

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: January 6, 2022 CASE NUMBER: 2021SA100
Office of Attorney Regulation Counsel 2020UP67	
<b>Petitioner:</b>  The People of the State of Colorado,  <b>v.</b>  <b>Respondent:</b>  Jim Kdeen.	Supreme Court Case No: 2021SA100
ORDER OF COURT	

Upon consideration of the Report of Hearing Master Under C.R.C.P. 239(a) filed in the above cause, and now being sufficiently advised in the premises,

The Supreme Court of Colorado finds 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 J. Kherdeen in contempt of the Supreme Court's order of injunction in case number 2019SA64, dated October 11, 2019.

IT IS ORDERED that the Respondent be fined \$2000.00, to be suspended upon Jim Kdeen's future compliance with the injunction entered in case number 2019SA64 on October 11, 2019.

IT IS FURTHER ORDERED that Jim Kdeen is assessed costs in the amount of \$2,224, subject to a payment plan requiring him to pay the People \$100.00 per month beginning (28) days from the date of this order.

IT IS FURTHER ORDERED that the Supreme Court restricts Jim Kdeen's ability to submit filings pro se in Colorado courts. All Colorado courts are to reject any of Jim Kdeen's filings as a proponent of a claim (i.e., as a plaintiff, third party claimant, cross-claimant, or counter-claimant) unless such filings are accompanied by a certification from a licensed Colorado lawyer affirming that she or he has read the pleading; that to the best of her or his knowledge, information and belief formed after reasonable inquiry, the pleading is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that the pleading is not interposed for any improper purposes, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

BY THE COURT, EN BANC, JANUARY 6, 2022.

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN CONTEMPT BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
<b>Petitioner:</b> THE PEOPLE OF THE STATE OF COLORADO  <b>Respondent:</b> 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 J Kherdeen	Case Number: <b>21SA100</b>
<b>REPORT OF HEARING MASTER UNDER C.R.C.P. 239(a)</b>	

In this contempt matter, the Presiding Disciplinary Judge (“the PDJ”) recommends that the Colorado Supreme Court approve the parties’ stipulation, hold Jim Kdeen (“Respondent”) in contempt for violating an injunctive order of the Colorado Supreme Court, fine him \$2,000.00—to be suspended on his compliance with his existing order of injunction—require him to pay costs, and restrict his ability to pro se file pleadings with Colorado courts.

### I. BACKGROUND

On March 26, 2021, Jacob M. Vos, Office of Attorney Regulation Counsel (“the People”), filed a “Petition for Contempt Citation” against Respondent.<sup>1</sup> The People alleged that Respondent should be held in contempt for violating a prior order of the Colorado Supreme Court. The Colorado Supreme Court issued a “Contempt Citation” on April 1, 2021. Respondent did not respond to the petition or the citation. On May 17, 2021, the Colorado Supreme Court appointed the PDJ as hearing master and referred this case to the PDJ to prepare a report setting forth findings of fact, conclusions of law, and recommendations.

In summer 2021, the PDJ decided multiple motions Respondent filed, including motions to dismiss and motions to recuse. On July 15, 2021, the PDJ issued an “Order Re: Filings and Setting Scheduling Conference,” accepting Respondent’s omnibus denial as an answer and directing the parties to set a scheduling conference. Respondent refused to participate in setting the scheduling conference, accusing the PDJ and the People of harassment. The PDJ went forward with the scheduling conference via the Zoom

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<sup>1</sup> See Stip. Ex. 1.

videoconference platform on August 2, 2021.<sup>2</sup> Vos appeared at the scheduling conference on behalf of the People; Respondent did not attend. At that conference, the PDJ reviewed Respondent's rights under C.R.C.P. 107(d) and set a contempt hearing for December 13 and 14, 2021. The scheduling conference was memorialized in a scheduling order and an amended scheduling order, both of which were sent to Respondent via email and first-class mail.

On November 22, 2021, the PDJ held an in-person prehearing conference. Vos attended on the People's behalf. Respondent did not appear, though he had been ordered to attend the prehearing conference in multiple orders.<sup>3</sup> At the prehearing conference, the People asked the PDJ to issue a warrant for Respondent's arrest. In a prehearing conference order, the PDJ warned Respondent that an arrest warrant might issue if Respondent failed to respond in writing, stating his intention either to participate in the upcoming contempt hearing or to explicitly waive his right to participate. Respondent did not file such a notice; instead, the parties filed on December 1, 2021, a "Stipulation, Agreement and Affidavit Consenting to a Finding of Contempt."

## **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In the stipulation, Respondent admits the allegations in the People's petition for contempt citation and pleads guilty to contempt. The petition provides that Respondent, who is not licensed in Colorado as a lawyer, was enjoined from engaging in the unauthorized practice of law on October 11, 2019, in case number 2019SA64; that the order was a lawful order of the Colorado Supreme Court directing Respondent to cease engaging in the unauthorized practice of law; that the People served Respondent with the order on January 21, 2021; that Respondent knew of the order; and that although Respondent had the ability to comply with the order, he did not. The petition states that Respondent engaged in the unauthorized practice of law, including by repeatedly identifying himself in pleadings and in correspondence as a "non-Colorado Licensed Attorney."

