

Beyond Contempt

The child-protection system wants to shut down family-rights activist Suzanne Shell. And vice versa.

By Alan Prendergast

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Suzanne Shell raises chickens in rural El Paso County. It's not the world's most exciting job, but Shell's other pursuits -- which include working as an author, journalist and documentary producer, running a contentious website called ProfaneJustice.org, offering her services as an expert consultant to parents accused of abusing and neglecting their children, and generally raising hell as a prime mover in the family-advocacy movement -- manage to keep things interesting



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Mark Manger



Ruffled feathers: When Suzanne Shell isn't tending to the poultry on her farm in eastern El Paso County, she conducts seminars in parental rights around the country.

Shell's efforts to serve as an advocate for parents in what are known as D&N cases -- dependency-and-neglect investigations, in which allegations of child abuse can lead to a child's placement in foster care and even termination of parental rights -- have ruffled feathers in social-service agencies across the state. Some desperate parents see her as their only hope for justice in an epic battle against a cruel and indifferent system. But **many attorneys and child-protection professionals regard her as a divisive meddler who does more harm than good.**

*"I am this amazing, powerful woman who can walk into a courtroom and hurt a case just by being there," Shell says sarcastically. **"They're obstructing me every step of the way.** The first time I walked into the courthouse in Lincoln County a year and a half ago -- I had never been there before in my life -- they knew who I was. And I was shut down immediately."*

"I've seen her thrown out of a courtroom where she was sitting quietly in the gallery doing nothing," says Lisa Byrne, a Teller County woman whom Shell assisted in an abuse investigation. "You know what she did for me? She went with me to the courthouse. The county attorney peed down his leg when she walked around the corner. I felt like a million bucks."

Lawyers who've gone up against Shell say she can hurt, rather than help, her own clients. *"Suzanne's involvement helps me," notes Rocco Meconi, a Cañon City attorney who represents the Fremont County Department of Human Services in D&N cases. "I get paid on an hourly basis. When she's involved, we always have contested hearings, and I make a ton of money. **But it doesn't help the families or the kids.**"*

Shell's fights in Fremont County have led to a more prolonged tour of the state's justice system than she bargained for. Four years ago, after complaints from Meconi and other county officials, the Colorado Supreme Court's Office of Attorney Regulation Counsel launched an investigation of Shell for allegedly **practicing law without a license**. The case was settled with Shell signing a stipulation, in which she admitted providing legal advice to parents and drafting legal documents for them and agreed not to do so in the future. But her subsequent tussles with what she calls the "child savers" in the county -- in particular, her involvement in two D&N cases in which questions have been raised about the mental capacity of the mothers who enlisted Shell's help --

landed her in deeper trouble.

In March 2004, the Supreme Court cited Shell for contempt of court, alleging that **she'd ignored the court's 2001 order to stop unauthorized lawyering**. Last month she presented her defense before presiding disciplinary judge William Lucero, who's expected to make a recommendation on the case to the state's highest judges in a few weeks. If she's found guilty, Shell could face thousands of dollars in fines and possible jail time.

"We don't care what people like Ms. Shell believe about anything, as long as they don't press that belief and representation onto someone," says John Gleason, who heads the Colorado Supreme Court's attorney regulators. ***"The insidious nature of the harm is what we're worried about. She's attracted to people who are the most vulnerable, people who are in some horrible life situation."***

Shell argues that the contempt action is part of **an ongoing campaign by judges, attorneys and the child-protection system to violate her rights, thwart her journalistic efforts to expose the system's excesses, and smash the growing family-advocacy movement**, in which **she's emerged as a national figure. (Thanks to AFRA)** It's a clash of values, she says, one that pits those who believe fiercely in parental rights against a powerful and arrogant bureaucracy that destroys struggling families.

"My goal is to influence the way society thinks about these issues and to bring us back to a semblance of sanity," she says. *"The only way we're going to see change is if pressure is put on the system by the public in a large way."*

Shell's lawyer, Paul Grant, views her case as a critical test of the constitutional rights -- and limits -- of web-based court activists. *"The idea that outside advocates want to help consumers deal with lawyers and judges is a threat to the system as it stands,"* he says. ***"There's going to be more and more of this self-help, people going outside the system to find resources, because the Internet is such a powerful source of information. And that's going to break down the walls somewhat of a closed profession. A lot of lawyers won't like it, but the world changes."***

"This is the carriage-maker trying to protect his profession against the automobile industry. It's a fruitless exercise. But Suzanne Shell is caught in the middle. She's kind of a pioneer."

