SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW	
Petitioner: **THE PEOPLE OF THE STATE OF COLORADO** Respondent: **SUZANNE SHELL**	**COURT USE ONLY**
Suzanne Shell 14053 Eastonville Rd. Elbert, CO 80106 Phone number: 719-749-2971 Fax Number: 719-749-2972	Case Number: 01SA136
ANSWER TO ORDER TO SHOW CAUSE AND PETITION FOR INJUNCTIVE RELIEF	

Respondent, Suzanne Shell responds to the Order to Show Cause and requests the Colorado Supreme Court to issue an order enjoining the petitioner from engaging in further harassing the respondent for exercising her rights under the Constitution of the United States, the Bill of Rights, the Colorado Constitution and other rights not enumerated.

ANSWER TO ORDER TO SHOW CAUSE

STATEMENT OF THE CASE:

1. The respondent does not engage in the unauthorized[1] practice of law; does not solicit clients; does not charge or accept fees for services offered under the American Family Advocacy Center;

[1]Unauthorized - Done without authority; specif. (Of a signature or indorsement), made without actual, implied, or apparent authority. *Black's Law Dictionary, 7th Edition*

and does not nor has ever claimed or purported to be an attorney and has never attempted to represent anyone's legal interests in a court of law or legal proceeding. She has NEVER advised a parent to not comply with a court-orders family services plan in a D & N case.

2. The American Family Advocacy Center is a Christian ministry. In response to overwhelming public outcry regarding the abusive practices of Child Protection Services (CPS) agencies, it was formally organized in 1997 as a private charity which ministers to families who are involved with CPS agencies nationwide. Services are extended to all family members who seek help, without regard for their religious beliefs. The basis of this ministry is the Biblical principle that the family is an institution of God which predates any government, and as such, has inherent rights which supercede any government interests. This fact is coupled with the Christian mandate that is best described in Isaiah 1:17 *Learn to do well*[2]*; seek judgement*[3]*, relieve*[4] *the oppressed, judge*[5] *the fatherless, plead*[6] *for the widow.* It is the devoutly held religious belief of the respondent that she has a calling from God to serve those families who are oppressed by government intrusions and abuses associated with child protection programs. This calling includes the mandate that all services are offered without charging fees, as most of the people who desperately need these services are indigent or become destitute in the effort to protect their families. To this end, she formed the American Family Advocacy Center and serves as the Director. This ministry generates no income, not even to pay the expenses of running this ministry. All services are provided on a strictly volunteer basis.

3. The mission of the American Family Advocacy Center, and of the respondent as the Director, is to:

a. Redefine the issues relating to child protection and to influence social and legislative changes.

b. Advocate for families involved with Child Protection Services agencies and train advocacy groups nationwide.

c. Devise and teach strategies that families can employ to insure CPS agencies obey the

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[2]From the Hebrew *Yatav* meaning to be good. This is a vertical bond with God that should reflect in horizontal relationships.

[3]From the Hebrew *Mishpat* for justice and which refers to all functions of government, including the judicial process. This was used to describe any aspect of civil or religious government in the Old Testament.

[4]From the Hebrew *Ashar* meaning (in this context) 'to guide.'

[5]From the Hebrew *Shaphat* meaning (in this context) as defending someone's cause, especially the poor and oppressed. Literally, this means to defend, to litigate, to go to law to plead.

[6]From the Hebrew Riv meaning to debate, contend forensically, plead a cause or case.
Forensic 1. Used in or suitable to courts of law or public debate. 2. Rhetorical; argumentative

law and policies during interventions.

d. Expose the inconsistences and abuses of child protection agencies, to insure that truly abused children are being properly protected and that non-abused children are not traumatized by over-zealous, dangerous and unnecessary 'protective' intervention. This part of the mission has been expanded to include grassroots watchdog activities which are exposing a consistent pattern of professional misconduct involving illegal and unlawful practices, wholesale civil rights and constitutional rights violations, conspiracy and other statutory violations.

e. Provide public and professional education and awareness into the realities of the child protection industry and its effects on all members of the family and on society.

4. Since its founding in 1997, individuals and organizations associating with The American Family Advocacy Center have increased steadily and the political and public influence exerted by the respondent and associates of the American Family Advocacy Center has had a measurable effect in various jurisdictions.

5. The respondent, Suzanne Shell, qualifies as an expert pursuant to C.R.C.P 702 based on her knowledge, skill, experience and training in the area of child protective services agencies and associated professionals' and service providers' and courts' requirements, practices, tactics and techniques during their interventions/investigations of child abuse/neglect cases. Because of the unique nature of her expertise, the respondent has been retained by attorneys and respondent parents as a consultant and expert witness in the United States and Canada. In this capacity, she has prepared correspondence, case analyses, reports, offers of proof, and evaluations at the request of respondent parents and/or their attorneys. She has also conducted extensive legal research and prepared volumes of legal documents at the request of and under the supervision of attorneys nationwide.

ANSWER TO CLAIM I - (FREMONT COUNTY JUVENILE CASE NO. 98JV738)

6. The respondent asserts that the alleged facts stated on the PETITION FOR INJUNCTION AND FOR CONTEMPT CITATION are all denied by the respondent due to the fact that the respondent never had contact with nor provided any services to any person in Fremont County who had a case identified by this number.

ANSWER TO CLAIMS II - VI

7. **CLAIM II** - (EL PASO COUNTY JUVENILE CASE NO. 99JV1571) - Alleged statements made by Attorney Guy McCready[7] are false and based on a personal vendetta against Ms. Shell.

[7] In order to substantiate this accusation, Ms. Shell is prepared to present reliable evidence that Attorney McCready has attempted to suborn perjury in his efforts to promote this investigation against her.

Mr. McCready withdrew as counsel for this and other clients because the nature and quality of his representation would not bear up under scrutiny. It is no secret in El Paso County that Mr. McCready is doing everything in his power to stop Ms. Shell from working with families who request her assistance because Ms. Shell did advise this father, as well as other clients of Mr. McCready's, where to file an administrative complaint against Mr. McCready if they felt it was necessary.

The parents in this case were lower middle class, articulate and well-groomed. They claimed they were falsely accused of child abuse, and that the caseworker was falsifying reports to the court when they requested Ms. Shell's assistance.

Ms. Shell attempted to forge a working relationship with Mr. McCready at the request of the respondent father. The father set up a meeting with Mr. McCready, who requested it be in the courthouse lunchroom. Father did not inform him that Ms. Shell would be present at the meeting. Ms. Shell did nothing more than introduce herself when Mr. McCready became hysterical and began hurling accusations at Ms. Shell. He accused her of being 'psychotic' and possessing other mental aberrations. During this outburst, the respondent father and Ms. Shell sat silently watching Mr. McCready wave his arms and rant with spittle spraying from his mouth. He then stormed out of the cafeteria promising to withdraw as counsel. The father and Ms. Shell stared at each other amazement, having had no opportunity to respond to Mr. McCready's comments. Since Ms. Shell had no opportunity to speak to Mr. McCready, she could not have instructed Mr. McCready on how he should handle the client's legal matter. This was the only contact Ms. Shell had with Mr. McCready on this case. Present in the cafeteria during this tirade was Attorney Rick Calloway.

In the subsequent hearing a few minutes later, Mr. McCready went so far as to slander Ms. Shell on the record in open court accusing her of various mental deficiencies and making numerous false and derogatory remarks about her before he was allowed by the court to withdraw as counsel. Magistrate Sullivan made no attempt to stop Mr. McCready's irrelevant comments and he was allowed to continue for some time, uncontested by. Respondent was not afforded any opportunity to respond to these statements made on the record. Respondent has requested a copy of this transcript - it has never been forthcoming. (For the record, the respondent father obtained another attorney who had no objections to Ms. Shell's participation in this case, except for stating the fact that the judge would be biased against the parents if her participation was visible. This attorney also requested a copy of the transcript which she promised to provide to the respondent, but has not received a copy as of the respondent's last request. She reported that Magistrate Sullivan had also requested a copy.)

Upon information and belief, as a result of being exposed for continuing to inadequately represent his clients in the capacity of court appointed attorney for respondent parents under the terms of a state contract, for the volume of complaints entered against him, and for his withdrawals from case after case when his refusal to represent his client's wishes was challenged or if the parents used the services of an independent Family Advocate, he is reportedly no longer practicing law. See attached letter from D & N Court Facilitator Nancy Smith expressing concerns regarding practices of court appoint counsel and judges in El Paso County in D & N cases.

8. **CLAIM III & IV & V** (EL PASO COUNTY JUVENILE CASE NOS. 96JV2150, 97JV157, 97JV1491 -these three claims include the same respondent father, claim IV & V also include the same respondent mother) - Statements made by Attorney Chris Acker are false.

