

<p style="text-align: center;">SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203</p>	
<p>Petitioner: MATTHEW S. PARK, #31715</p> <p>Respondent: THE PEOPLE OF THE STATE OF COLORADO</p>	<p>Case Number: 24PDJ071</p>
<p style="text-align: center;">OPINION DENYING REINSTATEMENT UNDER C.R.C.P. 242.39</p>	

SUMMARY

Matthew S. Park ("Petitioner") was suspended for one year and one day in October 2020. He was disciplined for practicing law while he was administratively suspended and for comingling his own funds with those belonging to his client and to a third party. Though Petitioner was required to serve only three months of his suspension, after which he would be subject to a two-year period of probation, he did not seek to reinstate to the practice of law until November 2021, necessitating that he petition to reinstate his law license. A hearing board denied that petition. In this reinstatement proceeding, Petitioner again failed to demonstrate by clear and convincing evidence that he is rehabilitated from his misconduct, that he has complied with all disciplinary rules and orders, and 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.

I. PROCEDURAL HISTORY

On August 29, 2024, Petitioner filed a "Verified Petitioner [sic] for Reinstatement" with Presiding Disciplinary Judge Bryon M. Large ("the PDJ").¹ On September 18, 2024, the PDJ notified the parties that he was disqualifying himself from Petitioner's case and that a presiding officer would be selected. The next day, Michele L. Melnick answered the petition on behalf of the Office of Attorney Regulation Counsel ("the People"), opposing Petitioner's reinstatement. On September 23, 2024, the PDJ's administrator appointed David P. Ayraud ("the Presiding Officer") as the presiding officer in this matter under C.R.C.P. 242.6(d).

¹ Previously, Petitioner was denied reinstatement on April 22, 2022, in case number 21PDJ082. Because Petitioner filed his current petition more than two years after he was denied reinstatement in that case, the petition is not time-barred under C.R.C.P. 242.39(f).

On October 4, 2024, the Presiding Officer held a remote scheduling conference and set this case for a two-day reinstatement hearing to take place on February 3-4, 2025. At a prehearing conference on January 13, 2025, the Presiding Officer converted the reinstatement hearing to a one-day hearing at the parties' behest, to take place only on February 3, 2025. In addition, the Presiding Officer denied the People's untimely motion to extend the deadline for discovery, which had closed the previous week. In that motion, the People sought to investigate evidence allegedly showing that while suspended, Petitioner engaged in legal or law-related work that he had not disclosed in his reinstatement petition or during discovery. But the Presiding Officer found that the People failed to demonstrate that they could not have timely requested an extension before the discovery deadline.²

On January 17, 2025, Petitioner moved for an order under C.R.C.P. 242.29(f) that he undergo an independent medical examination ("IME"). In that motion, he asserted his "past behavioral health condition or disorder ha[d] become an issue" after the People raised allegations that he continued to practice law after his suspension took effect.³ Petitioner supplemented his motion four days later. In tandem with that filing, he moved to continue the reinstatement hearing for an undetermined amount of time to pursue psychiatric treatment, ostensibly to further his rehabilitation and improve his fitness to practice. On January 22, 2025, the Presiding Officer denied both requests. As to Petitioner's motion for an IME, the Presiding Officer found that the motion was not authorized under the disciplinary rules and that Petitioner had failed to show that good cause or exigent and unforeseen circumstances justified his requested relief. The Presiding Officer likewise found that Petitioner had not shown good cause to continue the fast-approaching reinstatement hearing; the Presiding Officer reminded Petitioner that he was entitled to withdraw his petition and refile it at a later date if he needed additional time to develop his reinstatement case.

On February 3, 2025, a Hearing Board comprising the Presiding Officer and lawyers Brenden William O'Brien Desmond and Andrew Sidley-MacKie held an in-person reinstatement hearing under C.R.C.P. 242.39.⁴ Petitioner represented himself, and Melnick attended for the People. The Hearing Board received in-person testimony from Petitioner as well as the People's witnesses Aimee Callahan and Renee Grengs. The Hearing Board received remote videoconferencing testimony from Petitioner's witness Kaitlin Rivera⁵ and from the People's

² See "Order Re: Prehearing Conference" (Jan. 14, 2025); see also "Reinstatement Scheduling Order" § III.8 (Oct. 8, 2024) ("Any motion for extension of time must be filed with the Court **no later than the applicable deadline**, unless the movant shows that exigent or unforeseen circumstance prevented a timely filing.") (emphasis in original).

³ "Motion for Independent Medical Examination of Petitioner" (Jan. 17, 2025).

⁴ The Colorado Supreme Court appointed the Presiding Officer and Hearing Board members Desmond and Sidley-MacKie as members of the hearing board pool under C.R.C.P. 242.7(b)(1).

⁵ Rivera is identified on Petitioner's witness list as Kaitlin Bragg.

witnesses Carlie Forster and Kevin Snider.⁶ The Presiding Officer admitted the parties' stipulated exhibits S1-S4⁷ and the People's exhibits A, C, E, F, H, I, L, M, N, O, Q, and S.

II. FINDINGS OF FACT⁸

Petitioner's Professional Background and Disciplinary History

Petitioner was admitted to practice law in Colorado on May 11, 2000, under attorney registration number 31715. He is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this reinstatement proceeding.

Petitioner obtained his law degree from the University of Denver Sturm College of Law in 1999. His legal practice has spanned various substantive areas of law, and he has represented clients in transactional matters and in litigation.