In 1974, when Suzanne Shell was seventeen years old, her father punched her in the face.

Mark Manger



A seminar session last week in Denver.

John Johnston



Information, please:
Attorney Paul Grant views
Shell as an Internet
pioneer.

It was an isolated event, but it had a profound effect on her life. Her family was investigated; despite being a straight-A student, a cheerleader and a member of the marching band at her Minnesota high school, she was labeled an "out-of-control teenager" and placed in a foster home for her entire senior year.

Compared to the horror stories of abuse and neglect in foster care that she's collected over the past decade, Shell's brush with the child-protection system was relatively benign. *"I was in a very good foster home," she says. "Still, I was nothing more than a live-in babysitter and housekeeper. And it disturbed me how the social worker and my foster parents would speak so badly about my father. That incident didn't define who he was as a father, but they felt the need to constantly undermine my relationship with him."*

Shell went on to marry, have two sons, divorce and remarry. (At seventeen, she also gave birth to a daughter that she gave up for adoption.) In 1991, after moving to Colorado, she had an even more traumatic encounter with social services when her oldest son, Jacob, accused her second husband of child abuse. Dennis Shell had spanked his thirteen-year-old stepson with a martinet, a kind of cat-o'-nine-tails with leather straps, after an argument during which the boy yelled at him. The couple was living in Elizabeth at the time, and Elbert County officials temporarily placed Jacob in foster care.

Shell says she witnessed the spanking, which was Jacob's first in nearly a year. *"I didn't feel eight swats were excessive, given his age, his size, and his offense," she writes in her self-published book, **Profane Justice: A Comprehensive Guide to Asserting Your Parental Rights**. "It was part of our clearly defined plan for discipline.... Frankly, if Dennis hadn't spanked him, I would have. He deserved it."*

Dennis Shell took his case to trial and was acquitted. Jacob eventually went to live with his father. Three years later, Shell's youngest son also made what she calls "false accusations" of abuse and moved in with his father. Neither child ended up in the custody of the state, but Shell blames "the corrupt child-protection system" for the loss of her children.

"Rather than breaking me, these trials have made me strong," she writes in her book. "I have been called to use this strength to break the profane system that destroys God's righteous families and subverts parental authority over their children."

Although her husband was acquitted, the abuse case cost the couple thousands in legal fees. Shell put an ad in the local newspaper, seeking other parents who'd had similar experiences. She compiled interviews, went online and visited libraries to research the law and find out what options parents had when they felt they were unjustly accused. *"After five years, I had a lot of the answers for what people could do to defend themselves," she says. "I didn't know what to do with it, so I wrote a book."*

Shell wrote a slim version of *Profane Justice* in two weeks in 1997. (*The second edition, published in 2001, weighs in at just under 600 pages.*) She set up a website loaded with legal information and sample pleadings and began exchanging information with family-rights groups around the country. She started her own group, the American Family Advocacy Center, which she describes as *"a network of people around the country who want to take advantage of the training I have to offer."* Soon she began conducting seminars and accepting invitations to speak at conferences.

She also began to offer her services, free of charge, as a consultant to parents enmeshed in the court system, videotaping many of their stories for what she hopes will be a documentary series exposing the excesses of the child savers. **So far, this has not proven to be a lucrative career move.**

"I don't make enough money to pay the costs of printing my books and mailing them out," she says. "When I go to seminars, I tell people to pay for my hotel and travel up front -- and they often don't, and I end up in the hole from that, too."

Many journalists would consider Shell's dual roles as family advocate and documentary producer as a conflict of interest, but she regards them as complementary activities in her crusade. She believes that child-protection workers often exaggerate abuse claims and that official transcripts are sometimes edited to suit the officials involved, so she's developed almost a mania for documenting and recording as much as possible; she even persuaded Judge Lucero to allow her husband to videotape her contempt-of-court hearing. Most courts don't allow recording devices, but in *Profane Justice*, Shell urges parents to tape every D&N hearing, even if they have to do so secretly.

