

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: October 11, 2019 CASE NUMBER: 2019SA64
Original Proceeding in Unauthorized Practice of Law, 18UPL71	
Petitioner: The People of the State of Colorado, v. 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 Juma Kherdeen, a/k/a Mazen J Kherdeen, a/k/a Jim Kher, a/k/a James Kher, a/k/a Jim Kherdeen.	Supreme Court Case No: 2019SA64
ORDER OF COURT	

Upon consideration of the Order Entering Default Judgment Under C.R.C.P. 55(b) and Report of Hearing Master Under C.R.C.P. 236(a) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that Respondent, JIM KDEEN a/k/a MAZEN JUMA KHER; a/k/a MAZEN JUMA KHERDEEN; a/k/a MEZEN J. KHERSEEN; a/k/a JIM KHER; a/k/a JAMES KHER; a/k/a JIM KHERDEEN, shall be, and the same hereby is, ENJOINED from engaging in the Unauthorized Practice of Law in the State of Colorado.

IT IS FURTHER ORDERED that Respondent, JIM KDEEN a/k/a MAZEN JUMA KHER; a/k/a MAZEN JUMA KHERDEEN; a/k/a MEZEN J. KHERSEEN; a/k/a JIM KHER; a/k/a JAMES KHER; a/k/a JIM KHERDEEN, is assessed costs in the amount of \$224.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within thirty (30) days of the date of this order.

IT IS FURTHER ORDERED that Respondent jointly and severally pay of fine in the amount of \$500.00.

BY THE COURT, OCTOBER 11, 2019

SUPREME COURT, STATE OF COLORADO
ORIGINAL PROCEEDING IN THE
UNAUTHORIZED PRACTICE OF LAW BEFORE
THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1300 BROADWAY, SUITE 250
DENVER, CO 80203

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. KHERSEEN; a/k/a JIM KHER; a/k/a JAMES
KHER; a/k/a JIM KHERDEEN

Case Number:

19SA064

**ORDER ENTERING DEFAULT JUDGMENT UNDER C.R.C.P. 55(b)
AND REPORT OF HEARING MASTER UNDER C.R.C.P. 236(a)**

In this unauthorized practice of law matter, Jim Kdeen (“Respondent”) defaulted. The Presiding Disciplinary Judge (“the PDJ”) thus deemed admitted the allegations that Respondent engaged in the unauthorized practice of law by holding himself out as permitted to provide legal services and by providing legal services. The PDJ recommends that the Colorado Supreme Court enjoin Respondent from the further unauthorized practice of law and order him to pay a fine and costs.

I. PROCEDURAL HISTORY

Jacob M. Vos of the Office of Attorney Regulation Counsel (“the People”) filed a “Petition for Injunction” with the Colorado Supreme Court on April 12, 2019, alleging that Respondent engaged in the unauthorized practice of law and seeking fines for each incident of unauthorized practice of law and an injunction against him engaging in any further instances of the unauthorized practice of law. The Colorado Supreme Court issued an “Order of the Court” on May 31, 2019, referring this matter to the Presiding Disciplinary Judge “to prepare a report setting forth findings of fact, conclusions of law, and recommendations” under C.R.C.P. 234(f) and 236(a).

The PDJ issued an “Order to Show Cause Under C.R.C.P. 234-236” on June 6, 2019, requiring Respondent to answer the People’s petition on or before June 20, 2019. But Respondent did not file an answer and the People moved for entry of default on July 10, 2019. The PDJ granted the motion and issued an “Order Entering Default Under C.R.C.P. 55(a)” on August 1, 2019. The People then filed a “Motion for Default Judgment” on August 7, 2019, to which Respondent did not respond.

II. PETITIONER'S MOTION FOR DEFAULT JUDGMENT

The People have followed the procedure for default judgments set forth in C.R.C.P. 55 and 121 section 1-14 by showing valid service on Respondent; submitting an affidavit indicating that venue is proper and that Respondent is not a minor, an incapacitated person, an officer of the state, or in the military; and filing a statement of costs. Accordingly, the PDJ **GRANTS** the People's "Motion for Default Judgment."

III. FACTS ESTABLISHED BY DEFAULT AND CONCLUSIONS OF LAW

The PDJ issues the following report to the Colorado Supreme Court under C.R.C.P. 236(a).

