SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Petitioner: MATTHEW J. GREIFE, #43487 **Respondent:** THE PEOPLE OF THE STATE OF COLORADO	Case Number: **24PDJ061**
OPINION DENYING REINSTATEMENT UNDER C.R.C.P. 242.39	

SUMMARY

In 2021, Matthew J. Greife ("Petitioner") was suspended for three years for neglecting two separate bankruptcy matters, failing to keep his clients reasonably informed, charging nonrefundable fees, failing to maintain required financial records, and recklessly converting client funds. In this reinstatement proceeding, Petitioner has not demonstrated by clear and convincing evidence that he is rehabilitated from his misconduct or that he is fit to practice law. He is thus not entitled to be reinstated to the practice of law in Colorado at this time, and he may not petition for reinstatement for another two years.

I. PROCEDURAL HISTORY

Petitioner was admitted to practice law in Colorado on September 16, 2011, under attorney registration number 43487.[1] He is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this reinstatement proceeding.

On August 5, 2024, Petitioner, through his counsel Jane B. Cox, filed "Petitioner's Verified Petition for Reinstatement" with Presiding Disciplinary Judge Bryon M. Large ("the PDJ").[2] On behalf of the Office of Attorney Regulation Counsel ("the People"), Erin R. Kristofco answered on August 15, 2024, opposing the petition. The parties and the Court's administrator then set this matter for a two-day reinstatement hearing to take place in January 2025.

[1] Stip. Facts ¶ 1.

[2] Ex. S1. As required under C.R.C.P. 242.39(b)(1), Petitioner submitted his petition within ninety-one days of the expiration of his three-year suspension, which fell on or around August 29, 2024. In addition, Petitioner submitted with his petition the required cost deposit of $500.00. He has not filed any other petitions for reinstatement. Stip. Facts ¶¶ 4-5 & 11.

On January 8 and 9, 2025, a Hearing Board comprising the PDJ and lawyers Margaret C. Cordova and Karey L. James held a reinstatement hearing under C.R.C.P. 242.39.[3] Petitioner appeared with Cox, and Kristofco attended for the People. The Hearing Board received remote videoconferencing testimony from Sean Simeson and heard in-person testimony from Daniel Mossinghoff, Birk Baumgartner, and Petitioner. The PDJ admitted stipulated exhibits S1-S18 and accepted the parties' stipulated facts.

II. FINDINGS OF FACT[4]

Petitioner's Background

Petitioner was born in Wisconsin and spent his childhood in the Minneapolis metropolitan area. He fell in love with Colorado on a west-bound road trip; it became his "mission" to move to the state. He enrolled as an undergraduate at Colorado State University ("CSU") and pursued a double major in sociology and political science. He then attended Whittier Law School in Southern California, obtaining his law degree in 2010 and passing the California bar examination. But he decided against staying in California, instead choosing to return to Colorado. He also opted not to jump into legal practice, as he was always more interested in the empirical side of law. So he accepted admission into the University of Colorado Denver master's program in sociology, gravitating toward studies in environmental justice. While taking classes in the masters' program, he passed the Colorado bar examination.

After completing his master's degree in Denver, Petitioner pursued a second master's degree and a sociology doctorate at the University of Georgia. He focused his research on crime, law, deviance, and punishment. He learned that he liked being in the classroom and working with students, and he resolved to pursue a career in academia. But the academic job market offered "slim pickings," and he had difficulty finding a position. So he returned to Colorado in 2016 to complete his dissertation and to gain his professional footing. To supplement his income, he took on a few small cases for clients while beginning his academic career in late 2016 as an adjunct professor in CSU's sociology department. Using his background in sociology and data analysis, he pioneered new arguments to successfully challenge the scientific validity of standardized field sobriety tests in driving under the influence ("DUI") cases.

Petitioner's Misconduct

In summer 2016, Petitioner signed on as an associate at Colorado Legal Associates ("CLA"), a Fort Collins-based firm, handling bankruptcy cases and helping to grow the firm's criminal

[3] The Colorado Supreme Court appointed Hearing Board members Cordova and James as members of the hearing board pool under C.R.C.P. 242.7(b)(1).

[4] Factual findings are drawn from testimony offered at the hearing where not otherwise indicated.

defense practice.[5] After working at CLA for just a few months, Petitioner took over the firm in late 2016, when the previous owner retired.[6] He became the sole owner and lawyer at CLA.[7] Petitioner testified that he decided to buy CLA because, with one foot in in the academic arena and one in the practice of law, he thought he might like being a lawyer more than being a professor. He viewed CLA as an "endless" income stream, so purchasing the firm seemed like a "stable gig" while he figured out which direction to go. At the reinstatement hearing, Petitioner recalled thinking, "why not? Let's give it a shot and see what happens." According to Petitioner, he "couldn't have done anything stupider."

Petitioner explained that before purchasing CLA, he did not conduct any due diligence or assess any of the firms' internal systems or procedures. For example, he failed to review and thus identify problems in the template CLA engagement documents providing for nonrefundable fees.[8] Indeed, Petitioner likened his decision to purchase CLA to a first-time homebuyer who fails to ask questions or conduct an inspection. He stated that his "ego got in the way" of considered deliberation about the purchase. As a result, he figured he could successfully take over the business without any prior experience; he neither planned for the ebb and flow of business nor audited the firm's finances. To complicate matters, Petitioner was never granted full access to CLA's trust account passwords; even so, as of late 2016, he was the only lawyer with access to CLA's trust account.[9]

In late 2016 and early 2017, Petitioner found himself juggling the demands of a newly acquired solo practice while establishing himself in academia. He testified that he often got just four or five hours of sleep, regularly waking at 3:30 a.m. to complete his legal work and prepare for classes. Meanwhile, he began to apprehend that CLA was not a "solid, stable business," as it did not have sufficient money coming in. Although he tried to cut costs, he soon realized the firm was not viable. He shuttered the business within months of taking over. Petitioner stopped taking on new cases under CLA's aegis, but he performed work for existing clients and handled open matters while winding down the firm.