Her camera has been a source of controversy in courthouses and capitol buildings. Two years ago, while covering a spanking case in Wisconsin, Shell ran afoul of a sheriff's deputy who didn't want her shooting in the Walworth County Courthouse. Shell insisted that she had permission to videotape in public areas; the dispute ended with the deputy arresting her for "obstructing an officer." The charge was later dismissed. Other unhappy encounters in court hallways over Shell's video work have prompted her to seek an escort by deputies in some jurisdictions, including El Paso County.

Mark Manger



Christine Korn made use of Shell's website in defending her daughter's case.

"I'm tired of getting kicked out of courtrooms and being accused of causing a disturbance," she says.

Her tapes are important, she adds, because she's not the only one making a record. She claims to have been followed by a tag team of police cars on drives into Colorado Springs. She's convinced that unknown forces were tapping her phones for a time, with or without a warrant. Since the courts began pursuing her over her alleged unauthorized practice of law, even cries in the night from parents desperate for guidance are not above suspicion.

*"I presume that when people call me asking me for help, it's a trap," she says. **"Every phone call that goes in or out of my house is recorded."***

Colorado's Office of Attorney Regulation Counsel receives eighty to a hundred complaints a year concerning the unauthorized practice of law (UPL). That's about 4,900 fewer complaints than it receives about lawyers behaving badly.

Most UPL reports concern immigration consultants who bilk new arrivals of their wages with promises of a green card, "estate experts" who mess up elderly clients' wills and trusts, or document-preparation companies that have gone from selling legal forms to improperly offering legal advice.

Last year, with a budget of \$3,500 devoted to such cases, the office completed seventy UPL investigations. Thirty complaints were dismissed. Fourteen were settled with a strong cautionary letter, another fourteen with informal agreements. In ten cases, the office sought an injunction.

Only two were deemed serious enough to merit contempt proceedings; one was the case of Suzanne Shell.

Hearings in attorney disciplinary matters are held in a small courtroom in an office building in downtown Denver. The room is usually sparsely populated by errant attorneys and *their* attorneys, but for the Shell matter, it was packed with her supporters.

They included Lisa Byrne, the woman from Teller County who'd sought Shell's aid in a complicated abuse investigation; a young man named Robert who was planning a public rally of mad-as-hell fathers, which would involve dressing up in fright wigs to demonstrate "how the family court system has turned us into clowns"; Linda Sanders, a paralegal who'd authored her own attack on the courts, ***Exposed! Tyranny on the Bench in Colorado***; and Christine Korn, a Penrose woman whose daughter and granddaughter are at the center of one of the D&N cases that triggered the contempt charge against Shell.

It's not often that subjects of the Supreme Court's wrath show up with their own entourage, but then, little about the Shell case is typical. Her defenders were outraged that she was on trial rather than the attorneys and social-service types she defies. After the hearing ended, they were eager to offer testimonials, to explain how Shell had provided aid and advocacy when the system was bearing down on them and their own attorneys were ignoring them -- and how she avoided crossing over the line into unlicensed lawyering herself.

"Suzanne did nothing in our case," says Korn, who testified on Shell's behalf. *"All she did was say, 'Here are the resources, here's where you can look for the answers in the law.'"*

"I was a single parent with six kids, fighting social services, my ex-husband, his family and all their attorneys," says Byrne. *"And I won. I went through two treatment plans, two psychological evaluations -- whatever I had to do to get my kids back. I tap-danced faster than you can imagine. I'm a bright woman; I can write my own stuff. But Suzanne was there to offer support."*

Parents who are in fear of losing their children, Byrne explains, will often agree to almost anything. *"It's terribly emotional, and that's why people like Suzanne are important,"* she says. *"She has the ability to be detached from the emotional aspect of it and focus on what matters. You need someone who can give you information and hope."*

Yet the kind of information Shell peddles has its own emotional wallop. ***Profane Justice*** is less a sober guide to dealing with the courts than it is a declaration of war, a take-no-prisoners guide to guerrilla tactics for God's righteous families. Although it starts with a disclaimer that the author in no way endorses child abuse, the book quickly asserts that most D&N actions are unwarranted or overblown; they are, in Shell's view, gestapo-like intrusions into family life that mistake poverty for neglect and disrupt the parents' ability to discipline their children as they see fit.