In 2003, Petitioner stipulated to a suspension of ninety days, all stayed upon the completion of a two-year period of probation.⁹ Petitioner was disciplined because he permitted his nonlawyer employees to draft documents necessary to complete the sale of his client's business, thus knowingly assisting nonlicensed persons to engage in the unauthorized practice of law. Petitioner also failed to keep adequate trust account records and comingled his own funds with client funds in his trust account. Petitioner successfully completed his period of probation.

Petitioner has been administratively suspended twice. On June 28, 2013, the Colorado Supreme Court suspended him for failing to comply with his continuing legal education ("CLE") requirements.¹⁰ On May 1, 2015, he was suspended for failing to pay his annual registration fee.¹¹ On January 30, 2019, Petitioner reinstated from his 2015 suspension after he paid his outstanding fees and penalties, though his 2013 suspension regarding CLEs remained in effect.¹²

On September 4, 2020, a hearing board imposed the discipline from which Petitioner now seeks to reinstate. In that case Petitioner was suspended under C.R.C.P. 251.19(b) for one year and one day, with three months to be served and the remainder to be stayed pending his successful

⁶ After Rivera's testimony, Petitioner represented that two of his witnesses were not available to testify, and he orally moved to continue the hearing. The Presiding Officer denied that motion, finding that Petitioner was responsible for ensuring his witnesses' appearances.

⁷ At the reinstatement hearing, Petitioner orally moved to suppress exhibit S4, which contains his confidential medical information. The Presiding Officer **GRANTED** Petitioner's motion and **SUPPRESSED** exhibit S4.

⁸ Factual findings are drawn from testimony offered at the hearing where not otherwise indicated.

⁹ See Ex. S1 at 318.

¹⁰ Ex. A at 302.

¹¹ Ex. A at 302.

¹² Ex. A at 302.

completion of a two-year period of probation.¹³ Petitioner was disciplined for working on a client's personal injury matter from 2016 to 2019, even though he was administratively suspended and knew of his suspensions. In doing so, he violated Colo. RPC 5.5(a)(1) and Colo. RPC 3.4(c). After Petitioner settled his client's case in January 2019, he deposited the settlement funds directly into his operating account, thereby knowingly comingling his personal funds with money belonging to his client and to third-party lien holders in violation of Colo. RPC 1.15A(a).

Petitioner's disciplinary suspension took effect on October 27, 2020. The order of suspension forbade him from engaging in the practice of law in violation of Colo. RPC 5.5(b). The order also required him to pay the costs of the disciplinary proceeding by November 2020, but he did not do so until March 2021.¹⁴ The order also directed Petitioner to comply with C.R.C.P. 251.28(d), which required him to file an affidavit within fourteen days, setting forth his pending matters and attesting that he gave notice of his suspension to his clients and to any jurisdictions where he was licensed to practice law.¹⁵ The affidavit was due on November 10, 2020, but Petitioner did not file it until April 28, 2021.¹⁶ In the affidavit, Petitioner attested that he had no clients since his suspension took effect in October 2020; that he had not engaged in legal practice since moving to Texas in November 2020; and that he paid all costs related to his disciplinary case and fully complied with the order of suspension and C.R.C.P. 251.28.¹⁷

Petitioner's First Reinstatement Proceeding

As discussed above, Petitioner was required to serve only three months of his suspension. He was thus eligible to reinstate by affidavit under C.R.C.P. 251.29(b) and begin his two-year period of probation on January 27, 2021. But Petitioner never reinstated by affidavit and was never placed on probation. On November 9, 2021, he filed a petition to reinstate under C.R.C.P. 251.29(c).¹⁸ In that petition, Petitioner repeated the representations that he made in his affidavit: that he had no clients requiring legal services at any time during his suspension; that he had not engaged in legal practice or employment related to legal practice while residing in Texas; and that he had fully complied with disciplinary orders and with the requirements outlined in C.R.C.P. 251.28.¹⁹

¹³ See generally Ex. S1. C.R.C.P. 251 governed lawyer discipline procedures until July 1, 2021, when C.R.C.P. 242 took effect.

¹⁴ Ex. H at 3.

¹⁵ Ex. C.

¹⁶ Ex. S2.

¹⁷ Ex. S2 ¶¶ 1, 3, & 6. C.R.C.P. 251.28 required a suspended lawyer to wind up pending matters for which the lawyer was providing legal services; provide notice of the suspension to clients in pending matters and to parties in litigation; and file with the PDJ an affidavit attesting to the lawyer's compliance with the rule within fourteen days of the effective date of the suspension.

¹⁸ Ex. E.

¹⁹ Ex. E ¶¶ 1 & 3-4.

On November 11, 2021, Petitioner filed a new petition for reinstatement after he voluntarily withdrew the petition he had submitted just two days before.²⁰ In it, Petitioner stated that he “did not practice law or engage[] in any employment related to [the] legal practice of law since the suspension”²¹ and affirmed that he had “fulfilled all obligations and complied with all rules as set by the [PDJ]. . . .”²²

In February 2022, Petitioner responded to the People’s interrogatories. In his responses, he again affirmed that he was not practicing law when his suspension took effect; that he had no clients to notify of his suspension when it took effect; that he had not engaged in the practice of law since the effective date of the order of suspension; and that he had not been employed in or associated with any law office, law department, or legal institution since the effective date of his suspension.²³ Petitioner identified MM Global Services, Inc., as his only employer since the date of his suspension.²⁴

On March 3, 2022, a hearing board held a reinstatement hearing. During that hearing, Petitioner testified that he performed website services for MM Global Services, which he also identified as machinemon.com.²⁵ He did not mention having any other employment during his suspension. Rather, he lamented that he was financially stressed because he was underemployed at MM Global Services and could not secure more gainful employment.²⁶

On April 14, 2022, the hearing board in that proceeding issued an opinion denying reinstatement under C.R.C.P. 251.29(e). The hearing board found that Petitioner failed to show that he was rehabilitated from his misconduct, that he had complied with all disciplinary rules and orders, and that he was fit to practice law.²⁷

In a separate order issued on April 28, 2022, Petitioner was ordered to pay \$24.00 in costs related to that proceeding by May 26, 2022.²⁸ Petitioner testified at the hearing in this matter that he did not pay those costs until September 2024, as he did not realize the costs were outstanding until after he filed his current petition.