Unbeknownst to Petitioner, one of those open matters was Laura Hurley's bankruptcy case. Hurley engaged CLA in 2015 for $1,620.00 to initiate a bankruptcy proceeding.[10] Hurley paid CLA $155.00 before Petitioner assumed control of the firm in late 2016.[11] Petitioner did not receive a case file, documents, or other information relating to Hurley when he took over CLA.[12] Hurley made an additional $1,000.00 payment to CLA on April 11, 2017.[13] But Petitioner did not deposit

[5] *See* Stip. Facts ¶ 12.
[6] Stip. Facts ¶ 13.
[7] Stip. Facts ¶ 14.
[8] *See* Stip. Facts ¶¶ 25-26.
[9] Stip. Facts ¶ 15.
[10] Stip. Facts ¶ 16.
[11] Stip. Facts ¶ 17.
[12] Stip. Facts ¶ 18.
[13] Stip. Facts ¶ 19.

that payment into the CLA trust account.[14] Sometime after April 2017, Hurley attempted to contact CLA about her bankruptcy case.[15] Hurley likely sent text messages to a landline that was not capable of receiving them.[16] Hurley also mailed correspondence to the firm, although it is possible that Petitioner's name was misspelled and the address was not correct.[17] Hurley never heard back from Petitioner or a CLA staff member.

In late 2018, Petitioner reimbursed himself from CLA's trust account for work he performed for clients other than Hurley. CLA trust account bank records also showed other withdrawals from the trust account, including garnishment payments, that Petitioner did not authorize.[18]

Another open matter was the Prentises' bankruptcy. In February 2016, before Petitioner joined CLA, the Prentises signed a fee agreement with CLA to prepare and file a bankruptcy on their behalf.[19] The template CLA retainer agreement and addendum stated that if the client failed to file the bankruptcy case within one year, the firm would charge an additional $150.00 administrative fee.[20] The supplemental fee agreement with the Prentises stated that the client would incur a $150.00 "file set up fee / non-refundable" and that if the client decided not to file bankruptcy, "all legal fees paid to that point [were] non-refundable."[21] During 2016 and 2017, the Prentises made payments toward the total amount they owed CLA.[22] By March 2017, the Prentises made the full $1,650.00 payment to CLA for filing their bankruptcy petition.[23] On March 29, 2017, Petitioner sent an email to the Prentises, confirming that they had made all necessary payments to file their bankruptcy.[24] Over the following two years, the Prentises emailed back and forth with Petitioner, providing him with additional documentation at his request.[25] As of January 2019, the Prentises provided almost all of the requested documentation that was to be filed with the bankruptcy court except for updated pay stubs, which the Prentises did not provide as requested.[26] Several times over the following year the couple tried to contact Petitioner. But he did not communicate with the Prentises again after January 2019 and did not file the bankruptcy action.[27]

[14] Stip. Facts ¶ 20.
[15] Stip. Facts ¶ 21.
[16] Stip. Facts ¶ 22.
[17] Stip. Facts ¶ 23.
[18] *See* Ex. S2.
[19] Stip. Facts ¶ 24.
[20] Stip. Facts ¶ 25.
[21] Stip. Facts ¶ 26.
[22] Stip. Facts ¶ 27.
[23] Stip. Facts ¶ 27.
[24] Stip. Facts ¶ 28.
[25] Stip. Facts ¶ 29.
[26] Stip. Facts ¶ 30.
[27] Stip. Facts ¶ 31; *see also* Ex. S2.

Petitioner's Legal Career After CLA

After Petitioner closed CLA, he continued to teach at CSU. He also hung a shingle in his own name, taking criminal cases from time to time. In those cases, he experimented with applying science-backed statistical models to argue for just, rather than punitive, criminal sentences. To those same questions of punishment, he brought to bear empirical data to advocate for reduced sanctions. But gradually he began to suffer a crisis in confidence in the legal system writ large. As he explained, judicial rulings—which he felt smacked of hypocrisy, laziness, illogic, and indifference—transformed him from "jaded" into a true "cynic." In Petitioner's estimation, truth, justice, equity, and the dignity of individual human beings in the system were regularly sacrificed on the altar of judicial expediency. He began to see himself as a cog in the system, legitimating a structure he saw as morally repugnant, and he mulled over whether to leave the practice of law altogether.

Sometime in 2018, Petitioner was present in Denver drug court when he encountered Birk Baumgartner, a lawyer who was representing an offender. According to Baumgartner, Petitioner offered him advice about presenting a substantial mitigation package for Baumgartner's client and volunteered to help him with the case on a pro bono basis. Petitioner said he stepped forward "because [he] care[d]" and because his moral code requires him to serve others in pursuit of social justice. The two lawyers worked closely together, and they achieved good results for the client. Baumgartner saw that Petitioner had a "passion and . . . dedication to making positive change in the law," and he offered Petitioner a job at his law firm. Petitioner accepted the offer after Baumgartner persuaded him to give the law a second chance so that they could fight injustices together.

