

People v. Matthew J. Greife. 20PDJ065. July 26, 2021.

The Presiding Disciplinary Judge approved the parties' revised conditional admission of misconduct and suspended Matthew J. Greife (attorney registration number 43487) for three years, effective August 30, 2021. To be reinstated to the practice of law, Greife must prove by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

In 2016, Greife joined a law firm. He purchased the firm later that year and was the sole owner and lawyer at the firm as of late 2016. Between early 2015 and mid-2017, a client made three payments to the firm for representation in a bankruptcy matter, with a small balance outstanding. She never heard from the firm, which did not prepare or file a bankruptcy for her. She later learned that the firm had closed, and she was unable to communicate with the firm via texts and U.S. mail. Neither Greife nor the firm retained any of the files or personal documents the client provided the firm. The firm's records show that a payment the client made in April 2017 was never deposited in the firm's trust account and that Greife reimbursed himself from the trust account for work he performed for other clients in late 2018. The records also show other withdrawals from the trust account, including garnishment payments that Greife did not authorize. Greife offered but has not yet refunded any portion of the client's payments.

In another matter, the firm agreed to prepare and file bankruptcy for a couple, who signed a fee agreement providing for a non-refundable set-up fee. The agreement also stated that if the couple decided not to file for bankruptcy all legal fees paid to that point were nonrefundable. The couple made all necessary payments by March 2017. Over the next two years, the couple and Greife corresponded; as of January 2019, the couple gave Greife almost all necessary documentation except for updated pay stubs. Though the couple then called Greife and stopped by his office several times over the following year, he never responded. Nor did he file a bankruptcy petition for them. Greife told the couple that he might refund some of their money, but he never did so.

Through this conduct, Greife violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence when representing a client); Colo. RPC 1.4(a)(2) (a lawyer shall 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 shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(a)(4) (a lawyer shall 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 shall not charge nonrefundable fees or retainers); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15D (a lawyer shall 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).

The case file is public per C.R.C.P. 251.31.