

SUPREME COURT, STATE OF COLORADO
TWO EAST 14TH AVENUE
DENVER, COLORADO 80203

CASE NO. 01SA136

UNAUTHORIZED PRACTICE OF LAW

MATTER OF: SUZANNE SHELL

ORDER OF COURT

Upon consideration of the Recommendation to Accept Stipulation filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Recommendation shall be, and the same hereby is, ACCEPTED AND MADE THE ORDER OF THIS COURT.

BY THE COURT, EN BANC, OCTOBER 25, 2001.

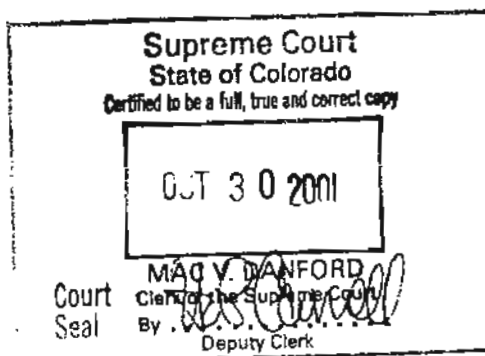


cc:

James C. Coyle
Assistant Regulation Counsel

Hon. Roger Keithley
Presiding Disciplinary Judge

Suzanne Shell
14053 Eastonville Rd.
Elbert, Co 80906



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SUPREME COURT, STATE OF COLORADO
ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW BEFORE
THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
600 17TH STREET, SUITE 510-S
DENVER, CO 80202

OCT 05 2001

ATTORNEY
REGULATION

Case Number:
01SA136

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

Respondent:

SUZANNE SHELL.

RECOMMENDATION TO ACCEPT STIPULATION

On July 17, 2001, the Supreme Court entered an Order remanding this matter to the Presiding Disciplinary Judge ("PDJ") for determination of facts and recommendation regarding whether the respondent should be enjoined from the unauthorized practice of law and whether the court should assess the costs and expenses of these proceedings against respondent. The Order also directed the PDJ to conduct the necessary proceedings to determine the facts surrounding respondent's alleged contemptuous conduct and make further recommendations to the Supreme Court.

The PDJ conducted several hearings regarding both the injunctive and contempt matters. On September 24, 2001, the respondent filed a Motion to Accept Stipulation and Stay Pending Resolution. The motion included as an attachment a Stipulation, Agreement and Affidavit Consenting to an Order of Injunction signed by the respondent. The petitioner filed a Response to Respondent's Motion to Accept Stipulation and a Request for a Forthwith Hearing. The Response filed by the petitioner included as an attachment a copy of the same Stipulation, Agreement and Affidavit Consenting to an Order of Injunction as that attached to respondent's motion but signed by both the respondent and petitioner. A copy of the Stipulation, Agreement and Affidavit Consenting to an Order of Injunction signed by both of the parties is attached hereto. The petitioner also filed a Request for a Forthwith Hearing. The PDJ scheduled and held a forthwith hearing on the respondent's Motion to Accept Stipulation and Stay Pending Resolution of October 1, 2001.

The petitioner's Motion for Forthwith Hearing requested that the PDJ confirm that the respondent understood the stipulation and entered into it voluntarily. The PDJ made inquiries of respondent at the hearing. The respondent, although expressing some confusion about the meaning of "the unauthorized practice of law" credibly stated that she knew that the law of

Colorado forbade her from practicing law in the State of Colorado without the requisite license, that the term "practice of law" was defined by the Colorado Supreme Court and that she was obligated to follow the law of Colorado. Respondent understands the Stipulation, Agreement and Affidavit Consenting to an Order of Injunction, understands that should an Order of Injunction issue, violation of its terms may result in contempt proceedings, fines and imprisonment. Respondent recognized that her prior conduct was unlawful and that the submission to the issuance of the injunction is an appropriate resolution of the dispute. With such recognition, respondent has knowingly and voluntarily signed the Stipulation.

At the conclusion of the October 1, 2001 hearing, the PDJ granted the stipulated request that all further proceedings on both the contempt and injunctive evidentiary proceedings be stayed pending a decision by the Supreme Court upon this recommendation.