Petitioner testified that Baumgartner accommodated his academic pursuits, that he enjoyed working at the firm with other like-minded lawyers, and that the criminal and civil rights cases he took on were important and challenging. He worked alongside and became friends with Baumgartner, Sean Simeson, and Daniel Mossinghoff, all of whom praised Petitioner's legal acumen, research skills, dedication to his clients, and innovative approach to marrying legal argument with statistical analysis of complex sociological data. Each lawyer testified to Petitioner's honesty, candor, and disregard for his own personal finances. Simeson observed that Petitioner has always eschewed a flashy lifestyle and lived simply, and Mossinghoff noted that Petitioner has never been driven by profits or motivated by ambitions to be rich. Instead, Petitioner pursued clients' cases based on his moral and ethical commitment to civil rights and his dedication to making the justice system more fair and equitable, Mossinghoff testified.

But, as Mossinghoff mentioned, Petitioner's strong convictions and principles could also create issues. Mossinghoff noted that by 2019, Petitioner's key strengths—his passion and zeal—had morphed into weaknesses, causing him to "step over the line" when his emotions overcame him. According to Mossinghoff, Petitioner's exasperation with the judicial system boiled over to the point where perceived injustices became personal, such that Petitioner needed a "cooling off period." Baumgartner echoed that sentiment, observing that Petitioner was "disillusioned and perhaps even burnt out."

For his part, Petitioner's conviction that he could not participate in a justice system that perpetuated injustice ossified. "The same things kept happening" in the courtroom, he recollected, driving him to conclude that the system espouses certain ideals but functions in a manner that fails to promote those ideals. As Petitioner characterized it, for him the "anvil that broke the camel's back" was Douglas County's successful prosecution of a rape victim for DUI, after law enforcement found the victim passed out in a vehicle, left there by her attacker. In that case, he was so disturbed by the injustice of the prosecution that he left the courtroom during his client's sentencing. "Mentally, I was out," he remarked. So he redoubled his efforts to find full-time employment in academia, which he considered his "refuge." Ultimately, he secured a position at Bemidji State University in Minnesota. He left Colorado around 2021.

Petitioner's Discipline

Sometime before Petitioner relocated to Minnesota, he learned of the disciplinary investigations into the Hurley and Prentis matters. Petitioner testified that his disciplinary case, captioned case number 20PDJ065, arose at a time when he "was in such a bad place." At the reinstatement hearing, Petitioner testified that he did not remember Hurley's name or her case when the People first contacted him to inquire about Hurley's matter. Nor did he recall seeing Hurley's April 2017 check. He accepted responsibility for his failure to ensure that CLA's check-processing system was clean, and he recognized that he was ultimately responsible, since the mistakes of a paralegal are the mistakes of the supervising lawyer. He testified that he still feels "horrible" that he hurt Hurley and shame that he was effectively running a fee mill at CLA. He also briefly reflected on his handling of client money, labeling it "one bad mistake."

But anger is what Petitioner remembers most from that time: the process unfolded in such a way that he saw parallels between what he believed was the irresponsible use of governmental power in both the criminal justice system and the lawyer disciplinary system. In particular, he questioned the efficacy and the fairness of the sanctions he faced, and he never received answers he found satisfactory. The process "became so incredibly personal" and he got "so upset." For Petitioner, the People's counsel Kristofco, in particular, "became the face of injustice" for him. He conceded that "there were definitely moments" during the disciplinary process when he was "defiant."

As the case progressed, Petitioner also felt increasingly demoralized. His colleagues, including Baumgartner, prevailed on him not to check out or give up but instead to hire a lawyer. He did so, but his testimony at the reinstatement hearing suggested that he was dissatisfied by the quality of the representation. Ultimately, Petitioner chose to stipulate to misconduct that warranted discipline. He explained that he knew he had "screwed up," but he also "didn't care" about his law license. "I was done," he stated.

On July 22, 2021, Petitioner signed a stipulation in which he agreed that he had violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence when representing a client); Colo. RPC 1.4(a)(2) (a lawyer must reasonably consult with a client about the means by which the client's objectives are to be accomplished); Colo. RPC 1.4(a)(3) (a lawyer must keep a client reasonably

informed about the status of the matter); Colo. RPC 1.4(a)(4) (a lawyer must promptly comply with reasonable requests for information); Colo. RPC 1.5(f) (a lawyer does not earn fees until a benefit is conferred on the client or the lawyer performs a legal service); Colo. RPC 1.5(g) (a lawyer must not charge nonrefundable fees or retainers); Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); Colo. RPC 1.15D (a lawyer must maintain trust account records); and Colo. RPC 8.4(c) (providing that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).[28] In the stipulation, Petitioner acknowledged the seriousness of his misconduct.[29] The stipulation also made clear that Petitioner's misconduct in mishandling client funds was reckless but not dishonest and that he acted without a dishonest or selfish motive.[30]

On July 26, 2021, an order entered suspending Petitioner for three years, effective August 30, 2021.[31]

Petitioner's Post-Suspension Compliance with Disciplinary Rules and Orders

Petitioner substantially complied with all disciplinary orders, including those that required him to notify California and any other jurisdictions where he was admitted of his suspension and to pay the administrative fee and costs associated with his disciplinary case.[32] Petitioner stopped practicing law before he was suspended, so he did not have any affairs to wind up or any remaining clients to notify when his suspension order issued.[33] In July 2024—approximately three years later—Petitioner filed an affidavit under C.R.C.P. 251.28(d).[34]

After Petitioner notified California disciplinary authorities of his suspension, he was reciprocally disciplined in that jurisdiction.[35] In 2022, he was suspended from the practice of law in California for two years, with at least six months to be served and certain requirements met, including paying monetary sanctions of $2,875.00 to the State Bar of California.[36] As of the date of the reinstatement hearing, Petitioner had not paid that sanction and remains suspended in California.[37]

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[28] Ex. S2; *see also* Stip. Facts ¶ 2.
[29] Stip. Facts ¶ 36.
[30] Stip. Facts ¶ 32.
[31] Stip. Facts ¶ 3; Ex. S3.
[32] Stip. Facts ¶ 6.
[33] Stip. Facts ¶ 7.
[34] Stip. Facts ¶ 10; Ex. S4.
[35] Ex. S17 at 3.
[36] Ex. S17 at 134.
[37] *See* Ex. S18 at 136 (in December 2023, Petitioner emailed the People, "California piled on and has seen fit to not only charge me back interest on both claims but tacked on an additional $3K in fines . . . . Anyway, I cannot pay both. I don't want to go active in CA and as long as fines are outstanding I'll remain 'ineligible to practice' which is fine with me.").