The parties agree that Respondent should be found in contempt of the Colorado Supreme Court's order of injunction issued on October 11, 2019. The parties stipulate that, in exchange for Respondent's voluntary guilty plea to contempt, the PDJ recommend the issuance of a \$2,000.00 fine, to be suspended upon Respondent's future compliance with the injunction entered in case number 2019SA64 on October 11, 2019, which prohibited him from engaging in the practice of law.<sup>4</sup> The parties also agree that the People will dismiss

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<sup>2</sup> See "Amended Scheduling Order Unauthorized Practice of Law (Contempt)" at 1 n.2 (Aug. 18, 2021) (describing the PDJ's attempts to involve Respondent in setting the scheduling conference).

<sup>3</sup> See "Order Re: Prehearing Conference" at 1 (Nov. 23, 2021) (cataloging the PDJ's orders directing Respondent to attend the prehearing conference).

<sup>4</sup> C.R.C.P. 239(a) provides that if the matter proceeds to trial and the hearing master makes a finding of contempt but does not recommend imprisonment, then the hearing master "shall recommend that a fine be imposed for each incident of contempt; the minimum fine for each incident shall be not less than \$2000 and not more than \$5000." Here, the PDJ recommends that the Colorado Supreme Court approve the parties' agreement to suspend enforcement of a fine, as no hearing was held in this case. Further, the PDJ interprets

pending requests for investigation that address Respondent's similar conduct during the past year.

The parties stipulate that neither jail time nor an order of restitution should be imposed as a sanction for Respondent's contempt. The parties agree, however, that Respondent should be ordered to pay costs in the amount of \$2,224.00, subject to a payment plan of \$100.00 per month.<sup>5</sup>

Finally, the parties stipulate that an order should enter restricting Respondent's ability to submit pro se filings in Colorado courts. They request that the order direct all Colorado courts to reject Respondent's filings as a proponent of a claim (i.e., as a plaintiff, third-party claimant, cross-claimant, or counter-claimant) unless such filings are accompanied by a certification from a licensed Colorado lawyer affirming that she or he has read the pleading; that to the best of her or his knowledge, information, and belief formed after reasonable inquiry, the pleading is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that the pleading is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

### **III. ORDER AND RECOMMENDATION**

The PDJ **APPROVES** the stipulation of the parties. Subject to the Colorado Supreme Court's approval of the parties' stipulation, the PDJ **VACATES** the hearing set for December 13 and 14, 2021.

The PDJ **RECOMMENDS** that the Colorado Supreme Court **APPROVE** the stipulation of the parties, **FIND** that Jim Kdeen has engaged in the unauthorized practice of law in contempt of the Colorado Supreme Court's order of injunction in case number 2019SA64, dated October 11, 2019, and **HOLD** him in **CONTEMPT**. The PDJ further **RECOMMENDS** that the Colorado Supreme Court **FINE** Jim Kdeen \$2,000.00, to be suspended upon Kdeen's future compliance with the injunction entered in case number 2019SA64 on October 11, 2019, and **ORDER** Jim Kdeen to pay **COSTS** of \$2,224.00, subject to a payment plan requiring him to pay the People \$100.00 per month beginning twenty-eight days from the date of the Colorado Supreme Court's order in this matter.

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C.R.C.P. 239(g), which provides that the Colorado Supreme Court may prescribe the appropriate punishment for contempt, as affording the Colorado Supreme Court substantial leeway in fashioning contempt sanctions.

<sup>5</sup> See Stip. Ex. 2. The Colorado Supreme Court has held that "costs and fees cannot be assessed when the court imposes punitive sanctions against a contemnor, because C.R.C.P. 107(d)(1) does not expressly authorize their assessment." *People v. Shell*, 148 P.3d 162, 178 (Colo. 2006). That holding reflects an inconsistency between C.R.C.P. 107(d)(1) and C.R.C.P. 239(g), which states that upon receiving the PDJ's report and finding a respondent guilty of contempt, the Colorado Supreme Court shall "prescribe the punishment therefor, including the assessment of costs, expenses and reasonable attorney's fees." Considering the parties' agreement regarding costs here, the PDJ recommends that the Colorado Supreme Court approve the stipulation in full, including the recommended award of costs.

Finally, the PDJ **RECOMMENDS** that the Colorado Supreme Court restrict Jim Kdeen's ability to submit filings pro se in Colorado courts by **ORDERING** all Colorado courts to reject any of Kdeen's filings as a proponent of a claim (i.e., as a plaintiff, third-party claimant, cross-claimant, or counter-claimant) unless such filings are accompanied by a certification from a licensed Colorado lawyer affirming that she or he has read the pleading; that to the best of her or his knowledge, information, and belief formed after reasonable inquiry, the pleading is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that the pleading is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.



DATED THIS 3<sup>rd</sup> DAY OF DECEMBER, 2021.

*William R. Lucero*

WILLIAM R. LUCERO  
PRESIDING DISCIPLINARY JUDGE

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