The father and mother on these cases were 'products of the system.' Father had grown up in a group home in El Paso County, as had mother. As a result of growing up in foster care, they were presumed by DHS to be an unfit parents. They barely had a high school diploma and no higher education. At the time (his third) daughter was taken, they were residing in the Red Cross homeless shelter. They do not present as particularly intelligent or educated. Father suffered a mild speech impediment which resulted in the professionals characterizing him as learning disabled and mildly retarded. He was, in fact, of normal intelligence, had a normal ability to learn and to reason. The mother was deeply depressed because her children had been taken, which depression was not being addressed by the family services plan, and which affected her ability to function. Mother had been told by DHS that the only way she could get her girls back was to leave the father, so she did.

Father had difficulty expressing himself and relied on Ms. Shell to assist him with communicating with the professionals and to answer his questions, since nobody else took the time to help him understand or to even respond. Having started out homeless, it is significant to note that by the time the case was over, the father owned a mobile home and three vehicles free and clear, and had obtained steady employment with benefits. All of this was accomplished without the help of DHS, in fact, it was accomplished *in spite of DHS* and the professionals.

Mr. Acker withdrew as counsel for the father because the nature and quality of his representation was questioned by the respondent father in the presence of Ms. Shell in the hallway of the courthouse. This is the only conversation that occurred between Ms. Shell and Mr. Acker on this case:

The father specifically asked why Mr. Acker would not represent the father's wishes in this case, and vigorously try to get DHS to reunify his family. Mr. Acker referred to a recent incident where the father had left two young children sleeping, restrained in their car seats, for a maximum of five minutes in a locked, running car, (it was winter) while he purchased cold medicine for them. It was this incident that was being used to justify a petition to Terminate the Parent Child Legal Relationship. Mr. Acker stated that the father deserved to lose his children because he had left them in the car.

Ms. Shell pointed out that the incident did not harm the children, to which DHS had admitted. She suggested that perhaps dad could have made a better decision and he could request services under the treatment plan that would teach him better problem solving skills, but that he didn't deserve to have his parental rights terminated over this relatively benign incident. Couldn't Mr. Acker request that the court order problem solving education and continue to work towards family reunification? The father agreed with this proposal.

Mr. Acker then threatened to withdraw if the father persisted in questioning his legal decisions. Ms. Shell asked Mr. Acker why he wouldn't listen to what the father wanted him to do? Mr. Acker then stated in a loud voice while pointing violently at the father something to the effect of, "**I** am the attorney in this case! **I** decide how to represent you! If she's (stabbing his

finger towards Ms. Shell) working with you, I'm off this case. You do it **MY** way or I withdraw!" and stormed away from the father, ending the conversation. The father turned to Ms. Shell in great distress at the way he was being bullied by his attorney. He expressed that had been subjected to this kind of bullying all along and that he had been doing it Mr. Acker's way for over a year and it was causing him to lose his precious daughters. Mr. Acker did withdraw from the case based on this incident.

Ms. Shell assisted the father with filing an administrative complaint against Mr. Acker with the Attorney Regulation Counsel. The complaint was determined to be unfounded.

The father originally contacted Ms. Shell when he discovered one of his daughter's photos published in the Gazette Telegraph as being available for adoption. At this time, he was being told that the case goal was reunification, however, services were severely curtailed at this point. The petition to terminate parental rights was not filed until months after this publication, and partly in retaliation for the father's appearance on a local talk radio show.

Subsequent investigation into this case revealed that 1) The father was a non-offending parent according to DHS records; 2) The removal of his children was based on falsified reports to the court and the child's medical records[8] were not requested by counsel and were denied to the father until the Citizen's Review Panel hearing months after parental rights were terminated; 3) the D & N adjudications were the result of stipulation that was forced on the father unwillingly, under threat of counsel withdrawing if the father refused to stipulate. 4) The treatment plan was inappropriate and designed for the parents failure.

9. Respondent requests the court to take judicial notice of C.R.S. 15-1-1300 et. seq.

10. **In all cases and all instances referred to by the petitioner in Claims II, III, IV, V, and VI in the PETITION FOR INJUNCTION AND FOR CONTEMPT CITATION,** the respondent was provided with and operated under the authority of a Colorado Statutory Power of Attorney executed by the respondent parent(s) named in the subject cases pursuant to Colorado Revised Statutes 15-1-1301 which states:

> **Legislative declaration - purpose - short title.**
> (1) The general assembly hereby finds, determines, and declares that:
> (a) The public interest requires a standard form of power of attorney that an individual may use to authorize an agent to act for the individual in dealing with the individual's property and financial *and other affairs* (emphasis added);
> (b) A statutory form *offering a set of optional powers* is necessary to enable the individual to design the power of attorney best suited to the individual's needs in a simple fashion and be assured that the agent's authority will be honored by any third party with whom the agent deals, regardless of the physical or mental condition of the principal at the time the power is exercised;

[8] The allegation was 'failure to thrive.' The medical records proved to be exculpatory.

(c) When any person creates a power of attorney using substantially the form set forth in section 15-1-1302, any third party may rely in good faith on the acts of the agent within the scope of the power of attorney without fear of liability to the principal. However, the form set forth in section 15-1-1302 is not exclusive, and persons may use other forms of power of attorney.

11. Said Powers of Attorney substantially conformed to the requirements in C.R.S. 15-1-1302 which provides:

> "When a power of attorney in substantially the form set forth in paragraph (b) of this subsection (1) is used, including the notice paragraphs in capital letters at the beginning of the form and the notarized form of acknowledgment at the end of the form, it shall have the meaning and effect prescribed in this part 13."

The only limitation placed on activities conducted under the authority of the Statutory Power of Attorney is listed as a comment: *"Neither the form in Section 1 nor the construction of the form provided by Sections 3 through 16 (numbered as sections 15-1-1304 through 15-1-1317 in C.R.S.) attempts to allow the grant of the power to make a will, although several of the powers, especially (I), could be used in planning the disposition of an estate."* There are no limitations specified by the legislature limiting the scope of the authority granted under a Statutory Power of Attorney except a prohibition on preparing a will.

12. Said Powers of Attorney specifically included the following authority (in relevant part) under **C.R.S. 15-1-1304 - Construction of powers generally:**

> (1) By executing a statutory power of attorney with respect to a subject listed in section 15-1-1302 (1), the principal, except as limited or extended by the principal in the power of attorney, empowers the agent, for that subject to:
> (a) Demand, receive, and obtain by litigation or otherwise, money or other thing of value to which the principal is, may become, or claims to be entitled; and conserve, invest, disburse, or use anything so received for the purposes intended;
> (b) Contract in any manner with any person, on terms agreeable to the agent, to accomplish a purpose of a transaction, and perform, rescind, reform, release, or modify the contract or another contract made by or on behalf of the principal;
> (d) Prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to, a claim existing in favor of or against the principal or intervene in litigation relating to the claim;
> (e) Seek on the principal's behalf the assistance of a court to carry out an act authorized by the power of attorney;
> (f) Engage, compensate, and discharge an attorney, accountant, expert witness, or other assistant;
> (h) Prepare, execute, and file a record, report, or other document the agent considers desirable to safeguard or promote the principal's interest under a statute or governmental regulation;

(j) In general, do any other lawful act with respect to the subject.

13. Said Powers of Attorney also included the specific authority (in relevant part) granted under C.R.S. **15-1-1313 - Construction of power relating to claims and litigation.**

(1) In a statutory power of attorney, the language with respect to claims and litigation empowers the agent to:

(a) Assert and prosecute before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, and defend against an individual, a legal entity, or government, including suits to recover property or other thing of value, to recover damages sustained by the principal, to eliminate or modify tax liability, or to seek an injunction, specific performance, or other relief;

(b) Bring an action to determine adverse claims, intervene in litigation, and act as amicus curiae;

(c) In connection with litigation, procure an attachment, garnishment, libel, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree;

(d) In connection with litigation, perform any lawful act, including acceptance of tender, offer of judgment, admission of facts, submission of a controversy on an agreed statement of facts, consent to examination before trial, and binding the principal in litigation;

(e) Submit to arbitration, settle, and propose or accept a compromise with respect to a claim or litigation;

(f) Waive the issuance and service of process upon the principal, accept service of process, appear for the principal, designate persons upon whom process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive and execute and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation;

14. As the duly appointed agent (attorney-in-fact) for the principles in the subject cases, the respondent was given substantially the express authority as follows:

"I [*principle*] appoint **Suzanne Shell,** as my agent (attorney-in-fact) to act for me in and in my name, place and stead, and for my sole use and benefit, with full power and authority to do and perform each and every act necessary, as fully as I might do if personally present, and to accomplish and complete any act in any lawful way with respect to the following: **CLAIMS AND LITIGATION"**

These Powers of Attorney granted the respondent the authority under Colorado Revised Statutes to perform the following acts as if she were the principle [respondent parent] . . .*Demand,*

receive, and obtain by litigation or otherwise, money or other thing of value to which the principal is, may become, or claims to be entitled. . .(in this instance, the care, custody and management of the respondents' minor child(ren)); *prosecute, defend, submit to arbitration, settle, and propose or accept a compromise with respect to, a claim existing in favor of or against the principal or intervene in litigation relating to the claim; Engage, compensate, and discharge an attorney, accountant, expert witness, or other assistant; prepare, execute, and file a record, report, or other document the agent considers desirable to safeguard or promote the principal's interest under a statute or governmental regulation; In general, do any other lawful act with respect to the subject; Assert and prosecute before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, and defend against an individual, a legal entity, or government, including suits to recover property or other thing of value, to recover damages sustained by the principal,. . . or to seek an injunction, specific performance, or other relief; Bring an action to determine adverse claims, intervene in litigation, and act as amicus curiae; In connection with litigation, procure an attachment, garnishment, libel, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree; In connection with litigation, perform any lawful act, including acceptance of tender, offer of judgment, admission of facts, submission of a controversy on an agreed statement of facts, consent to examination before trial, and binding the principal in litigation; Submit to arbitration, settle, and propose or accept a compromise with respect to a claim or litigation.* Under the express authority granted by Statutory Powers of Attorney, the respondent did not engage in the unauthorized practice of law.