At the time Petitioner's stipulation was approved, he had offered to refund but not yet refunded any portion of Hurley's payments. Likewise, at the time Petitioner signed his stipulation, he had not refunded any of the Prentises' money. More than two years after his suspension took effect, Petitioner reimbursed the Attorneys' Fund for Client Protection in the amounts of $1,000.00 for restitution to Hurley and $1,650.00 for restitution to the Prentises.[38]

Petitioner has also struggled with outstanding tax obligations dating back to 2022. He did not file a tax return in 2022 or 2023, and he still owes approximately $3,000.00 in unpaid taxes. He delayed filing those returns due to an unexpected tax obligation resulting from changes in the tax code. He testified that he is saving to pay his tax arrearages with his 2024 tax filing, but he has not entered a payment plan to resolve his outstanding state or federal tax obligations.

Petitioner's Post-Suspension Professional Activities

Professionally, Petitioner has thrived since his suspension. After completing his first year as an assistant professor at Bemidji State, he accepted a full-time position at Marquette University in Milwaukee, Wisconsin. Since 2022 he has taught undergraduate courses there, including introduction to criminology; environmental crime, law and justice; empathy, crime, and justice; and a capstone seminar examining carceral systems.[39] Student evaluations indicate that Petitioner is a respected and popular teacher at Marquette.[40] In his capacity as a professor and adviser, he is trusted with protecting confidential student information, including students' social security numbers and medical information.

Petitioner continues to research topics relating to environmental justice, legal culture, and punishment.[41] He recently authored a book on Colorado's movement to abolish the death penalty, *Thwarting Death: A Legal Culture of Resistance Among Colorado Death Penalty Defense Lawyers*. He has also written many other pieces for publication.[42] Moreover, Petitioner regularly consults with his former colleagues and other lawyers from the Colorado and Minnesota State Public Defender's Offices, which have retained him as a pro bono expert witness, particularly concerning mitigation, sentencing, and the invalidity of standard field sobriety tests.[43] He assists with research and contributes empirical data to support legal arguments in criminal defense and

[38] Stip. Facts ¶¶ 8-9; Ex. S8; Ex. S18 at 136 (Petitioner emailed the People in December 2023 that he was "putting the reinstatement package together and will have the fund reimbursed shortly after the new year at the latest . . ."). Petitioner's disciplinary stipulation contained a typographical error, which stated that he owed the Prentises $1,665.00, when in fact the correct restitution amount was $1,650.00. Stip. Facts ¶ 9.
[39] Ex. S5.
[40] *See* Ex. S10.
[41] Ex. S1 at 4-5.
[42] Ex. S5.
[43] *See* Ex. S13.

civil rights cases. And he has presented his research to many academic and professional organizations.[44] Through these activities he has maintained competency and currency in the law.[45]

Over the last year or two, Petitioner devised, designed, and proposed to spearhead a civil rights clinical program pairing Marquette undergraduates and law students together to litigate civil rights cases under the mentorship of Milwaukee-area lawyers.[46] He envisions the program bridging the gap between academic theory and legal practice. Petitioner does not anticipate litigating with the program but instead plans to act as an academic supervisor, guiding his undergraduate students in written advocacy and legal research. The project has not yet received approval from Marquette.

Petitioner agreed in late summer 2024 to moonlight as a part-time paralegal for Baumgartner's firm.[47] Petitioner works ten to fifteen hours per week at $35.00 per hour researching; writing briefs, complaints, and memoranda; inputting due dates and appearances into the firm's calendar; drafting discovery requests and responses; and helping to prepare for depositions and trials.[48] Baumgartner values Petitioner's work very highly; according to Baumgartner, Petitioner has always been and remains a great legal mind, a skilled researcher, and an excellent writer.

But Baumgartner testified to witnessing Petitioner evolve over the last two or three years as a thinker and a person. Petitioner understands and is embarrassed about the mistakes he made at CLA, Baumgartner said, and Petitioner has grown since then. Baumgartner observed that currently, Petitioner's commentary about the law is more muted and responsible; his writing is more reserved and measured; and his perspective about his discipline represents a 180-degree change from his earlier attitude. According to Baumgartner, Petitioner has far more respect for institutions and systems than he did in the past, and he has humbled himself by acknowledging his serious errors. Baumgartner opined that although Petitioner can be "prickly" at times, he is a "morally upright person" and a "necessary voice in the legal sphere."[49] Mossinghoff and Simeson likewise enthusiastically endorsed Petitioner as unique and valuable addition to the legal profession.[50]

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[44] *See* Ex. S11.
[45] *See* Stip. Facts ¶ 34.
[46] *See* Ex. S12.
[47] *See* Ex. S18 at 136 (Petitioner emailed the People in December 2023, "The irony of course is that I'll probably have to go do some part-time work with my old firm (they have made me an offer) in order to pay things down/off so just tell me what you are going to do so I can figure this out.").
[48] Ex. S17 at 4.
[49] *See* Ex. S14.
[50] *See* Exs. S15-S16.

