

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW</p>	<p style="text-align: center;"><b>COURT USE ONLY</b></p> <hr/> <p>Case Number: 01SA136</p>
<p>Petitioner: <b>THE PEOPLE OF THE STATE OF COLORADO</b></p> <p>Respondent: <b>SUZANNE SHELL</b></p>	
<p>Suzanne Shell 14053 Eastonville Rd. Elbert, CO 80106</p> <p>Phone number: 719-749-2971 Fax Number: 719-749-2972</p>	
<p style="text-align: center;"><b>RESPONDENT’S MOTION TO ACCEPT STIPULATION AND STAY PENDING RESOLUTION</b></p>	

Comes now respondent, Suzanne Shell and respectfully requests the court to accept the attached stipulation and in support thereof states the following facts:

1. Attorney Regulation Counsel, James C. Coyle verbally agreed, over the phone, on September 19, 2001, to allow the respondent an additional “couple of days” to submit the stipulation due to her difficulty in finding a notary public to notarize the stipulation with blank lines in the document.
2. The respondent participated in good faith in mediation with former Supreme Court Justice Jean Dubofsky on September 12, 2001. For the very first time during the pendency of this investigation and this case, the respondent was advised by the mediator of which of her activities were not allowed and why. Prior to this, the respondent had never been approached with this information, nor with the fact that her reliance on the authorities of United States Supreme Court case law and Colorado Revised Statutes was in error. The respondent is a reasonable person, of normal intelligence, who has been a law-abiding citizen in good standing in her community. She has never represented herself to be an attorney, and therefore does not represent the usual kind of risk to the legal

practice in the same manner as generally dealt with in UPL of cases. Indeed, the Assistant Regulation Counsel has recognized that the respondent, at all times, reasonably believed she was acting in good faith. The respondent asserts that a non-confrontational discussion of the issues prior to the initiation of adversarial action, including investigative activities, by the Unauthorized Practice of Law Committee and the Assistant Regulation counsel could have prevented this situation from escalating.

3. The terms of this mediation were accepted by the respondent and endorsed by Judge Dubofsky. The respondent believes that Judge Dubofsky acted in good faith during this mediation.
4. The respondent believes the Assistant Regulation Counsel has not acted in good faith during this mediation for the following reasons:
  - a. The document drafted by Assistant Regulation Counsel does not conform to the terms of the agreement represented by the mediator to the respondent. This unilateral alteration of terms demonstrates bad faith participation in the negotiation process.
  - b. The document drafted by Assistant Regulation Counsel also requires the respondent to subscribe and swear to a document that is false on its face and he has refused to correct the document to be truthful. It is not a demonstration of good faith to suborn perjury by requiring the respondent to sign a stipulation that is not honest under threat of multiple sanctions. All the respondent requested was that the document be corrected so that the respondent will not be forced to perjure herself by signing. She did not request an alteration of the drafted terms or conditions. This circumstance, where a stipulation is presented to the respondent that cannot be signed truthfully, demonstrates a bad faith effort by the Assistant Regulation Counsel to arrive at a mutually agreed upon resolution.
5. The respondent has attached the corrected stipulation with her subscribed and sworn notarized signature. The respondent advises the court that this stipulation still does not conform to the terms agreed upon during the mediation, and still represents bad faith during negotiations on the part of the Assistant Regulation Counsel. However, the respondent will stipulate to the terms stated therein and will not press for her agreed upon terms which arose out of the mediation.
6. The respondent states that she will not engage in the activities presented to her by the mediator and described in the stipulation. She understands that she cannot rely on the authorities of Supreme Court case law or Colorado Revised Statutes as guidance for which activities are permitted pertaining to this issue. Having obtained the respondent's sincere intention to comply with these requirements, there is no reason for this court to continue to prosecute this claim against the respondent unless it is the desire of this court to seek more than her assurance of compliance and the associated injunctive relief. The court may, of course, seek and obtain additional punishments and sanctions against the respondent, in spite of her intended compliance with Supreme Court requirements governing the Unauthorized Practice of Law. Further action against the respondent, in the

face of her stated compliance, can only be viewed as an abuse of process, due to her reluctance to present a false document to this court. The respondent takes every oath she swears to with grave seriousness, and cannot in good faith, present a false document to this court, no matter how many threats are employed against the respondent by the Assistant Regulation Counsel to compel her to do so. There is no threat or inducement that will compel the respondent to perpetrate such a fraud upon this court. If this court desires to use the full force of its authority and power against the respondent, who has already agreed to the terms demanded, she recognizes that she can do nothing to stop that action. The respondent relies on the stated intention of the rules governing the Unauthorized Practice of Law, which is to regulate and protect the practice of law. This Court has achieved this stated goal as of this motion and stipulation with regard to the respondent. Punitive action, including pressing forward with hearings and seeking sanctions is not required in order to obtain the respondent's compliance, and will only serve to satisfy personal issues of parties who push for it.

7. The respondent respectfully requests the court to accept this stipulation as attached and to stay further action until a resolution of this issue.

Respectfully submitted September 19, 2001

Suzanne Shell,  
Respondent

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the attached document **RESPONDENT'S MOTION TO ACCEPT STIPULATION AND STAY PENDING RESOLUTION** was placed in the U.S. mail, postage prepaid on September 20, 2001 to the following parties:

James C. Coyle  
Assistant Regulation Counsel  
Attorney for Petitioner  
600 17<sup>th</sup> Street, Suite 200 South  
Denver, CO 80202  
303-893-5302

Presiding Disciplinary Judge Roger Keithley  
600 17<sup>th</sup> Ste 510  
Denver, CO 80202  
303-825-2833

\_\_\_\_\_  
Respondent, sui juris

September 20, 2001