15. Objection to the intervention of a lay intermediary, who may control litigation or otherwise interfere with the rendering of legal services in a confidential relationship derives from the element of pecuniary gain. Fearful of dangers thought to arise from the assignment of a power of attorney or the involvement of an advocate, the courts of Colorado are making legal rulings aimed at these activities. It is enough that the superficial resemblance in form between the arrangements between the respondent parents and Ms. Shell and that at bar cannot obscure the vital fact that here the entire arrangement employs constitutionally privileged means of expression, as well as the right to contract and to advocacy, to secure constitutionally guaranteed rights. NAACP v. Button, 37 U.S. 415

ANSWER TO CLAIM VII - (EL PASO COUNTY JUVENILE CASE NO. 98JV738)

16. Respondent never prepared any pro-se pleadings on behalf of one of the parents in this case. Respondent has had virtually no contact with the father in this case, does not know his name or how to contact him, and would be unable to identify him.

17. On the evening before a court hearing, the 16 year old mother on this case called the respondent in tears. She stated that her attorney, Consuelo Williams, consistently refused to return her calls, refused to meet with her to discuss the case, refused to explain the proceedings to

her, never fully advised her, refused to explain the reasons for her so-called legal strategy, and refused to represent the mother's wishes in court. She was terrified of losing her infant son, whom DHS acknowledged that she had never harmed or neglected. The mother requested Ms. Shell to type a letter to the judge for her detailing her complaints against her attorney. The mother dictated the letter to the respondent over the phone, who typed it according to the mother's wishes. Ms. Shell is a published author and writer and, in that capacity, made some editorial[9] suggestions which did not materially alter or amend the content of the letter, and which the mother agreed to. This letter was formatted as business correspondence, starting with a traditional business letter salutation, "Dear Judge Toth."

18. The respondent printed out several copies of the letter and took them to court the next morning where she met the mother before the hearing. Ms. Shell and the mother went up to the mother's Guardian ad Litem, Donita Rolle-Jackson. Ms. Shell explained the situation to Ms. Rolle-Jackson who asked to see the letter. Ms. Roll-Jackson expressed her concern that Ms. Williams was not doing an adequate job of representing the mother to the detriment of the mother and child, and decided that the mother's letter was appropriate and should be submitted to the court, in the best interests of the mother. The mother signed the letter and gave it to the GAL.

19. During the hearing, Ms. Rolle-Jackson presented the letter to the court and all parties on behalf of the mother, stated her concerns regarding the quality of representation that the mother was receiving, and requested the court to appoint a new attorney for the mother. Judge Toth allowed Ms. Williams to withdraw as respondent mother's counsel and refused to appoint another attorney to represent this sixteen year old mother.

20. The allegation that the respondent prepared a memorandum for the sixteen year old mother to give to her attorney is false. The respondent never prepared any memorandum for this mother to give to her attorney. The only document prepared by the respondent for this mother was the letter described above. The memorandum attached to the PETITION FOR INJUNCTION AND FOR CONTEMPT CITATION (exhibit A) and alleged to belong to this case does not conform to the facts of this case. If the mother gave this document to Ms. Williams, she did it without the knowledge or participation of the respondent and she did not obtain it from the respondent.

However, respondent informs this court that this document is from another case and, upon consultation with the relevant client, has discovered that this document was released by Attorney Williams without the knowledge or consent of her client, which is a violation of attorney-client privilege. The respondent respectfully reminds all professionals, judges and attorneys who become aware of a colleague's professional or ethical violations that they have a professional responsibility to report all ethical and professional violations to the appropriate oversight agency, and that failure to do so imposes a professional liability upon

[9]To alter so as to make it more suitable for one's purposes - *Webster*

them.[10]

21. Respondent never provided legal advice to the parents on this case. The mother on this case was sixteen years old, therefore a minor, and was effectively sequestered from the respondent by the caseworker. One reason for this was that the mother had been threatened by the caseworker, Marian Percy, with the permanent loss of her infant son if she associated with the respondent or requested the assistance of the respondent. The respondent never attempted to contact this mother, did not know how to contact the mother and had very little opportunity to conduct any conversations with her. Total personal contact was limited to several minutes in the hallway of the courthouse and the one phone call described above.

22. Respondent never instructed mother's counsel, Consuelo Williams, how to handle this client's legal matter.

23. Respondent never prepared and/or filed a pleading in the United States District Court.

24. Respondent never signed Attorney Consuelo Williams' name, to any pleading, document, filing, or anything. If respondent had done so - given the overt animosity that the El Paso County courts, DHS, BOCC, and certain attorneys, including Williams, has for her - she surely would have been criminally charged for that act.

ANSWER TO ALLEGATIONS OF THE UNAUTHORIZED PRACTICE OF LAW IN GENERAL

25. Respondent incorporates and asserts all constitutionally protected rights, all civil rights, all unalienable rights, and all unenumerated rights including but not limited to:

a. ***Colorado Constitution, Section 3. Inalienable rights.*** *All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.*

b. ***Colorado Constitution Section 4. Religious freedom****. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the good order, peace or safety of the state. No person shall be*

[10] If respondent, Ms. Shell, makes a complaint against an attorney with the Colorado Attorney Regulation Counsel, it is a virtual guarantee that the complaint, however valid, will be dismissed without an investigation. In this manner she has been thwarted in all her efforts to petition the government for redress of grievances, and all persons who associate with her have likewise suffered this constitutional deprivation.

required to attend or support any ministry or place of worship, religious sect or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship.

c. ***Colorado Constitution, Section 10. Freedom of speech and press****. No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.*

d. ***Colorado Constitution, Section 24****.* ***Right to assemble and petition****. The people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance.*

e. ***Colorado Constitution, Section 28. Rights reserved not disparaged****. The enumeration in this constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.*

f. The Constitution of the United States, The Bill of Rights, Amendments 1, 4, 5, 6, 7, 9, & 14.

26. The issue of abusive governmental activities during child abuse/neglect investigations and the subsequent court proceedings are matters of public interest. Hale v. United States Department of Justice, 973 F.2d 894 (10th Cir. 08/31/1992)

27. Court hearings in Dependency and Neglect proceedings are open to the public pursuant to C.R.S. 19-1-106. What transpires in the court room is public property. Those who see and hear what transpired can report it, analyze it and editorialize on it with impunity. There is no special perquisite of the judiciary which enables it, as distinguished from other institutions of democratic government, to suppress, edit, or censor events which transpire in proceedings before it. Craig v. Harney, 331 U.S. 367, 374 (1947), Cox Broadcasting Corp. et al. v. Cohn 1975.SCT.714, 420 U.S. 469, 95 S. Ct. 1029, 43 L. Ed. 2d 328. See also Sheppard v. Maxwell, 384 U.S. 333, 350 (1966) at 362-363; Estes v. Texas, 381 U.S. 532, 541-542 (1965); Pennekamp v. Florida, 328 U.S. 331 (1946); Bridges v. California, 314 U.S. 252 (1941).

28. The court has long held that the constitution must be construed liberally in view of its purpose. Colorado Common Cause v. Bledsoe, 810 P.2d 201 (Colo. 04/15/1991)

> "Narrow and technical reasoning is misplaced when it is brought to bear upon an instrument framed by the people themselves, for themselves, and designed as a chart upon which every [person], learned and unlearned, may be able to trace the leading principles of government. A constitution is to be construed as a frame of government or fundamental law," and not as a mere statute." City and County of Denver v. Mountain States Tel. & Tel. Co., 67 Colo. 225, 228, 184 P. 604, 606 (1919), cert. dismissed 251 U.S. 545, 40 S. Ct. 219, 64 L. Ed. 407 (1920).

29. It has long been established that First Amendment freedoms are protected by the Fourteenth Amendment from invasion by the States. Gitlow v. New York, 268 U.S. 652; Whitney v. California, 274 U.S. 357; Stromberg v. California, 283 U.S. 359; De Jonge v. Oregon, 299 U.S. 353; Cantwell v. Connecticut, 310 U.S. 296.