Petitioner's Preparation in Petitioning to Reinstate

At the time of Petitioner's suspension, he "had no real intention" of attempting to regain his law license. He testified that recently, however, he began to reflect on his personal moral code, which obligates him to use his talents to better others' lives and improve social systems. At the reinstatement hearing, he said that he questioned whether his "sit[ting] on the sideline" was hypocritical and ultimately concluded that if by practicing law he could help others, even if by just a bit, he had to "demand" that of himself. He also alluded that his decision to seek reinstatement was driven in part by his desire to supervise the civil rights clinical program he has proposed at Marquette.[51] Somewhat orthogonally, however, Petitioner remarked at one point in his testimony that he was "just kind of exploring [his] options" in this reinstatement proceeding. "I'm not even sure I'm going through with this," he added.

In preparation to submit his reinstatement petition, Petitioner logged 149.5 continuing legal education ("CLE") credits, including 8.2 ethics credits, during his CLE compliance period ending December 31, 2023.[52] Petitioner claimed 125 of those credits in December 2023 for time he spent writing his book about the death penalty in Colorado. Petitioner also claimed twenty credits for writing a different book in May 2023 and 4.5 credits for teaching at the Minnesota State Public Defender's training program in January 2022.

In February 2024, Petitioner voluntarily attended the People's trust account school.[53] At the hearing, when Petitioner's counsel asked him what he learned during trust account school, he became noticeably flustered; he temporized because he forgot the term for funds that a lawyer holds in advance of earning money and then recited only one lesson from the course: according to Petitioner, his "big takeaway" was to "eliminate variability" by placing retainers in trust and making withdrawals based on hourly rates, as everything else "gets too complicated."

Also when preparing to file his petition for reinstatement, Petitioner was forced to communicate with the People's counsel Kristofco. While doing so, Petitioner sent Kristofco several email messages. On December 4, 2023, Petitioner wrote:

> I see there is a $15 discrepancy between the amount I owe the Prentiss' in the "facts" as compared to the judge's order. Is this a clerical error? Seems that way to me but before I file something for clarification or an adjustment need to know if this is your understanding. It is only $15 but it matters for the CA interest calculation and frankly it is an honesty thing on the legal bureaucracy's side. Where do you stand – error or are you just saying fuck it and hit me with th[e] extra $15 because it just doesn't matter?[54]

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[51] *See* Ex. S18 at 136 ("Again, my personal plan is to just go back on inactive status or only temporarily active if this clinic program takes off and I am asked to run it until a clinical professor can be hired so I can go back to doctrine/research . . . .").

[52] Stip. Facts ¶ 33; Exs. S6-S7.

[53] Stip. Facts ¶ 33; Ex. S9.

[54] Ex. S18 at 136.

The next day, he emailed the People:

> Also, what do you have waiting for me? I'll be honest, you do not strike me as the type of person who wants to see me or someone like me reinstated ever. I have the distinct impression you and more than a few others want me disbarred or at the very least suspended into perpetuity not so much for this but my willingness to question the most sacrosanct principles of the legal bureaucracy in open court and demonstrate with amazing ease that most of them are just straight up bull-shit bumper sticker slogans. Clients loved it - juries certainly agreed with me - problematic for the legal bureaucracy I'd imagine. Easier to discredit me if I'm disbarred or remain suspended.
>
> Hence my surprise that you'd even entertain the possibility of a stipulation to reinstatement, even if it is just to inactive status. I've met more than a few people like you working as government bureaucrats that seem to take pleasure in the infliction of pain more for a personal vindictive purpose than any objective or efficacious reason. Yes, I consider you, and a number of prosecutors/judges I've had the displeasure of meeting, a sociopath - no different than a husband who beats his wife simply for dinner being too cold - we academics call this the "crime as social control phenomena" which adheres to the same logical structure as formal purposes of punishment by the government.
>
> As such, I just cannot help but presume you'd sit on a few things, let me get to the point of reinstatement and then the next day hit me with another complaint and then move for disbarment. So - what other complaints are you holding on to? I imagine at least one judge or court clerk from the 10th circuit - perhaps some state judges/prosecutors? Gotta be something. Happy to be proven wrong but for now I do not trust you or think anything you're doing is sincere.[55]

Kristofco responded on December 7, 2023, noting that the People could not take a position on his reinstatement until they reviewed his petition and evaluated the evidence to determine whether he could clearly and convincingly prove the elements of reinstatement.[56] She also encouraged him to confer with a knowledgeable lawyer. Dissatisfied with her response, Petitioner wrote on December 8, 2023:

> I get the clear and convincing language but having seen this garbage game played a hundred times over by people like you...well I am just going to continue being very honest, direct and upfront with you about what I think, believe and why (part of my rehabilitation believe it or not). So, lets cut the shit - I know clear and convincing is whatever you want it to be and if you decide something doesn't rise to your standards you make the finding without any explanation beyond a

[55] Ex. S18 at 137.
[56] Ex. S18 at 141.

conclusory statement and that any legal bureaucrat with the title of judge will side with you because that is how this system works. The practice of law by people like you has created a ruler/ruled relationship between government and the rest of us where dominance is communicated through unquestioned application of power in a rule by law framework to achieve one desired outcome: submission and subjugation. I am done with this relationship and speaking that language with all of you. Clear and convincing means nothing other than what you want it to be in the moment. So stop throwing the clear and convincing phrase out there as a way to end the conversation.

. . .

I get you want me to demonstrate that I'm 'rehabilitated' but what is my ailment? I have a guess but based on every interaction from the last 3 years I don't think you even know so I'm asking my government to be straight with me. How are you defining and interpreting the word 'rehabilitated?' . . . . Government serves people - even the ones it's employees hates like me - so start acting appropriately and answer my questions honestly. I'm owed at least that.