²⁰ Ex. F.

²¹ Ex. F ¶ 3.

²² Ex. F ¶ 7.

²³ Ex. S3 at 1-3.

²⁴ Ex. S3 at 4.

²⁵ Ex H at 4, n.23.

²⁶ Ex. H at 4.

²⁷ Ex. H. Though C.R.C.P. 242 was in effect during Petitioner’s first reinstatement proceeding, his petition was handled under C.R.C.P. 251 absent the parties’ agreement to proceed under C.R.C.P. 242. *See* “Reinstatement Scheduling Order” in case number 21PDJ082 (Dec. 15, 2021).

²⁸ Ex. I.

Events During Petitioner's Suspension

At Petitioner's current reinstatement hearing, he testified about the events that precipitated his suspension, his activities leading up to his first reinstatement proceeding, and his activities since that time.

Petitioner's Representation in the Dissolution of Marriage Case

Petitioner testified that when his suspension began in October 2020, he was representing a client pro bono in a dissolution of marriage case in Arapahoe County District Court. He acknowledged that he did not notify his client or the presiding court of his suspension. Petitioner stated that he sought replacement counsel for his client before the suspension took effect but that his client could not afford paid representation and no lawyer agreed to take the case pro bono.

Petitioner said that he moved to withdraw from the dissolution matter in November 2020 on the grounds that he would soon be relocating to Texas and "[wouldn't] be able to practice law." The court denied that motion on December 7, 2020, and Petitioner continued to represent his client in the case, disobeying his order of suspension. At this reinstatement hearing, Petitioner struggled to explain why he did not inform the court or his client of his suspension in the motion to withdraw. "I don't quite understand what I was thinking at the time," he claimed. He added, inscrutably, that he was "not in a position" at that time to disclose the suspension because he believed he might be placed on probation. Yet Petitioner also insisted that he stayed on the case to protect his client, who otherwise would have been unrepresented in the matter.

Petitioner also had difficulty recalling details of his handling of the client's case. He testified that he does not remember much of what occurred in the case during 2020 and 2021. He felt traumatized by the case, he explained, due to personal difficulties he was experiencing at the time, which he has only recently begun to explore in therapy. The trauma affected his memory of the case, causing gaps in his recollections. For instance, when presented with a copy of the case's register of actions, Petitioner guardedly acknowledged that he "probably" filed an amended separation agreement in the case in March 2021. And though he seemed to accept the authenticity of the register of actions and agreed that it reflected that he attended his client's permanent orders hearing via Webex on July 23, 2021, he disclaimed any recollection of that hearing, stating, "Honestly, I don't remember."

Petitioner's Work as a Staff Attorney

In addition to his work on his client's matter, Petitioner was employed as a staff attorney with the Pacific Justice Institute ("PJI") when his disciplinary suspension took effect in October 2020. At the reinstatement hearing, PJI chief counsel Kevin Snider testified that PJI

employed Petitioner from October 2019 to February 2022.²⁹ While at PJI, Snider said, Petitioner handled PJI's Colorado cases under Snider's direct supervision, working remotely from the greater Denver area and, later, from Texas.

Petitioner testified that he notified PJI of his suspension. But he gave inconsistent accounts about the notice. In one account, he said he closed out his final client matter with PJI in October 2020, days before his suspension began.³⁰ He claimed, falsely, that he notified PJI after October 2020 that he could no longer accept cases and perform legal work because his law license had been suspended. Even under this telling, though, Petitioner acknowledged that he continued to work as a staff attorney with PJI until 2022, and he believed that he may have continued to include the statement "Admitted in Colorado" in his work email's signature block until some point in 2021. In a different, and also false, account, Petitioner testified that he "came clean" to Snider about his suspension after a client saw Petitioner's suspension on the People's website and alerted Snider. But Snider testified that Petitioner assured him it was an older matter that had since been "cleared up," and the People had merely not updated their website. Snider apparently took Petitioner at his word and seems not have taken steps to independently verify Petitioner's licensure status. After Snider testified, Petitioner acknowledged that he told Snider he was on probation, rather than under suspension, apologizing to Snider for the deception.

For his part, Snider testified that Petitioner never informed PJI of his suspension. When Petitioner stopped accepting new cases in late 2020, Snider said, it was ostensibly due to Petitioner's health problems and family issues. Snider added that Petitioner continued to work on legal matters until he left PJI in February 2022. Snider said he believed that Petitioner was licensed during the full duration of Petitioner's time at PJI. Indeed, after Petitioner departed PJI, Snider needed a Colorado-licensed lawyer to sign a response letter for a pending matter in Colorado. Snider stated that he asked Petitioner to sign the letter because PJI did not have any Colorado-licensed lawyers on staff at the time and he believed that Petitioner was a Colorado-licensed lawyer who "understood the file." Snider recalled that Petitioner signed the letter around August 2022.