"Parental rights should only be terminated if there is credible evidence that the parents have measurably harmed the child, physically or mentally," Shell says. *"I'm talking a serious injury. The bond should not be casually severed. This is a death penalty for the family."*

The pro-spanking, home-schooling, families-first forces have won their share of victories over the years, but Shell believes that the child-protection "racket" is heavily stacked against parents -- particularly since the passage of the **Adoption and Safe Families Act**, federal legislation enacted in the late 1990s that made child safety a greater priority for child-welfare agencies than family preservation.

"The system is set up to offer financial incentives for removing children from homes, and also for

terminating parental rights and adoption," Shell says. "The money is there for putting the child in foster care, but the money is not there for providing in-home services."

Shell urges her readers not to cooperate with the child-protection system at any level. Don't let social workers into your home if you can help it. Don't talk to any investigators without a lawyer. Don't sign any releases that will allow them access to confidential medical information. If you must send your children to a public school, teach them to be wary of nosy teachers and buttinsky counselors. (Shell has also written a children's book, ***Knowing My Rules: Who Do I Trust?***, that "empowers them to be safe while being questioned.") If you see a child whom you suspect of being neglected or abused, you probably shouldn't report it, Shell suggests, since the kid could be victimized further in foster care; instead, try to help the child and the family in any way you can.

Tape everything. If it looks like the brutes might try to remove your precious dumplings from the home, hide them. If they snatch Junior anyway, plant a bug in his teddy bear so you can monitor what goes on in the foster home. And, as the case lurches toward trial, raise a barrage of constitutional issues.

The vast majority of D&N cases are resolved long before trial. A child's temporary removal from the home by law enforcement triggers a hearing and a petition to the court to determine if the child has been abused or neglected; typically, the accused parent agrees to a treatment plan that is supposed to lead to the family's reunification. Shell's approach throws a monkey wrench into the machinery, demanding jury trials and resisting the state's efforts to monitor what goes on in the home.

"They just crank these through," Shell says. "In 2000, there were nearly 3,000 D&N petitions filed in the state of Colorado and fewer than ten jury trials. What do you think would happen if everyone insisted on their right to a trial?"

Shell's crusade has a kind of quixotic appeal among accused parents, but they're not its only admirers. Last spring she was a guest of the Hawaiian legislature, the first state body to pass a law endorsing the use of family advocates in court hearings. In Colorado, though, she's had a much rougher reception. Her opponents say her brand of advocacy drags out the painful process of a D&N case, turns the entire proceeding into a hopelessly adversarial one and can end up depriving parents of their children.

"I don't think I've ever had a case where she's been involved where we have not ended up terminating parental rights," says Rocco Meconi, Shell's nemesis in Fremont County.

Meconi has tangled with other self-proclaimed family advocates, and the results are always the same. *"All these groups take the same tack: The department is bad, the courts are corrupt, the attorneys are inept, the children should be home, regardless,"* he says. *"We've had lots of cases where people like Suzanne Shell get involved, and they harden the positions to such an extent that there's no degree of trust or cooperation. Yet these cases are often so clear and extreme that when people deny things, we just move for summary judgment. The facts are not in dispute, and they're horrific."*

And Shell's claim that most abuse cases are exaggerated?

"That's garbage," he snaps. *"When I hear those kinds of comments -- and I do get that from legislators and reporters -- I say, Come look. Come with us. You'd be horrified. You'd want to know why we didn't pick up every child.' In the larger counties, Denver and El Paso, they hardly do anything unless it's incredibly egregious because they don't have the manpower. If we took on every case that warranted it, the system would be buried."*

Until a few years ago, Shell admits, she did provide legal advice and on occasion draft court documents for Colorado parents who'd sought her help. Her activities triggered complaints from the Fremont County Department of Human Services and its attorney, Meconi -- and drew a stinging rebuke from a district court judge, Julie Marshall, who **ordered Shell not to have any contact with the children in one D&N case.**

