You also

suggested that Ms. S [REDACTED] request the court to allow her to take the children to Japan and return for later hearings. In an email from you to Ms. S [REDACTED], you direct Ms. S [REDACTED] on what to write in her declaration: "You will need to explain R [REDACTED]'s recent violent behavior & alcohol abuse toward you & the children. Comment on how the children feel about it also. Give a couple of specific examples or incidences that have happened." Your legal advice to Ms. S [REDACTED] to take the children to Japan during the pendency of her dissolution and also your assurance that the court would grant her full custody of her children constitutes legal advice.

Washington Court Rule GR 24(a) states the practice of law includes but is not limited to giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration and selecting, drafting, or completing legal documents or legal agreements which affect the legal rights of an entity or person(s). By discussing with Ms. S [REDACTED] the likely outcome of the custody of her children, directing her on information to include in her declaration, and suggesting the food expense amount for the *in forma pauperis* motion, the Board finds that you have engaged in the 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. The unauthorized practice of law is a crime in Washington.

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 practicing law in the state of Washington. 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,



Steve Crossland, Chair
Practice of Law Board

JS:as

cc: N [REDACTED] C [REDACTED] I [REDACTED]