

**PRACTICE OF LAW BOARD  
STATE OF WASHINGTON**

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January 5, 2010

Roger Ost  
[REDACTED]

Seattle, WA [REDACTED]

RE: File No. 09-27 Unauthorized Practice of Law  
Complaint against Roger Ost

Dear Mr. Ost:

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.

S [REDACTED] M [REDACTED]-S [REDACTED] filed an unauthorized practice of law complaint against you. You agreed to represent Ms. M [REDACTED]-S [REDACTED] in an action against the city of Seattle for injuries she sustained on May 25, 2001 when she tripped on a sidewalk. You and Ms. M [REDACTED]-S [REDACTED] had been friends for 10 years prior to your agreement to represent her. You told Ms. M [REDACTED]-S [REDACTED] to expect \$150,000 for her injuries. You filed the mandatory claim with the City of Seattle. When Ms. M [REDACTED]-S [REDACTED] rejected the City's \$62,000 offer, you filed a civil law suit. You did not contact Ms. M [REDACTED]-S [REDACTED] again until April 2008.

On August 18, 2004, the case was set for trial. On May 15, 2006, the King County Superior Court Clerk dismissed the case based on plaintiff's abandonment of the action. You were disbarred effective December 7, 2007.

In April 2008, you told Ms. M [REDACTED]-S [REDACTED] that her case had settled for \$89,000. You presented her with "settlement"

papers to sign. In fact, the case was dismissed and the settlement documents were false. You told Ms. M [REDACTED]-S [REDACTED] that you received the settlement funds on May 19, 2008. In June 2008, Ms. M [REDACTED]-S [REDACTED] learned that her case had been dismissed. On June 24, 2008, you signed a settlement agreement with Ms. M [REDACTED]-S [REDACTED] agreeing to pay her \$44,120.00 in exchange for her agreement to forego any civil claims for legal malpractice. N [REDACTED] M [REDACTED]-S [REDACTED] drafted the settlement agreement. You have paid Ms. M [REDACTED]-S [REDACTED] about \$35,000. You also advised Ms. M [REDACTED]-S [REDACTED] not to file bankruptcy. She relied on your advice and her credit has been damaged.

In July 2009, you met with the Board Investigative Attorney. You admitted that you did not tell Ms. M [REDACTED]-S [REDACTED] that her case had been dismissed or that you had been disbarred. You expressed remorse and indicated that you intend to pay the \$45,000 as agreed.

You are no longer 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. You continued to represent and advise Ms. M [REDACTED]-S [REDACTED] after the effective date of your disbarment. You engaged in the unauthorized practice of law. Based on your misrepresentations and advice, Ms. M [REDACTED]-S [REDACTED]'s civil case was dismissed without her knowledge; she was deprived of the opportunity to timely file a motion to vacate the dismissal; and after consulting with you, she chose not to file bankruptcy, which adversely impacted her credit.

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

The Practice of Law Board is also referring this matter to the King County Prosecutor's Office. If you disagree with the Practice of Law Board's final action, determining that you engaged in the unauthorized practice of law, 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 Practice of Law Board action. You must serve the original Notice of Petition for Review on the Supreme Court Clerk and a copy on the Practice of Law Board. Your Notice must set out you 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).

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 cursive script that reads "Nancy C. Ivarinen". The signature is written in black ink and is positioned to the right of the typed name.

Nancy C. Ivarinen, Chair  
Practice of Law Board

JS:as

Enclosure: Agreement to Refrain

Cc: S [REDACTED] M [REDACTED]-S [REDACTED] (w/out enclosure)  
Douglas Ende (Director of Office of Disciplinary Counsel)  
Jean McElroy (Character & Fitness Committee)