

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539
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Members

Stephen Crossland
Chairperson
Cashmere

May 6, 2008

Hon. Paul A. Bastine
Vice-Chairperson
Spokane

David Gutierrez

██████████
Yakima, WA ██████████

Rita L. Bender
Seattle

Re: #06-30 -- Unauthorized Practice of Law Complaint

Margaret Bridewell
Walla Walla

Dear Mr. Gutierrez:

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 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.

Jeanne J. Dawes
Spokane

Stephanie Delaney
Seattle

Nancy C. Ivarinen
Burlington

Cheryl D. Kringle
Seattle

As you are aware, a complaint was filed by J██████ W██████ of Progressive Insurance Company alleging that you have engaged in the unauthorized practice of law by representing an injured party and assisting him in pursuing injury claims against Progressive. Attached to her complaint was a letter to Progressive Insurance from you stating that your office had been retained by L██████ V██████ and a settlement package to Ms. W██████ from you proposing a \$20,000 settlement of all claims.

Howard H. Marshack
Vancouver

Daniel Pérez
Seattle

Hon. Jane M. Smith
Nespelem

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Administrator
Julie Shankland

Investigator
Sandra Schilling

In an October 2006 interview, you told our investigator that you do not work as an attorney, adjuster, or negotiate settlements yourself. You further stated that you offer services to the Spanish speaking community by translating documents, interpreting the clients' wishes, and gathering information for the clients. You also told our investigator that, while discussing the settlement, Mr. V██████ "threw out \$30,000, but I told him that was unrealistic, so he knocked it down to \$20,000." You then sent a proposed settlement package to Progressive Insurance Company on Mr. V██████'s behalf. You charged Mr. V██████ \$550.00 for these services. 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). You are neither a licensed insurance adjuster nor an attorney. By advising Mr. V██████ to set a settlement figure of \$20,000, you engaged in the unauthorized practice of law.

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 doing the following (or, if you have not been engaging in the following activities, we ask that you agree that in the future you will refrain from the following):

- ◆ 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 "Stephen Crossland". The signature is stylized and cursive.

Stephen Crossland, Chairman
Practice of Law Board