

**IN RE: DEMETRIOS GEORGE KAFKAS**

**BBO # 565566**

**NO. BD-2024-031**

**Judgment (Resignation/Disbarment) entered by Justice Kafker on April 18, 2024.<sup>1</sup>**

*The respondent resigned and an order of disbarment issued based on conduct involving the misappropriation of client funds as well as other rules violations.*

**SUMMARY<sup>2</sup>**

The respondent, Demetrious Kafkas, intentionally misused a client's retainer funds and marital proceeds, in violation of Mass. R. Prof. C. 1.15 (b)(1) and (3), 1.15 (d), and 8.4 (c) and (h). The respondent also made intentional misrepresentations to opposing counsel in the divorce matter to induce opposing counsel to send \$25,500 in marital proceeds to the respondent instead of his client. This misrepresentation violated Mass. R. Prof. C. 4.1(a), 8.4 (c) and (d). Thereafter, the respondent failed to inform his client that he had received the funds and sent bar counsel fabricated itemizations, ledgers and invoices to justify taking the retainer funds and marital proceeds as a fee. The respondent also made misrepresentations to bar counsel under oath. These actions violated Mass. R. Prof. C. 1.4 (a), 8.1(a), 8.4(c), 8.4(d) and 8.4(h). Further, the respondent knowingly submitted, or instructed another to submit, a fabricated letter to bar counsel purporting to be authored by the client that informed bar counsel he wished to withdraw his complaint. These actions violated Mass. R. Prof. C. 3.4 (b), 8.1(a), 8.4(c), 8.4(d) and 8.4(h).

In addition to the above the respondent failed to promptly deliver the client's post-divorce settlement funds, which violated Mass. R. Prof. C. 1.15 (c). Instead, the respondent filed a motion and affidavit in the probate court in which he misrepresented to the court his client's intent and disclosed confidential information. This misconduct violated Mass. R. Prof. C. 1.6(a), 8.4 (c) and (h). After the client filed a complaint with bar counsel, the respondent filed a civil action in the superior court against her that had no basis in law or fact; this conduct violated Mass. R. Prof. C. 3.1. The respondent also violated Mass. R. Prof. C. 1.7(a)(2) for simultaneously representing a client and filing a civil lawsuit against her. Additionally, the respondent violated S.J.C. Rule 4:01, §10 by requiring the client to withdraw her complaint to the Office of Bar Counsel as a condition of settlement in the superior court action.

In a separate matter, the respondent deposited an unearned retainer into his operating account and intentionally misused the funds. This misconduct violated Mass. R. Prof. C. 1.15(b)(1), and 8.4(c) and (h). Thereafter, the respondent submitted falsified time sheets to bar counsel to justify depositing the retainer into his operating account, which violated Mass. R.

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<sup>1</sup> The complete order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record filed with the Supreme Judicial Court.

Prof. C. 8.1(a), 8.4(c), 8.4(d) and 8.4(h). The respondent failed to provide the clients with sufficient information to allow them to make informed decisions regarding the representation, failed to keep them informed of the status of their civil case and the trial date, and failed to respond to their reasonable requests for information. This misconduct violated Mass. R. Prof. C. 1.4 (a) and (b). The respondent's lack of preparation of this matter, failure to secure an expert witness, and failure to inform and prepare his clients to testify, violated Mass. R. Prof. C. 1.1, 1.2 (a), and 1.3.

In aggravation, the respondent had a significant history of discipline. He was suspended for two years in 2002 for negligent misuse of client funds with no intent to deprive but with actual deprivation, commingling, failure to maintain compliant trust records, and failure to promptly disburse trust funds. Because the respondent continued to practice after he was suspended, the Supreme Judicial Court held him in contempt.

The respondent submitted an affidavit of resignation to the Board of Bar Overseers. Bar counsel took the position that the affidavit of resignation should be accepted. The board accepted the resignation and recommended that the Supreme Judicial Court disbar the respondent, which it did pursuant to a Second Amended Judgment of Disbarment dated April 18, 2024 with an effective date of March 12, 2024.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
NO: BD-2024-031

IN RE: Demetrios George Kafkas

**SECOND AMENDED JUDGMENT OF DISBARMENT,  
ACCEPTANCE OF THE AFFIAVIT OF RESIGNATION  
AND VACATUR OF MARCH 27, 2024 ORDER OF STAY**

This matter came before the Court, Kafker, J., on an Affidavit of Resignation submitted by lawyer Demetrios George Kafkas pursuant to Rule 4:01, § 15(2), with Bar Counsel's February 5, 2024 Response to the Affidavit of Resignation recommending that the Affidavit of Resignation be accepted, and the Recommendation and Vote of the Board of Bar Overseers (Board) filed by the Board on March 7, 2024, recommending that the Affidavit of Resignation be accepted and that a Judgment of Disbarment enter.