Petitioner's Work as a Project Attorney

Petitioner testified that he worked as a document reviewer around the time of his suspension. Between 2019 and 2021, Petitioner worked as a "Project Attorney" for UnitedLex on five matters.³¹ Carlie Forster, a manager in UnitedLex's human resources department, testified that most of the company's document review projects require reviewers to hold a juris doctorate degree, and that some assignments also require a reviewer to hold an active license to practice

²⁹ Snider described PJI as a California-based nonprofit 501(c)(3) religious organization that provides pro bono representation to parties in cases that implicate religious liberties and interests.

³⁰ See Ex. S.

³¹ Petitioner was employed on these matters from July 10, 2019, to January 31, 2020; April 13, 2020, to May 28, 2020; June 11, 2020, to October 8, 2020; November 3, 2020, to November 4, 2020; and August 26, 2021, to November 8, 2021. Ex. O at 959.

law. Forster was unsure whether any of Petitioner's assigned projects at UnitedLex required that he hold an active law license. Indeed, Forster testified that UnitedLex classifies all reviewers with juris doctorates as "Project Attorneys," regardless of whether they have active law licenses.

Additional Work and Activities

At the reinstatement hearing, Petitioner described his recent employment and volunteer work. On December 28, 2023, he applied to the Arapahoe County Sheriff's Office Victim's Advocate program.³² On his application, Petitioner represented that he has been a lawyer since 2013, but he did not disclose his suspension.³³ Renee Grengs, a supervisor with the victim's advocate program, testified that Petitioner began training for the program in April 2024 and completed seventy-two hours of the eighty-three-hour training course. But the program rescinded its offer, Grengs said, after a volunteer alleged that Petitioner told her he was volunteering to improve his chances of reinstatement and to meet potential clients.

From January 2024 to October 2024, Petitioner was employed with The Learning Source, a nonprofit organization that offers adult education classes. Through The Learning Source, Petitioner worked thirty-two hours a week as a GED proctor in Denver County jail. Kaitlin Rivera interviewed and hired Petitioner. Rivera testified that she was happy with Petitioner's job performance at The Learning Source. Petitioner was able to work independently, she said, and he was respectful and committed to the wellbeing of the inmates he instructed. Rivera said she found Petitioner trustworthy, and she noted that he passed a stringent background check to receive access to the inmates. She recalled that Petitioner informed her about his suspension a few months after he was hired, though he did not say why he had been disciplined. The application and resume Petitioner submitted for the position show that he attended law school and worked as a lawyer; neither document reflects that his law license was suspended.³⁴

Petitioner's employment with The Learning Source ended on October 9, 2024. The organization's CEO, Aimee Callahan, testified that the Denver County jail revoked Petitioner's access after the jail's administrators alleged that he was providing legal advice to inmates. Because Petitioner could not perform his job duties without meeting with inmates, Callahan said, The Learning Source had no choice but to terminate his employment. Neither Callahan nor Rivera observed Petitioner giving legal advice to jail inmates, and Callahan noted that she received no other concerning reports about Petitioner's job performance.

In addition to his work and volunteer endeavors, Petitioner described undertaking law-related activities during his suspension to address his misconduct. He completed seventy CLE courses between 2023 and 2025, he said, though he did not introduce evidence showing which courses he took. He also stated that he completed the Colorado Supreme Court's lawyer self-assessment program in early 2024 and attended the People's trust account school in July 2024.

³² Ex. N.

³³ Ex. N at 347.

³⁴ See Exs. L & M.

Further, in September 2024, Petitioner completed the People's ethics school as well as the Colorado Bar Association's course entitled "Practicing with Professionalism." Petitioner said that he also sought guidance from the Colorado Lawyer Assistance Program and began mentoring with another lawyer, who advised him on his current reinstatement petition and helped him update his case management system.

Petitioner's Reflections on His Misconduct and on His Actions During His Suspension

At the reinstatement hearing, Petitioner expressed remorse for the misconduct underlying his suspension. He acknowledged that his unauthorized practice of law and mismanagement of his trust account harmed the legal profession. He always tried to act for his clients' benefit, he said, emphasizing that his actions did not cause them financial harm. Petitioner also testified with visible emotion that he was a "monster" for deceiving Snider and for "receiving a paycheck without doing any work."

Petitioner attributed his conduct leading up to and during his current suspension to the effects of opioid dependence, post-traumatic stress disorder ("PTSD"), and depression stemming from a vehicle accident in 2006. Petitioner asserted that he suffered from opioid dependence beginning around that time, and he opined that his condition contributed to his misconduct and impaired his judgment until he overcame his dependence in 2022. He also contended that PTSD impeded his ability to comply with court orders and deadlines by creating "mental barriers" that made minor nonroutine tasks seem insurmountable. Further, Petitioner testified that due to PTSD, long-term opioid dependence, and marital problems he experienced during the period following his suspension, he is unable to recall details from that time, particularly from 2020 and 2021. He stated that he believes he suppressed many memories from that period, including his representation in the domestic relations matter.

Petitioner said that he came to recognize during this case that he needed to address his mental health struggles. To that end, he testified he obtained a psychiatric evaluation on January 17, 2025, to determine if he requires treatment. The evaluator noted that he did not have access to Petitioner's medical records for the evaluation but, based on Petitioner's self-report, the evaluator referred Petitioner for additional testing and treatment. Petitioner testified that following his evaluation he has attended two sessions of mental health treatment for PTSD and depression. Petitioner acknowledged that since his suspension until two weeks before the hearing, he had not sought any mental health treatment. Petitioner also testified that following his evaluation, he has begun to take Cymbalta and perceives a positive effect.

