

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

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Members

December 20, 2005

**Stephen Crossland
Chairperson
Cashmere**

Tracy Burgess

██████████
Puyallup WA ██████████

**Hon. Paul A. Bastine
Vice-Chairperson
Spokane**

**Rita L. Bender
Seattle**

Re: #05-22 -- Unauthorized Practice of Law Complaint

**Jennie Bigley
Seattle**

Dear Ms. Burgess:

**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 individuals in Washington allegedly engaging in the unauthorized practice of law. Revised Code of Washington (RCW) 2.48.180 defines conduct constituting the unauthorized practice of law. Court rule GR 24 defines the practice of law. The unauthorized practice of law is a crime in Washington.

**Jeanne J. Dawes
Spokane**

**Stephanie Delaney
Seattle**

**C. Robert Ford
Bellevue**

In April 2005, Mr. D██████ L██████ filed a complaint alleging that you engaged in the unauthorized practice of law. Mr. L██████ alleged that you told him you were a lawyer, but are not. He also asked for a refund of his fees, because you were not able to obtain benefits for him and the fees were related either to a percentage of the benefits or because you were a lawyer.

**Nancy C. Ivarinen
Burlington**

**Cheryl Kringle
Seattle**

**Howard H. Marshack
Vancouver**

**Daniel Pérez
Seattle**

In June 2005, you submitted a written response to Mr. L██████'s complaint. You stated that you are a lay representative before the Washington State Board of Industrial Appeals. You submitted a copy of a 1999 letter from the Board of Industrial Appeals listing T██████ N██████ as a lawyer who agreed to supervise your work. You explain that WAC 263.12.020 states that paralegals supervised by attorneys licensed to practice in the State of Washington may collect fees for representing injured workers before the Board. We note that the letter states that "paralegal's [sic] who are directly supervised by an attorney

**Hon. Jane M. Smith
Nespelem**

**Administrator
Julie Shankland**

**Investigator
Katherine Johnson**

licensed in the State of Washington are allowed to represent worker's [sic] or employer's [sic] before the Board of Industrial Insurance Appeals." You state that in August 2000, Mr. ██████ M█████ began supervising your work. You stated that you are not employed by Mr. M█████, but you "meet regularly" with him and that you present issues to him in your cases. Your fee agreement identifies you as a representative of the law firm of C█████ M█████. Mr. M█████ told our investigator that he reviews your caseload once or twice a year, is available for consultation with you on an as-needed basis and "stands ready to put his name in" for you if you need a lawyer to go to court. Mr. M█████ does not regularly review your files and has no record of what clients or files you currently have. In exchange for the "supervision", you allow Mr. M█████ to use your office address and you check his mail. Mr. M█████ primarily teaches and only handles an occasional case.

You stated that you did not tell Mr. L█████ that you were an attorney. You also submitted a declaration from M█████ R█████. Ms. R█████ introduced you to Mr. L█████. She stated that she did not hear you tell Mr. L█████ that you were an attorney. It is not clear how many of your conversations with Mr. L█████ were in Ms. R█████'s presence. Some of your pleadings, such as your Notice of Intent to Withdraw identify you as ██████. B█████, J.D. These initials, when used on legal pleadings in a situations involving representation of others before an administrative agency could be confusing or misleading to the public.

RCW 2.48.180(2)(a) states that a nonlawyer 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 Board finds that your relationship with Mr. M█████ does not constitute supervision. He does not actively or directly supervise your work. The Board believes that the purpose of having a paralegal's work supervised by a lawyer is to protect the public. Mr. M█████ stated that he does not regularly review your files. Any definition of supervision would require the supervisor to regularly review your files. Therefore, your conduct constitutes the unauthorized practice of law. Additionally, the Board finds that your use of the J.D. initials on pleadings and identifying yourself as a representative of Mr. M█████'s law firm is misleading.

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.

Letter to Tracy Burgess

December 5, 2005

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- ◆ Representing persons in formal administrative adjudicative proceedings, unless you comply with the WAC 263-12-020(2)(d) supervision requirement.

In the event you do not return the signed agreement within 15 days of the mailing of this letter, GR 25(h)(1) requires the Board to consider referring this matter to the County Prosecutor's Office for prosecution. GR 25(h)(2) requires the Board to send the following documents with the prosecution request: original complaint, response, evidence or other proof, investigative report, and transcript of informal conference, if any. You will be notified in writing of the Board's referral.

We are hopeful that we will be able to resolve these matters by stipulation. If you are willing to agree, please sign and date the agreement. You must 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', written in a cursive style.

Stephen Crossland, Chairman
Practice of Law Board