Shell insists that she never tried to contact the children, but simply delivered some school supplies in backpacks to their foster home. *"I had the camera going the whole time,"* she says. *"They called the police and said I'd dropped a bomb off at their door."*

After her first go-round with the Colorado Supreme Court over unauthorized practice of law in 2001, Shell redefined the limits of her advocacy. *"They spent a lot of time making me understand that I could not give case-specific legal advice, draft legal documents or tell people what documents to file,"* she says. *"So I changed my website. If you want my help now, your attorney has to be on board. If your attorney isn't on board, I won't help you. But I will film you if you want."*

Shell's current site requires parents to download and sign a document granting her power of attorney before she will provide services. The document doesn't give her a license to practice law -- the Supreme Court's regulators spent a lot of time explaining that to her, too -- but it does give her permission to videotape their stories and authorizes her to gain access to confidential court records and discuss the case with their lawyer. And that's exactly what she was trying to do, Shell says, in the two D&N cases that led to her contempt charge.

In early 2003 Shell faxed a seven-page letter to Pueblo attorney Daniel Kender, who represents many parents in D&N cases in Fremont County as a court-appointed counsel. Shell informed him that she was contacting him as the "agent" of one of his clients, a mother who was facing termination of parental rights after various alleged incidents of abuse and neglect of her daughter. She then directed him to file various documents on his client's behalf, including something called "admissions."

"We have had great success using admissions in the past," she wrote. *"Of course, if you feel this is inappropriate, I am requesting that you contact me immediately to explain why and to offer another alternative."*

Kender assumed Shell meant a *request* for admissions, a tool for discovery that he'd never used in D&N cases because state agencies are required to make full disclosure of their case to the defense. **He ignored the letter and Shell's requests.**

"I considered it spurious paperwork," Kender testified at Shell's contempt hearing. **"She did not have any reason to be involved in this case at all."**

A few days later, Shell sent Kender another fax. This one notified him that she'd been "engaged as an expert consultant" in another case he was handling. The client in the second case was also a mother whose daughter had been placed in a foster home; the mother, April, was developmentally disabled, and there had been recurring contacts with social services over the daughter's head lice and supposedly unsuitable living conditions.

"You are hereby directed to treat any communication with me as privileged," Shell wrote. **"The best course for April's protection is if you were to consider me part of your legal team and hire me to assist you.... As long as you are providing a vigorous defense on April's behalf, you will not be charged any fees for my services.... Delays and failures to properly**

prepare or respond will be considered ineffective assistance of counsel and malpractice."

Again, **Shell directed Kender** to file a slew of court documents that *"will raise all relevant constitutional issues. **This is not negotiable.**"*

Kender wasn't interested in hiring Shell as part of his legal team. He ignored that letter, too.

Over the next few weeks, Kender was alarmed to learn of motions in both cases filed with the court without his knowledge. The motions listed him as the respondent's attorney but were signed by the mothers themselves. The documents challenged his competence, made questionable discovery demands and, in April's case, contained admissions that Kender regarded as tantamount to a "confession" of parental neglect, damaging her defense.

Meconi urged the court to throw out the odd documents, which he considered to be poorly written and inappropriate. He knew **Kender hadn't prepared them**, and parents aren't allowed to represent themselves when they already have an attorney. He also had serious doubts that either mother had actually drafted the documents they'd signed. Another attorney in the case had described the first mother as having "significant mental problems," and Meconi regarded April as *"very limited, very malleable and easily influenced."* He'd seen similar documents on Shell's website and in other cases in which she'd become involved.