Petitioner acknowledged that he is in the earliest stages of treatment and that he faces a long road to recovery. Even so, he decided to forge ahead with this proceeding—against his mentor's advice, he noted—fearing he would not have sufficient funds to pay the \$500.00 cost deposit to refile his petition at a later time. As he is "in the process of trying to rehabilitate [himself]," however, Petitioner seeks to be reinstated on the condition that he practice under the supervision of another lawyer. If reinstated, he said, he aspires to help detained and imprisoned

clients, noting that the Office of Alternate Defense Counsel ("OADC") recently hired him as a paralegal. That offer has been put on hold pending the outcome of this proceeding, he said.

Notwithstanding that setback, Petitioner celebrated several victories since his last reinstatement petition. In addition to overcoming his opioid dependence and seeking mental health treatment, he has improved his credit score by making timely payments on bills and outstanding expenses. And he touted his work in this proceeding, stating that he adequately prepared his petition, hearing brief, and other filings despite being unfamiliar with the disciplinary rules and procedure. "I'm improving," he said, "[although] with more time I could present myself in a better light."

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. Reinstatement signifies that the lawyer possesses all the qualifications required of applicants admitted to practice law in Colorado.

Compliance with Disciplinary Orders and Rules

We begin our analysis in this case by examining whether Petitioner has complied with all applicable disciplinary orders and rules, including compliance with the Rules of Professional Conduct as required under C.R.C.P. 242.39(d)(2)(B). As distilled from his hearing brief, Petitioner argues that but for his representation in the dissolution matter, he has substantially complied with these requirements, satisfying his burden as to this prong. For several reasons, we disagree that Petitioner has met his burden.

We first note that Petitioner presented no compelling examples of his compliance with disciplinary orders and rules. We acknowledge his undisputed, albeit uncorroborated, testimony that he has continued taking CLE courses during his period of suspension, but he is under no requirement to do so. And though we are encouraged by Petitioner's uncontested testimony that he completed the People's ethics and trust account schools, those steps were conditions of the disciplinary probation that he never began; his completion of those courses thus does not demonstrate that he has complied with all applicable rules and orders.

Our focus thus turns to the evidence contradicting Petitioner's assertion that he has satisfactorily complied with applicable orders and rules. We first note that we decline to consider the evidence bearing on this issue that our predecessor hearing board assessed so as not to penalize Petitioner twice for the same conduct. The evidence that came to light during this proceeding includes Petitioner's acknowledgment that he continued representing his client in the dissolution of marriage case after the effective date of his suspension. He further conceded that he did not disclose his suspension to his client, to the court, or to the opposing party at any time during the case. In addition, we heard uncontested testimony that Petitioner continued working

at PJI as a staff attorney until February 2022, more than fifteen months after his suspension took effect, and that he performed additional work for PJI in August 2022. Petitioner admitted that he did not inform PJI or his supervisor, Snider, that he was suspended.³⁵ We find this evidence wholly undercuts Petitioner's argument that he has complied with all applicable disciplinary rules and orders.

We also consider that Petitioner did not comply with the order in his previous reinstatement case to pay the remaining costs from that matter no later than May 26, 2022. Petitioner eventually paid those costs in September 2024, after he filed his current petition. Further, in this proceeding, Petitioner struggled to adhere to the Presiding Officer's orders: he did not abide by the deadlines concerning IMEs, expert reports, and discovery; he failed to confer with the People before filing motions, despite the Presiding Officer's reminders that he do so;³⁶ and he did not comply with directives regarding the presentation of exhibits to witnesses testifying remotely at the reinstatement hearing.³⁷

In sum, Petitioner presented no convincing evidence that he has complied with disciplinary rules and orders, whereas we saw substantial evidence indicating he did not comply with several rules and orders. We thus find that Petitioner has not met his burden on this prong.

Fitness to Practice Law

We next examine whether Petitioner is fit to practice law, as measured by the eligibility requirements for the practice of law set forth in C.R.C.P. 242.39(d)(2)(C). As we explain below, Petitioner failed to muster clear and convincing evidence that he meets any of the eligibility requirements.

Our first inquiry under this prong is whether Petitioner has shown he can be honest and candid with clients, lawyers, courts, regulatory authorities, and others.³⁸ Petitioner contends that his honesty and candor are evident in his attempts to withdraw from the dissolution of marriage case, his lack of a financial incentive or other selfish motive to continue the pro bono representation, and his prioritization of his client's interest in being represented by counsel over his own interest in withdrawing from the matter. We disagree, as the weight of the evidence suggests that Petitioner lacks the honesty and candor required of lawyers. We base our conclusion

³⁵ Though we are troubled that Snider did not independently confirm Petitioner's licensure status despite receiving notice of his discipline, Snider's conduct in no way absolved Petitioner of his responsibility to disclose his suspension to PJI.

³⁶ See "Order Granting Motion for Absentee Testimony Under C.R.C.P. 43(i)(3)" at 1 (Jan. 7, 2025); see also "Order Granting Petitioner's Second Motion for Absentee Testimony Under C.R.C.P. 43(i)(3)" at 1 (Jan. 27, 2025).

³⁷ See, e.g., "Order Granting People's Unopposed Motion for Remote Testimony Under C.R.C.P. 43(i)(3)" at 2 (Jan. 28, 2025) ("If either party intends to refer to any exhibits during Forster's testimony . . . the party must send Forster copies of the documents before the hearing.").