30. The rights of advocacy and to petition the government for redress of grievances are protected by the First Amendment. NAACP v. Button, 37 U.S. 415, 429; Edwards v. South Carolina, 372 U.S. 229, 235.

31. Some form of mutual protection is necessary to enable families to enjoy in practice the many protections that the statutes and constitutions which are promised in theory. Ms. Shell is a victim of government abuses by child protection agencies just like the parents she advocates for. This is a unifying issue between Ms. Shell and the families who associate with her. United Mine Workers of America, District 12 v. Illinois State Bar Association et al. 1967.SCT.2844 , 389 U.S. 217, 88 S. Ct. 353, 19 L. Ed. 2d 426

32. Respondent, Suzanne Shell, is a proactive Family Rights Advocate, activist, published author, journalist, documentary film producer and public speaker on issues relating to Child Protection. All of her writings, including numerous published editorials are highly critical of DHS, GAL's, respondent parent attorneys, CASAs and judges. She is recognized by many family rights groups nationwide as one of the leaders in a growing grassroots movement expose and reform abusive Child Protection practices and to promote and protect the integrity and sanctity of the American family.

She advocates for systemic change though legal and peaceful means. She advises aggrieved persons not to indulge any impulse to resort to violence after they have lost what is most precious to them - their children. These parents have not been able to obtain relief for government abuses through any legal, administrative, or political avenue (often due to statutory immunity protections afforded to the professionals - other times because they cannot find an attorney to represent them effectively), and they feel they have nothing left to lose. Her advocacy has served to enhance the safety of the very people who are conspiring against her.

There is no statutory definition of the practice of law, and the application of UPL sanctions are selectively applied, which renders the allegation unconstitutional for vagueness and failing to provide equal protection. Village of Hoffman Estates v. Flipside, Hoffman Estates Inc., 455 U.S. 489, 71 L. Ed. 2d 362, 102 S. Ct.1186 (1982).

It is a basic principle of due process that an enactment is void for vagueness, if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen,

judges and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application. Edwards et al. v. South Carolina 963 SCT. 343, 372 U.S. 229, 83 S. Ct. 680, 9 L. Ed. 2d 697. UPL investigations fall into this category, being subjectively decided in an administrative proceeding.

The respondent's advocacy activities are nothing more than the fair use of her constitutionally protected rights.

> As Chief Justice Hughes wrote in Stromberg v. California, "The maintenance of the opportunity for free political Discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system. A statute which upon its face, and as authoritatively construed, is so vague and indefinite as to permit the punishment of the fair use of this opportunity is repugnant to the guaranty of liberty contained in the Fourteenth Amendment. . . ." 283 U.S. 359, 369." Edwards et al. v. South Carolina 963 SCT. 343, 372 U.S. 229, 83 S. Ct. 680, 9 L. Ed. 2d 697.
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> "If the line drawn by the decree between the permitted and prohibited activities of the NAACP, its members and lawyers is an ambiguous one, we will not presume that the statute curtails constitutionally protected activity as little as possible. For standards of permissible statutory vagueness are strict in the area of free expression. See Smith v. California, 361 U.S. 147, 151; Winters v. New York, 333 U.S. 507, 509-510, 517-518; Herndon v. Lowry, 301 U.S. 242; Stromberg v. California, 283 U.S. 359 ; United States v. C.I.O., 335 U.S. 106, 142" NAACP v. Button, supra

The complaints made against her alleging the unauthorized practice of law arise directly out of her activism and advocacy on behalf of aggrieved families. During her years of advocacy and activism, she has been the single most effective leader in Colorado who has been able to extensively document abusive child protection practices and pierce the veil of confidentiality which has, in fact, been employed as a shroud of secrecy to hide a pattern of professional misconduct and unethical/abusive practices that undermine individual liberties and violates the rights of families and children under the guise of 'child protection."

Under the subterfuge of an authorized practice of law complaint, persons at risk of having their suspect activities exposed are engaging in a malicious attempt to silence her and to shut down her legal activities by making false complaints against her in hopes of imposing punitive sanctions for her legal activities, and preventing her from advocating on behalf of families who request her help.

33. Advocacy by laymen is a well established practice in this country and there are many kinds of advocates who are laymen (non-attorneys): e.g. patient advocates in hospitals, mental health advocates, special education advocates, advocates for the disabled, for homosexuals, and minorities, victims of crime advocates, victims of domestic violence advocates, labor & employment advocates, advocates for the homeless, child advocates (this also covers Court

Appointed Special Advocates or CASA), grandparent advocates, father's rights advocates, and family advocates to name a only a few.

Some of these advocates are essentially government-sponsored or mandated (e.g. CASA and victim's advocates). Others are not (child advocates, patient advocates, special education advocates.) The common link is that these advocates advise, support and speak for others or on behalf of someone else on a specific issue and in a variety of arenas. For example: special education advocates use their knowledge of education laws to insure that a child and his parents are receiving all benefits they are entitled to receive from the child's school under Federal and State laws, and that the parents are not being coerced or misled by the professionals.

As another example, in El Paso County, CASA is provided full access to all confidential records[11] under the Children's Code. Additionally, CASA is allowed access to the children, even if they are in out-of-home placement. They are ostensibly supposed to conduct an impartial investigation. In practice, they file reports and motions with the court, and act to protect the rights of the children during the pendency of cases. During hearings, they sit at counsel table and are encouraged to call, examine and cross examine witnesses, make requests of the court and submit recommendations in open court. CASA are not attorneys. They are volunteer members of the community who receive a maximum of 40 hours of training.

The respondent, Ms. Shell suffers ongoing discrimination at the hands of DHS, the courts, CASA, attorneys and service providers, all of whom derive their livelihoods from the seizure of children. Ms. Shell has never asked for the opportunity to sit at counsel table and examine witnesses as CASA does, however, she would not object to that opportunity either. When parents desire her to accompany them to counsel table for support and guidance in her capacity as an expert, they are denied and Ms. Shell is threatened with UPL complaints.

Respondent is being treated substantially differently and punitively for doing essentially the same thing, albeit from a different perspective, as the CASA does in these very same cases. People in Interest of M.C., 774 P.2d 857 (Colo. 05/30/1989),

"The right to equal protection of the laws guarantees that all parties who are

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[11] The information obtained by public agencies in the course of performing their duties and functions under Title 19 is considered public information under the "Colorado Open Records Act." C.R.S. 19-3-302. Access to information under Title 19, section is in addition to, not in lieu of, other statutory provisions. C.R.S. 19-1-303. Suzanne Shell, as a Family Advocate, as well as other Family Advocates, have been refused access to parent's case files even when she possess and signed a release/authorization. The confidentiality associated with these records belongs to the family member, NOT DHS or the courts. The family members are the sole arbiter of who is permitted access to those records concerning them personally, with provisions to protect only the identifying information of reporters or foster care providers. They must sign releases for every service provider to access those records. When the family member desires Ms. Shell, as an independent Family Advocate offering services related to their case, to see their case file, their requests are summarily denied by the custodian of records and sometimes the courts. Ms. Shell (and her associates) is the **only** community service provider and advocate who is summarily denied access to the family case file with a properly executed release. All other service providers are given complete access to the case filed with a properly executed release which is a denial of equal protection under the laws. J.T. v. O'Rourke, 651 P.2d 407, 413 (Colo. 1982)

similarly situated receive like treatment by the law. People v. Childs, 199 Colo. 436, 610 P.2d 101 (1980)." J.T. v. O'Rourke ex rel. Tenth Judicial Dist., 651 P.2d 407.

Ms. Shell has been obliged to protect her activities by obtaining Powers of Attorney. CASA does not need to take such onerous protective measures for their 'advocacy' activities - they are in no danger of UPL complaints. The respondent observes that since other advocates in other fields are, in practice, not subjected to investigation or punishment under Unauthorized Practice of Law provisions, and especially if CASA can represent the rights of a child and act as an attorney would in open court without being investigated for UPL, that she is not being accorded the same protections or treatment under the law as advocates for other issues are. Board of County Commissioners v. Flickinger, 687 P.2d 975 (Colo. 09/04/1984):

> "As the United States Supreme Court observed in New York City Transit Authority v. Beazer, 440 U.S. 568, 587-88, 59 L. Ed. 2d 587, 99 S. Ct. 1355 (1979): 'The [Equal Protection] Clause announces a fundamental principle: the State must govern impartially. General rules that apply evenhandedly to all persons within the jurisdiction unquestionably comply with this principle. Only when a governmental unit adopts a rule that has a special impact on less than all the persons subject to its jurisdiction does the question whether this principle is violated arise.'"

What is at question here is not the validity or legality of lay advocacy, but the fact that Ms. Shell's advocacy for families is an unpopular view for the juvenile courts, DHS, and others to support, therefore they have conspired to single out her demonstrably legal advocacy activities for suppression by initiating, promoting and participating in the prosecution of the respondent under the UPL provisions. If the activities in question do not constitute the unauthorized practice of law when performed by CASA, or by any other advocate, or by social workers[12], they cannot be construed to constitute the unauthorized practice of law merely because Suzanne Shell performs them.