"I saw this and said, 'Here we go again,'" he recalled at Shell's hearing. *"It was clear to me that she'd become involved in these cases, as she had in others, and **was acting in a way that was damaging to the families.**"*

The first mother, who was living in California, **ultimately lost her parental rights. Kender withdrew from April's case, citing Shell's interference.** Judge Marshall was so perturbed at the situation that she held hearings on the matter, questioning April closely about the meaning of the documents she'd filed. The judge concluded that April *"did not author any of these documents and, in fact, has somewhat limited understanding of what the documents are."*

Marshall issued an unusual ruling in the case, naming Shell as a "special respondent," subject to the judge's orders. She declared that **Shell "has essentially been providing legal advice" to April's detriment and ordered her not to have any contact with April at all.**

Shell fought back in federal court, filing a lawsuit against Meconi, Kender, several employees of the Fremont County Department of Human Services and the county's district courts. Among other claims, she argued that Marshall's broad order violated her constitutional right of **freedom of association**, as well as her right as a journalist to interview sources for her documentary. Joining her as co-plaintiff in the suit was April herself, who made a strident plea to retain her advocate: *"All the defendants have acted together, behind my back, to try to use the state laws to force me to stop using Suzanne Shell as an advocate."*

Neither woman was represented by an attorney in the federal case, which was dismissed early last year and is now being appealed.

Paul Grant, Shell's attorney in the contempt case, believes that Marshall's order was out of bounds. *"That's called making it up as we go,"* he says. *"The judge has no authority to ban all contact. If the mother had been declared mentally incompetent and a guardian had been appointed, the court could act to protect her. But Suzanne certainly had legitimate claims that her rights were violated, and so were the mother's."*

Yet the federal case soon became one more exhibit in the mounting investigation of Shell

for unauthorized practice of law. Anyone can file a lawsuit on her own behalf, but Shell had signed the initial complaint on April's behalf, too, **as her "agent."** Even though April later signed for herself, the Supreme Court's regulation counsel regarded this as another instance of Shell attempting to represent someone in a legal matter and included it in the contempt citation, along with an account of Shell's alleged interference in Kender's two D&N cases.

Shell's defense to the charges was simple: There was no evidence that she knowingly violated the Supreme Court's order. Grant summoned family members of the two mothers, who swore that *they* had drafted the inflammatory court motions -- without Shell's help. Christine Korn, April's mother, testified that she'd visited several websites, including Shell's, but modified the forms she found to suit April's case and explained them to her daughter before filing them. She and April never even met Shell face-to-face until late in the case, she said, although April had granted Shell power of attorney months earlier.

"I helped to draft them with my kids," Korn said. "We were frustrated at being low-income and not being able to afford help and being stuck with whatever [attorney] they gave you."

An Oklahoma man named Steve LaBrue testified that he'd helped the mother in the other case, his girlfriend's daughter, draft her own pleadings because they, too, were frustrated with Kender's representation. *"There couldn't have been a more grassy, moss-on-the-log lawyer," LaBrue said. "Basically, he didn't do much."*

As for the federal case, Grant argued that Shell and April had a right to file their own lawsuit, however inexpertly prepared. All his client had done to get the grand poobahs of the law in such a tizzy was write the imperious letters to Kender -- which Kender blew off.

"To give strong legal directives to a lawyer is not the unauthorized practice of law," Grant said. "Has Suzanne Shell acted as an advocate? Absolutely. She advocated that a lawyer represent a family's interests."

Deputy regulation counsel James Coyle, who served as the prosecutor in the case, countered that the letters to Kender were clearly offering legal advice, in defiance of the state's highest court. "She knew of her obligations," Coyle told Judge Lucero. "It couldn't have been any clearer to her. By various means and ways, she's attempted to get around the order."

Early in the hearing, Coyle indicated that he was seeking punitive sanctions against Shell, including up to thirty days in jail. As it ended, he said he'd settle for a \$2,000 fine for each instance of contempt of court -- plus attorneys' fees and costs, of course.

Whether Shell is punished for her ferocious advocacy or not, there's no denying that she's tapped into something dark and volatile in one of the most furtive areas of the legal system. **The currents of parental rage, panic and frustration coursing through many D&N cases are what power her crusade; without them, there would be no family-advocacy movement.**

It's tempting to dismiss that movement as a collection of misfits who'd rather blame the government than confront their own faulty parenting. But Shell's clients all have stories of how they've been marginalized and humiliated by the system that was supposed to help their family. They talk about caseworkers who write devastating reports about them based on hasty and infrequent visits, court-appointed lawyers who never return phone calls or e-mails, and a bewildering labyrinth of court hearings and treatment plans that make endless demands on their patience and meager incomes.