Lastly, I asked you another question and I'd like it answered. What are you sitting on to ambush me with during or after this process? I think you're sitting on something. It is a simple question I posed to you and did not require the involvement of others, especially an investigator. If there is nothing, then just say so. I don't trust you, think very little of you professionally speaking based on how this all rolled out (an opinion that can change - I don't believe people are the sum of their bad acts or should be defined by their worst act) but willing to take you at your word and be proven wrong about my currently held beliefs and opinions. But you need to stop acting like a brain dead bureaucrat and behave like a person. If you want me disbarred then just do it - hell I'm happy to just resign my bar license and make it easy on everyone. However, if there is nothing then just say so and provide a little insight into the issues I've raised already so I can give you a legitimate package and have an honest discussion about its merits.
Matt.
p.s. Here is a free copy of my book, might give you some insight and who knows, maybe you learn something.[57]

That evening, Petitioner forwarded to the People an email he had just penned to S.M., a former client, which he prefaced with a message to Kristofco: "You're not as clever as you think you are."[58] In that forwarded email, Petitioner wrote: "Oh [S.M.] . . . I invited the call. You threatened my family. You threatened my life. You never paid me a dime. You paid a firm before I ever joined. This will be my last piece of legal advice: beware the fury of a patient man."[59]

[57] Ex. S18 at 140-41.
[58] Ex. S18 at 145.
[59] Ex. S18 at 145.

At the reinstatement hearing, Petitioner explained his December 2023 missives. Because Kristofco became for him an avatar of what he perceived to be fundamental injustices in the disciplinary system, his initial visceral reactions about his disciplinary case came "flooding back" to him in December 2023. Dealing with Kristofco, he testified, just became too much: "I just don't know if there's adequate language for this; it's just kind of how it is," he said. Petitioner acknowledged that his emails disparaging Kristofco were not helpful and could not be justified. He explained that in the moment he thought it was appropriate to write the emails because "that's how [he] was feeling." But he stood behind his emails "in a general sense" and backtracked only to the extent that he opined Kristofco behaves in ways that are "sociopathic." To Kristofco, Petitioner said at the hearing, "I've never done this. It's just you. You bring it out in me." Petitioner expressed absolute confidence that it is only Kristofco who "pushes [his] buttons" in this way. He conceded, however, that he could not prove he would never treat other opponents or government representatives similarly if he were reinstated, noting that the Hearing Board simply had to trust his assurances and give him the benefit of the doubt.

As for Petitioner's email to S.M. and his decision to forward that communication to the People, Petitioner deduced that S.M.—a former client who he said had recently threatened him—had likely filed a disciplinary grievance against him. Petitioner testified that he forwarded his email to S.M. to apprise Kristofco of its contents and to indicate to her that he welcomed her discussions with S.M. According to Petitioner, forwarding the email was, in the moment, what he thought was best for him to do.

III. LEGAL ANALYSIS

To be reinstated to the practice of law in Colorado under C.R.C.P. 242.39, a lawyer must prove by clear and convincing evidence that the lawyer has been rehabilitated, has complied with applicable disciplinary orders and rules, and is fit to practice law. Proof by clear and convincing evidence is stronger than a preponderance of the evidence.[60] It is proof that persuades the Hearing Board that the truth of the contention is highly probable.[61] A lawyer's reinstatement signifies that the lawyer possesses all the qualifications required of applicants admitted to practice law in Colorado.

Rehabilitation

We first consider whether Petitioner has been rehabilitated from his misconduct. In assessing Petitioner's rehabilitation, we must consider the circumstances and seriousness of his original misconduct, his conduct since being suspended, his remorse and acceptance of responsibility, how much time has elapsed, restitution for any financial injury, and evidence that

[60] *People v. Distel*, 759 P.2d 654, 661 (Colo. 1988).
[61] *Id.*

he has changed in ways that reduce the likelihood of future misconduct.[62] These criteria provide a framework to assess whether Petitioner has "experienced an overwhelming change in his state of mind" comparable to a "regeneration."[63]

Petitioner argues that he has satisfied this prong, as he has reflected on his misconduct and learned from his errors. He notes that at the time of his suspension he acknowledged the seriousness of his misconduct, and he maintains that his remorse has only deepened since that time. He contends that he has engaged in positive professional endeavors during his suspension and has flourished in academia. Most important, he says, he has a changed perspective on his misconduct and is certain that the circumstances and conditions that led to his misconduct will not reoccur. He points to his and others' testimony that he never again will position himself to manage client money or become involved in the administrative workings of a firm; that he has been humbled by the experience and no longer possesses the overconfidence that created the groundwork for his misconduct; and that although his core ideology has not changed, his perspective on the legal system has matured.

We begin our analysis by emphasizing an element of Petitioner's own disciplinary stipulation: his misconduct was serious.[64] Reckless conversion of client funds is a grievous offense, as evidenced by the three-year suspension Petitioner received for the misconduct. And while Petitioner's handling of the Hurley and Prentis matters occurred a long time ago—almost eight and six years ago, respectively—his characterization of his misconduct in those matters as merely a "bad mistake" suggests that this lengthy passage of time has not provided him sufficient opportunity to come to terms with its gravity. Instead, his testimony suggests he sees his mismanagement of the Hurley and Prentis funds as a mere math error.

Consequently, Petitioner continues to view his discipline as unjustly disproportionate and lacking in efficacy, which has hobbled his ability to fully accept responsibility. As a corollary, he has not managed to express the remorse that ought to accompany such a serious offense. Petitioner barely, if at all, mentioned the effect of his behavior on the Prentises. And although he credibly testified that he feels horrible for hurting Hurley, that sentiment appeared to be rooted more in wounded pride and shame that he violated his own ethical principles by operating a "fee mill" than in genuine regret for mishandling bankruptcy clients' limited funds.