³⁸ C.R.C.P. 242.39(d)(2)(C)(i).

in part on Petitioner's acknowledgements, discussed above, that he failed to disclose his suspension to those whom he was required to notify. Rather, Petitioner's testimony suggested that he sought to withdraw from his client's case and to distance himself from PJI's legal matters without disclosing his suspension. Petitioner also held himself out as a lawyer on his application for the victim's advocate program without disclosing his suspension.

We are most troubled, however, by Petitioner's lack of honesty and candor in his two reinstatement proceedings. During his first reinstatement case, he never mentioned his client matter or his work with PJI, attesting in his petition and discovery responses that he had not represented any clients since his suspension. Nor did he mention his work with UnitedLex. Instead, in those same documents and at the reinstatement hearing, Petitioner asserted that his only employer during his suspension was MM Global Services. And in this proceeding, Petitioner falsely claimed that he notified PJI of his suspension in October 2020. He then disingenuously testified that he "came clean" to Snider about his suspension before later admitting that he told Snider he was on probation and apologizing to Snider for the ruse. That Petitioner failed to affirmatively disclose his client matter and his law-related work before the People independently discovered those facts during their investigation in this case further deepens our confidence that he currently lacks the requisite honesty and candor to practice law. We cannot find that he has met this eligibility requirement.

We next consider whether Petitioner has shown that he possesses the ability to reason logically, recall complex factual information, and accurately analyze legal problems.³⁹ Petitioner did not direct us to specific evidence demonstrating these eligibility requirements. We thus look to his submissions during this proceeding and to his presentation of his case at the hearing for evidence relevant to this factor. Petitioner's filings show that he moved for an IME under a rule that conferred no authority for his motion. Further, he offered no explanation or support in his hearing brief for his extraordinary claim that he complied with all disciplinary rules and orders despite having represented a client during his suspension. During the hearing, Petitioner struggled to recall facts from his representation in the dissolution of marriage case, even when the People furnished the case's register of actions and minute orders to refresh his recollection. From this evidence, and with no showing to the contrary, we conclude that Petitioner does not meet this eligibility requirement.

Petitioner's presentation of his case also gives rise to our concerns about his ability to use a high degree of organization and clarity in communicating with clients, lawyers, judicial officers, and others.⁴⁰ Petitioner's case in chief was haphazard and incomplete. Rather than focus on his case for reinstatement, he spent much of his time reacting to the People's allegations that he practiced law during his suspension, attempting to explain or rebut their evidence. In the process,

³⁹ C.R.C.P. 242.39(d)(2)(C)(ii).

⁴⁰ C.R.C.P. 242.39(d)(2)(C)(iii).

Petitioner lost track of his assertions and failed to lay the foundation to admit his exhibits. Consequently, he managed to admit only a single document.⁴¹

We also witnessed Petitioner struggle to communicate clearly, both in the past and in this reinstatement hearing. For instance, Petitioner moved to withdraw from the dissolution of marriage case on the vague basis that he could “no longer practice law.” In this proceeding, we could not make sense of his testimony that he was “not in a position” to disclose his suspension in his motion to withdraw due to the possibility he could be placed on probation. And considering his attempt to withdraw from the case, we were perplexed that he justified his nondisclosure on the basis that he did not wish to leave his client without representation. Petitioner also made contradictory statements during the hearing. He asserted that PTSD prevented him from paying \$24.00 in outstanding costs from his first reinstatement proceeding; discordantly, he also claimed that he did not timely pay those costs because he did not learn of them until after he filed his petition. In addition, he spun conflicting accounts concerning the timing of his notice to PJI and Snider about his suspension before admitting that he did not, in fact, disclose it.

Overall, Petitioner’s case was inconsistent and lacked focus, signaling that he has trouble clearly reasoning and communicating, recalling facts and analyzing them, and organizing material. We thus find that he does not meet the corresponding eligibility requirements. We also find that his incomplete presentation of his case raises doubts about his time management, implicating his ability to comply with deadlines and time constraints.⁴²

We next consider evidence of Petitioner’s ability to use good judgment on behalf of clients and in conducting personal business.⁴³ Petitioner contends that he demonstrated his good judgment by completing the People’s ethics and trust account schools as well as the Colorado Supreme Court’s lawyer self-assessment tool; voluntarily completing CLE courses; working with a mentor; and finding employment as a paralegal with OADC to gain experience in the criminal defense field. While we commend Petitioner for these accomplishments, we disagree that they sufficiently demonstrate his ability to use good judgment in his legal practice. This is because, on the opposite side of the ledger, we were struck by Petitioner’s lack of regard for the potential consequences of his legal practice during his periods of suspension. By focusing on his clients’ financial outcomes, Petitioner ignored the myriad other potential injuries and liabilities arising from his legal practice that could have damaged PJI, his clients, and their matters. Nor did he acknowledge at the hearing that he risked harming his clients and third parties when he commingled their funds with his own and placed their money within reach of his personal creditors, as the disciplinary hearing board found.⁴⁴

⁴¹ See Ex. S4 (evaluation note from January 2025). The People agreed to exhibit S4’s admission as a stipulated exhibit, as that document was not yet available when the parties compiled their exhibit lists.

⁴² C.R.C.P. 242.39(d)(2)(C)(x).

⁴³ C.R.C.P. 242.39(d)(2)(C)(iv).

⁴⁴ Ex. S1 at 10.

