

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED November 22, 2024 CASE NUMBER: 2023SA278
Original Proceeding in Contempt, 23UPL15	Supreme Court Case No: 2023SA278
<p>Petitioner:</p> <p>The People of the State of Colorado,</p> <p>v.</p> <p>Respondent:</p> <p>Jim Kdeen a/k/a Mazen Juma Kher, a/k/a Mazen Juma Kherdeen, a/k/a Mezen J. Kherdeen, a/k/a Jim Kher, a/k/a James Kher, a/k/a Jim Kherdeen, a/k/a Mazen Juma Kher, a/k/a Jim Bido Yentak, a/k/a Mazen J. Kherdeen, a/k/a Jim Khairuddin, a/k/a Jim Kherdeem, a/k/a Jim Kherdeen, a/k/a Jim Khewr, a/k/a Kherdeen Mazen, a/k/a Mazen J. Kaerdeem, a/k/a Mazen J. Khairuddin, a/k/a Mazen J. Kherdeem, a/k/a Mazen Juma Khairuddin, a/k/a Mazen Juma Kherdeem, a/k/a Mazen Jumaa Khairuddin, a/k/a Mazen Kaerdeem, a/k/a Mazen Khairuddin, a/k/a Mazen Kher Deen, a/k/a Mazen Kherdeem, a/k/a Mazen Kherdeen, a/k/a Mezen J. Kherdeen, a/k/a Sadiq Gazali.</p>	<p style="text-align: center;">ORDER OF COURT</p>

The court ADOPTS the Report and Recommendations to the Colorado Supreme Court entered on October 21, 2024 by Chief Judge Christopher J. Baumann acting as special master in this matter.

The court accepts the parties' Amended Stipulation and concludes that the Respondent engaged in contemptuous conduct that was offensive to the authority and dignity of the Colorado Supreme Court, as set forth in C.R.C.P. 232.24(c)(3). This matter is remanded to the special master to implement the following orders, in accordance with C.R.C.P. 232.24(c)(4).

IT IS ORDERED that the Respondent is sentenced to twenty-one (21) days of in-home detention. Respondent shall contact Chief Judge Baumann's chambers to obtain paperwork to present to Denver Pretrial Services (DPS), which shall directly supervise implementation of this sentence. Respondent is solely responsible for all costs associated with his in-home detention. Chief Judge Baumann and his staff shall conduct the data entry associated with this sentence and provide the Respondent with the paperwork for DPS to effectuate this sentence.

IT IS FURTHER ORDERED that the Respondent report for in-home detention by January 2, 2025. If the Respondent fails to report to DPS as ordered, fails to comply with any of the monitoring conditions of in-home detention, or fails to pay the required in-home detention costs as ordered, the 21-day sentence to in-home detention shall immediately convert to a 21-day sentence of confinement in the Denver County Jail, with credit for any time already served in in-home detention. If Respondent fails to report for in-home detention or jail as ordered, the special master shall issue a warrant for Respondent's arrest.

IT IS FURTHER ORDERED that Respondent pay \$2,883.00 in costs, as stipulated by the parties.

BY THE COURT, NOVEMBER 22, 2024.

DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street Denver, Colorado 80204 ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW, 23UPL15, 23SA278, 24CV385	DATE FILED October 21, 2024 3:23 PM CASE NUMBER: 2023SA278 ▲ COURT USE ONLY ▲
Petitioner: THE PEOPLE OF THE STATE OF COLORADO Respondent: JIM KDEEN, a/k/a Mazen Juma Kher; a/k/a Mazen Juma Kherdeen; a/k/a Mezen J. Kherdeen; a/k/a Jim Kher; a/k/a James Kher; a/k/a Jim Kherdeen; a/k/a Mazen Juma Kher; a/k/a Mazen J Kherdeen; a/k/a Mazen J Kherdeem; a/k/a Jim Kher; a/k/a James Kher; a/k/a Jim Kherdeen	Case Number: 23SA278, 24CV385
REPORT AND RECOMMENDATIONS TO THE COLORADO SUPREME COURT	