Nor does Petitioner's conduct since being suspended signal a change in perspective. That he did not immediately pay restitution to his clients, instead waiting more than two years after his suspension took effect to reimburse the Attorneys' Fund for Client Protection, suggests that he tendered the required restitution not out of contrition but expedience. So, too, with many of the other steps he took in support of his petition, such as his claim to 149 CLE credits in his last reporting period. Rather than enroll in CLE courses that could educate him about building and sustaining an ethical firm infrastructure or learning from others in his field, he paid for CLE

[62] C.R.C.P. 242.39(d)(2)(A).
[63] *West v. People*, 470 P.3d 670, 677 (Colo. O.P.D.J.) (referencing *In re Cantrell*, 785 P.2d 312, 313 (Okla. 1989) and *In re Sharpe*, 499 P.2d 406, 409 (Okla. 1972)).
[64] Stip. Facts ¶ 36.

accreditation for researching and writing his own publications and for teaching a public defender's program. As a result, rather than learning from others, he positioned himself as the source of his continuing legal education.[65] He voluntarily enrolled in the People's trust account school in 2024, but when prompted at the hearing, he could remember little of the course's content. Most telling, however, are his emails to Kristofco and his testimony defending that correspondence. The former bespeak Petitioner's lingering feelings of victimization, and the latter evinces a stasis in perspective from December 2023 through today. In short, Petitioner even now focuses on how he believes he was wronged, not how he wronged his clients.

Indeed, despite Baumgartner's testimony, we cannot find clear and convincing evidence that Petitioner has undergone a fundamental change that would reduce the likelihood of his misconduct. If hubris was Petitioner's downfall, he did not present adequate evidence to show that he has done the necessary work to wrangle it into submission. If simple lack of experience in firm administration and money management was to blame, he failed to convince us that he has closed those knowledge gaps.

Petitioner's assurances that he will never again helm a law practice or involve himself in handling client funds cannot assuage our concerns. C.R.C.P. 242.39(d)(2)(A) instructs us to investigate whether Petitioner himself has undergone a transformation in outlook—which is a durable, lasting change—not whether he has promised a modification in his circumstances, which can easily be reversed. For that reason, although Petitioner's post-suspension academic work has undoubtedly contributed to advancements at the intersection of sociology and law, that work does not bear on whether he has changed in ways that reduce the likelihood he will again commit misconduct as a lawyer. He has not met his burden to show that he has been rehabilitated.

Compliance with Disciplinary Orders and Rules

We next turn to whether Petitioner has complied with all disciplinary orders and rules, including compliance with the Rules of Professional Conduct as required under C.R.C.P. 242.39(d)(2)(B). The parties stipulate that Petitioner has complied with applicable disciplinary orders and rules since his suspension, and we adopt that stipulation for purposes of deciding this element.

Fitness to Practice Law

Finally, the Hearing Board examines whether Petitioner is fit to practice law, as measured by whether he satisfies the ten eligibility requirements to practice law set forth in C.R.C.P. 242.39(d)(2)(C). The parties stipulate that Petitioner meets two of those criteria: he

[65] We do not criticize Petitioner for seeking CLE credit for this work, which he is entitled to do under the relevant rules. We merely observe that these CLE credits do not evince a desire to learn or address shortcomings.

possesses the ability to reason logically, recall complex factual information, and accurately analyze legal problems; and he possesses the ability to comply with deadlines and time constraints.[66]

Baumgartner's, Simeson's, and Mossinghoff's testimony convinces us that Petitioner also clearly meets three other essential eligibility criteria: honesty and candor with clients, lawyers, courts, regulatory authorities, and others; the ability to use a high degree of organization and clarity in communicating with clients, lawyers, judicial officers, and others; and the ability to act diligently and reliably in fulfilling obligations to clients, lawyers, courts, and others.[67] These current and former colleagues uniformly praised Petitioner's organization and clarity in writing and speaking as well as his diligent attention to client matters as a lawyer and a paralegal. Moreover, their testimony portrayed Petitioner as honest to a fault, with candor so raw that it occasionally exceeds the bounds of effective advocacy. Petitioner has met his burden of proving that he meets these eligibility requirements.

Nor do we view criterium (ix)—Petitioner's ability to be honest and use good judgment in personal financial dealings and on behalf of clients and others—as an insuperable obstacle to his reinstatement. Although Petitioner mishandled client funds, that misconduct was not predicated on dishonesty. In fact, Petitioner's disciplinary stipulation specifically provided that Petitioner did not act with a dishonest motive.[68] In his current role, Petitioner safeguards his students' personal confidential information. And Petitioner's own financial dealings do not raise red flags as to this factor. Simeson and Mossinghoff both testified that Petitioner's lifestyle is frugal and simple. And although Petitioner owes approximately $3,000.00 in unpaid taxes, we accept his explanation that he could not pay an unexpected tax obligation resulting from tax code changes. Standing alone, this factor should not preclude Petitioner's reinstatement.

We do, however, find that Petitioner has failed to prove by clear and convincing evidence that he has the ability to act with respect for and in accordance with the law or to comply with laws, regulations, statutes, rules, and orders.[69] Petitioner substantially complied with all rules and orders governing his 2021 disciplinary case in Colorado. But he has not complied with all rules and orders governing his 2022 reciprocal discipline in California; a sanction that Petitioner was unconditionally ordered to pay there remains outstanding. Further, Petitioner has not filed his tax returns for the years 2022 and 2023. We understand that a taxpayer may be caught by surprise and cannot pay an unforeseen tax bill; we see no justification, however, for why a taxpayer would not file tax forms for two consecutive years or fail to arrange for a payment plan. We worry that these examples suggest that Petitioner might not always choose to obey rules and laws he sees no downside to disregarding. As such, we cannot find that Petitioner has met his burden as to this factor.

