

SUPREME COURT, STATE OF COLORADO
TWO EAST 14TH AVENUE
DENVER, COLORADO 80203

CASE NO. 04SA148

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW, 03UPL54

RECEIVED

MAR 07 2005

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondent:

JAMES KHER
a/k/a MAZEN JUMA KHERDEEN

**ATTORNEY
REGULATION**

ORDER OF INJUNCTION

Upon consideration of the Report Re: Unauthorized Practice of Law Pursuant to C.R.C.P. 235 & 236 filed herein, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the recommendation of the Presiding Disciplinary Judge is adopted. The Court determines as a matter of law that the respondent has been engaged in the unauthorized practice of law. THEREFORE, Respondent JAMES KHER a/k/a MAZEN JUMA KHERDEEN is ENJOINED from further conduct found to constitute the unauthorized practice of law.

BY THE COURT, MARCH 07, 2005.



Copies mailed via the State's Mail Services Division on 3/7/05 HOP

Charles Mortimer, Jr.
Assistant Regulation Counsel

Hon. William Lucero
Presiding Disciplinary Judge

James Kher
Mazen Juma Kherdeen
9 Cherrymoor Dr.
Cherry Hills, Co 80110

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 600 17 TH STREET, SUITE 510-S DENVER, CO 80202	
Petitioner: THE PEOPLE OF THE STATE OF COLORADO, Respondent: JAMES KHER, A/K/A MAZEN JUMA KHERDEEN.	Case Number: 04SA148
REPORT RE: UNAUTHORIZED PRACTICE OF LAW PURSUANT TO C.R.C.P. 235 & 236	

On October 4, 2004, the Colorado Supreme Court ("Court") appointed the Presiding Disciplinary Judge ("PDJ") as hearing master pursuant to C.R.C.P. 234(f), to determine questions of fact and to make a recommendation to the Court on whether Respondent should be enjoined from the unauthorized practice of law pursuant to C.R.C.P. 228, *et seq.*

On January 24, 2005, Charles E. Mortimer, Jr., counsel for the People, and James Kher, Respondent, submitted a Stipulation, Agreement and Affidavit Consenting to an Order of Injunction ("Stipulation") (Exhibit A). In the Stipulation, the Parties agree to the following findings of fact and recommendations to the Court.

FINDINGS

After careful review of the case file, the PDJ bases the following FINDINGS and CONCLUSIONS upon the Parties' Stipulation:

1. Respondent resides in Running Springs, California. His address is P.O. Box 3514, Running Springs, California 92383. Respondent is not licensed to practice law in the State of Colorado. As a material term of the agreement between the Parties, Respondent agrees to sign an acceptance and waiver of service, acknowledging his acceptance of service of the order approving the Stipulation.

2. Respondent enters into the Stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is Respondent's personal decision,

and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. Respondent is familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. Respondent acknowledges the right to a full and complete evidentiary hearing on the Petition for Injunction filed by the People in this matter. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by the People. At any such formal hearing, the People would have the burden of proof and would be required to prove the charges contained in the Petition. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

4. The Parties stipulate that the People filed a Petition alleging that Respondent engaged in the unauthorized practice of law in Colorado by filing pleadings on behalf of Ms. Boulili in a real estate dispute, including a "Notice of Les Pendens." Respondent denies the claims alleged in the Petition. Nevertheless, the Parties agree to the immediate entry of an injunction prohibiting Respondent from engaging in the unauthorized practice of law within the State of Colorado in the future. The Parties have determined that such an injunction would serve to protect the public, and is also in Respondent's own interests. The Parties have stipulated to the injunction even though Respondent does not admit that he engaged in the unauthorized practice of law as alleged in the Petition.

5. The Stipulation states, however, that Respondent now understands that the unauthorized practice of law in Colorado includes but is not limited to an unlicensed person's actions as a representative in protecting, enforcing or defending the legal rights and duties of another and/or counseling, advising and assisting that person in connection with legal rights and duties. *Denver Bar Assn. v. PUC*, 391 P.2d 467, 471 (Colo. 1964). In addition, Respondent understands that the unauthorized practice of law includes the preparation of legal documents for others by an unlicensed person, unless the Colorado Supreme Court has specifically authorized such preparation. *Title Guaranty v. Denver Bar Assn.*, 312 P.2d 1011 (Colo. 1957). The Parties have thus agreed to suspend further prosecution of this matter with the understanding that an injunction would serve their mutual interests. In the interest of judicial economy, the PDJ recommends that the Supreme Court accept the Parties' Stipulation.

6. Pursuant to C.R.C.P. 251.32, Respondent paid administrative costs incurred in conjunction with the matter, in the sum of \$91.00.