In reviewing evidence of Petitioner's judgment, we also consider that he waited until just three weeks before the hearing to seek a psychiatric evaluation and investigate the mental health and chemical dependency aspects of his rehabilitation. Even if we accept that Petitioner only recently came to suspect a causal link between those conditions and his misconduct, we are disconcerted that he chose not to withdraw his petition upon realizing that he is not yet rehabilitated and thus not eligible for reinstatement. This suggests to us that Petitioner did not base his decision on a reasoned assessment of his case's merits, raising additional concerns about his judgment. That he did not heed his mentor's objective counsel elevates our unease. And because Petitioner has a significant personal interest in this case's outcome, his failure to use good judgment on his own behalf adds to our skepticism that he can employ good judgment on behalf of clients. Moreover, despite knowing his case was flawed, Petitioner chose not to withdraw his petition given his concern for costs; we find that his decision, along with his untimely payment of court costs, negatively reflects on his judgment in his personal financial dealings.⁴⁵

Next, Petitioner contends that his work as a GED proctor and his unblemished criminal and traffic records shows that he respects the law and the legal system. Indeed, we saw no evidence that Petitioner has a criminal record, and we acknowledge Rivera's positive testimony about his job performance as a GED proctor.⁴⁶ But as we discussed above, Petitioner did not heed numerous disciplinary orders and rules, including the Colorado Rules of Professional Conduct. That evidence thus casts doubt on both his ability to act with respect for and in accordance with the law and his ability to comply with the Colorado Rules of Professional Conduct; state, local, and federal laws; regulations, statutes, and rules; and orders of tribunals.⁴⁷ As such, Petitioner has not convinced us of his ability to meet these eligibility requirements.

Though a closer call, we are likewise not convinced that Petitioner has the ability to exhibit regard for the rights and welfare of others.⁴⁸ Petitioner's dishonesty and lack of candor regarding his suspension, coupled with his failure to recognize the potential negative outcomes to his clients and others flowing from his legal practice during his suspension, causes us to question his ability to protect his clients' legal rights. We also find that his assertions that he acted with an unselfish motive are soured by his decision to conceal his suspension from PJI while accepting compensation as if still licensed. Accordingly, even though we credit Petitioner's testimony that he feels empathy for socially and economically disadvantaged individuals, we find that he has not established by clear and convincing evidence that he meets this eligibility requirement.

Finally, Petitioner failed to convince us that he can act diligently and reliably in fulfilling obligations to clients, lawyers, courts, and others,⁴⁹ as he introduced no supporting evidence on that score. Indeed, as discussed above, Petitioner was unable to show that he complied with

⁴⁵ C.R.C.P. 242.39(d)(2)(C)(ix).

⁴⁶ We make no findings as to the Denver County jail's accusations, as relayed by Rivera and Callahan, that Petitioner gave legal advice to inmates at the jail, as neither Rivera nor Callahan observed Petitioner engage in the alleged conduct.

⁴⁷ C.R.C.P. 242.39(d)(2)(C)(v) & (vii).

⁴⁸ C.R.C.P. 242.39(d)(2)(C)(vi).

⁴⁹ C.R.C.P. 242.39(d)(2)(C)(viii).

deadlines, orders, and directives during his suspension. Further, we observed that he neglected to subpoena his witnesses in this case, leaving him without important testimony when they declined to appear.

In sum, Petitioner did not demonstrate that he meets any of the eligibility requirements to practice law in Colorado. He thus failed to establish his fitness to practice law.

Rehabilitation

We turn to the final question we are tasked to answer: 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 since his misconduct, and evidence that he has changed in ways that reduce the likelihood of future misconduct.⁵⁰ These criteria provide a framework to assess whether Petitioner has "experienced an overwhelming change in his state of mind" comparable to a "regeneration."⁵¹

Petitioner contends that he has made meaningful progress toward his rehabilitation. He argues that unlike his previous reinstatement effort, he has sought to shore up his knowledge about his professional responsibilities through educational resources available to Colorado lawyers. Petitioner also partnered with a mentor, who helped him realize that he still has mental health issues to address after overcoming opioid dependency. Petitioner staunchly believes that his rehabilitation lies in treating those issues, and he accepts that he is in the early stages of that process. As such, Petitioner ultimately conceded at the reinstatement hearing that he is not yet rehabilitated, and he asked that we reinstate him on the conditional basis that he work with a supervising lawyer while he continues his treatment.

We agree that Petitioner has not yet been rehabilitated from his misconduct. We first consider that a hearing board suspended Petitioner after he engaged in the unauthorized practice of law and commingled client and third-party funds with his own funds. His knowing conduct was serious, befitting a period of suspension of one year and one day. Even so, that he was required to serve only three months reflects that the misconduct was not egregious; he disregarded an administrative suspension, as opposed to flouting a court order, and he did not act with a dishonest or selfish motive. Moreover, his cooperative attitude during the disciplinary proceeding and the remoteness of his prior discipline somewhat mitigated his misconduct. We are thus deeply troubled by the evidence showing that Petitioner continued to represent a client in litigation and

⁵⁰ C.R.C.P. 242.39(d)(2)(A). Because Petitioner was not ordered to pay restitution as part of his discipline, we do not consider that factor in this opinion.

⁵¹ *West v. People*, 470 P.3d 670, 677 (Colo. O.P.D.J. 2016) (referencing *In re Cantrell*, 785 P.2d 312, 313 (Okla. 1989) and *In re Sharpe*, 499 P.2d 406, 409 (Okla. 1972)).

hold himself out as a licensed lawyer to PJI and others during his suspension.⁵² Petitioner's dishonesty about his conduct further unsettles us. He withheld or concealed his suspension from his client, the court in his client's matter, PJI, Snider, and others. And he withheld or concealed his law-related work from the People and the two hearing boards in his reinstatement cases. As such, his post-suspension conduct could be said to equal or surpass the seriousness of the misconduct for which he was suspended. We deem this evidence to be the most fatal to Petitioner's rehabilitation.