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[12] The information discussed by Ms. Shell with the parents who seek her help is similar to information provided to the parents by caseworkers, and by social workers in the course of their duties.

> "Social workers in public assistance may already be required to practice law as substantially as if they were in a courtroom. In making an initial determination of an applicant's eligibility, the public assistance worker must complete the applicant's financial statement. 'Every question, or nearly every question, on the financial statement, is a legal question. When the social worker advises, or even discusses the questions or answers, he may very likely be giving legal advice. 'The private social worker who advises an applicant that he should apply, how to apply, what to answer and how to appeal if the application is rejected is also giving 'legal' advice. When he argues with the public worker on behalf of the applicant, he is giving representation. When and if he goes to a hearing on behalf of the applicant, he is surely engaging in advocacy.'" Sparer, Thorkelson & Weiss, The Lay Advocate, 43 U. Det. L. J. 493 (1966)

Yet, social workers in Colorado are not subject to investigation or prosecution for the unauthorized practice of law for their discussions with clients involving their rights or the law.

> The right to equal protection of the laws "guarantees that all parties who are similarly situated receive like treatment by the law." J.T. v. O'Rourke, 651 P.2d 407, 413 (Colo. 1982)
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> "The courts have consistently struck down state regulations and actions which in purpose and effect seek to impose discrimination. Yick Wo v. Hopkins, 118 U.S. 356; Oyama v. California, 332 U.S. 633; Takahashi v. Fish & Game Commission, 334 U.S. 410." NAACP v. Alabama 1964.SCT.1052 , 377 U.S. 288, 84 S. Ct. 1302, 12 L. Ed. 2d 325
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> "The Fourteenth Amendment does not permit a State to make criminal or culpable the peaceful expression of unpopular views, the gathering together for discourse or education on government practices and requirements related issues of public interest, or the proactive advocacy on behalf of persons suffering unfair deprivations due to government activities." Edwards et al. v. South Carolina 963 SCT. 343, 372 U.S. 229, 83 S. Ct. 680, 9 L. Ed. 2d 697

34. The imposition of a regulatory scheme that inhibits the free discussion and analysis of pending cases, individual rights and governmental obligations among similarly situated individuals and their advocates is nothing more than a tool of oppression. The application of the UPL regulatory program is facially overbroad. People v. Batchelor, 800 P.2d 599 (Colo. 11/13/1990) A facially overbroad regulatory scheme may be struck down as invalid when it threatens to deter individuals from engaging in activities that are protected by the first amendment. People v. Ryan, 806 P.2d 935 (Colo. 03/11/1991). Potential volunteers have been afraid to advocate due to the punitive actions Ms. Shell has been subjected to.

35. The right of individuals to associate freely with Suzanne Shell has been actively punished by the courts, DHS, GALs, CASA and treatment plan service providers. It is a mistake to presume that these parties are acting in good faith, and the respondent has ample documentation to prove their bad faith.

> "It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech." NAACP v. Alabama ex rel. Patterson 357 U.S. 449 at 460.

Children who request the services of an independent Family Advocate are denied by the courts, GALs, and caseworkers. Suzanne Shell, as a Family Advocate, as well as other Family Advocates, are NOT allowed access to the children in these cases, but often the children will seek Ms. Shell out without the knowledge of the professionals or the assistance of Ms. Shell. They invariably disclose the abuses they are suffering in state care along with the fact that they have told the professionals, but they are not being protected. Many times, children request an independent Family Advocate because the parties who are supposed to representing their best

interests are not, and they suffer abusive/neglectful foster homes and abusive punitive isolation from their beloved parents without any hope of relief. Often an independent Family Advocate is the only person who will not attempt to cover up these abuses by state agents, many of which are worse than the child allegedly suffered in his own home. The system protects itself and without outside scrutiny, has abandoned its mandate in favor of perpetuating itself on the backs of innocent children. One way it protects itself is to thwart all efforts by all family members to obtain the services of an independent Family Advocate by punishing a family member's association with Ms. Shell.

Parents who merely request Ms. Shell's services receive express threats regarding the return of their children, and if they refuse to withdraw their request for her services and continue to associate with her, they suffer severe retaliation in the courts in the form of denying them all access to their children. Judges Toth and Cisneros have literally ordered, on the record, that parties are forbidden to associate with Ms. Shell and her associates[13].

> Freedom of expression includes freedom of association and guarantees the right to associate or refuse to associate with whomever one chooses. Abood v. Detroit Board of Education, 431 U.S. 209, 97 S.Ct. 1782, 52 L. Ed. 2d 261 (1977).

Any interference with the freedom of the respondent is simultaneously an interference with the freedom of those who associate with her.

36. The parents who request Ms. Shell's assistance have universally remarked that they thought they were alone in their situation, that they thought there was nobody else who was going through the same horror, and that there was nobody out there to help them. They expressed their desire to associate with others who are in the same situation, to learn how to protect their families, to understand the processes they found themselves caught up in, and to have someone stand up for them. They actively sought out Ms. Shell for the sole purpose of advocating on their behalf, of instructing them and supporting them. Ms. Shell is the unifying factor of this association of concerned citizens[14].

> Justice Harlan, writing for the Court in NAACP v. Alabama ex rel. Patterson, 357 U.S. 449, 460: "Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly." See also NAACP et al. v. Claiborne Hardware Co. et al.1982.sct.2785, 458 U.S. 886, 102 S. Ct. 3409, 73 L. Ed. 2d 1215, 50 U.S.L.W. 5122

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[13] None of the judges or magistrates in El Paso County have ever asked her what services she offers as an advocate, and have never observed her in action, and have based their decisions on malicious, false rumors.

[14] Since many parents suffer retaliation by DHS and the courts for the exercise of their rights and for their association with Ms. Shell and the American Family Advocacy Center, and out of a justified fear of being unfairly targeted for future false child abuse investigations, many choose to associate covertly.

37. The courts see this association and the associated scrutiny as a threat to their judicial functions. DHS sees this association as a threat to their practices of keeping children as long as possible. They forget, that as public servants, all their activities are subject to public scrutiny. They resent Ms. Shell's scrutiny because she knows what to look for and how to document it. The main threat they see, as described by the professionals, is that when Ms. Shell is involved in a case, it results in the family being reunified sooner. The speedy reunification of families cannot be considered a 'serious substantive evil' since that principle is completely consistent with the legislative intent of the Children's Code.

It is significant to note that each of these 'prematurely' reunified families have not been the subject of a subsequent investigation. Therefore, it stands to reason that DHS and the courts are keeping custody of children beyond the time when they can be safely returned home, and possibly assuming jurisdiction where it is unwarranted. These are the key issues argued by Ms. Shell in her advocacy for families. Since her position is consistent with public statements made by EPCDHS Director David Berns and the head of the Child Welfare division, Lloyd Malone, Shell's advocacy is not even in conflict with DHS published policies, which professes to work for integrity of the family and the speedy and safe return of children to their parents. By virtue of the public record[15], Ms. Shell's advocacy is not a threat to the judicial process or the appropriate functioning of DHS and her activities cannot, therefore, be use as grounds to punish or prevent Ms. Shell's advocacy on behalf of families under the First Amendment. Pennekamp v. Florida, 328 U.S. 331. Craig et al. v. Harney 1947.SCT.637, 331 U.S. 367, 67 S. Ct. 1249, 91 L. Ed. 1546

38. Ms. Shell has not advocated disobedience to court orders, has not disrupted court hearings, has not advocated violence or riots. She has not influenced the court to act unethically or with bias by threat or action. Therefore, by the clear and present danger standard, described as "a working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished," Ms. Shell's advocacy, association and utterances are protected under the First Amendment. Bridges v. California, 314 U.S. 252

> "The function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech . . . is . . . protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest. . . .There is no room under our Constitution for a more restrictive view. For the

[15]These comments are a matter of record at numerous Board of County Commissioner meetings and have been frequently published in the Gazette Telegraph. They are also published in DHS Volume 7.

> alternative would lead to standardization of ideas either by legislatures, courts, or dominant political or community groups." Terminiello v. Chicago, 337 U.S. 1, 4-5.2.

