

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

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December 13, 2006

Thomas Delanty

Seattle, WA

Re: #06-26 -- Unauthorized Practice of Law Complaint

Dear Mr. Delanty:

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. In Washington, the unauthorized practice of law is a crime.

As you are aware, a complaint was filed by J [REDACTED] H [REDACTED] alleging that you engaged in the unauthorized practice of law by selecting and preparing an Amendment of Living Trust for his mother, N [REDACTED] H [REDACTED], dated September 14, 2005.

N [REDACTED] H [REDACTED] is a ninety-year old woman in frail health who suffers from partial blindness and is partially deaf. According to Ms. H [REDACTED], you were a family friend who claimed to be a certified public accountant and offered to assist her with taxes and finances beginning in or about 1998. The Practice of Law Board received a response letter from your lawyer stating that you are not an accountant, but acted as Ms. H [REDACTED]'s business and personal affairs manager for many years. During the summer of 2005, Ms. H [REDACTED] wanted to make changes in her will and to see a lawyer to prepare a codicil. Ms. H [REDACTED] alleges that you prepared legal documents which you instructed her to sign.

According to the response received from your lawyer, you admit to assisting in the creation of an Amendment of Living Trust by “transcribing Ms. H [REDACTED]’s oral instructions into writing.” In addition, you claim to have read the entire Amendment of Living Trust to J [REDACTED] H [REDACTED], a lawyer licensed in Oregon, over the telephone and to have received his approval prior to Ms. H [REDACTED]’s execution of the document. The Amendment of Living Trust you claim to have “transcribed” removes J [REDACTED] H [REDACTED] and his sister as co-trustees, and makes you the sole successor trustee. Both J [REDACTED] and N [REDACTED] H [REDACTED] deny ever having asked you to amend the trust.

The Practice of Law Board is not persuaded that N [REDACTED] H [REDACTED] could have instructed you in the selection or preparation of the Amendment of Living Trust that you claim to have transcribed for her. In an email from you to J [REDACTED] H [REDACTED], dated October 20, 2005, it is apparent that Ms. H [REDACTED] was then under the impression that the document she signed was a codicil. On March 16, 2006, the Bellevue police seized from your home a form document that appears to have been the template for writing the Amendment of Living Trust draft. Furthermore, the Practice of Law Board is not persuaded that J [REDACTED] H [REDACTED] would have approved of you removing him and his family members from control of his mother’s trust or allowed you to take control of the trust while his mother is still alive or upon her death.

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. 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 Practice of Law Board has also stated in a 2004 Advisory Opinion¹ that advising individuals whether or not a particular form of testamentary device is appropriate to meet their legal needs is the practice of law. The Amendment of Living Trust signed by N [REDACTED] H [REDACTED] is a legal document and testamentary device affecting her legal rights. The Board finds that your conduct in choosing and completing the Amendment of Living Trust document for Ms. H [REDACTED] constitutes the unauthorized practice of law.

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

The Practice of Law Board has voted to immediately refer the investigation of this matter to the County Prosecutor.

¹ Practice of Law Board Advisory Opinion 04-06

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