[66] Stip. Facts ¶ 35. C.R.C.P. 242.39(d)(2)(C)(ii) & (x).
[67] C.R.C.P. 242.39(d)(2)(C)(i), (iii), & (viii).
[68] Stip. Facts ¶ 32.
[69] C.R.C.P. 242.39(d)(2)(C)(v) & (vii).

Finally, we cannot clearly or convincing conclude that Petitioner is able to use good judgment on behalf of clients and in conducting professional business.[70] Petitioner's testimony leads us to believe that he has tended to see legal cases, including his disciplinary case, through an ideological lens in which the law is wielded as a tool of systemic governmental oppression. Often, that viewpoint redounded to his clients' benefit, particularly when he channeled his energies into challenging the government's case with data, analysis, and sound legal argument.

As Petitioner's own witnesses attested, however, he grew blinded by his habitual cynicism and distrust, occasionally acting in a manner that did not advance the interests he represented. For instance, Petitioner recounted feeling so disgusted by the government's decisions in the Douglas County rape/DUI case that he walked out of his client's sentencing hearing. Absenting himself from that important procedural event, no matter how painful, displayed a lack of good judgment and represented a failing as his client's advocate.

But the most salient examples, of course, are Petitioner's emails to Kristofco.[71] He sent those emails in his reinstatement matter, which was imbued for Petitioner with residual anger from his disciplinary case. In that context, he inexplicably forwarded to Kristofco a communication with S.M., a former client, discussing information related to his representation of S.M. Worse still, that email threatened S.M.'s safety or welfare. At the reinstatement hearing, Petitioner endorsed drafting and forwarding the email as appropriate in the circumstance. This behavior, too, we find lacking in good judgment when conducting professional business.

From a purely transactional point of view, Petitioner's ad hominem attacks of Kristofco speak most loudly about whether he is able to exercise good judgment in a professional setting. In a circumstance in which Petitioner was acting to restore his professional standing, he was so overcome by his visceral reaction to Kristofco that he was unable to restrain himself at a time when doing so might have materially influenced whether the People chose to contest his reinstatement. Moreover, this was not an isolated communique dashed off in the heat of the moment; Petitioner sent Kristofco several emails over the course of a working week. We are deeply uneasy that his conduct here could be a harbinger of things to come: if he lobbed these insults when his professional license is on the line, might he react similarly if a client's life or liberty hangs in the balance? We have no clear proof that he will not. And we cannot simply trust Petitioner's protestation that he indulges his personal animosities only when it comes to Kristofco. His request that we give him the benefit of the doubt on this score ignores the content of his email to S.M., flips the burden of proof on its head, and is antithetical to our mandate to ensure the protection of the public.

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[70] C.R.C.P. 242.39(d)(2)(C)(iv).

[71] Petitioner's emails likewise call into question his ability to exhibit regard for the rights and welfare of others under C.R.C.P. 242.39(d)(2)(C)(vi). While on the stand, Petitioner explained and qualified his emails, but he never apologized to Kristofco or acknowledged how his words might have affected her. Instead, he took a more confrontational tone with her and seemed to lay responsibility for his feelings and actions at her feet.

In sum, Petitioner has proved that he meets the essential eligibility criteria of many, but not all, of the applicable factors enumerated in C.R.C.P. 242.39(d)(2)(C). We therefore cannot find by clear and convincing evidence that he is fit to practice law in Colorado.

V. CONCLUSION

Between 2016 and 2019, Petitioner recklessly mishandled client funds and turned his back on two bankruptcy clients. He continued to practice law for two years, growing disillusioned with a justice system he views as hypocritical, imperious, and illogical. In 2021, Petitioner's law license was suspended in Colorado. He stepped away from practicing law and devoted himself to academia, where his misconduct receded into the background of his university life. As a professor, he has effected positive social and legal change through teaching, research, writing, presenting, and serving as a pro bono expert witness. But those important academic contributions do not signal his rehabilitation as a lawyer; he has not accepted the gravity of his misconduct or undergone a fundamental change that would reduce the likelihood of future offenses. Nor does Petitioner's success in academics demonstrate his fitness to practice law, as he has failed to prove, in particular, that he has the ability to show respect for the law and to exercise good judgment as a lawyer. We therefore must deny Petitioner's petition for reinstatement.

VI. ORDER

The Hearing Board therefore **ORDERS**:

1. The Hearing Board **DENIES** "Petitioner's Verified Petition for Reinstatement." Petitioner **MATTHEW J. GREIFE**, attorney registration number **43487**, is **NOT REINSTATED** to the practice of law in Colorado.

2. Under C.R.C.P. 242.39(g)(1), Petitioner **MUST** pay the costs of this proceeding. The People **MUST** submit a statement of costs on or before **Monday, March 10, 2025**. Any response challenging the reasonableness of those costs **MUST** be filed within seven days. The PDJ will then issue an order establishing the amount of costs to be paid or refunded and a deadline for the payment or refund.

3. Any posthearing motion **MUST** be filed with the Hearing Board on or before **Monday, March 17, 2025**. Any response thereto **MUST** be filed within seven days.

4. Petitioner has the right to appeal the Hearing Board's decision to deny his petition for reinstatement under C.R.C.P. 242.39(e)(6) and C.R.C.P. 242.34.

5. Under C.R.C.P. 242.39(f), Petitioner **MAY NOT** petition for reinstatement within two years of the date of this order.

6. The Court **VACATES** the opinion hearing scheduled for March 5, 2025.

DATED THIS 3rd DAY OF MARCH, 2025.

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

MARGARET C. CORDOVA
HEARING BOARD MEMBER

KAREY L. JAMES
HEARING BOARD MEMBER