On March 12, 2024, an Amended Judgment of Disbarment and Acceptance of the Resignation entered effective immediately. The lawyer then filed a Motion to Suspend the Amended Judgment of Disbarment pending further review by the Board of the Affidavit of Resignation. The motion was unopposed. On March 27, 2024, this Court entered an Order staying the March 12, 2024 Amended Judgment of Disbarment until the Board's April 8, 2024, meeting to review again the lawyer's affidavit of resignation and the Office of Bar Counsel's response thereto, and until further Order of this Court.

On April 12, 2024, the Board filed a copy of the Vote of the

Board of Bar Overseers taken at its meeting held on April 8, 2024, recommending to (1) reopen the matter in light of the order of the Supreme Judicial Court and the additional material provided by the respondent and 2) accept the respondent's resignation and to recommend disbarment.

Upon consideration thereof, it is Ordered that the March 27, 2024 Order of Stay be, and hereby is VACATED, and that:

1. the Affidavit of Resignation be and hereby is, accepted and Demetrios George Kafkas is hereby disbarred from the practice of law in the Commonwealth with an effective date of March 12, 2024, the date of entry of the Amended Judgment of Disbarment, and the lawyer's name is forthwith stricken from the Roll of Attorneys.

It is FURTHER ORDERED that:

2. Within fourteen (14) days of entry of this Second Amended Judgment, the lawyer shall:

a) file a notice of withdrawal with every court, agency, or tribunal before which a matter is pending, together with a copy of the notices sent pursuant to paragraphs 2(c) and 2(d) of this Second Amended Judgment, the client's or clients' place of residence, and the case caption and docket number of the client's or clients' proceedings;

b) resign all appointments as guardian, executor, administrator, trustee, attorney-in-fact, or other fiduciary,

attaching to the resignation a copy of the notices sent to the wards, heirs, or beneficiaries pursuant to paragraphs 2(c) and 2(d) of this Second Amended Judgment, the place of residence of the wards, heirs, or beneficiaries, and the case caption and docket number of the proceedings, if any;

c) provide notice to all clients and to all wards, heirs, and beneficiaries that the lawyer has been disbarred; that he is disqualified from acting as a lawyer; and that, if not represented by co-counsel, the client, ward, heir, or beneficiary should act promptly to substitute another lawyer or fiduciary or to seek legal advice elsewhere, calling attention to any urgency arising from the circumstances of the case;

d) provide notice to counsel for all parties (or, in the absence of counsel, the parties) in pending matters that the lawyer has been disbarred and, as a consequence, is disqualified from acting as a lawyer;

e) make available to all clients being represented in pending matters any papers or other property to which they are entitled, calling attention to any urgency for obtaining the papers or other property;

f) refund any part of any fees paid in advance that have not been earned; and

g) close every IOLTA, client, trust or other fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in his possession, custody or control.

All notices required by this paragraph shall be served by certified mail, return receipt requested, in a form approved by the Board.

3. Within twenty-one (21) days after the date of entry of this Second Amended Judgment, the lawyer shall file with the Office of the Bar Counsel an affidavit certifying that the lawyer has fully complied with the provisions of this Second Amended Judgment and with bar disciplinary rules.

Appended to the affidavit of compliance shall be:

a) a copy of each form of notice, the names and addresses of the clients, wards, heirs, beneficiaries, attorneys, courts and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit.

Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise requested in writing by the lawyer or ordered by the court;

b) a schedule showing the location, title and account number of every bank account designated as an IOLTA, client, trust or other fiduciary account and of every account in which the lawyer holds or held as of the entry date of this Second Amended Judgment any client, trust or fiduciary funds;

c) a schedule describing the lawyer's disposition of all client and fiduciary funds in the lawyer's possession, custody or control as of the entry date of this Second Amended Judgment or thereafter;

d) such proof of the proper distribution of such funds and the closing of such accounts as has been requested by the bar

counsel, including copies of checks and other instruments;

e) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice;

f) the residence or other street address where communications to the lawyer may thereafter be directed; and

g) any and all bar registration cards issued to the lawyer by the Board of Bar Overseers.

The lawyer shall retain copies of all notices sent and shall maintain complete records of the steps taken to comply with the notice requirements of S.J.C. Rule 4:01, Section 17.

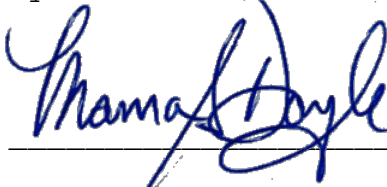
4. Within twenty-one (21) days after the entry date of this Second Amended Judgment, the lawyer shall file with the Clerk of the Supreme Judicial Court for Suffolk County:

a) a copy of the affidavit of compliance required by paragraph 3 of this Second Amended Judgment;

b) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

c) the residence or other street address where communications to the lawyer may thereafter be directed.

By the Court, (Kafker, J.)

A handwritten signature in blue ink, appearing to read "Maura S. Doyle", is written over a horizontal line.

Maura S. Doyle, Clerk

Entered: April 18, 2024