Factual Findings

Respondent lived in Denver, Colorado, during the events outlined below.¹ Respondent is not licensed to practice law in Colorado or in any other state.

Respondent organized and operates a Colorado nonprofit corporation called The Legal Theft Busters, which does business as weZpeople Advocacy Group. Respondent advertises this business on Facebook. The Legal Theft Busters does not employ licensed attorneys.

Rhonda Devers and Rachele Davis (collectively, "the tenants") were roommates living in a residence owned by Andrew Bostwick and located at 15804 East Robins Drive, Denver, Colorado ("the residence"). Devers invested several thousand dollars into repairs and upgrades, hoping ultimately to purchase the residence from Bostwick. Devers, however, was unable to qualify for a mortgage loan to purchase the residence due to her poor credit rating.

Devers then enlisted the help of Respondent, who advised her that he could improve her credit rating to qualify for a mortgage. Devers was still unsuccessful in obtaining a loan despite Respondent's assistance, and Bostwick eventually requested that the tenants move out of the residence.

Following Bostwick's request for the tenants to move out, Respondent began sending Bostwick letters threatening him with "court action."² Respondent also told the tenants to remain in the residence and to fight Bostwick's attempts to evict them because they had "put money into upgrading the house."³ In November 2018, Bostwick commenced formal forcible entry and detainer proceedings in Denver County Court ("the FED action") against the tenants, alleging failure to pay monthly rent due October 15, 2018. After an initial

¹ The People state that Respondent has since moved to Bethesda, Maryland.

² Pet. for Inj. ¶ 19 (Apr. 12, 2019).

³ Pet. for Inj. ¶ 20.

failure to provide proper service, the date for the tenants to appear in court or to file an answer was set for November 30, 2018.

Respondent signed and filed an answer in the FED action on November 29, 2018, listing himself as the defendant. Respondent listed “ownership interest and lis pendens rights”⁴ as the basis to deny Bostwick possession of the residence, and stated that Bostwick had “no legal rights/is not an owner or manager – property is owned by Rhonda Devers,”⁵ and noted that he would be asserting a counterclaim.

On the same day, Respondent filed a separate answer in the FED action, which was verified by the tenants and stated as the tenants’ defense: “there are no damages and nothing is due because of all the upgrades that have been done to the house. We are actually owed money for the upgrades that were approved by the Plaintiff since we were buying the house.”⁶ Additionally, Respondent signed and filed a “Motion to File Answer to FED Without Payment of Fees” on November 29, which listed himself in the caption as the attorney for the tenants. The court entered a minute order on November 29 stating that the motion would be heard on November 30.

The return hearing occurred as scheduled on November 30, 2018. Bostwick was present, but the tenants failed to appear and the court entered a judgment for possession against both of the tenants. The court noted that “interloper Kdeen” appeared the previous day to file papers but that the answer and motion were “legally ineffective.”⁷

On November 30, 2018, Respondent filed yet another answer, this one verified by Devers. Portions of the answer that Devers had written were crossed out based on Respondent’s advice. On the same day, Respondent also filed a “Motion to Move this Case to District Court since this Case is Real Estate Ownership Not Rent/Leases as Claimed by Plaintiff.” Respondent listed himself in the caption as:

Jim Kdeen, Non-Colorado Licensed Attorney and Counselor-At-Law, Founder, Member and Interim Chairman of weZpeople Advocacy Group, a Colorado Non-Profit Charitable Subsidiary of The Legal Theft Busters, a Colorado Non-Profit Organization [which] specializes in the Exposure of the Corrupt Judges and the whole “*in*”Justice, skewed and Rotten System. Founded in 2003.⁸

In the motion, Respondent contended that the tenants were in fact owners of the residence, and that Bostwick had fraudulently manufactured “a lease that never existed.”⁹ Rather, Respondent alleged, Bostwick had sold the residence to Devers and she was to

⁴ Pet. for Inj. ¶ 32.

⁵ Pet. for Inj. ¶ 33 (emphasis in original).

⁶ Pet. for Inj. ¶ 35.

⁷ Pet. for Inj. ¶ 45.

⁸ Pet. for Inj. ¶ 53.