RECOMMENDATION

Based upon the PDJ's findings and conclusions, the PDJ
RECOMMENDS:

1. The Colorado Supreme Court enter an order enjoining Respondent from the unauthorized practice of law; and
2. As Respondent has already paid costs in the amount of \$91.00, the Court need not order costs.

DATED THIS 25TH DAY OF FEBRUARY, 2004.

William R. Lucero

WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Copies to:

Charles E. Mortimer Via Hand Delivery
Attorney Regulation Counsel

James Kher Via First Class Mail
A/K/A Mazen Juma Kherdeen
Respondent

Susan Festag Via Hand Delivery
Colorado Supreme Court



SUPREME COURT, STATE OF COLORADO
ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW BEFORE THE PRESIDING
DISCIPLINARY JUDGE
600 17th Street, Suite 510-South
Denver, Colorado 80202

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

Respondent:
JAMES KHER
a/k/a MAZEN JUMA KHERDEEN

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James Kher, a/k/a Mazen Juma Kherdeen
Respondent
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Running Springs, California 92383
Phone Number: (800) 469-1602

FILED

JAN 24 2005

PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF COLORADO

▲ COURT USE ONLY ▲

Case Number: 04SA148

**STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO AN ORDER
OF INJUNCTION**

On this 24th day of January, 2005, Charles E. Mortimer, Jr., Assistant Regulation Counsel, Jim Kher, a/k/a Mazen Juma Kherdeen, the respondent, enter into the following stipulation, agreement, and affidavit consenting to an order of injunction ("stipulation") and submit the same to the Colorado Supreme Court for a finding and order of injunction pursuant to C.R.C.P. 229-237.

1. The respondent resides in Running Springs, California. His address is P.O. Box 3514, Running Springs, California 92383. The respondent is not licensed to practice law in the State of Colorado. As a material term of the agreement expressed herein, the respondent agrees to sign an acceptance and waiver of service acknowledging his acceptance of service of the order approving this stipulation.

EXHIBIT A

2. The respondent enters into this stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is the respondent's personal decision, and the respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. The respondent is familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. The respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced petition for injunction. At any such hearing, the respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by the petitioner. At any such formal hearing, the petitioner would have the burden of proof and would be required to prove the charges contained in the petition for injunction by a preponderance of the evidence. Nonetheless having full knowledge of the right to such a formal hearing, the respondent waives that right.

4. The respondent has read and studied the Petition for Injunction and is familiar with the allegations therein, and a true and correct copy of the Petition for Injunction is attached to this stipulation as **Exhibit A**. The respondent has answered the petition denying the material allegations thereof. A copy of the respondent's answer is attached to this stipulation as **Exhibit B**. The parties agree that the interests of the public and the respondent would be best served by the immediate entry of an injunction prohibiting the respondent from engaging in the unauthorized practice of law within the State of Colorado. As a matter of compromise, and in order to promote the interests of the parties hereto, this agreement is reached without any admission of liability or culpability by the respondent. The respondent now understands that the unauthorized practice of law in Colorado includes but is not limited to an unlicensed person's actions as a representative in protecting, enforcing or defending the legal rights and duties of another and/or counseling, advising and assisting that person in connection with legal rights and duties. See Denver Bar Association v. PUC, 154 Colo. 273, 391 P.2d 467 (1964). In addition, selection and preparation of legal documents for others by an unlicensed person is the unauthorized practice of law unless the Colorado Supreme Court has authorized such action in a specific circumstance. Title Guaranty v. Denver Bar Association, 135 Colo. 423, 312 P.2d 1011 (1957).

5. Pursuant to C.R.C.P. 251.32, the respondent has paid administrative costs in the sum of \$91.00 in this matter.

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:
JAMES KHER
a/k/a MAZEN JUMA KHERDEEN

Charles E. Mortimer, Jr., #16122
Assistant Regulation Counsel
Attorney for Petitioner
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Denver, Colorado 80202

Phone Number: (303) 893-8121, ext. 313
Fax Number: (303) 893-5302

MAY 19 2004

04SA148
▲ COURT USE ONLY ▲

Case Number: 03UPL054

PETITION FOR INJUNCTION

Petitioner, by and through Charles E. Mortimer, Jr., Assistant Regulation Counsel, and upon authorization pursuant to C.R.C.P. 234(a), respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 directing the respondent to show cause why he should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent, James Kher, is not licensed to practice law in the state of Colorado. The respondent's last known business address is 9 Cherrymoor Drive, Cherry Hills Village, Colorado 80110. The respondent's last known residential address is 9 Cherrymore Drive, Cherry Hills Village, Colorado 80110.

