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Susan Chen et al

*Petitioner*

vs.

Kate Halamay *et al*

*Respondents*

Supreme Court No. 983682

Answers to Motion to Strike Reply

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Petitioners ask this Court to review the issue involving the practice of law and determine the validity of non-attorney representation. Respondents' Answers are highly misleading and confusing, the Reply is thus necessary. Pursuant to Clerk's Ruling on August 25, 2020, Petitioners submit this Answer and request their Reply not be stricken because this Court is under nondiscretionary duty to accept for review.

**A. This Court is under nondiscretionary duty to review practice of law.**

Whether or not the issue had been previously raised is not that important because power to regulate practice of law lies within *sole* jurisdiction of the Supreme Court. *State v. Yishmael*, 195 Wn.2d 155, 456 P.3d 1172 (2020) (En Banc); *Washington State Bar Ass'n v. State*, 125 Wn.2d 901 (1995) (En Banc); *Hagan & Van Camp, P.S. v. Kassler Escrow, Inc.*, 96 Wn.2d 443, 635 P.2d 730 (1981) (En Banc); *Graham v. State Bar Ass'n*, 86 Wn.2d 624, 631, 548 P.2d 310 (1976) (En Banc). The instant case involves non-attorney representation and practice of law which the Court of Appeals clearly has no subject matter jurisdiction on the issue involving practice of law under APR 1 (a) and GR 12.1; and must transfer to this Court. RCW 2.06.030. When issue involving practice of law came into light, the Court of Appeals should have transferred to the

case to this Court for resolution. Its failure to transfer is a departure from the accepted principle of judicial proceeding when deciding matters in excess of its jurisdiction.

Given its **exclusive** jurisdiction and **plenary** authority over the regulation of practice of law, this Court is under nondiscretionary duty to accept for review this Petition. GR 12; APR1. In *State ex rel. Schwab v. State Bar Ass'n*, 80 Wn.2d 266, 269, 493 P.2d 1237 (1972), this Court stated that "this court does not share the power of discipline, disbarment, suspension or reinstatement with either the legislature or the state bar association. The ultimate constitutional power clearly lies within the sole jurisdiction of the Supreme Court" (emphasis added).

This is a constitutional case. What it does involve is one of the cardinal and fundamental principles of the American constitutional system, the separation of powers doctrine. *Seattle v. Ratliff*, 100 Wn.2d 212, 215, 667 P.2d 630 (1983) (Washington's constitution, Const. art. 4, § 1 vests the judicial power of the State in a separate branch of government -- the judiciary.). *Washington State Bar Association v. State*, 125 Wn.2d 901 (1995) (En banc) ("One of the basic functions of the judicial branch of government is the regulation of the practice of law").

**B. Whether there is a conflict between RCW 4.08.050 and RCW 2.48.170 has been properly before this Court.**

RCW 2.06.170 provides that only licensed lawyers may practice law in Washington state. Respondents suggested RCW 4.08.050 authorizes parents to practice law (*i.e.*, through representing their minor children in courts). Could RCW 4.08.050 harmonize with RCW 2.06.170? If not, what will be resolution? Interpretation of statutes is within this Court's jurisdiction. RCW 2.06.030. RAP 4.4. *State v. Wentz*, 149 Wn.2d 342, 346, 68 P.3d 282 (2003) (the Washington Supreme Court "has the ultimate authority to say what a statute means.").

**C. Why the Reply should not be stricken.**

Respondents did make misstatements. Petitioners should be given an opportunity to present the truth to this Court under Due Process.

RAP 13.4 (d) does not require Respondents to file a cross-petition or affirmatively seek review; the rules merely require that an issue be raised in response to a petition for review. *Blaney v. International Association of Machinists and Aerospace Workers*, Dist. No. 160, 151 Wn.2d203, 210 n.3, 87 P.3d 757 (2004). The highly misleading and confusing misstatements in Respondents' Answers should be disregarded.

Alternatively, Reply should be permitted pursuant to RAP 1.2 - the above two issues are of the extraordinary importance involving public interests and the American constitutional system that requires this Court's attention.

**D. Supplemental briefings are necessary.**

Given the extraordinary nature of the relief sought, and the highly misleading answers, Petitioners respectfully ask this Court not to strike their Reply. The issue in this case has never been presented to this Court or fully briefed in this Court. Therefore, Petitioners request this Court grant submission of supplemental briefings from parties as well as the State Bar Association.

DATED this 11th day of September, 2020.

Respectfully submitted,

/s/ Susan Chen

Susan Chen, Petitioner

PO BOX 134, Redmond, WA 98073

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> of September, 2020, I caused to be served via the following means,  
a true and accurate copy of the foregoing upon the following person(s):

Jeremiah Newhall 701 Fifth Avenue, Suite 4750 Seattle, Washington 98104 Tel: (206) 749-0094 <u>jeremiah@favros.com</u>	<input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Email
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Dated this 11<sup>th</sup> day of September, 2020

/s/ Susan Chen  
Susan Chen, *Pro se* Petitioner  
PO BOX 134, Redmond, WA 98073

**SUSAN CHEN - FILING PRO SE**

**September 11, 2020 - 4:50 PM**

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**Appellate Court Case Title:** Susan Chen and Naixiang Lian v. Kate Halamay, MD, et al.

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**Comments:**

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Sender Name: Susan Chen - Email: tannannan@gmail.com  
Address:  
PO BOX 134  
Redmond, WA, 98073  
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