⁹ Pet. for Inj. ¶ 55.

make mortgage payments. Respondent characterized Bostwick as “an abuser, a con and a money-hungry person.”¹⁰ Respondent further stated that the FED action was “intentionally Frivolous, Vexatious, Malicious and Groundless.”¹¹ Respondent also asserted a counterclaim against Bostwick for \$300,000.00, requested the court to issue a deed to the tenants for the residence, and requested a jury trial.

That same day, Respondent signed and filed a motion with the following title:

MOTION TO RECUSE JUDICIAL OFFICER CAMPBELL AND ALL DENVER COUNTY COUNTY JUDICIAL OFFICERS FROM THIS KDEEN’S CASE AND ALL KDEEN CASES AT DENVER COUNTY COUNTY COURT SINCE KDEEN HAS FILED A LAWSUIT NAMING SCHWARTZ, CAMPBELL AND SPAHN AS DEFENDANTS AMONG OTHER 14 DEFENDANTS; QUICK NOTE TO BOTH COURTROOM 104 AND 175 RE ANSWERS FILED THAT DUE TO SHORT TIME AVAILABLE WILL BE FILED THROUGH DENVER COUNTY COURT FAX #720-765-8259 AND E-MAILED TO PLAINTIFF at Bostwick.atlanta@ymail.com AND JUDICIAL OFFICER BRIAN CAMPBELL AT brian.campbell@DenverCountyCourt.org.¹²

In the caption of the motion, Respondent listed himself as “Jim Kdeen, Non-Colorado Licensed Attorney and Counselor-at-Law,”¹³ with the same string of affiliations as listed on the motion to move the case to district court.

Also on November 30, 2018, Respondent signed and filed a “Motion to Reconsider Motion to File without Fees.” Respondent referred to himself as a defendant in the motion, and argued that he should be excused from paying filing fees because he was concurrently in bankruptcy proceedings.

At a hearing held on December 3, 2018, Bostwick appeared but the tenants did not. The minute order entered by the court noted that Respondent’s participation was irrelevant because the named defendants moved out of the residence the prior weekend.

On December 4, 2018, Respondent signed and filed in the FED action a “Notice of Appeal and Designation of Record.” As issues on appeal, Respondent listed: “1. NO JURISDICTION, PREJUDICE – JUDICIAL OFFICER CAMPBELL HAS BEEN RECUSED FROM KDEEN CASES; 2. ABUSE OF JUDICIAL POWER; 3. JUDGEMENT WITHOUT TRIAL.”¹⁴ The appeal bond was set by the court on December 6, 2018; when the clerk called Devers to inform her of the bond amount, however, Devers told the clerk that she had no knowledge of the appeal being filed and did not want to appeal.

¹⁰ Pet. for Inj. ¶ 58.

¹¹ Pet. for Inj. ¶ 59.

¹² Pet. for Inj. ¶ 62.

¹³ Pet. for Inj. ¶ 63.

¹⁴ Pet. for Inj. ¶ 76.

The Appeal Clerk of Denver County Court deemed the appeal abandoned as of December 21, 2018, because no appeal bond had been posted and no transcript ordered.

Legal Standards Governing the Unauthorized Practice of Law

The Colorado Supreme Court, which exercises exclusive jurisdiction to define the practice of law within the State of Colorado,¹⁵ restricts the practice of law to protect members of the public from receiving incompetent legal advice from unqualified individuals.¹⁶ To practice law in the State of Colorado, a person must have a law license issued by the Colorado Supreme Court, unless a specific exception applies.¹⁷

Colorado Supreme Court case law holds that “an unlicensed person engages in the unauthorized practice of law by offering legal advice about a specific case, drafting or selecting legal pleadings for another’s use in a judicial proceeding without the supervision of an attorney, or holding oneself out as the representative of another in a legal action.”¹⁸ A nonlawyer holding himself or herself out as an authorized attorney engages in the unauthorized practice of law.¹⁹ The Colorado Supreme Court has further determined that one who acts “in a representative capacity in protecting, enforcing, or defending the legal rights and duties of another and in counseling, advising and assisting that person in connection with these rights and duties” engages in the practice of law.²⁰

Here, Respondent provided legal advice to the tenants about how they should proceed with the eviction proceedings. Specifically, Respondent told the tenants they had a property interest in the residence and that they should not move out. Respondent also filed multiple documents with the court on the tenants’ behalf. These filings listed Respondent’s name in the caption, designating himself as a “Non-Colorado Licensed Attorney and Counselor-at-law,”²¹ and the documents were signed by Respondent. At least one of these filings Devers did not know about, nor did she approve the course of action reflected

¹⁵ C.R.C.P. 228.