We do find that Petitioner has genuinely acknowledged that his conduct harmed the legal profession and the public's trust in it, and he sincerely expressed remorse for that harm. But beyond that limited showing, he did not accept responsibility for his misconduct. Instead, Petitioner attributed his actions to PTSD, depression, and opioid dependency.⁵³ From our vantage, he thus is continuing a pattern begun in his earlier matters of sidestepping accountability. In his 2019 disciplinary case, for instance, he claimed he had not received notice of his administrative suspension; he also claimed he did not know that, due to the suspension, he was unable to electronically file pleadings in his client's case. In the same vein, in Petitioner's first reinstatement matter, he attributed his failure to meet deadlines and comply with orders and rules to his unfamiliarity with disciplinary proceedings and his inability to pay for a lawyer, saying that he felt penalized for his financial circumstances. In these earlier proceedings and in this case, then, Petitioner has seemed to express regret about his circumstances rather than accept the responsibility necessary for genuine contrition. It is our hope that his newfound treatment will lead to greater understanding and acceptance of his own role in the choices he made.

We next consider Petitioner's assertion that he has undergone a significant change since his suspension and since his last reinstatement case. He states that he is prepared to again practice law, albeit on a conditional basis. But six years have passed since Petitioner's misconduct, and nearly three years have elapsed since his first petition was denied, yet we see little evidence that he has changed in ways that reduce the likelihood of future misconduct. He showed no sustained effort to improve his understanding of trust account management or legal practice, for instance. In addition, the quality of his legal work in this proceeding is only modestly improved over that of his previous petition, and not to a degree that reflects a fitness to practice law. Further, Petitioner made mistakes in this proceeding similar to those he made in his first bid for reinstatement; this suggests that he still struggles to understand or comply with court orders and rules. His failure to timely comply with the order granting costs in his first reinstatement case, for instance, echoes his noncompliance with the order to pay costs in his disciplinary matter. And his failure to provide Forster the financial records he sought to question her about—instead expecting that she could

⁵² Though the People urge us to find that Petitioner practiced law while working as a project attorney at UnitedLex, we do not have sufficient evidence to make such a finding. Further, we need not decide the question to issue this opinion, given our other findings.

⁵³ For purposes of deciding Petitioner's petition, we take his uncontested assertions about his mental health conditions and substance dependence at face value. We do not find that Petitioner has established his conditions or their relation to his misconduct by clear and convincing evidence, however, as he introduced no independent medical proof of their existence or evidence of a causal link between his conditions and his conduct.

access the records herself during her testimony—seemed to parallel his misplaced assumption during his first reinstatement hearing that the People would introduce evidence on his behalf.

Notwithstanding these concerns, we approvingly note Petitioner’s uncontested testimony that he overcame his opioid dependence in August 2022, and we heard no competent testimony that he engaged in further legal practice after that time.⁵⁴ In addition, we are encouraged by his enthusiasm about his current treatment regimen, and we hope he makes significant and meaningful strides toward understanding his misconduct and accepting responsibility for his choices. At this time, however, Petitioner has not convincingly shown that he is rehabilitated from his misconduct. We thus find that he has not met his burden as to this prong.

Finally, we must add that we cannot and will not grant Petitioner’s request during the hearing for a limited reinstatement to supervised practice. Petitioner petitioned under C.R.C.P. 242.39. Unlike its predecessor rule, C.R.C.P. 242.39 confers on us no authority to impose conditions on a petitioner’s reinstatement.⁵⁵ Moreover, even if we had authority to reinstate Petitioner on limited grounds so that he could establish his rehabilitation, he failed to show that he complied with applicable orders and rules and that he is fit to practice law.

IV. CONCLUSION

At his reinstatement hearing, Petitioner sought to rebut assertions that he did not withdraw from a client matter after his suspension took effect; that he had not disclosed his suspension to those whom he was required to notify; and that he had not exercised honesty and candor during his suspension, including during his two reinstatement proceedings. In addressing those assertions, Petitioner failed to introduce convincing evidence showing that he has complied with all applicable disciplinary orders and rules and that he possesses the requisite fitness to practice law. In addition, though Petitioner came to realize during this case that he has not been rehabilitated from his misconduct, he opted to proceed with the hearing rather than withdraw his petition. From this evidence, we cannot conclude that Petitioner established the elements he must show to be reinstated to the practice of law. We thus deny his petition for reinstatement.

⁵⁴ Though Petitioner did not object, we decline to consider certain hearsay testimony: the testimony from Callahan and Rivera concerning accusations that Petitioner provided legal advice to inmates, and Grengs’s testimony about Petitioner’s alleged statements to other volunteers in the victim’s advocate program.

⁵⁵ The earlier rule, C.R.C.P. 251.29(e), authorized a hearing board to “condition reinstatement upon compliance with any additional orders it deems appropriate”

V. ORDER

The Hearing Board therefore **ORDERS**:

1. The Hearing Board **DENIES** Petitioner's "Verified Petition[] for Reinstatement." Petitioner **MATTHEW S. PARK**, attorney registration number **31715**, 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, April 7, 2025**. Any response challenging the reasonableness of those costs **MUST** be filed within seven days. The Presiding Officer 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, April 14, 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.



DATED THIS 31st DAY OF MARCH, 2025.



DAVID P. AYRAUD
PRESIDING OFFICER



BRENDEN WILLIAM O'BRIEN DESMOND
HEARING BOARD MEMBER



ANDREW SIDLEY-MACKIE
HEARING BOARD MEMBER