The Court, sitting as special master by appointment of the Colorado Supreme Court pursuant to C.R.C.P. 232.22, hereby files its Report and Recommendations to the Colorado Supreme Court pursuant to C.R.C.P. 232.24(c)(1). The Court recommends that the Colorado Supreme Court accept the First Amended Stipulation, Agreement, and Affidavit Consenting to a Finding of Contempt (“Amended Stipulation”) filed by the parties; hold Respondent in contempt; and impose a sanction of 21 days of in-home detention with the conditions set out in the Amended Stipulation.

Prior Actions

Respondent is not a licensed Colorado attorney. He is subject to an injunction issued by the Colorado Supreme Court in 2019SA64, whereby the Court expressly found that Respondent had engaged in the unauthorized practice of law and enjoined him from doing so in the future.

See Amended Stipulation Exhibits at Bates pg. 13. Respondent was personally served with a copy of the 2019SA64 injunction in January 2021. *See* Amended Stipulation Exhibits at Bates pg. 15. In Colorado Supreme Court Case No. 21SA100, he stipulated to engaging in contemptuous acts in violation of the 2019SA64 Injunctive Order, and stipulated to a finding of contempt, along with an injunctive order that authorized Colorado courts to reject his *pro se* filings if they were not accompanied by a certificate of review from a licensed attorney. *See* Amended Stipulation Exhibits at Bates pgs. 16-132 (21SA100 Stipulation); 133-136 (21SA100 Report of Hearing Master); 137-138 (Order of Court finding Respondent in Contempt).

Procedural History

This action arises out of a Petition for Contempt filed by the People on October 23, 2023. The Colorado Supreme Court appointed the Chief Judge of Colorado's Second Judicial District or his designee as a special master on November 20, 2023, and issued an Amended Contempt Citation and Order to Show Cause on December 1, 2023. The People moved for Substituted Service on December 20, 2023. The District Court denied the Motion, and the People made additional attempts to serve Respondent. When those additional attempts were unsuccessful, the People filed a Second Motion for Substituted Service, which the District Court granted, and thereafter issued a Second Amended Contempt Citation. The People served Respondent as ordered, and Respondent appeared for a Contempt Advisement before the court on May 1, 2024, where he made no arguments that service of process was ineffective. He later stipulated that he was subject to the Court's jurisdiction in this matter. *See* Amended Stipulation at ¶ 1. The Court therefore finds that Respondent has consented to this Court's jurisdiction in this matter.

At the Contempt Advisement, the Court advised Respondent of his rights and set a Contempt Hearing for August 6, 2024. At first, Respondent asked for an appointment of counsel,

but after reviewing the forms required for appointment of counsel, declined to complete them and withdrew his request for an appointment of counsel. Respondent and the People filed a series of prehearing motions, which the Court addressed at a July 11, 2024 status conference. The Court then addressed any remaining issues at a July 26, 2024 pre-hearing conference with the parties. The parties then filed their fully executed Stipulation on August 1, 2024, and the Court accordingly vacated the hearing and prepared this Report. The parties filed an Amended Stipulation thereafter, which included a stipulation to this Report.

Findings of Fact and Conclusions of Law

Based on the parties' Amended Stipulation, the Court finds that despite the 21SA100 contempt action, and despite having actual knowledge of the Injunctive Order issued in 2019SA64, Respondent engaged in additional contemptuous conduct in violation of the 2019SA64 Order, as alleged in plain language and with sufficient particularity in the People's Petition for Contempt filed in this action and incorporated into the Amended Stipulation. Based on the Amended Stipulation the Court finds, beyond a reasonable doubt, that Respondent knowingly engaged in the unauthorized practice of law described in the People's Petition in violation of the 2019SA64 Injunctive Order despite having actual knowledge of the 2019SA64 Injunctive Order and despite having an ability to comply with the 2019SA64 Injunctive Order.