Neither can she be held liable for publishing or disseminating information that the courts or professionals thinks is 'unfair' under the principle of a clear and present danger to the administration of Justice without violating the freedom of the press, speech and association guaranteed by the First and Fourteenth Amendments. Bridges v. California, 314 U.S. 252, and Pennekamp v. Florida, 328 U.S. 331. Pp. 368-370, 375-378.39. The complaints filed by Judge Toth are an attempt to exercise a non-existent special perquisite of the judiciary which supposedly enables him, as distinguished from other institutions of democratic government, to suppress, edit, or censor reports of occurrences in judicial proceedings relating to Dependency & Neglect. The judges have been unable to find her in contempt in their courts, so they are seeking another way to sanction her. A UPL complaint and subsequent investigation or proceeding is not designed for the protection of Judges who may be sensitive to the winds of public opinion or who may have their unethical judicial activities exposed by someone knowledgeable about certain laws. P. 376.Craig et al. v. Harney 1947.SCT.637, 331 U.S. 367, 67 S. Ct. 1249, 91 L. Ed. 1546

> "Judges should be foremost in their vigilance to protect the freedom of others to rebuke and castigate the bench and in their refusal to be influenced by unfair or misinformed censure. Otherwise freedom may rest upon the precarious base of judicial sensitiveness and caprice. And a chain reaction may be set up, resulting in countless restrictions and limitations upon liberty." Pennekamp v. Florida, 328 U.S. 331.

Ms. Shell's advocacy activities have been described by hostile professionals as 'disruptive.' Possibly they are, but only in the sense that her presence and participation at the request of a family member disrupts the ability of any of the professionals or judges to substitute form for substance in any child abuse action. She has always been calm and courteous with the professionals, and they are, invariably, the ones who disrupt the meetings by leaving precipitously. Any claims that she is disruptive and is hurting the families is not supported by evidence nor by the testimony of the families who sought her help. The assessment of the families she has worked with is that they find her services to have been invaluable and they recommend her highly to others.

Ms. Shell's advocacy and utterances to and on behalf of families does not imperil the fair and orderly functioning of the judicial process and do not pose an imminent or serious threat to a Judge of reasonable fortitude. See Pennekamp v. Florida, supra." Craig et al. v. Harney 1947.SCT.637, 331 U.S. 367, 67 S. Ct. 1249, 91 L. Ed. 1546. In the absence of some other showing of a substantive evil actually designed to impede the course of Justice in justification of the exercise of the UPL provisions to silence the respondent, her utterances are entitled to be protected.

40. The respondent acknowledges that the publication or dissemination of her findings have been embarrassing to certain government professionals, and may have exposed their liability to

administrative, civil and criminal remedies. Speech does not lose its protected character, however, simply because it may embarrass others or coerce them into action. As Justice Rutledge, in describing the protection afforded by the First Amendment, explained:

> "It extends to more than abstract Discussion, unrelated to action. The First Amendment is a charter for government, not for an institution of learning. 'Free trade in ideas' means free trade in the opportunity to persuade to action, not merely to describe facts." Thomas v. Collins, 323 U.S. 516, 537.

Ms. Shell advocates holding government officials and professionals accountable for any abusive or unethical activities during a child abuse/neglect investigation and related court proceeding[16]. There are various venues for achieving this, and Ms. Shell routinely advises aggrieved parents and children seek whatever remedies are legally available.

41. In addition to being an advocate, Ms. Shell is a journalist with a valid press pass, a documentary film producer and a publisher. Her scrutiny and expression fulfil an important role in exposing what is going during governmental child protection activities. These expressions will naturally include information related to laws and individual rights. With respect to judicial proceedings in particular, and to the actions of administrative agencies and their contractors, the function of the press serves to guarantee the fairness of trials, administrative compliance with law and policy, and to bring to bear the beneficial effects of public scrutiny upon the administration of Justice. As such, Ms. Shell's activities are protected under the First Amendment. See Sheppard v. Maxwell, 384 U.S. 333, 350 (1966). Cox Broadcasting Corp. et al. v. Cohn 1975.SCT.714, 420 U.S. 469, 95 S. Ct. 1029, 43 L. Ed. 2d 328

42. The Open Records Act defines 'public records' as: 'all writings made, maintained, or kept by the state or any agency, institution, or political subdivision thereof for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.' C.R.S. 24-72-202(6). By this definition, the Colorado Revised Statutes, DHS Policy and Procedures Manual (Volume 7), all published and unpublished case law and administrative rulings, settlement agreements, State Plans, State and Federal grants and applications, all administrative rules and grievance procedures, Colorado State Constitution, United States Constitution, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Juvenile Procedure, Colorado Appellate Rules, Rules of Professional Conduct, Judicial Canons, Rules of Criminal Procedure, Civil and Criminal Jury Instructions, etc., are considered information in the public domain, and therefore, the state cannot impose sanctions on the publication or discussion of truthful information open to public inspection. Cox Broadcasting Corp. v. Cohn, 420 U.S. 469 (1975) Therefore, any and all discussion by the respondent with any person or group of persons involving information contained in those publications is protected under the First Amendment and cannot be construed as giving legal advice, especially since the respondent

[16] This is difficult to accomplish due to wholesale statutory immunity protections.

specifically states at every opportunity that she is not an attorney and does not offer legal advice. Pierce v. St. Vrain Valley School Dist., 944 P.2d 646 Stromberg v. California, 283 U.S. 359, 369. Edwards et al. v. South Carolina 963 SCT. 343, 372 U.S. 229, 83 S. Ct. 680, 9 L. Ed. 2d 697, Shelton v. Tucker, 364 U.S. 479, 488, Cantwell v. Connecticut, 310 U.S. 296,304

> "Men are entitled to speak as they please on matters vital to them; errors in judgment or unsubstantiated opinions may be exposed, of course, but not through punishment for contempt for the expression. Under our system of government, counterargument and education are the weapons available to expose these matters, not abridgment of the rights of free speech and assembly." Cf. Mr. Justice Brandeis, Concurring in Whitney v. California, 274 U.S. 357, 378.

Free Discussion of the problems of society is a cardinal principle of Americanism -- a principle which all are zealous to preserve. Discussion of individual rights as they pertain to governmental abuses, etc. is a national pastime. Entire radio and television shows are based on these types of discussion. Everyone engages in discussion of rights and laws. Virtually anyone could be accused of the unauthorized practice of law by the standards suggested in the PETITION. The mere fact that an issue involves information pertaining to rights and law and policy, does not preclude those subjects from being discussed by persons who are not authorized to practice law under penalty of sanctions. If it did, the court would have to forbid discussions of rights and statutes with anyone who was not an attorney. The entire spectrum of information that included any issue pertaining to rights or statutes would be off limits to non-attorney discussions in the abstract, the general or the specific. Discussions of individual rights and statutes do not rise to the level of 'the practice of law' unless the speaker holds himself out to be an attorney. The right to engage in these types of discussions is absolute.

> ". . . The First Amendment envisions that persons be given the opportunity to inform the community of both sides of the issue under such circumstances. That this privilege should not lightly be curtailed is ably expressed in a passage from Judge Cooley's 2 Constitutional Limitations (8th ed. 1927) 885, where he stated that the purpose of the First Amendment includes the need: ". . . to protect parties in the free publication of matters of public concern, to secure their right to a free Discussion of public events and public measures, and to enable every citizen at any time to bring the government and any person in authority to the bar of public opinion by any just criticism upon their conduct in the exercise of the authority which the people have conferred upon them." Pierce v. St. Vrain Valley School Dist., 944 P.2d 646

43. Ms. Shell's association, speech and advocacy cannot be prevented by imposing a prior restraint under the subterfuge of defining the protected activity as the 'unauthorized practice of law' or using UPL as a penal sanction for publishing or discussing lawfully obtained, truthful information. Even the latter action requires the highest form of state interest to sustain its validity. Prior restraints have been accorded the most exacting scrutiny in previous cases. See Nebraska Press Assn. v. Stuart, 427 U.S. 539 (1976) at 561; Organization for a Better Austin v. Keefe,

402 U.S. 415 (1971), 419; Near v. Minnesota ex rel. Olson, 283 U.S. 697 (1931), at 716. See also Southeastern Promotions, Ltd. v. Conrad, 420 U.S. 546 (1975). Smith v. Daily, 1979.SCT.2381, 443 U.S. 97, 99 S. Ct. 2667, 61 L. Ed. 2d 399.

> In Louisiana ex rel. Gremillion v. NAACP, 366 U.S. 293, 297, the court reaffirmed this principle: ' . . regulatory measures . . . no matter how sophisticated, cannot be employed in purpose or in effect to stifle, penalize, or curb the exercise of First Amendment rights.'
>
> ". . .but we have had occasion in the past to recognize that in regulating the practice of law a State cannot ignore the rights of individuals secured by the Constitution. For as we said in NAACP v. Button, supra, 371 U.S., at 429, 'a State cannot foreclose the exercise of constitutional rights by mere labels.'" Brotherhood of Railroad Trainmen v. Virginia ex rel. Virginia State Bar 1964.SCT.736, 377 U.S. 1, 84 S. Ct. 1113, 12 L. Ed. 2d 89

Ms. Shell *chooses* **not** to be an attorney, as her lay advocacy is more a powerful proactive tool and has shunned any licensing credentials which would inhibit her ability to advocate effectively. Any prior-approval requirement or outright prohibition under UPL enjoining Ms. Shell from engaging in her advocacy activities or engaging in certain speech, acts in "operation and effect" like a licensing scheme and thus is another form of prior restraint. First Amendment protection reaches beyond prior restraints, Landmark Communications, Inc. v. Virginia, 435 U.S. 829 (1978); Cox Broadcasting Corp. v. Cohn, 420 U.S. 469 (1975)," Smith v. Daily, supra.

