PRACTICE OF LAW BOARD STATE OF WASHINGTON

1325 Fourth Avenue, Ste. 600, Seattle, WA 98101-2539 (206) 727-8280 Fax (206) 727-8314

Members

December 8, 2010

Thomas Andrews Chairperson Seattle

Nancy Sundt d/b/a Alternative Legal Service & Judgment Recovery

Cheryl Kringle Vice-Chairperson Seattle

Seattle, WA

Nicholas Berning Bellingham Re: <u>Unauthorized Practice of Law Complaint</u> POLB File 10-51

Margaret Bridewell Richland

Dear Ms. Sundt:

Gail Hammer Spokane

Crystal Lambert Vancouver

> Daniel Pérez Seattle

Priscilla A. Selden Entiat

Ann Vetter-Hansen Bellingham

Administrator Julie Shankland

Investigative Attorney Sandra Schilling 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.

Our investigation and deliberations have led us to the following conclusions:

- You do business as Alternative Legal Services & Judgment Recovery. You are not a lawyer. You present your clients with a document purporting to be a complete assignment of a judgment. You then, separately, agree to pay the client a percentage of what you collect. You draft and file pleadings in court to collect the assigned judgment and then pay a percentage of anything you collect to your client.
- Your client obtained an unlawful detainer judgment and then signed an Acknowledgement of Assignment of Judgment that you filed in Superior Court. The purpose of the assignment was collection of the judgment. You agreed to pay the client 80% of any amount you collected. You then filed several pleadings in Superior Court. Commissioner entered orders stating that your actions

constituted the unauthorized practice of law and violated RCW 19.16.250. The orders explained that assignments for purposes of collections are not complete assignments. See e.g. DeBenedictus v. Hagan, 77 Wn.App. 284, 890 P.2d 529 (1995). The Commissioner attached the Practice of Law Board's Advisory Opinion on this topic. You asked for clarification about whether the advisory opinion applies to you because you are a licensed collection agency. Your collection agency license does not create the ability to practice law. RCW 19.16.250 makes this clear.

• The available evidence establishes that you are engaging in the unauthorized practice of law by drafting legal agreements and pleadings and appearing in court to collect judgments for others. Although you purport to take a complete assignment of these judgments, assignments for collection purposes are not complete assignments. The fact that you agree to pay the original judgment creditor a large percentage of what you collect is conclusive evidence that the assignment is only for collection purposes.

Pursuant to GR 25(f)(4)(B) and RCW 2.48.180, we request that you enter into a written agreement with this Board, refraining from the following conduct, except insofar as any of these is expressly permitted by GR 24(b)-(e):

- Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others;
- Selection, drafting, or completing of legal documents or agreements which affect the legal rights of an entity or person(s);
- Representation of another entity or person(s) in court, or in a formal administrative adjudicative proceeding or other forma dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review;
- Negotiation of legal rights or responsibilities of behalf of another entity or person(s);
- Any other activity defined as the practice of law in GR 24.

Please return the signed and witnessed Agreement within **15** days of the date of this letter. Thank you in advance for your cooperation. We will be forwarding a copy of our investigation and conclusions to the Washington Department of Licensing's collection agency division for any action they deem appropriate. This letter constitutes final Board action. If you disagree with the POL Board's final action, you may seek review by following the procedure in GR 25(g).

Sincerely,

Thomas R. Andrews, Chair Practice of Law Board

cc: Commissioner Attachment (GR 25(g)) and Agreement