Specifically, after he was served with the 2019SA64 Injunctive Order, in the United States District Court for the District of Colorado, Respondent filed Case No. 23-cv-01013-SBP, *Deen et al v. Colorado Supreme Court et al*, on April 21, 2023. In that action Respondent represents not only himself as a plaintiff, but also the Kher Mosque, a "Colorado Non-Incorporated Non Profit Organization," serving in a representative capacity despite his status as a non-attorney. *See* Amended Stipulation Exhibits at Bates pgs. 139-147.

In Arapahoe County District Court Case No. 2021CV31613, Respondent was a *pro se* defendant along with Sarasaty Soekarso. Respondent filed a Motion to Dismiss on October 22, 2021, on behalf of himself and Ms. Soekarso. He continued to file various motions in a representative capacity. While the defendants were represented by counsel for some time, once counsel withdrew, Respondent's unauthorized practice of law resumed. *See* Amended Stipulation Exhibits at Bates pgs. 170-230.

Respondent's unauthorized practice of law continued in a related consolidated action, 21MD18. There, he represented Sun Valley Assisted Living and Sun Villa Assisted Living. *See* Amended Stipulation Exhibits at Bates pg. 231-263. The consolidated action also involved a related Jefferson County District Court action, 21CV175, in which Respondent represented Sun Valley Assisted Living LLP, Sun Villa Assisted Living LLC, Sarasaty Soekarso, and himself. *See* Amended Stipulation Exhibits at Bates pg. 264-267. Likewise, in 21CA1700, Respondent represented himself, Ms. Soekarso, Sun Valley Assisted Living, and Sun Villa Assisted Living in an attempted appeal of 21CV31613. *See* Amended Stipulation Exhibits at Bates pgs. 450-454. While Respondent's unauthorized practice of law in these matters demonstrates his overall pattern of misconduct, the Court's findings of contempt are only based upon his contemptuous conduct that occurred after December 1, 2021. *See* Amended Stipulation at ¶ 5.

On June 28, 2023, SSS LLC filed an action against Respondent and Royal Centers Corp., among other defendants, Arapahoe County Court Case No. 2023C39602. On July 12, 2023, Respondent filed an Answer on behalf of himself, Sarasaty Soekarso, Sahra Moalim, and Royal Centers Corp., serving in a representative capacity despite his status as a non-attorney. In the Answer Respondent admitted his use of a variety of aliases. Respondent's Answer also asserts counterclaims that he values at \$1,000,000. In that matter Respondent was appropriately

admonished for engaging in the unauthorized practice of law. *See* Amended Stipulation Exhibits at Bates pg. 148-169.

Corporations cannot represent themselves *pro se* or through their principals or corporate officers in Colorado – they must be represented by attorneys in litigation (with exceptions not applicable here). *See Woodford Mfg. Co. v. A.O.Q., Inc.*, 772 P.2d 652, 653 (Colo. App. 1988). Representing another person in legal proceedings is, likewise, the unauthorized practice of law when committed by a nonlawyer. *See People v. Shell*, 148 P.3d 162, 171 (Colo. 2006); *Denver Bar Assn. v. P.U.C.*, 154 Colo. 273, 279, 391 P.2d 467, 471 (1964). The Court finds that Respondent’s legal representation of other individuals and legal entities constitutes the unauthorized practice of law pursuant to C.R.C.P. 232.2(b) and the case law cited above. The Court finds that Respondent engaged in the unauthorized practice of law described above with actual knowledge of the 2019SA64 Injunctive Order, which specifically prohibited him from engaging in the unauthorized practice of law.

The Court further finds that Respondent has committed contemptuous conduct that was offensive to the authority and dignity of the Colorado Supreme Court. The Court therefore recommends that the Colorado Supreme Court hold Respondent in contempt for the unauthorized practice of law pursuant to Colo. RPC 232.22-232.24.