> "The power to regulate must be so exercised as not, in attaining a permissible end, unduly to infringe the protected freedom." Cantwell v. Connecticut, 310 U.S. 296, 304.

44. The fact that special confidentiality provisions attach to government activities under the Colorado Children's code cannot be used as a means to limit Ms. Shell's ability to advocate or engage in other First Amendment rights. The court has found that First Amendment rights prevail over the State's interest in protecting juveniles. Davis v. Alaska, 415 U.S. 308, Smith v. Daily Mail Publishing Co. et al. 1979.SCT.2381, 443 U.S. 97, 99 S. Ct. 2667, 61 L. Ed. 2d 399. The State's interest in protecting juveniles was described as being 'of the highest order,' yet it was subordinated to the individual's First Amendment right and the respondent could not be punished for disseminating confidential, truthful information. Smith v. Daily, supra.

The State may not, consistently with the First and Fourteenth Amendments, impose sanctions on the accurate publication or dissemination information that are considered in the public domain. The protection of freedom of the press, and of speech and association provided by the First and Fourteenth Amendments bars Colorado the basis of liability in a cause of action for Unauthorized Practice of Law that penalizes pure expression. Cox Broadcasting Corp. et al. v. Cohn 1975.SCT.714, 420 U.S. 469, 95 S. Ct. 1029, 43 L. Ed. 2d 328

45. The Colorado Supreme Court has stated in Unauthorized Practice of Law Committee of

Supreme Court of Colorado v. Grimes, 654 P.2d 82

> "Lawyers are officers of the court, and, as such, are subject to supervision and regulation by the court. Not only do we regulate admissions to the Bar, but we continually oversee the practice of law to insure that the public obtains legal advice only from qualified and competent counsel. We do not hesitate to suspend or revoke the license of a lawyer who abuses the honor and privilege of practicing law in this state. Conway Bogue v. Denver Bar Ass'n, supra; People v. Gregory, 135 Colo. 438, 312 P.2d 512 (1957)

The respondent and the persons she associates with and advocates for has found this finding to be lacking in substance when it comes to Dependency and Neglect cases. In practice, respondent parent attorneys routinely engage in coercive and abusive behaviors towards their clients. The neglect to fully advise their clients and by withholding important information from the, usurp the clients right to make a fully informed decision, substituting their judgement for the client's. [Martinez v. People 173 Colo. 515.] They refuse to request discovery or conduct the most rudimentary investigation before deciding on a legal course of action. They refuse to meet with their clients or return their phone calls. They do not have an adequate understanding of the laws and rules governing Dependency and Neglect actions and literally acquiesce to all DHS demands. They do not use the legal tools at their disposal to protect their client's rights and do not document their client's success with court-ordered treatment plans. [Cruz v. Patterson, 253 F. Supp. 805, People v. Norman, 703 P.2d 1261, People v. O'Neill, 523 P.2d 123. People v. Moya 504 P.2d 352.]

The very nature of the representation these families are compelled to endure is one of the major factors that cause these families to seek Ms. Shell's help and to associate with her. The quality of representation and the character of respondent attorneys and GALs is universally deficient.

There have been numerous complaints of this nature made to the Attorney Regulation Counsel. In five years, only one attorney has been approached with sanctions and opted to stop practicing law. This occurred only after several complaints were filed against him.

If attorneys are truly subject to supervision and regulation by the court, the court is not fulfilling its responsibility to insure qualified and competent counsel to the public. The single most prevalent reason that parents lose their children is not that they harmed their children, but that their attorney did not provide effective assistance of counsel. [Edmisten v. People 490 P.2d 58; People v. White, 182 Colo. 417, 514 P.2d 69.]

> "The law practice franchise or privilege is based upon the threefold requirements of ability, character, and responsible supervision. The public welfare is safeguarded not merely by limiting law practice to individuals who are possessed of the requisite ability and character, but also by the further requirement that such practitioners shall thenceforth be officers of the court and subject to its supervision." UPL v. Grimes, supra.

All three legs of this triad are missing when it comes to D&N cases, and this failing has jeopardized the public welfare. Many of the attorneys and GALs exhibit character deficiencies,

using their office to further their own agenda rather than the cause of their clients. There is virtually no training in D&N cases, and most attorneys don't make any effort to increase their abilities in this area of practice, even if they are contract attorneys for respondent parents. Finally, the record of supervision and sanctions of attorneys has been dismal in the public perception.

The parents are held hostage to form over substance. . .and are routinely denied due process as a matter of procedure in these cases. They obtain no relief when they file a complaint against an attorney. Lacking adequate representation, their options are limited to suffering constitutional deprivations in silence, associating with others to seek remedies and advocacy, or resorting to violence. The legal profession and the Attorney Regulation Counsel has dropped the ball regarding professional and ethical legal representation in D&N cases, and cannot hold anyone else liable for pro-active associations and the employment of alternative peaceful remedies that are the natural consequence of the court's failure to adequately regulate the legal profession.

46. "Accordingly, we cannot permit an unlicensed person to commit acts which we would condemn if done by a lawyer." Conway Bogue v. Denver Bar Ass'n, supra; People v. Gregory, 135 Colo. 438, 312 P.2d 512 (1957)

Respondent cannot be held to the same professional standards as an attorney. She is NOT an attorney and does not practice as an attorney. She is a sovereign, who does not choose membership in the professional association that includes attorneys. Their rules have no jurisdiction over her until and unless she holds herself out to be an attorney. She has explicitly never done that. As a sovereign, she possess the right to speak on any subject she chooses, to associate freely, to advocate without hindrance, to practice her religion according to the dictates of her conscience, and to refuse to associate with the professional association that includes attorneys.

47. A State cannot, by invoking the power to regulate the professional conduct of attorneys, infringe in any way the right of individuals and the public to be fairly represented in court proceedings or lawsuits authorized by Congress to effectuate a basic public interest. Laymen cannot be expected to know how to protect their rights when dealing with practiced and carefully counseled adversaries, and for them to associate together to help one another to preserve and enforce rights granted them under federal laws cannot be condemned as a threat to legal ethics. The State can no more keep these families and Ms. Shell from using their associations to advise one another than it could use more direct means to bar them from resorting to the courts to vindicate their legal rights. The right to petition the courts cannot be so handicapped. Brotherhood of Railroad Trainmen v. Virginia ex rel. Virginia State Bar 1964.SCT.736, 377 U.S. 1, 84 S. Ct. 1113, 12 L. Ed. 2d 89. Gideon v. Wainwright, 372 U.S. 335.

48. This court and the people of Colorado would be better served by improving the regulation and discipline of attorneys, rather than punishing those who are responding to a legitimate need of

public interest[17] which has arisen in the absence of adequate regulation and oversight of the legal profession.

> ". . . Even though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved." Shelton v. Tucker, 364 U.S. 479, 488 (footnote omitted).

For other cases elaborating this principle, see Lovell v. Griffin, 303 U.S. 444, 451; Schneider v. State, 308 U.S. 147, 161, 165; Martin v. Struthers, 319 U.S. 141, 146-149; Saia v. New York, 334 U.S. 558; American Communications Assn. v. Douds, 339 U.S. 382; Kunz v. New York, 340 U.S. 290, 294-295; Louisiana ex rel. Gremillion v. NAACP, 366 U.S. 293.

49. This case, in truth, involves the freedom of individuals to associate for the collective advocacy of ideas, to scrutinize government activities, to hold public servants accountable, and to speak freely on subjects that include discussions of law and liberties. NAACP v. Alabama 1964.SCT.1052 , 377 U.S. 288, 84 S. Ct. 1302, 12 L. Ed. 2d 325

> "Freedoms . . . are protected not only against heavy handed frontal attack, but also from being stifled by more subtle governmental interference." Bates v. City of Little Rock, 361 U.S. 516, 523.

Abstract discussion is not the only species of communication which the Constitution protects; the First Amendment also protects vigorous advocacy, certainly of lawful ends, against governmental intrusion. Thomas v. Collins, 323 U.S. 516, 537; Herndon v. Lowry, 301 U.S. 242, 259-264. Cf. Cantwell v. Connecticut, 310 U.S. 296 ; Stromberg v. California, 283 U.S. 359 , 369 ; Terminiello v. Chicago, 337 U.S. 1, 4

50. The requirement of court appointed counsel in D & N cases is statutory in Colorado, since respondents are protecting a liberty interest. The fact that a D & N is not a criminal case does not sanction inadequate representation. This is the most important issue with respondent parents, and the proximate cause of their seeking outside advice and assistance and advocacy.