¹⁶ *Unauthorized Practice of Law Comm. v. Grimes*, 654 P.2d 822, 826 (Colo. 1982); see also *Charter One Mortg. Corp. v. Condra*, 865 N.E.2d 602, 605 (Ind. 2007) (“Confining the practice of law to licensed attorneys is designed to protect the public from the potentially severe consequences of following advice on legal matters from unqualified persons.”); *In re Baker*, 85 A.2d 505, 514 (N.J. 1952) (“The amateur at law is as dangerous to the community as an amateur surgeon would be.”).

¹⁷ See C.R.C.P. 201-227.

¹⁸ *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006).

¹⁹ See *Binkley v. People*, 716 P.2d 1111, 1114 (Colo. 1986) (“Anyone advertising as a lawyer holds himself or herself out as an attorney, attorney-at-law, or counselor-at-law and, if not properly licensed, may be held in contempt of court for practicing law without a license.”); *People ex rel. Attorney General v. Castleman*, 88 Colo. 207, 207, 294 P.2d 535, 535 (1930) (finding unlicensed person in contempt by engaging in unauthorized practice of law by advertising himself as a lawyer); *People ex rel. Colo. Bar Ass’n v. Taylor*, 56 Colo. 441, 444, 138 P. 762, 764 (1914) (same).

²⁰ *Shell*, 148 P.3d at 171 (quotation omitted).

²¹ A “Non-Colorado Licensed Attorney” is not a designation that authorizes the practice of law. See C.R.C.P. 201-227.

therein. Moreover, these filings made legal arguments to the court and involved legal terms of art, including citing his “lis pendens rights”²² and asserting that the FED action was “Frivolous, Vexatious, Malicious and Groundless.”²³ The PDJ concludes that Respondent, through these actions, engaged in the unauthorized practice of law and should be enjoined from further such conduct.

Restitution, Fines, and Costs

C.R.C.P. 236(a) provides that if a hearing master makes a finding of the unauthorized practice of law, the hearing master shall also recommend that the Colorado Supreme Court impose a fine ranging from \$250.00 to \$1,000.00 for each such incident.²⁴ Because Respondent was previously enjoined from the unauthorized practice of law,²⁵ the People state that a fine of \$500.00 is appropriate, and the PDJ agrees.


The People filed a statement of costs, attached as exhibit A to their motion for default judgment, reflecting an administrative cost in the amount of \$224.00.²⁶ These costs appear reasonable. Relying on C.R.C.P. 237(a), the PDJ recommends an award of the full amount of costs requested.

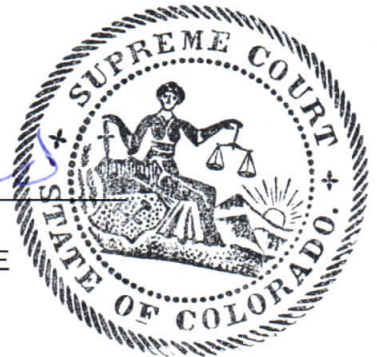
The People do not request restitution. Therefore, the PDJ does not recommend an award of restitution.

IV. RECOMMENDATION

The PDJ **RECOMMENDS** that the Colorado Supreme Court **FIND** that Respondent engaged in the unauthorized practice of law and **ENJOIN** him from the unauthorized practice of law. The PDJ further **RECOMMENDS** that the Colorado Supreme Court enter an order requiring Respondent to pay a **FINE** of \$500.00 and to pay **COSTS** in the amount of \$224.00.

DATED THIS 5th DAY OF SEPTEMBER, 2019.


WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE



²² Pet. for Inj. ¶ 32.

²³ Pet. for Inj. ¶ 59.

²⁴ See *People v. Adams*, 243 P.3d 256, 267 & n.7 (Colo. 2010) (holding that a respondent who provided legal services to five separate individuals engaged in five instances of the unauthorized practice of law for purposes of C.R.C.P. 236).

²⁵ See *People v. James Kher, a/k/a Mazen Juma Kherdeen*, 04SA148.

²⁶ See C.R.S. § 13-16-122 (setting forth an illustrative list of categories of “includable” costs in civil cases, including “[a]ny fees for service of process”).

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