

People v. Trace L. Kaker. 16PDJ035. June 15, 2016.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and disbarred Trace L. Kaker (attorney registration number 19797), effective June 15, 2016.

Kaker was entrusted with safekeeping more than \$100,000.00 after the assets from an entity called Dovetail Homes Fund I were frozen pending the outcome of a criminal investigation. Kaker transferred the majority of that money from her COLTAF account into her personal account, but she also deposited some of those funds directly into her personal account or her husband's personal account. Kaker used the money to pay her personal expenses, even though she knew she did not have authorization to use any of those funds, other than her attorney's fees, as her own.

When the Denver County District Court ordered that the funds be unfrozen and released, Kaker promised several times to send a check or meet in person to deliver the funds. She did not do so. And though the Office of Attorney Regulation Counsel sent her at least six letters requesting a response to various requests for investigation, Kaker never responded.

Kaker's conduct violated Colo. RPC 1.15(a) (2008) (a lawyer shall hold property of clients or third persons in the lawyer's possession separate from the lawyer's own property); Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Colo. RPC 8.1(b) (a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority).