

**PRACTICE OF LAW BOARD  
STATE OF WASHINGTON**

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November 13, 2007

Steven A. Janda  
Evergreen Paralegal Services, Inc.  
██████████  
Kent, WA ██████████

RE: Unauthorized Practice of Law Complaint - File No. 06-16 & 07-18

Dear Mr. Janda:

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.

As you are aware, M ██████████ F ██████████ filed a complaint against you and your business, Evergreen Paralegal Services, Inc., alleging that you engaged in the unauthorized practice of law by giving legal advice and by selecting and preparing legal documents for her separation. S ██████████ D ██████████ also filed a complaint against you alleging that you engaged in the unauthorized practice of law practice by accepting \$2,100 to contest a will for her.

You are the owner and registered agent of Evergreen Paralegal Services, Inc. You advertise on your business card that you are a legal administrator and that Evergreen Paralegal Services provides services in "Wills, Trusts, Estate Planning, Child Custody, Elder & Family Law." You are not supervised by an attorney, nor do you have any formal business arrangements with any attorney. You told our investigator in an interview that you only seek attorney supervision when you do not know the answer to a question.

In August 2002, M ██████████ F ██████████ met with you to assist her in a legal separation. According to Ms. F ██████████, she thought your business was associated with Evergreen Legal Services. She did not know what forms or processes were required for a legal separation. You charged her \$750. Ms. F ██████████ met with you briefly, but mostly worked with your assistant, J ██████████ H ██████████ S ██████████. Ms. F ██████████ states that Ms. H ██████████ S ██████████ came up with the amount of \$1,000 per month to request for spousal support and accompanied her to the hearing. Ms. H ██████████ S ██████████ is not an attorney. Ms. F ██████████ completed a

Domestic Relations Worksheet, which asked for background and financial information. You told our investigator that you drafted a Summons, Petition and Temporary Orders for Ms. F█████'s separation. You prepared these legal documents from form documents, which you have on your computer and from which you delete information that is not necessary. Ms. F█████ also discussed with you her concerns regarding funds previously received in a settlement becoming community property. You suggested that she might need a trust and asked her for \$750 to prepare documents. Later, you told her a trust was not needed, but did not reimburse the \$750 she paid you. According to you, you investigated the rules for special needs trusts and found one can not create such a trust for oneself. You charged Ms. F█████ an additional \$450 for discovery, which you used to draft interrogatories. According to you, the separation was contested by Ms. F█████'s husband. You stated to our investigator that Ms. F█████'s case was never reviewed by an attorney. Ms. F█████ later sued you in small claims court to recover some of the money she paid to you, during which you revealed to the court private information regarding Ms. F█████'s medical background.

In November 2004, S█████ D█████ met with you to discuss contesting the will of her late husband. Ms. D█████ is an immigrant from the Philippines who married her late husband, J█████ D█████, in 1994. Mr. D█████ died in 2003. The day after Mr. D█████'s death, Ms. D█████ was informed by her late husband's attorney that her husband had left her 10% of his estate. That same day, she signed a Declination and Waiver by Surviving Spouse and Request for Appointment of PR. Ms. D█████ came to believe that she might have been unfairly treated in the estate and decided to contest the will. According to Ms. D█████, she explained the situation to you at the November meeting and gave you copies of all her documents. You stated to our investigator that you told Ms. D█████ she could contest the will even if time had expired. According to Ms. D█████, you also told her she should have received fifty percent of the estate. You requested that Ms. D█████ pay you a fee of \$2,100; she paid you \$670. Ms. D█████ met with you for 20 to 30 minutes; then she did not hear from you for several weeks. In January 2005, after she paid you an additional \$1,500, you met with Ms. D█████ to give her a copy of the court probate record and to sign a Petition Contesting Validity of Will, a Citation, and a Motion and Declaration for Order to Show Cause. You told our investigator that you drafted these legal documents yourself. You told Ms. D█████: "The attorney will look these over and we'll file them with the court." Ms. D█████ had not discussed with you, nor did she know, what types of forms to file.

You did not file any of the court documents signed by Ms. D█████. You contacted attorney H█████ S█████ regarding the "general facts" about the matter and he told you that the four month period to contest the will had already passed. Ms. D█████ states that you did not communicate with her or return any of the phone messages she left you over the next couple of months. According to Ms. D█████, she requested in 2006 that you return the money and the documents she gave to you. You have not done so.

You are not 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 legal advice or counsel to others for a fee or other consideration is included in the GR 24 definition of the practice of law. By suggesting to Ms. F█████ the amount of spousal maintenance she should request, as well as advising her on the need and feasibility of a trust, you were giving legal advice and thereby engaging in the

unauthorized practice of law. When you told Ms. D [REDACTED] that you could contest her will and that she should have received half of her husband's estate, you were giving legal advice and thereby engaging in the unauthorized practice of law. Both Ms. F [REDACTED] and Ms. D [REDACTED]'s cases were complex matters requiring legal analysis. Selecting, drafting or completing legal documents which affect the legal rights of others is also included in the GR 24 definition of the practice of law. By preparing a summons, petition, and temporary orders for Ms. F [REDACTED]'s legal separation, and by drafting a Petition contesting Validity of Will, Citation, and Motion and Order to Show Cause for Ms. D [REDACTED]'s matter, you were engaging in 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:

- ◆ Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.
- ◆ Selecting, drafting or completing legal documents or pleadings for others.
- ◆ Holding yourself out as authorized to practice law.
- ◆ Any activity which is defined as the practice of law in GR 24.

In August 2004, you signed an Agreement to Refrain from Engaging in the Unauthorized Practice of Law. Because this is a second offense, the Practice of Law Board has voted to refer the investigation of this matter and that of the previous complaint to the County Prosecutor. In addition, the Practice of Law Board has voted to refer the investigation of this matter to the Consumer Protection Division of the Attorney General's Office.

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: M [REDACTED] F [REDACTED], S [REDACTED] D [REDACTED]