> “The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel, he may be put on trial without a proper charge, and convicted upon

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[17]The legal profession and the courts have insulated themselves from the overwhelming public criticism of their ethics and practices by claiming special privilege by virtue of their office. The judiciary does not understand the full scope of distrust and contempt the general public regards the courts and attorneys with. As a direct result of the legal profession’s overwhelming contempt for the ‘civilian’, and arrogant disregard for the substance of due process and other rights, the concept of justice in the courts is nothing more than a well publicized joke in the eyes of many citizens.

> incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. Gideon v. Wainwright, 372 U.S. 335 (1963). Johnson v. Zerbst, 304 U.S. 458 , 462 (1938). To the same effect, see Avery v. Alabama, 308 U.S. 444 (1940), and Smith v. O'Grady, 312 U.S. 329 (1941)."

51. Reasonable access to the courts is a right secured by the Constitution and laws of the United States being guaranteed as against state action by the due process clause of the fourteenth amendment. There can be no doubt that Colorado cannot constitutionally adopt and enforce a rule forbidding illiterate, or the poorly educated., or the indigent the ability to file motions and petitions in their D & N cases. However, Colorado has adopted practices which, in the absence of any other source of assistance for such individuals, effectively does just that. For all practical purposes, if individuals cannot count on their court-appointed counsel to perform those functions, or if regulation prevents them from utilizing the assistance of an advocate, or agent to whom they've assigned a valid power of attorney, their possibly valid arguments and constitutional claims will never be heard in court. D & N cases include among their respondents a high percentage of persons who are totally or functionally illiterate, whose educational attainments are slight, and whose intelligence and means are limited. In all cases, the parents have virtually no knowledge about what is happening to them and their children and how they can effectively respond. There are many rules in D & N cases that are unique. They only know that they have no say in court, and their exculpatory evidence is rarely, if ever, considered in their case. They are at the mercy of DHS, because, in the absence of adequate representation, DHS controls the flow of information that the judge considers. It takes strong, knowledgeable, effective counsel to counteract that inherent tendency in Juvenile court.

It is worthy to note that no legal aid provider for indigents will handle a D & N case. Civil rights organizations won't touch these cases either. In practice, there are no alternatives available when respondent counsel won't do his job. In practice, an overwhelming percentage[18] of respondent counsel won't do their job. In practice, the Attorney Regulation Counsel will not sanction respondent counsel who are grieved. In practice, the courts routinely allow respondent counsel to withdraw, even over the objection of the respondent, without appointing a replacement. In practice, assistance of counsel does not satisfy the substance of due process in a D & N case.

Unless and until the State provides some reasonable alternative to insure adequate legal representation for respondents for the professional preparation and presentation of their D & N cases under the due process clause, it may not validly enforce a regulation such as that here in

[18] Respondent has overwhelming evidence of this.

issue, barring advocates and duly authorized agents from furnishing any pro-se or other assistance to an individual who requests it in D & N cases. In Johnson v. Avery, Commissioner of Correction, et al. 1969.SCT.435, 393 U.S. 483, 89 S. Ct. 747, 21 L. Ed. 2d 718, the court found that lay assistance in case preparation did not constitute the unauthorized practice of law:

> "In reversing the District Court, the Court of Appeals relied on the power of the State to restrict the practice of law to licensed attorneys as a source of authority for the prison regulation. The power of the States to control the practice of law cannot be exercised so as to abrogate federally protected rights. NAACP v. Button, 371 U.S. 415 (1963); Sperry v. Florida, 373 U.S. 379 (1963). In any event, the type of activity involved here -- preparation of petitions for post-conviction relief -- though historically and traditionally one which may benefit from the services of a trained and dedicated lawyer, is a function often, perhaps generally, performed by laymen."

Justice Douglas concurring:

> ". . .Where government fails to provide the prison with the legal counsel it demands, the prison generates its own. In a community where illiteracy and mental deficiency is notoriously high, it is not enough to ask the prisoner to be his own lawyer. Without the assistance of fellow prisoners, some meritorious claims would never see the light of a courtroom. In cases where that assistance succeeds, it speaks for itself. And even in cases where it fails, it may provide a necessary medium of expression.
>
> In that view, which many share, the preparation of these endless petitions within the prisons is a useful form of therapy. Apart from that, their preparation must never be considered the exclusive prerogative of the lawyer. **Laymen -- in and out of prison – should be allowed to act as "next friend" to any person in the preparation of any paper or document or claim, so long as he does not hold himself out as practicing law or as being a member of the Bar.**
>
> The cooperation and help of laymen, as well as of lawyers, is necessary if the right of 'reasonable access to the courts' is to be available to the indigents among us."

52. In the domain of these indispensable liberties, whether of speech, press, or association, the decisions of the Supreme Court recognize that abridgment of such rights, even though unintended, may inevitably follow from varied forms of governmental action. NAACP v. Button.

53. The respondent hereby incorporates and asserts all other rights under the First Amendment as being encompassed and represented by the previous arguments.

> "'It was not by accident or coincidence that the rights to freedom in speech and press were coupled in a single guaranty with the rights of the people peaceably to assemble and petition for redress of grievances. All these, though not identical, are inseparable.' Thomas v. Collins, 323 U.S. 516, 530, 65 S. Ct. 315, 323, 89 L. Ed. 430, 440 (1945). While the right to petition obviously encompasses activities of a traditionally political nature, its sweep is much broader and includes other forms of activity as well." Protect Our

Mountain v. District Court, 677 P.2d 1361.

> "We start with the premise that the rights to assemble peaceably and to petition for a redress of grievances are among the most precious of the liberties safeguarded by the Bill of Rights. These rights, moreover, are intimately connected, both in origin and in purpose, with the other First Amendment rights of free speech and free press."All these, though not identical, are inseparable." Thomas v. Collins, 323 U.S. 516, 530 (1945). See De Jonge v.Oregon, 299 U.S. 353, 364 (1937). The First Amendment would, however, be a hollow promise if it left government free to destroy or erode its guarantees by indirect restraints so long as no law is passed that prohibits free speech, press, petition, or assembly as such. We have therefore repeatedly held that laws which actually affect the exercise of these vital rights cannot be sustained merely because they were enacted for the purpose of dealing with some evil within the State's legislative competence, or even because the laws do in fact provide a helpful means of dealing with such an evil. Schneider v. State, 308 U.S. 147 (1939); Cantwell v. Connecticut, 310 U.S. 296 (1940)." United Mine Workers of America, District 12 v. Illinois State Bar Association et al. 1967.SCT.2844 , 389 U.S. 217, 88 S. Ct. 353, 19 L. Ed. 2d 426

PETITION FOR INJUNCTIVE RELIEF

54. Pursuant to paragraphs 1 to 53 above, Respondent respectfully requests the court to dismiss petitioner's PETITION FOR INJUNCTION AND FOR CONTEMPT CITATION for reasons consistent with her exercise of her constitutional rights, civil rights and inherent; OR alternatively, to find that Ms. Shell is not engaged in the unauthorized practice of law; AND to deny any request that the respondent be assessed court costs, expenses or attorney fees; and that the court deny any demand for restitution as there are no families seeking this remedy against Ms. Shell.

55. Respondent further respectfully requests that the Unauthorized Practice of Law Committee be enjoined from further harassing, investigating and contacting Ms. Shell for her exercise of her rights as described in paragraphs 1 to 53 above and to order the UPL committee to notify the chief judges in El Paso, Teller, Arapaho, Jefferson, and Pueblo counties that this investigation has been closed and that her activities do not constitute the unauthorized practice of law. This remedy is necessary because these courts have taken action against her in their courts and have made rulings against her respondent parent associates based solely on the existence of this investigation, a knowledge that they were not even supposed to have since a UPL investigation is supposed to be confidential. Not only has the respondent been harmed by these activities, but the families who associate with her have also been harmed. Due to the incompetent violation of confidentiality by one of the UPL investigation attorneys, the fact that Ms. Shell was under investigation was published in the Colorado Springs Gazette. She has been subjected to public humiliation, her reputation has been publicly smeared based solely on the falsehoods associated with this

investigation, and this has extended to the family rights activist community nationwide. Attorneys who desire to utilize her as a consultant and/or expert have been threatened by other attorneys and judges with ethics complaints if they associate with her. She has literally been instructed not to even acknowledge them in public. Her regular appearances on talk radio shows was severely curtailed due to this investigation. She has been thwarted at every turn in her efforts to perform her ministry as a sole and direct result of this investigation. Her freedoms of speech, advocacy, religion, association and to petition the government for redress of grievances has been severely hampered. She has suffered these deprivations and injuries for two years now. Ms. Shell demands vindication as publicly made and as encompassing as this investigation has been.

56. Respondent further respectfully requests the court to order that all government discrimination, deprivations, retaliation, recrimination, retribution, and reprisals against any individuals who associate with Ms. Shell or her organization, or against family members who seek her advocacy services, or against Ms. Shell herself, cease and desist immediately and in their entirety upon pain of sanctions and the elimination of any statutory presumption of acting in good faith.

Respectfully submitted - June 11, 2001

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Suzanne Shell - respondent