

People v. Chasity J. Barker. 17PDJ022. September 19, 2017.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Chasity J. Barker (attorney registration number 36167) from the practice of law for three years, effective September 19, 2017. To be reinstated, Barker will bear the burden of proving by clear and convincing evidence that she has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

Barker, a specialist in the field of oil and gas litigation, joined a law firm as an independent contractor in 2014. Under the terms of her employment agreement, she was to divide client fees with the law firm. Barker built a personal and separate client base using the firm's assets and referrals. She also used the firm's resources to represent these clients. Barker modified invoices created in the firm's billing software, instructing clients to remit payments to her own home address. She failed to disclose to the firm that she maintained these clients. She further failed to remit to the firm the portion of earned fees called for in her employment contract, thereby knowingly converting funds belonging to the firm.

In 2016, Barker joined a new law firm in an "of counsel" position. She falsely told the firm that she had not been subject to any recent disciplinary grievances. The firm terminated its association with her in 2017, when she disclosed to the firm a pending disciplinary proceeding.

Through this conduct, Barker violated Colo. RPC 4.1(a) (a lawyer shall not, in the course of representing a client, knowingly make a false statement of material law or fact to a third person) and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). A three-year suspension, rather than disbarment, was deemed appropriate in this case due to Barker's unusually significant personal and emotional problems, as demonstrated by an independent medical examination.