The Stipulation, Agreement and Affidavit Consenting to an Order of Injunction is intended to resolve both the injunctive and contempt proceedings remanded to the PDJ. Respondent acknowledges in the Stipulation, Agreement and Affidavit Consenting to an Order of Injunction that she is not licensed to practice law that, notwithstanding her lack of licensure, she engaged in the practice of law by providing legal advice to parents in at least one dependency and neglect proceeding and by drafting pleadings on behalf of such clients without the supervision of an attorney. (Paragraph 5(a) of the Stipulation). Respondent did not receive any fees from the parents on those matters. Such conduct constitutes the unauthorized practice of law. *Denver Bar Association v. Public Utilities Commission*, 391 P.2d 467 (Colo. 1964).

The Stipulation also provides that respondent will pay the sum of \$551.15 as costs in this matter within 120 days after the acceptance of the Stipulation by the Supreme Court.

The Stipulation executed by the parties to this action requests the issuance of an Injunction against Suzanne Shell prohibiting her from the unauthorized practice of law, an award of costs against her in the amount of \$551.15, payable in 120 days and the dismissal of contempt proceedings.

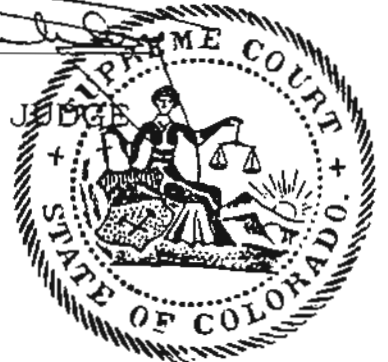
RECOMMENDATION

The Presiding Disciplinary Judge recommends that the Supreme Court accept the Stipulation, Agreement and Affidavit Consenting to an Order of Injunction, issue the requested injunction against Suzanne Shell, award costs to the petitioner in the amount of \$551.15 payable in 120 days and dismiss the contempt proceedings.

DATED THIS 5TH DAY OF OCTOBER, 2001.



ROGER L. KEITHLEY
PRESIDING DISCIPLINARY JUDGE



Copies to:

James C. Coyle Via Hand Delivery
Office of Attorney Regulation Counsel

Suzanne Shell Via First Class Mail & Via Facsimile (719) 749-2972
Respondent

Mac Danford Via Hand Delivery
Colorado Supreme Court

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW BEFORE THE PRESIDING DISCIPLINARY JUDGE AS HEARING MASTER

Petitioner: THE PEOPLE OF THE STATE OF COLORADO

Respondent: SUZANNE SHELL

James C. Coyle # 14970 Assistant Regulation Counsel Attorney for Petitioner 600 17th Street, Suite 200-South Denver, CO 80202 Phone Number: (303) 893-8121, ext. 328 Fax Number: (303) 893-5302

Paul G. [redacted] Attorney for Respondent 14053 Eastonville Road Elbert, CO 80111 [redacted] Telephone (303) 893-2008 [redacted]

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ATTORNEY REGULATION

JC
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▲ COURT USE ONLY ▲

Case Number: 01SA136

STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO AN ORDER OF INJUNCTION

On this 19 day of September, 2001, James C. Coyle, Assistant Regulation Counsel, Suzanne Shell, the respondent, and Paul Grant, respondent's counsel, enter into the following stipulation, agreement, and affidavit consenting to an order of injunction ("stipulation") and submit the same to the Colorado Supreme Court for an order of injunction pursuant to C.R.C.P. 229-237. This stipulation was entered into as a result of a settlement conference facilitated by former Colorado Supreme Court Justice Jean Dubofsky.

- 1. The respondent resides at 14053 Eastonville Road, Elbert,

Colorado. The respondent is not licensed to practice law in the State of Colorado.

2. The respondent enters into this stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is the respondent's personal decision, and the respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter, *other than threats of Colorado Supreme Court punishment authorized by statute or rule.* *dr*

3. The respondent is familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. The respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced petition for injunction. At any such hearing, the respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by the petitioner. At any such formal hearing, the petitioner would have the burden of proof and would be required to prove the charges contained in the petition for injunction. Nonetheless, having full knowledge of the right to such a formal hearing, the respondent waives that right.

4. The Colorado Supreme Court and its Unauthorized Practice of Law Committee have exclusive jurisdiction to determine what constitutes the unauthorized practice of law in Colorado. The unauthorized practice of law includes but is not limited to an unlicensed person's actions as a representative in protecting, enforcing or defending the legal rights and duties of another and/or counseling, advising and assisting that person in connection with legal rights and duties. *See Denver Bar Ass'n v. P.U.C., 154 Colo. 273, 391 P.2d 467 (1964).* In addition, preparation of legal documents for others by an unlicensed person, other than solely as a scrivener, is the unauthorized practice of law unless the Colorado Supreme Court has authorized such action in a specific circumstance. *Title Guarantee v. Denver Bar Ass'n, 136 Colo. 423, 312 P.2d 1011 (1957).* The respondent thus understands that:

- a. she cannot give legal advice to another individual;
- b. she cannot choose legal documents on behalf of another individual which she believes is appropriate for that individual, unless she is under the supervision of an attorney;
- c. ~~she cannot draft legal documents on behalf of another individual without the supervision of an attorney;~~
- d. she cannot apply or interpret law for another individual's situation without the supervision of an attorney;
- e. she cannot prepare cases for trial for another without the supervision of an attorney;

- f. she cannot operate an interactive website which takes information from another individual and by software means prepares a pleading on behalf of that individual without the supervision of an attorney;
- g. she cannot represent another individual in any legal transaction or matter unless specifically allowed by Supreme Court rule or statute.

In no way is respondent precluded from publishing any book, article or correspondence which sets forth her understanding of the present status of a law; or expressing her political views and petitioning the government for redress of grievances. She is only precluded from applying that understanding to another individual's situation without the supervision of an attorney. The respondent is also not precluded from advocating for improvement and reform of any laws involving dependency and neglect and other legal and public policy issues; she is only precluded from acting as a legal representative of another and counseling, advising and assisting another in connection with that other individual's legal rights and duties. Respondent is not precluded from acting as an expert witness in dependency and neglect matters, subject to appropriate qualifications under the Colo. Rules of Evidence.

5. The respondent and the petitioner stipulate to the following facts and conclusions:

- a. The respondent believed at all times relevant herein that she was acting in good faith and not engaging in unauthorized practice of law based upon her understanding of statutory powers of attorney and United States Supreme Court case law. The respondent now understands that such belief was incorrect and that she engaged in the unauthorized practice of law by providing legal advice to parents in at least one dependency and neglect proceeding, and by drafting pleadings on behalf of such clients without the supervision of an attorney.

- b. The respondent did not receive any fees from the parents on these matters.

6. The parties adopt those facts stated above in paragraph 5 as the factual basis for entering into this stipulation for an order of injunction. As part of the stipulation, the people agree to dismiss the specific factual allegations contained in claims I through VII of the petition. The people have chosen not to proceed on its claims for attorneys fees against this respondent, for refund of any and all fees paid by clients to the respondent, and for restitution from this respondent for losses incurred by clients or third parties

as a result of the respondent's conduct. In addition, the parties move this court to dismiss the petition for contempt citation contained in paragraphs 29-33 of the petition. The parties request that this court not find the respondent in contempt and not impose a fine or imprisonment and/or remedial sanctions as previously sought in the petition.

7. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay the costs and administrative costs in the sum of \$551.15 (a reduction of \$257.80) incurred in conjunction with this matter within 120 days after the acceptance of the stipulation by the Colorado Supreme Court.

RECOMMENDATION FOR AND CONSENT TO ORDER OF INJUNCTION

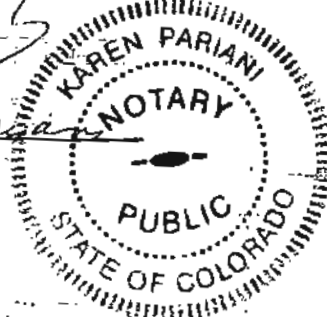
Based on the foregoing, the parties hereto recommend that an order be entered enjoining the respondent from the unauthorized practice of law, and requiring that the respondent pay costs in the amount of \$551.15.

Suzanne Shell the respondent, [redacted] and the petitioner's attorney, James C. Coyle, acknowledge by signing this document that they have read and reviewed the above.

Suzanne Shell
Suzanne Shell, Respondent

Subscribed and sworn to before me this 17 day of September, 2001, by Suzanne Shell.

Karen Pariani
Notary Public



My commission expires: My Commission Expires 12-02-02

James C. Coyle
James C. Coyle, #14970
Assistant Regulation Counsel
600 17th Street, Suite 200-S.
Denver, Colorado 80202
Telephone: (303) 893-8121 ext. 328
Attorney for Petitioner

[redacted]
[redacted]
[redacted]
[redacted]
[redacted] respondent