2. The respondent engaged in the unauthorized practice of law within the State of Colorado as follows:



a. On April 27, 2003, Layla El Boukili entered into a contract to purchase real estate located at 9 Cherrymoor Drive, Arapahoe County, Colorado.

b. From the inception of the transaction, the respondent made it clear to all involved, including the seller's attorney and title company representatives, that he was in charge of the transaction and represented Ms. Boukili. The respondent insisted that all communications with Ms. Boukili occur through him.

c. At all times relevant hereto, the respondent represented to persons involved in the real estate transaction that he was taking correspondence courses from a law school and would soon be taking the Bar Exam.

d. Originally the real estate contract was scheduled to close on June 19th. However, the respondent raised certain issues concerning the lot size and an alleged encroachment on the lot, and he refused to close on Ms. Boukili's behalf, or to allow Ms. Boukili to close, at that time.

e. The next day (June 20, 2003) pleadings were filed in the District Court in and for Arapahoe County, Colorado on behalf of Ms. Boukili. The respondent prepared the pleading. The respondent also prepared a "Notice of Les Pendens" encumbering the real estate that was the subject of the contract. Respondent admitted preparing the "Notice of Les Pendens" to the seller's attorney.

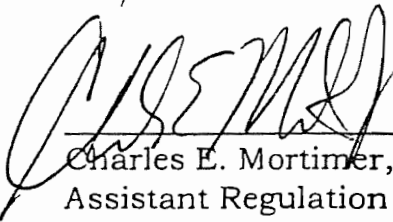
f. A new closing date was scheduled for July 1, 2003. At that time, the real estate transaction did close and the respondent represented that the lawsuit would be dismissed. He instructed Ms. Boukili to sign a motion dismissing the lawsuit. The motion was prepared by the complainant attorney. However, the following day, new documents were filed to reinstate the lawsuit and a purported subpoena was served on land title. The respondent admitted to representatives of the title company that he prepared this subpoena. The respondent also recorded a notice of *lis pendens* against the listing real estate agent's home.

3. By representing a third party in a real estate transaction and in court proceedings, the respondent engaged in the unauthorized practice of law (the unauthorized practice of law includes acting as a representative in protecting, enforcing or defending the legal rights and duties of another and/or counseling advising and assisting that person in connection with legal rights

and duties. See *Denver Bar Association v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964)). The respondent does not fall within any of the statutory or case law exceptions.

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why the respondent should not be enjoined from engaging in any unauthorized practice of law; thereafter that the court enjoin this respondent from the practice of law, or in the alternative that this court refer this matter to a hearing master for determination of facts and recommendations to the court on whether this respondent should be enjoined from the unauthorized practice of law. Furthermore, petitioner requests that the court assess the costs and expenses of these proceedings, including reasonable attorney fees against this respondent; order the refund of any and all fees paid by clients to the respondent; and assess restitution against the respondent for losses incurred by clients or third parties as a result of the respondent's conduct; and any other relief deemed appropriate by this court.

Respectfully submitted this 19 of May, 2004.



Charles E. Mortimer, Jr., #16122
Assistant Regulation Counsel
Attorney for Petitioner


<p>Supreme Court, State of Colorado 2 East 14th Street, 4th Floor, Denver, CO 80203</p>	<div style="border: 1px dashed black; padding: 5px; text-align: center;"> <p>STATE OF COLORADO SUPREME COURT</p> <p>AUG 30 2004</p> <p>COURT USE ONLY</p> </div>
<p>Petitioner: The People of the State of Colorado vs</p> <p>Respondent: James Kher Aka Mazen Juma Kherdeen</p>	
<p>Attorneys for Mr. Kherdeen LAW OFFICES OF W.A.M. AL-HAQQ, P.C. 710 E. 25TH AVENUE DENVER, CO 80205 Phone Number: (303) 832-1742 FAX Number: (303) 832-1850 E-mail: WAZIR1947@AOL.COM Atty. Reg. #: 19900</p>	<p>Case Number: 03UPL054</p>
<p>ANSWER TO PETITION FOR INJUNCTION AND TO SHOW CAUSE</p>	

COMES NOW the law offices of W.A.M. Al-Haqq, P.C. and enters its appearance on behalf of Mr. Kherdeen.

Mr. Kherdeen makes a general denial of any and all conduct described in the petition and construed to constitute unlawful practice of law.

Respectfully submitted on this 30th day of August, 2004.

LAW OFFICES OF W.A.M. AL-HAQQ
A PROFESSIONAL CORPORATION



W.A.M. Al-Haqq
Attorney for Mr. Kherdeen

I, W.A.M. Al-Haqq, certify that a true and correct copy of this Answer was delivered by facsimile to opposing counsel on this 30th day of August, 2004.