April's mother says she went online to try to figure out what to do because no one would explain the court process to her. *"It's like being a deer in the headlights,"* Korn adds. *"April is so completely helpless to fight back. She's the person everybody in this community brings their baby to for babysitting. Kids love her. To take her own child away from her is just cruel beyond belief."*

Korn has set up a website of her own that documents April's battles. She claims that social workers have pressured April to give up her nine-year-old daughter for adoption practically since she was born and have urged her to move out of the house she shares with Korn and two brothers. Korn admits that the family is struggling financially and that the house is often messy, but she's posted photos purporting to show that it's not the "filthy and unhealthy environment" that caseworkers claim it is. She blames the head-lice problem that triggered the D&N case on her granddaughter's school and says that social services overreacted.

She started drafting court filings herself, she says, because Kender wasn't interested in fighting the Fremont Department of Human Services' allegations of neglect. *"He told us, 'You can't fight DHS,'"* she says. *"He said it was too big a monster to fight, and the fastest way to get April's daughter back was to agree to their treatment plan."*

"There are parents all over the country whose rights are being violated and who don't understand their rights," says Grant. *"If you look at the cases in Fremont County, the court-appointed lawyer has an incentive to deal cases. Like a public defender, he has to make them go away. People who want to have a jury trial -- they're a pain in the ass. He doesn't get paid more for that. He gets paid to deal cases."*

Kender says he was doing his best to represent April. *"There's two approaches to take when you get into one of these kinds of cases,"* he explains. *"One is to attack the system, and the other is to do whatever you need to do to get through it. If you attack the system, that's like walking into quicksand and wanting to attack the quicksand. Whenever that happens, you go down. You lose your children."*

After Kender withdrew from the case, another attorney was appointed to represent April. She eventually dropped her demands for a trial and admitted to the county's petition. Her daughter, who'd been in foster care for six months, was soon returned to her. That would seem to bear out the wisdom of Kender's approach, but Shell and her followers see it as one more example of the court holding kids hostage in order to pummel the parents into submission.

"People believe that if they tell the truth, the courts will do the right thing," says Shell. *"The courts aren't set up to do the right thing."*

April's case is far from over. Last fall, after being home for fifteen months without incident, her daughter was again placed in foster care. *"They're claiming that April's boyfriend is a possible pedophile, which is a bunch of BS,"* says Korn. *"I don't believe he is, but I would never take that risk. He's never been in the same room with my granddaughter alone."*

Korn insists that the latest action was **retaliation against her family for getting involved with Shell**. The removal came at the same time Korn was organizing a meeting of parents in the Penrose area who were concerned about social services and the court system. *"I was feeling really powerful,"* she says. *"We finally had people who were corroborating what we were saying, and all but two of them had never heard of Suzanne Shell. I walked into a meeting with forty people that night and told them they just took my granddaughter again. The next weekend, five people showed up. The rest jumped ship. They're scared."*

Two weeks ago, April's third court-appointed lawyer filed a motion asking to withdraw from the

case, claiming that his client and her associates had "tacitly, inferentially and directly" threatened him with ethical grievances and a lawsuit. Shell had recently written him a letter, demanding that he attend one of her seminars and informing him of her plan to "broadcast this compelling story worldwide."

"You are out of your element," she wrote. "If you are not fighting for April all the way with big brass balls, you are against her.... Whatever happens, I'll be watching and the cameras will be rolling."

Coyle says his office isn't on any particular crusade against Shell. "We're a consumer-protection agency," he says. "We don't want to regulate every conversation going on in the state. **But when it does involve harm, or it's clear several people are getting bad legal advice and their rights are affected by it, we investigate.**"

Grant points out that UPL cases tend to be complaint-driven. "It's very selective," he says. "In traffic cases in some jurisdictions, the cop acts as the prosecutor. He practices law without a license every day. Probation officers file motions asking the court to revoke someone's probation, and they aren't lawyers. Victims' advocates offer legal advice to alleged victims all the time. **The Supreme Court winks and nods at people in the system who practice law without a license.**"

Shell is only a threat to the system, Grant says, because the system is unjust. "If she's convicted of contempt, she would be made a martyr," he adds. "That would be a bigger mistake than letting her go."

<http://www.westword.com/2005-02-10/news/beyond-contempt>

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