The parties have stipulated to the following sentence:

Twenty-one days of in-home detention. Respondent will be solely responsible for coordination of in-home detention through the City & County of Denver Department of Public Safety, Community Corrections Division, and will be responsible for compliance with its terms. Respondent shall also be solely responsible for all costs associated with in-home detention. If Respondent fails to report to Community Corrections as-ordered, fails to comply with any of the monitoring conditions of in-home detention, or fails to pay the required in-home detention costs as-ordered, the 21-day sentence to in-home detention will immediately convert to a 21-day sentence of confinement in county jail, with credit for time already served in in-home detention. If Respondent fails to report for in-home detention or jail as ordered, the Court shall issue a warrant for his arrest.

This Court recommends the Supreme Court accept the parties' stipulation and impose the stipulated sentence, which is proportionate to Respondent's contemptuous acts and is in accord with other Colorado cases. Colorado courts have imposed jail time for somewhat similar contemptuous conduct. In *In re Boyer*, 988 P.2d 625, 627–28 (Colo. 1999), the Court declined to impose jail time but synthesized three other contempt cases – *People v. Koransky*, 844 P.2d 668 (Colo. 1993); *Unauthorized Practice of Law Comm. v. Prog*, 761 P.2d 1111, 1116 (Colo. 1988); and *Unauthorized Practice of Law Comm. v. Grimes*, 654 P.2d 822, 826 (Colo. 1982). Koransky, Prog, and Boyer escaped jail time, but Grimes was sentenced to six months in county jail, with all but ninety days suspended.

Likewise, out-of-state cases have imposed jail sentences for repeated violations of an injunctive order prohibiting the unauthorized practice of law. See *The Florida Bar v. Schramek*, 670 So. 2d 59 (Fla. 1996) (90 days, with 60 suspended); *Matter of Powell*, 658 N.E.2d 572 (Ind. 1995) (90 days); *Cleveland Bar Assn. v. Boyd*, 2009-Ohio-5534, 123 Ohio St. 3d 1432, 915 N.E.2d 341 (30 days, with 23 days suspended); *Clark v. Mortenson*, 93 F. App'x 643, 651 (5th Cir. 2004) (10 days); *Ohio State Bar Assn. v. West*, 2010-Ohio-4502, 126 Ohio St. 3d 1572, 934 N.E.2d 347 (5 days).

Here, Respondent is 70 years old, and his unauthorized practice of law has involved the representation of family members and closely-held corporations, rather than the collection of legal fees from third-parties. The Court therefore agrees with the parties that a sentence to in-home detention is appropriate.

In sum, this Court recommends that the Colorado Supreme Court:

1. Accept the parties' Amended Stipulation and find that, beyond a reasonable doubt, Respondent has knowingly violated the 2019SA64 Injunctive Order through

his unauthorized practice of law after December 1, 2021, as described in the Petition for Contempt, despite his ability to comply with the Order.

2. Sentence Respondent to twenty-one days of in-home detention and order Respondent to be solely responsible for coordination of in-home detention through the City & County of Denver Department of Public Safety, Community Corrections Division, and for compliance with its terms. Respondent shall also be solely responsible for all costs associated with in-home detention. The Supreme Court should order Respondent to report for in-home detention within 35 days of the Supreme Court's acceptance of the parties' Amended Stipulation. If Respondent fails to report to Community Corrections as-ordered, fails to comply with any of the monitoring conditions of in-home detention, or fails to pay the required in-home detention costs as-ordered, the 21-day sentence to in-home detention should immediately convert to a 21-day sentence of confinement in county jail, with credit for time already served in in-home detention. If Respondent fails to report for in-home detention or jail as ordered, the Supreme Court should issue a warrant for his arrest.

3. Order Respondent to pay \$2,883.00 in costs, as stipulated by the parties. *See* Amended Stipulation at ¶8.

ORDERED by this Court this 21st day of October, 2024.



Christopher J. Baumann
Chief Judge
Second Judicial District